

**MINUTES OF THE PLAN COMMISSION  
PUBLIC MEETING  
SEPTEMBER 11, 2023**

**I. CALL TO ORDER**

The Plan Commission Public Meeting was called to order at 6:01 P.M. 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 Jarvis, 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, Attorney Lauren Ehardt, Mr. Mike Helmuth from Nies Engineering, Planning & Building Administrator Denise Sulek, and Recording Secretary Megan Schiltz. In the audience were Councilmen Tom Schmitt and Caleb Johnson.

**C. Approve Minutes of the Plan Commission Public Meeting of August 7, 2023**

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

**II. PUBLIC ACTION AND PUBLIC HEARINGS**

**A. P.C. Case #23-7-6 DC COMMERCIAL, LOT 2  
(Proposed: 4-Unit Retail Building W/Drive-thru)**

General Location: 275 U.S. 30 – DC Commercial, Lot 2

Petitioner(s): Jim O'Mally – Sumac, Inc.

Request: Secondary Approval of a U.S. 30 Commercial Corridor Overlay District Development Plan

Mr. Anderson asked if there were any changes since Primary. Ms. Sulek replied there were not. Mr. Jarvis made a motion to approve P.C. Case #23-7-6 pursuant to all State, Local, and Federal regulations and that all fees to the Town of Schererville be kept current. This was seconded by Mr. Kocon and carried 7-0.

**B. P.C. Case #23-7-8 FALLING TIMBERS**

General Location: 204 W. Division St.

Petitioner(s): Sammons Grantor Trust

Represented by: Torrenga Engineering

Request: Secondary Approval of a 4-Lot (G.I.) General Industrial Subdivision W/Waiver of Storm Drainage Control Ordinance No. 1708/1708A, Title X, Section 8: General Detention Basin Design Requirements

Mr. Anderson read a letter from Mr. Neil J. Simstad, P.E. from Nies Engineering for the record stating that the submittal for Falling Timbers is in compliance for consideration by the Plan Commission for Secondary Approval of a 4-Lot (G.I.) General Industrial Subdivision. Mr. Anderson asked if there have been any changes since Primary. Mr. Gorman stated there were not. Mr. Jarvis made a motion to approve P.C. Case #23-7-8 pursuant to all State, Local, and Federal regulations, any stipulations from the Primary, and that all waivers be approved. This was seconded by Mr. Long and carried 7-0.

**C. P.C. Case #23-8-9 MEMORY LANE ADDITION**

General Location: 6305 W. Lincoln Hwy.

Petitioner(s): First Baptist Church of Hammond – Eddie Lapina

Represented by: Torrenga Engineering

Request: Secondary Approval off a 1-Lot (IN) Institutional Subdivision W/Waiver of a Storm Drainage Control Ordinance No. 1708/1708A and U.S. 30 Commercial Corridor Overlay Development Plan

Mr. Anderson asked if there have been any changes since Primary. Ms. Sulek replied there were not. Mr. Anderson read a letter from Mr. Neil J. Simstad, P.E. from Nies Engineering for the record stating that the submittal for Memory Lane Addition is in compliance for consideration by the Plan Commission for Secondary Approval of a 1-Lot (IN) Institutional Subdivision. Mr. Jarvis made a motion to approve P.C. Case #23-8-9 pursuant to all State, Local, and Federal regulations, there have not been any changes from Primary, and that all waivers be approved. This was seconded by Mr. Long and carried 7-0.

**D. P.C. Case #23-8-10 U-HAUL OF PINE ISLAND ADDITION**

General Location: 5048 W. Lincoln Hwy.

