

**MINUTES OF THE PLAN COMMISSION  
PUBLIC MEETING  
APRIL 1, 2024**

**I. CALL TO ORDER**

The Plan Commission Public Meeting was called to order by President Tom Anderson at the Schererville Town Hall, 10 E. Joliet St. Schererville, IN.

**A. Pledge of Allegiance**

The Pledge of Allegiance was recited.

**B. Roll Call**

Roll Call was taken with the following members present: President Tom Anderson, Vice-President William Jarivs, Secretary Gary Immig, Mr. Myles Long, Mr. Robert Kocon, Mr. Chris Rak, and Mr. Tom Kouros. Staff present: Town Manager James Gorman, Director of Operations Andrew Hansen, Planning & Building Administrator Denise Sulek, Recording Secretary Megan Schiltz, Attorney Alfredo Estrada, Councilwoman Robin Arvanitis, and Mr. Michael Helmuth from Nies Engineering. In the audience were Councilmen Tom Schmitt and Caleb Johnson.

**C. Approve Minutes of the Plan Commission Public Meeting of March 4, 2024**

Mr. Rak made a motion to approve which was seconded by Mr. Long and carried 7-0.

**II. PUBLIC ACTION AND PUBLIC HEARINGS**

**A. P.C. Case #24-4-3 Buck and Briar Subdivision  
(Proposed: Cliff's Heating)**

General Location: 6404 W. Lincoln & Pt. of 6406 W. Lincoln Hwy.

Petitioner(s): Cliff Purnell

Represented By: Doug Rettig, Engineer – DVG Engineering

Request: Primary Approval of a 1-Lot (C-3) Highway Commercial Subdivision W/Waiver of Ordinance No. 1708/1708A Regulations and Primary Approval of the U.S. 30 Commercial Corridor Overlay District Development Plan

Mr. Doug Rettig from DVG Engineering represented the petitioner. Mr. Rettig stated that Mr. Cliff Purnell from Cliff's Heating recently purchased the former Lincolnway Animal Clinic located on the north side of U.S. 30. Mr. Rettig said that this an acreage parcel and he bought both of the parcels that were owned by the Animal Clinic, he would like to make it a 1-Lot subdivision combining the 2 parcels into 1-Lot of record; adding that it would be called Lot 1 of Buck and Briar Subdivision. Mr. Rettig went on to say that due to being in the Overlay District, they are also looking for Site Development Approval. Mr. Rettig informed the Board that they will leave the existing structure as is, but plans to enhance the property and give it a "facelift" with stone veneer and blue shade paint; adding there will be fresh landscaping and improved signage with new tenant panels as well. Mr. Rettig stated that the intention is to set up the single unit building into a 2 unit building. Mr. Rettig said there has been some confusion over the address, and that the original address was 6400 W. Lincoln Hwy with the GIS website having it as 6404-6406 W. Lincoln Hwy. Mr. Rettig added they will limit it to 3 addresses, 6400, 6402, and 6404 W. Lincoln Hwy. in the event that Mr. Purnell might get 1 or 2 future tenants. Mr. Anderson read a letter from Neil J. Simstad, P.E. from Nies Engineering for the record stating that the application of the Subdivision Control Ordinance No. 1095, the submittal for Buck and Briar Subdivision, is in compliance for consideration by the Plan Commission for Primary Approval of a 1-Lot (C-3) Highway Commercial Subdivision with waivers of Ord. 1708/1708A requested. Mr. Anderson asked if there have been any changes since the Study Session. Mr. Rettig replied that was correct. There being no questions or comments from the Board, the matter was then opened to the floor.

