

**MINUTES OF THE BOARD OF
ZONING APPEALS PUBLIC MEETING
AUGUST 26, 2024**

I. CALL TO ORDER

The Board of Zoning Appeals was called to order at 6:00 P.M. by Chairman Tom Kouros at the Schererville Town Hall, 10 E. Joliet St.

A. Pledge of Allegiance

The Pledge of Allegiance was recited.

B. Roll Call

Roll Call was taken with the following members present: Chairman Tom Kouros, Vice-Chairman Michael Davis, Secretary Rick Calinski, Mr. Michael O'Rourke, and Mr. William Jarvis. Staff present: Town Manager James Gorman, Director of Operations Andrew Hansen, Acting Recording Secretary Norma Hollingsworth Rico, Attorney Alfredo Estrada, and Councilwoman Robin Arvanitis. Absent were Planning & Building Administrator Denise Sulek and Recording Secretary Megan Schiltz.

C. Approve Minutes of the Board of Zoning Appeals Meeting of July 22, 2024.

Mr. Calinski made a motion to approve which was seconded by Mr. O'Rourke and carried 5-0.

II. PUBLIC ACTION AND PUBLIC HEARINGS

A. B.Z.A. Case #24-8-11 1018 W. Lincoln Hwy. (Proposed: Scooter's Coffee Drive-thru)

General Location: 1018 W. Lincoln Hwy.

Petitioner(s): DVG Team, Inc. – James Hus, P.E. and Grit and Grind, LLC

Request: Variance of Use as required by Ordinance No. 2004, Title XVI, Section 4, Paragraph C (2), ix

Purpose: To allow a drive-thru lane within the U.S. 30 Commercial Corridor Overlay District

Mr. Kouros asked if Proofs of Publication were in order. Attorney Estrada replied that they were. Mr. Hus stated that he was petitioning on behalf of the future developer, Grit and Grind, LLC and that they had two petitions before them for the same purpose and the same information, which would be under the same presentation. Attorney Estrada said that it was under two different addresses and asked Mr. Hus to clarify the reason for that, and then maybe they can open the Public Hearing at that same time. Mr. Hus informed the board that they were petitioning for the same Variance of Use for two different addresses for two potential locations for the same business. Mr. Hus went on to say that the petition for both locations were for a Variance of Use to allow for a drive-thru business. Attorney Estrada then asked if they were only going to be using one of the locations. Mr. Hus replied no, that they were petitioning for the use to be at both locations. Attorney Estrada responded that there would need to be two different hearings. Mr. Kouros clarified that they were proposing to have two different locations. Mr. Hus stated that was correct and that he knew there would be two hearings, but for the presentation he would wrap up into one.

Mr. Hus informed the board that Mr. John Wilson from Grit and Grind, LLC was in the audience for any questions. Mr. Hus went on to say that Scooter's Coffee is an unfamiliar name in the region and that it was founded in Nebraska in 1998; adding that there are 800 locations across the United States, and that last week they had just been approved for their first location in St. John. Mr. Hus continued that the franchise name fits the business model which desires customers to scoot in and out because the stores are exclusively a drive-thru service; there would not be a walk-up or any inside ordering; and that the parking lots are

strictly for employees. Mr. Hus said that he was aware that the Municipal Code notes that a drive-in business establishment in the U.S. 30 Commercial Corridor Overlay District was an excluded use; going on to say that their petition was strictly to request a Variance of Use to allow a drive-thru business. Mr. Hus stated that there were two locations that they were interested in, with the first being at 1018 W. Lincoln Hwy on the north side of U.S. 30 bounded by Rosewood Inn to the west and Grimmer's Auto Service to the east. Mr. Hus continued to say that this parcel was located just west of the Fountain Park Dr. intersection with U.S. 30 and is 1500 ft. west of the intersection of U.S. 30 and U.S. 41. Mr. Hus then stated that the existing zoning was C-3 and assuming that they received a Favorable Recommendation from the BZA and future approval from the Town Council, they believe the use would be compliant with the Town Ordinances. Mr. Hus then stated that the site currently has a single family residence with two driveways that cuts onto U.S. 30, and are confident that a future Scooter's Coffee use at this location would consolidate the driveways into a single driveway which he believed to be advantageous for traffic on U.S. 30. Mr. Hus added that the intention would be to do a full tear down of the existing home and then the site would be purely for commercial use. Mr. Hus asked Mr. Hansen to pull up the Conceptual Site Plan on the projector screen to illustrate how the business would look, how it would sit on the site, and the stacking for potential drive-thru customers. Mr. Hus continued to say that there would be twelve vehicles stacked in total. Mr. Hus said that the opportunity for that location would be to push the northern end of the parking lot out to provide an additional queuing area if desired when the project goes to the Plan Commission. Mr. Hus then said that with the projected customer base that makes those locations viable, he believed that to be a sufficient distance; adding that there would be minimal parking which meets ordinance and is more than required based on the number of employees working at a time.