Petitioner(s): Foster 81<sup>st</sup> LLC/U-Haul Co. of Northern Indiana and South Cook County – Rick Rottweiler, Area District Vice President

Represented by: Michael Cook, P.E. – Cook Engineering Group

Request: Secondary Approval of a 2-Lot (B.P.) Business Park Subdivision W/Waivers of Storm Drainage Control Ordinance No. 1708/1708A

Mr. Anderson read a letter for the record from Mr. Neil J. Simstad, P.E. from Nies Engineering stating that the submittal for U-Haul of Pine Island is in compliance for consideration by the Plan Commission for Secondary Approval for a 2-Lot (B.P.) Business Park Subdivision. Mr. Anderson asked if there have been any changes since Primary. Mr. Michael Cook, P.E. from Cook Engineering stated there have been no changes. Mr. Jarvis made a motion to approve P.C. Case #23-8-10 pursuant to all State, Local, and Federal regulations, that all fee to the Town of Schererville be kept current, and that all waivers be approved. This was seconded by Mr. Kocon and carried 7-0.

**E. P.C. Case #23-9-11 FOUNTAIN PARK SUBDIVISION COMMERCIAL (Proposed: D-Bat Training Facility/Exterior Renovations)**

General Location: 1516-1530 U.S. 41 – Fountain Park Subdivision  
(Resubdivision of Lot 5 and Part of Lot 8) Lot 1

Petitioner(s): Chester Inc. – Tony Peaquet

Request: Primary Approval of a U.S. 30 Commercial Corridor Overlay District Development Plan

Mr. Tony Peaquet from Chester Inc. represented the petitioners. Mr. Peaquet stated that they were before the Board at the last study session for exterior remodeling at the former Ashley Furniture. Mr. Peaquet went on to say that they will be needing to add an additional entry door, upgrade the façade by painting the existing block, as well as adding additional brick accents. Mr. Peaquet added that the building is approximately 330 ft. wide, and plans on separating for 2 or 3 future tenants; however he is only here specifically for the D-Bat Training Facility. Mr. Peaquet said he is requesting to move through primary and into secondary approval and to consider allowing permits to be pulled prior to November given the hardship of painting when it is less than 50 degrees. Mr. Anderson opened the matter to the floor. There being no comments the matter was brought back to the Board. Mr. Jarvis asked if there will be any seal coating or striping done to the parking lot. Mr. Peaquet stated this is shared parking with other facilities, and that there are no plans at this time. Mr. Jarvis asked if there were plans for speed bumps given that 2 of the originals had been removed. Mr. Peaquet said there are no plans at this time. Mr. Jarvis asked if there were any additional plans for the exterior other than adding a door and painting the bricks.

Mr. Peaquet stated that all they will be doing is cutting the front door in and painting the brick. Mr. Immig stated he does not see any parking spots in front of that side. Mr. Peaquet responded that there are parking spots on the east side that go up to the curb. Mr. Jarvis made a motion to approve P.C. Case #23-9-11 pursuant to all State, Local, and Federal regulations and that all fees to the Town of Schererville be kept current. This was seconded by Mr. Rak and carried 7-0. Mr. Jarvis made a motion to move secondary to staff level and that permits can be issued. This was seconded by Mr. Rak and carried 7-0.

**F. P.C. Case #23-9-12 PEREZ ACRES**

General Location: 8499 Burr St.

Petitioner(s): Al Perez

Request: Primary Approval of a 2-Lot (R-1) Residential Subdivision W/Waiver of Storm Drainage Control Ordinance No. 1708/1708A

Mr. Anderson asked if Proofs of Publication were in order. Attorney Ehardt stated that they were. Mr. Anderson read a letter for the record from Mr. Neil J. Simstad, P.E. from Nies Engineering stating that the submittal for Perez Acres is in compliance for consideration by the Plan Commission for Primary Approval of a 2-Lot (R-1) Residential Subdivision in P.C. Case #23-9-12. Mr. Doug Rettig, P.E. from DVG Engineering represented the petitioners. Mr. Rettig stated that this is a 20 acre parcel of land with a small existing house on the southwest corner of the property, and they would like to build a house on the adjacent vacant property. Mr. Rettig continued to say that even though it is 20 acres, it will only be a 2-Lot due to the fact that there are flood plains and wetlands at the back of the property, and the house would have to be on top of the existing hill because of that. Mr. Rettig said they will bring in water service to the existing water main along the edge of the pavement along Burr St., and will connect to the sanitary sewer on the south west corner of the property just off the site.