Mr. Walter Sandoval from 7645 Taylor St. informed the Board that he lives just west of the proposed property, and has looked into the Ordinance from which they are requesting a waiver. Mr. Sandoval stated that over the last week the north part of this parcel had all the trees knocked down and was replaced by gravel to make a parking lot; adding that his big concern is that all the rainwater will now run onto his property. Mr. Sandoval said that he took a look at the Ordinance and it states that they must submit a report from a professional engineer and indicate that none of the rainwater will increase on either side of the property; going on to say that he is unsure if this report was provided to the Commission, but would like to read it. Mr. Sandoval added that he would like to get some reassurance that whatever is done would not affect his land or the land to the east or north. Mr. Sandoval stated that he is against granting this waiver without knowing if the drainage issue is going to be taken care of by them. Mr. Jeffrey Teumer from 7650 Hamlin St. stated that he lives about 300 yards away from U.S. 30 and is adjacent to this property. Mr. Teumer stated that the retention pond on Hamlin St. gets filled up; and he has seen all the water at his neighbors doorstep, adding that he is concerned since he is the second house on that block. Mr. Teumer added that all of the trees have been knocked down and wonders where the noise barrier will be from US 30 during the summer time; adding that with the windows open, he can hear all the traffic. Mr. Sandoval showed the Board on the projector screen where the grassy area is no longer grass just gravel, once again expressing concern on where the water will go. Mr. Teumer asked just how far this development will go back because he does not want it just on the other side of this fence, adding that there is also a smaller retention pond on the other side. Mr. Rettig stated that this project is on the Lincolnway Clinic property and the parcel just north of that where they are putting the gravel parking lot; adding that everything else is staying the same as it is. Mr. Rettig went on to say that there is an existing wetland and detention basin to the east which is labeled as Outlot A and is part of Northwoods and will not be changed. Mr. Rettig said that all the water in Northwoods goes to that detention basin that goes through this property to an existing ditch to the west; there will not be any water added to Northwoods basin because they will be taking the water that runs through this property. Mr. Rettig added that one of the reasons for the waiver is because storm sewers that run through this property to the existing ditch on the land to the west; there is a large culvert under Route 30 that goes to the west side on the adjoining property on the west where there is an existing ditch that runs through there where there are a lot of wetlands. Mr. Rettig once again stated that they are not adding any new buildings.

Mr. Anderson wanted to clarify that the red line shown on the screen is the limit to the property. Mr. Rettig replied that was correct, and there will be a fence along that line to use as a buffer. Mr. Sandoval stated that the gravel parking lot was stamped down and looks like it cannot take any water underneath it; and asked if he can get a copy of the report that they were supposed to file with the Town indicating that there wouldn't be any additional storm or rainwater that would go to the east or west by the improvements being made. Mr. Anderson asked Mr. Helmuth if this meets requirements and if the stone is meant to be porous so it does not run off into sheets. Mr. Helmuth replied that it does. Mr. Rettig went on to say that is why they are asking for a waiver because they do not have enough real estate to implement the drainage plan. Mr. Rettig stated that they are not adding any impervious surface, they are calling the parking lot pervious so the water can still soak into the ground; there are catch basins on the property so all the water managed on the property goes to the ditch to the west. Mr. Sandoval asked if residents can get a copy of that report. Mr. Rettig stated there is no report because they are asking for a waiver. Mr. Sandoval replied that it was just said that there are catch basins on the property that is catching all the rainwater, and there has to be something written out indicating that. The response from Mr. Rettig was inaudible. Mr. Anderson stated that this building has been there for a very long time. Mr. Sandoval stated the argument being made is that there is a big parking lot that does not look like any water goes through; adding that he had driven through the lot and it did not look like the water goes somewhere else and would just like to see the report. Mr. Sandoval informed the Board that in the Ordinance, it states that they must provide a detailed report from an engineer or land surveyor indicating that this water will not affect any of the other properties. Mr. Anderson asked Mr. Rettig if they had done any calculations while doing this and had not changed any of the existing drains. Mr. Rettig said that if they were doing new design and adding impervious, then yes they do a full Stormwater Report; in this case they are not changing anything so they did not do the report and are asking for a waiver.