Mr. Hus stated that the second address was at 790 W. Lincoln Hwy which is located in the Cline Commons Commercial Subdivision, on the northwest corner of U.S. 30 and Cline Avenue. Mr. Hus said that there was currently a BMO Bank that was no longer operating; adding that given the very small footprints of Scooter's Coffee prototype stores, they were confident that one of two things could happen at this location. Mr. Hus went on to say that the first thing would be to retro-fit the existing building considering there still were some windows and what not. Mr. Hus continued to say that second would be a complete tear down and replacement with the brands prototype; adding with the acreage and that it was already subdivided, there wouldn't be any additional driveways on to Cline Ave. or U.S. 30. Mr. Hus stated that if Scooter's were to get a variance, they would be able to enter the greater commercial subdivision, get their coffee, and be one their way with what is there currently. Mr. Hus then stated that they were there strictly on a Variance of Use and know that this would be the first step on getting in the town approval process for a proposed development. Mr. Hus went on to say that with their 100% drive-thru business model they are aware that this would be the most critical request, and that they had brought additional materials to show how serious Grit and Grind, LLC is about expanding the brand in the Town of Schererville. Mr. Hus showed on the projector screen an illustration of an upgraded prototype that had been approved in St. John, along with the signage provided in the packets to show the flavor of what this development might look like in the future. Mr. Hus said that he knew that St. John had similar architectural requirements especially in the Overlay District, and is confident that Scooters can bring a quality product and development to the town.

Mr. Kouros asked that in regards to the BMO building on Cline Ave. if they would keep it one lane open and then get rid of the other two drive-thrus. Mr. Hus responded that they would consider all options available, and that he could not envision there to be a double drive-thru due to the fact they would have to hand the coffee to the customer. Mr. Hus then stressed that he was not privy to any decision that were to be made, so he could not commit on whether there would be a full tear down or whether it would be a retrofit of the building. Mr. Kouros asked Mr. Hansen to pull up the 1018 W. Lincoln Hwy location on the screen and then clarified that the customer would be coming in off U.S. 30, then to the right there would be parking for employees only. Mr. Hus responded that was correct. Mr. Kouros then asked if there would then be a stack of twelve vehicles. Mr. Hus replied that the plan shows that there would be twelve, and that the western driveway is likely going away; and that Scooter's parking lots are one directional, so they expect to consolidate things to the eastern driveway. Mr. Kouros stated that there would be an entrance and an exit at the same location. Mr. Hus said that was correct. Mr. Davis stated that he is aware that Scooter's utilizes two types of business models, one being a kiosk and the other an endcap. Mr. Davis asked which model they would utilize for each of these locations. Mr. Hus responded that with the Scooter's Coffee in St. John, they were using a kiosk model and that he could say for certain that the 1018 W. Lincoln Hwy location would be a kiosk as well. Mr. Hus continued to say that if they ended up retro-fitting the BMO Bank at the

790 W. Lincoln Hwy location it would definitely not be an endcap, and he is not sure how it would look; adding that neither location lends themselves to the endcap unit because it is not a wide commercial building, so it would then be more kiosk based. Mr. Davis questioned if there were any concerns about the east/west traffic on U.S. 30, specifically westbound. Mr. Hus replied that he does not particularly have any concerns for a few reasons; the traffic generated by this location (obviously they want as many customers as they can), the advantages to a coffee shop is that it is exclusively "past by trips." Mr. Hus went on to say that there are over a thousand vehicles an hour passing westbound on U.S. 30 and that they project between 30-40 customers per hour based on their national brand data which he could supply at a later date; adding that 90% of those people are already heading to work on Route 30 and maybe swinging in for coffee; and that additional traffic on Route 30 wouldn't even be felt. Mr. Hus stated that providing adequate que storage is far more of a concern than any impact to Route 30. Mr. Hus stated that there are a number of businesses accessed both east and west through Route 30, and that he does not personally have any concerns about a development like this coming to that location.