Mr. Anderson opened the matter to the floor. Councilman Caleb Johnson from 8221 Durbin St. Crown Point, IN 46307 stated that while looking at the plans, he noticed there is a creek or a ditch that drains through the land and he would like to know where it is and how this is going to be improved to make sure that the water continues to flow through there and gets where it needs to go on the other side of the property. Councilman Johnson then asked how the properties to the south are going to be affected by this as far as drainage goes; and if we waive storm water drainage requirements as required by the ordinance what effect does that have on these neighboring properties who currently have water issues in the back of their property. Mr. Rettig stated that there are 2 water ways, one being a culvert under Burr St. which is an outfall from the Hyles Anderson pond, so water is coming from the west under Burr and through a water way where they will be putting a culvert crossing; and there is also a major water way that comes from the south and goes to the east half of the property to the floodway and flood plain. Mr. Rettig added that the floodway and flood plain will remain untouched so the water will continue to drain the way it does now. Mr. Rettig continued to say that a waiver is being requested because this is a huge area and they do not want to put in a storm water detention basin, as it would not be beneficial to put the basin on such a large flood plain area. Mr. Rettig stated that there is already a large 36" culvert that enters the property from the south and a 15 in. culvert from the west and they will not be disturbing the drainage at all.

Mr. Anderson asked if where the water flows across the driveway does that leads to the pond across the street at Hyles Anderson. Mr. Rettig replied that it actually goes the other way around, and that all the water from Hyles Anderson comes to this property and joins with the creek which runs north/south and into the back, and they will only be putting in a culvert under the driveway. Mr. Anderson asked how much of the 20 acre area will the building take. Mr. Rettig said it would only take a few percent of the property and is much denser than a typical subdivision. Mr. Anderson asked what the result of the B.Z.A. was. Mr. Rettig stated they requested 6 variances and received 4 of them; adding that they will be back at the end of the month to discuss the other 2 about the size of the accessory building. Mr. Anderson opened the matter to the floor. Mr. Al Perez who is the property owner stated that in regards to the previous question the house would only take up about 1% of the property. There being no further comments the matter was brought back to the Board.

Mr. Jarvis stated that he is on the B.Z.A. and that there were not really any remonstrators against the development except the board itself in regards to the size of the accessory building which they will review and bring back at the next meeting. Mr. Jarvis continued to say that he lived at 8515 Burr St. which is just a few houses south for several years and

never had any issue with flooding because all the water drained back into this property. Mr. Anderson asked if anything impedes the main waterway that goes through there at this time. Mr. Rettig replied there is not. Mr. Anderson asked if the only thing impeding Burr St. is the Hyles Anderson pond which will come through there and will have a driveway that has a culvert. Mr. Rettig stated that they engineered that crossing and looked at the watershed and feel like they were conservative with what they are proposing. Mr. Rettig added that there is only a 15 in. pipe under Burr and they will be putting in two 24 in. culverts that will be side by side to handle the flood routing that comes from the property to the west; and even have opportunity for the water to go over the driveway if it needs to in the event of a catastrophic flooding event so the water would be able to flow through the property. Mr. Jarvis asked if Hyles Anderson has a restrictor from the pond and into this property. Mr. Rettig replied that they have a 12 in. pipe that goes into a 15 in. culvert so they are restricted to a 12 in. Mr. Rettig added that the concern is overtopping of their pond, so they designed for a catastrophic event where the water goes over the road and took all that into account of the driveway sizing. Mr. Anderson asked Mr. Helmuth if he had anything to add. Mr. Helmuth stated that he does not.

Mr. Jarvis made a motion to approve P.C. Case #23-9-12 pursuant to all State, Local, and Federal regulations and that all fees to the Town of Schererville be kept current. This was seconded by Mr. Kocon and carried 7-0. Mr. Rettig asked if at this time if secondary could be moved to Staff level. Mr. Anderson stated given the other issues with the B.Z.A. it would be best to come back for secondary.