Attorney Estrada stated that in section 9-356 Stormwater Quantity Policy the developer must submit to the Department of Planning & Building detailed computations of runoff prepared by a licensed professional engineer or registered land surveyor before and after development, redevelopment, or new construction to demonstrate the runoff will not be increased. Attorney Estrada asked if there is any new development on this property; Mr. Rettig replied there is not. Attorney Estrada asked if there is any redevelopment on this property regarding runoff; Mr. Rettig replied there is not. Attorney Estrada asked if there was any new construction on

this property. Mr. Rettig replied there is not, other than the gravel parking lot which they are considering porous and are asking for a waiver from the Stormwater Ordinance because there is limited work on this property. Attorney Estrada stated that the remonstrator Mr. Sandoval is correct and is referring to a specific statute that the Stormwater Ordinance would require an Engineer report if there is any development showing it would be affected; adding that Mr. Rettig is correct in that he is asking for a waiver for that requirement. Attorney Estrada went on to say that if the Board approves this waiver, that requirement is no longer applicable; even if it was not waived, it would be a good argument that if the Board determined that there is no new development coming on to this project so that engineer report would not be required. Mr. Sandoval stated that he understands this, but why should the Board give him this waiver and also believes that taking a grassy area to make a parking lot would be considered a redevelopment. Mr. Anderson stated that it is his right to ask for a waiver. Mr. Rettig said that on the small sites they are not really changing anything to the building, rooftop, or stormwater system and they all stay the same; in this case they want to do a little additional parking on the north side. Mr. Rettig went on to say that during the Study Session it was discussed if the asphalt or a stone parking lot would be better; and it was decided that stone would be most suitable because they are not changing the runoff significantly for the site, so additional detention would not be needed and that is why they are requesting the waiver. There being no further comments from the floor, the matter was closed to the floor and brought back to the Board.

Mr. Kouros asked Mr. Sandoval where on the map his house was, and he then pointed out his property. Mr. Kouros asked the Town if the picture of water on the map is a wetland or a catch basin. Mr. Gorman stated the Town considers that to be a wetland. Mr. Kouros then asked if that would help the situation with the water. Mr. Rettig replied that the runoff from this site does not go to that pond, it goes directly to the ditch; adding the pond near Mr. Sandoval also flows to that ditch. Mr. Kouros stated there is the front building, a middle building with parking that will be used by the petitioner, and then a back parking area; asking if that would be used for the heating and cooling trucks. Mr. Rettig replied that was correct. Mr. Kouros stated that there is a front building, middle area, and back parking; asking if that would be paved. Mr. Rettig replied that is correct, he needs storage for his vehicles, supplies, and then the office will be run out of the front building that faces Route 30; adding that he does not need all that space in the building, so there will be a small tenant space inside for a future tenant. Mr. Anderson said at the north end there is a fence and a dumpster corral which would be enclosed. Mr. Rettig stated that there is currently an existing wire fence along the east property line and then the north and south would be a privacy fence with gate to secure vehicles after hours. Mr. Kouros asked how many trees were taken down for the parking lot. Mr. Purnell replied about 15-18 on the east side and 1 behind the trailer. Mr. Anderson wanted to verify that the fence on the east line to the west would be access for the houses. Mr. Rettig replied that was correct. Mr. Anderson stated that it would not be blocking the further houses to the north. Mr. Rettig said that is correct, they have unencumbered access. Mr. Sandoval then said something from the audience which was inaudible. Mr. Anderson stated that the matter was closed to the floor. Mr. Rak said that they have the existing property with catch basins with mostly gravel; then asked Mr. Rettig to explain how adding stone just to the top will stop the water absorbing into the ground, or creating an issue on either side of the property. Mr. Rettig replied that in his professional opinion it does not cause any problems. Mr. Rak then asked if any of the existing ground has been disturbed to put the stone in. Mr. Rettig stated he was unsure and asked Mr. Purnell if they had removed any top soil. Mr. Purnell replied that they had taken a few inches to level it out and then replaced with stone from the back building to where that trailer sits; adding there was actually stone underneath that grassy top layer that was just overgrown and not maintained. Mr. Purnell went on to say that there is actually a storm basin at the north side of that trailer. Mr. Anderson asked if it was right along the fence. Mr. Rettig stated that was correct, it takes the water from that area and flows to the existing ditch. Mr. Anderson wanted to clarify that the storm basin will not be moved, covered, or altered in any way. Mr. Rettig stated that was correct.