Mr. Davis said that it seemed to him that people are out that time of the morning and probably would have to make some type of adjustment. Mr. Davis asked if there were any concerns about leaving the store and turning on to Route 30. Mr. Hus responded that he did not, and that there are a number of similar businesses whether it be fast food or a Dunkin' Donuts that have direct access to Route 30 that seem to be operating fine; adding that it is more critical to make sure there is enough space on site to store the cars that are waiting for their coffee than to worry about them entering or exiting off of U.S. 30. Mr. Kouros asked what the hours would be. Mr. Hus replied that they are open 5:30 A.M. to 8:00 P.M. Mr. Kouros asked whether it would strictly be coffee or if there would be danishes, donuts and sandwiches. Mr. Wilson replied that there would be coffee, breakfast sandwiches, burritos, and pastries. Mr. Kouros questioned that if they were just there to get coffee and a burrito, how long would it take for the customer to get out. Mr. Wilson approached the podium and stated that his partner has four stores in Iowa that they currently operate and the typical time in the drive-thru is about 2.5-3 minutes from the time they place their order until the time they drive away. Mr. Kouros asked how many staff members would be on site during the peak hours. Mr. Wilson replied that there would be five staff members. Mr. Wilson then stated that he would like to address that they anticipate that both of these locations would be kiosks, and that they were looking to retro-fit the BMO Bank site; the typical stores are about 664 sq. ft.; and once they retro-fit, it would look almost as exactly the same as the other models just a little bigger.

Mr. Kouros asked if they were comfortable with both locations being so close together and if they felt as though it was justifiable. Mr. Wilson stated that they had done some traffic counts at both locations and that they would be getting some carry over with all the subdivisions in the area. Mr. Wilson continued to say that they have another location down U.S. 41 in St. John, and are confident with the number of cars passing by. Mr. Kouros asked how many Scooter locations there are nationally. Mr. Wilson replied that they currently have about 800 stores open and are averaging about 250-300 stores per year. Mr. Wilson continued to say that he had worked for Scooter's Coffee Corporate previously before becoming a franchisee, and that they sold over 200, and have over 2,000 commitments becoming one of the fastest growing coffee brands in the country. Mr. Kouros then asked if any of these locations were dine-in, or if they were strictly drive-thrus. Mr. Wilson responded that there are a small percentage that are coffee houses where people can go in and stay, but they had transitioned away from that model because they are more about getting the customers in and out. Mr. Wilson stated that the endcap models are getting more popular for the sake of the build out cost, but would probably do all kiosk. Mr. Wilson informed the board that they had signed for a ten store deal that would be located in Northwest Indiana. Mr. Kouros stated that his concern would be the stacking at the BMO location on Cline; adding that at the Route 30 location they would go around the building which would give more room. Mr. Kouros then asked the petitioner if he had any concerns with the stacking at this location. Mr. Wilson replied that with the strip mall that there is quite a large parking lot. Mr. Wilson stated that they had drawn up some preliminary plans with eighteen cars stacked by going around the BMO building; the cars would line up parallel to Route 30, the speaker box would be on the Cline Ave. side, and then the customer would pick up the order where the three drive-thrus are now. Mr. Kouros wanted to clarify that the speaker box would not be where the tellers were located. Mr. Wilson responded that it would be on the other side.

Mr. O'Rourke stated that he could see a possible issue at the U.S. 30 location with the east bound left turn lane; in the drawing provided, it showed that when pulling out the customer would be running into that turn lane, and if someone wanted to go straight east they would have to cross that. Mr. O'Rourke asked if there had been any consideration of using the

other driveway that is west to give them more of a chance to get out to get in those east bound lanes, just like what is shown in the St. John drawing where they come in from that side. Mr. Wilson replied that they have not ruled anything out and that in order to get these sites approved through Scooter's Coffee, they had to go out on twelve different occasions to watch the traffic and to do traffic counts in the morning. Mr. Wilson continued to say that with a stop light so close, a little further east bound, it had stopped the traffic heading west bound pretty consistently. Mr. Wilson stated that it had been a huge concern of his and that he had looked at the same thing with the St. John location which is directly across from Lake Central High School; adding that with having the stop light so close, it would stop the traffic periodically that comes out. Mr. Wilson said that he would sit there and watch the traffic and it was "easy to get out, easy to get out, easy to get out" and there were very few times where the traffic was backed up to that site where it would hinder people to get out. Mr. Wilson then said that people would need to use care while getting out just like with all the other businesses that operate on Route 30, but did not feel at any point it would be dangerous. Mr. Wilson added that his mother owns a storage unit a couple businesses down from there and had never had a problem getting out. Mr. O'Rourke stated that his concern is with the turn lane being so close to the light, if there were six cars there waiting to turn and then you pull out, you would have to cut through or across that turn lane. Mr. O'Rourke added that there are two driveways, go to the one on the west and you're a little bit further away, it is the same layout shown for the St. John location. Mr. Hus stated that he would not discount that as a concern because it would be a concern for anybody heading east out of that location. Mr. Hus added to keep in mind that if you picture that 30-40 customers an hour, that would be about one vehicle every two minutes. Mr. Hus continued to say that assuming that 50% of those vehicles are going to be heading west, that it is about a one per four minute problem; and of that time, only a quarter of that will there really be the potential for three or four vehicles or more queued up in that left turn lane. Mr. Hus continued to say that concern is at best going to concern itself to only 25% of the exiting customers.