#### **G. P.C. Case #23-9-13 LUKE GAS STATION W/WASH UP**

General Location: 2299 U.S. Hwy. 30 – Luke’s Cline Avenue Addition, Lot 1

Petitioner(s): Luke Family of Brands – Dan Tursman, Director of Development

Request: Primary Approval of a U.S. 30 Commercial Corridor Overlay District  
Development Plan Review

Mr. Dan Tursman, Director of Development represented on behalf of the Luke Family of Brands. Mr. Tursman stated they were present at the study session last month because the Luke Brands would like to remodel and upgrade the existing carwash at this location. Mr. Tursman said they are proposing façade upgrades, signage rebranding, new interior equipment for the carwash, installation of vacuum systems for the carwash customers, as well as a gated point-of-sales system for the entrance.

Mr. Anderson opened the matter to the floor. There being no comments from the floor, the matter was brought back to the Board. Mr. Tursman stated that there have not been any changes since the Study Session except providing more detail on the signage. Mr. Jarvis asked if they recycle water and if there is a pet wash. Mr. Tursman said they do not recycle the water nor have a pet wash. Mr. Jarvis asked Ms. Sulek if the signage fits into the Ordinance. Ms. Sulek said that it does. Mr. Tursman stated he would also like to request to move secondary to Staff level for the exterior work to get ahead of the weather. Mr. Kouros made a motion to approve P.C. Case #23-9-13 pursuant to all State, Local, and Federal regulations and that all fees be paid to the Town of Schererville. This was seconded by Mr. Jarvis and carried 7-0. Mr. Kouros made a motion to move secondary to Staff level. This was seconded by Mr. Rak and carried 7-0.

#### **H. P.C. Case #23-9-14 LUKE GAS STATION (F/K/A: GO LO ZEL’S ROAST BEEF)**

General Location: 7889 W. Lincoln Hwy. – Lincoln Commons, Lot 6  
Planned Unit Development

Petitioner(s): Luke Family of Brands – Dan Tursman, Director of Development

Request: Primary Approval of a U.S. 30 Commercial Corridor Overlay District  
Development Plan Review

Mr. Dan Tursman represented on behalf of Luke Family of Brands. Mr. Tursman stated this property is across the street from the Luke Gas Station/Wash Up on the north side of 30 and Cline. Mr. Tursman stated they are proposing to do a remodel the existing Go Lo/Zel’s Roast Beef and turn it into a Luke Gas Station with a convenience store. Mr. Tursman reminded the Board that they previously presented at the study session last month and the only change was for the pylon sign due to the fact it was too big. Mr. Tursman continued to say that the existing pylon sign will be replaced with a ground mounted monument sign

which will have a brick masonry base giving it a lower profile sign. Mr. Anderson asked if the enclosed dumpster will be where the drive-thru was on the north east corner of the building. Mr. Tursman stated that it would. Mr. Anderson opened the matter to the floor. There being no comments from the floor, the matter was brought back to the Board. Mr. Jarvis asked if there will also be a carwash and if liquor would be sold. Mr. Tursman replied that there will not be. Mr. Jarvis asked if the Zel's Roast Beef will still be attached. Mr. Tursman stated that there will no longer be a Zel's; and they would like to take the 2 spaces and combine it into one with Zel's becoming a convenience store with the same Luke Brand food offerings. Mr. Gorman asked if the bollards would be 3 ft. deep into the concrete. Mr. Tursman said they plan on redoing the sidewalk in the front and adding a compliant ADA ramp if there isn't one; and while pouring the concrete they will place the bollards 3 ft. in and will do the same on the enclosure. Mr. Tursman requested that secondary be moved to Staff level to get a head start on the weather. Mr. Kouros made a motion to approve P.C. Case #23-9-14 pursuant to all State, Local, and Federal regulations and that all fees to the Town of Schererville be kept current. This was seconded by Mr. Rak and carried 7-0. Mr. Kouros made a motion to move secondary to Staff level. This was seconded by Mr. Rak and carried 7-0.