Mr. Jarvis asked how big the site was. Mr. Rettig replied about 1.3 acres total. Mr. Jarvis asked how large the gravel that had been put in was. Mr. Rettig replied about a tenth of an acre. Mr. Jarvis stated that there has been a large amount of rain the past few nights and asked if the Town had received any complaints of flooding; or did the property owner to the west complain about flooding. A member of the staff replied there were none. Mr. Jarvis wanted to verify that the gravel had already been put in and compacted. Mr. Purnell stated that was correct. Mr. Jarvis said at the Study Session it was discussed that the parking would not be blacktop, so that it would not create any impervious setbacks to that section where the water drains into the ground. Mr. Rettig stated that was correct and that there is an existing catch basin and 2 storm sewers that run through that piece; one that is draining the property to the east, and one that is there draining on the property. Mr. Jarvis asked if the water goes to

the west, into that ditch and out to U.S. 30. Mr. Rettig replied that was correct, and it is away from their homes. Mr. Anderson stated that the sign is remaining the same as it is now, and will be separated into a message which is already there; with a second panel for a future tenant. Mr. Rettig said that if he decides to redo the sign, he will be coming back to the Commission with a separate permit. Mr. Anderson went on to say that the landscape runs south to the sign, runs east to the property line, back to the building, and across from the building to the west. Mr. Rettig stated that was correct. Mr. Anderson then wanted to verify that there will be a vinyl privacy fence along the north property line. Mr. Rettig confirmed that was correct, and it will be 6 ft. high per the ordinance. Mr. Anderson asked if the building changes would just be changing the color to a blue shade and that a stone veneer will be added. Mr. Rettig replied that was correct it will just be enhanced. Mr. Jarvis asked if there will be any sealcoating or plans to clean up the blacktop. Mr. Purnell replied that he has already hired and reserved a contractor for that. Mr. Anderson then wanted to verify that the front lot has 2 catch basins that will not be altered in any way. Mr. Rettig stated there are no plans to do so. Mr. Jarvis made a motion to approve pursuant to all State, Local, and Federal Regulations and that the stone in the back parking lot never gets blacktopped, until it is brought back to the Town with engineering. Mr. Purnell agreed to the conditions. Mr. Long seconded and the motion carried 7-0. Mr. Jarvis then made a motion to move Secondary to staff level which was seconded by Mr. Kocon and carried 6-1, with Mr. Kouros disagreeing.

#### **B. P.C. Case #23-11-20 Canyon Creek Planned Unit Development**

General Location: 7095 Burr St.

Petitioner(s): Olthof Homes

Request: 6-Month Extension of the Primary Plat Approval to obtain Secondary Approval for Phase 3

Mr. Jeff Yatsko with Olthof Homes represented the petitioners. Mr. Yatsko informed the Board that they are currently seeking a 6 month extension of Primary Plat Approval for Canyon Creek. Mr. Yatsko added he will be back later this year with the final plat for Phase 3; however, the existing Primary Plat will expire on May 6<sup>th</sup>. Mr. Yatsko stated that the asphalt plans are just opening up in the next few weeks; and in order to get improvements in and have the plat in order, they will be needing an extension for the Primary Plat. Mr. Anderson asked Ms. Sulek if this would require advertisement. Ms. Sulek stated it does not. Mr. Immig asked what exactly Phase 3 was. Mr. Yatsko replied that it will be 17 lots that connects the east road into Foxwood, and will have a second entrance for which they will be back in later this year. Mr. Anderson opened the matter to the floor. There being no questions or comments from the floor, the matter was brought back to the Board. Mr. Jarvis made a motion to approve P.C. Case #23-11-20 pursuant to all State, Local, and Federal Regulations and any stipulations from the primary. This was seconded by Mr. Rak and carried 7-0.