**I. P.C. Case #23-9-15 PLAN COMMISSION RESOLUTION NO. 2023-02**  
Restatement and Replacement of the Town Zoning Ordinance and Zoning Map

Attorney Lauren Ehardt stated that this restatement and replacement of the Town Zoning Ordinance includes several changes, and the Town Attorneys including Attorney Alfredo Estrada and Attorney Christian Bartholomew and Town Staff have been discussing and working on this for over a year. Attorney Ehardt continued to say that publication of this hearing was made in the Chicago Tribune and the Times on 8/23/23 pursuant to state statute, and is now before the Plan Commission for recommendation to the Town Council. Attorney Ehardt concluded that it is with her recommendation that any questions of comments about the amendments be directed towards the Town Staff.

Mr. Anderson stated for the record that the Town has been going page by page working on these amendments including solar panels and driveway widths for years, and that the Board members were given copies a few months ago for review. Mr. Anderson opened the matter to the floor. There being no comments the matter was brought back to the Board. Mr. Anderson stated that this is just for a resolution and that any action would be a vote to either send a favorable, unfavorable, or no recommendation to the Town Council who will have the final decision on this matter. Mr. Jarvis asked the Staff to clarify what the setbacks on corner lots will be, because that along with fencing is an issue with the B.Z.A. Mr. Gorman stated that he believes that has not changed at all because it is a line of site issue, and each case is different depending on what type of fence they put up. Mr. Kouros asked Mr. Gorman and Ms. Sulek about the size change in solar panels. Mr. Gorman stated they were originally 80 sq. ft. and they changed it to 350 or 400 sq. ft. and they would still need a variance to place on the sides or in front of the house. Mr. Jarvis made a favorable recommendation to the Town Council. This was seconded by Mr. Long and carried 7-0.

**III. COMMISSION BUSINESS**

**A. FINDINGS OF FACTS:**

1. P.C. Case #23-6-3 TRC Total Roofing & Construction Services, Inc.  
Secondary Approval of a U.S. 41 Commercial Corridor Overlay District Development Plan APPROVED W/CONTINGENCIES (5-0) 8/7/23

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

2. P.C. Case #23-7-7 U-Haul of Pine Island (Conversion of Storage Warehouse into Office/Showroom)  
Secondary Approval of a U.S. 30 Commercial Corridor Overlay District Development Plan APPROVED W/CONTINGENCIES (5-0) 8/7/23

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

3. P.C. Case #23-7-6 DC COMMERCIAL, LOT 2 (Proposed: 4-Unit Retail Building W/DRIVE-THRU)  
Primary Approval of a U.S. 30 Commercial Corridor Overlay District Development Plan APPROVED W/CONTINGENCIES (5-0) 8/7/23

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

4. P.C. Case #23-7-8 Falling Timbers  
Primary Approval of a 4-Lot (G.I.) General Industrial Subdivision W/Waiver of Storm  
Drainage Control Ordinance No. 1708/1708A, Title X, Section 8: General Detention  
Basin Design Requirements APPROVED W/CONTINGENCIES (5-0) 8-7-23

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

5. P.C. Case #23-8-9 Memory Lane Addition  
Primary Approval of a 1-Lot (IN) Institutional Subdivision and U.S. 30 Commercial  
Corridor Overlay District Development Plan APPROVED W/CONTINGENCIES (5-0) 8-7-23

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

6. P.C. Case #23-8-10 U-Haul of Pine Island  
Primary Approval of a 2-Lot (B.P.) Business Park Subdivision W/Waiver of Storm  
Drainage Control Ordinance No. 1708/1708A APPROVED W/CONTINGENCIES (5-0) 8-7-23

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


#### B. CORRESPONDENCE

There was no correspondence.

#### IV. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:49 P.M.

Respectfully Submitted:

  
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Gary Immig, Secretary