#### **C. P.C. Case #24-4-4 Plan Commission Resolution No. 24-1**

Restatement and Replacement of the Town Zoning Ordinance and Zoning Map

Mr. Anderson asked if Proofs of Publication were in order. Attorney Estrada stated that they were in order and had been provided to the Town prior to this meeting. Mr. Anderson said last year the Board had approved the Town Ordinance and Zoning Map which was then sent to the Town Council who wished to add a few things. Mr. Anderson went on to say that it is before them again and the action will be to give a Favorable, Unfavorable, or No Recommendation to the Town Council to approve or not. Mr. Hansen stated that he will go through some of the changes, which was provided to the Board for review before this meeting. Mr. Hansen stated that some of the changes are:

- R-2 zoning garages changed from 520 to 680 sq. ft.
- Drive thru still REQUIRES a variance of use.
- Single-Family dwellings: Two (2) parking spaces for each dwelling; but no more than six (6) parking spaces for each single-family dwelling – which was changed from four (4).
- Two-Family dwellings: Two (2) parking spaces per dwelling unit; but not more than six (6) for each dwelling unit – which was changed from four (4).
- Non-Conforming Resulting from Right-Of-Way Dedication
- Short Term Rentals – to help regulate State Laws

The matter was then opened to the floor. There being no comments from the floor the matter was brought back to the Board. Mr. Kouros asked if short term rentals were being regulated by the Town and if a license would be needed. Mr. Hansen replied that currently it is not, and this would help the Town have a license. Mr. Jarvis made a motion of Favorable Recommendation to the Town Council pursuant to all State, Local, and Federal Regulations. This was seconded by Mr. Long and carried 7-0.

### III. COMMISSION BUSINESS

#### A. Relocation of seating area and fire pit in Canyon Creek Planned Unit Development (From behind Lots 103 & 104 near the pond to West of Lot 114 on Outlot F2)

Mr. Jeff Yatsko from Olthof Homes reminded the Board that part of the commitment when they originally came in for the Canyon Creek PUD, was that one of the amenities to be provided was a seating area with a fire pit. Mr. Yatsko stated that the original plan was for it to sit behind Lots 103 and 104; however, part of the concern is with the pit being behind the existing homes that are being built on those said Lots. Mr. Yatsko went on to say that they are proposing to move the seating wall and gas fire pit across the bridge crossing on the south side of Phillips Road giving it more open space. Mr. Yatsko said that this was originally proposed on the east lot, but will be moving it over on the west where it will be 60ft. away from the neighboring home; it would be closer to the road, away from more residents and will then be able to heavily landscape in the adjacent lot. Mr. Gorman asked where on the lot it would go because it cannot go on the floodplain or floodway. Mr. Yatsko stated that it would be 60ft. away from the lot line of that house and would probably sit 80ft. away from that house. Mr. Yatsko said that he is aware the map shows the floodplain there, but it will actually reside inside the banks of the ditch. Mr. Gorman asked if they have received approval for that. Mr. Yatsko responded that the DNR informed him that he would get it today but has not received it yet. Mr. Yatsko went on to say that even if they use the map line it shows they are still outside of the 50ft. Lake County drain easement. Mr. Gorman asked if it should be 75ft. Mr. Yatsko said that back when they did the Canyon Creek they received a waiver form the County; it sits 50 ft. south of Phillips Road and 75ft. north, they would be outside of the drainage easement and outside the floodplain. Mr. Jarvis made a motion for the relocation, which was seconded by Mr. Long and carried 7-0.

#### B. Findings of Facts:

1. P.C. Case #24-1-1 Shops on Main North, Outlot 1 PUD  
(Proposed: Cooper's Hawk Winery & Restaurant)  
Secondary Approval of the U.S. 41 Commercial Corridor Overlay District Development  
Plan APPROVED W/CONTINGENCIES (5-0) 3/4/24

Mr. Rak made a motion to approve which was seconded by Mr. Long and carried 7-0.

#### C. Correspondence

There was no correspondence.

### IV. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:53 P.M.

Respectfully Submitted:

  
Gary Immig, Secretary