Mr. O'Rourke said that in regards to this location it was mentioned to tear down the house, and that on the footprint the store is not even close to the house, and there is quite a bit more land. Mr. O'Rourke asked what the future of that land would be because the house technically isn't even on the footprint and the property goes back pretty far. Mr. Hus replied that he did not believe there would be a use for the rear; adding that there would eventually be a storm water detention in the back, but it would just be a Scooter's Coffee at that location. Mr. Davis asked if there were any concerns about a customer exiting and trying to cross over the west bound traffic to head east during a busy time of the day. Mr. Hus replied that he did not want to give the impression that he had zero concern, but more than likely what would happen is the vehicle is going to have a gap to be able to get to the center turn lane and maybe stop there until they could merge on to east bound Route 30 into the through lanes. Mr. Hus added that while that is not ideal, it is something that happens when there are thousands of cars passing every hour; I don't think that movement is unique or any different than motorists leaving any other business along Route 30. Mr. Davis then asked if there were any concerns about the speed bump at the Cline Ave location with the morning traffic. Mr. Hus replied that he does not have any specific concerns. Mr. Hus continued to say that he is aware that the Variance of Use is the first and most important "piece of the puzzle" and had not dove into the site design yet; adding that if given the Favorable Recommendation and approval from the Town Council, they would then be looking at what they could add or move at that time.

There being no further comments from the board, the matter was then opened to the floor. Mrs. Judy Blakeslee from 749 Newcastle Dr. Unit B approached the podium. Mrs. Blakeslee stated that currently people that are coming down Cline Ave, especially during the morning and evening rush hour, blocks traffic all the way to the Fire Station and up to Route 30. Mrs. Blakeslee went on to say that the traffic there is so heavy that trying to get in and out of the Stonebrook Development and the strip mall is difficult. Mrs. Blakeslee added that her other concern is the current dumpsters that were out back that overflow making the debris fall out and then blows around; adding the big concern is how this would be maintained. Mr. Kouros stated that the dumpsters may not belong to this property and could be an easy fix because the Town could do something about that. Mrs. Blakeslee responded that she does not know how it worked and that she had reported it to the Town because it was a mess and the fence was falling over; then adding that the Town did come out and the pickup is better now, but boxes are still laying all over the place. Mr. Kouros responded that they will address the traffic issue with the petitioner. Mr. Kouros then stated that his concern was about the stacking of the cars for this particular property which would go around the building and there would be room; adding that he was sure the Town leadership would address the garbage situation. Mrs. Karen Marsh from 717 Newcastle

Dr. Unit A approached the podium stating that she had the same concern as Mrs. Blakeslee regarding traffic; there had been numerous accidents at the entrance on Cline Ave. going into the Cline Commons because of people trying to go into and out of the commons. Mrs. Marsh went on to say that she believed that adding a business that would increase the amount of traffic going in and out, would then increase the amount of accidents that would occur; going on to say that someone would have to really pay attention to all the traffic that is there and the increase of traffic that would be there. Mrs. Marsh concluded that she just wanted a second comment about paying attention to that. Mrs. Meridy Jackson from 749 Newcastle Dr. Unit C stated that she was present to show her concern about the traffic, especially during the early morning and evening rush hour. Mrs. Jackson stated that because she lived right off of Cline Ave she had witnessed several accidents and does not know the cause, but assumed it could be the excess driving speed but could also be the entering/exiting from Cline Commons. Mrs. Jackson said that she is not clear how they would be routing traffic, but her question would be about anyone coming in off of Cline Ave. heading north; asking if they would then hold up traffic wanting to turn in at that point. Mr. Kouros asked Mr. Hus to step up to the podium with Mrs. Jackson to answer her concern. Mr. Hus stated that the driveway off Cline Ave. was currently a two-way driveway and that although there is eastbound traffic on Route 30, there is a greater amount of traffic heading westbound. Mr. Hus then said a majority of the potential customers may go further east, but are more than likely going to be using the driveway that is already on Route 30 to enter into the Cline Commons. Mr. Hus continued to say that the customer could also go down Cline Ave. to make a smoother right turn where there was already a turn lane to enter this development to get their coffee and be on their way. Mr. Hus stated that he was not naïve and knows that there would be traffic, but believed the traffic patterns of this Schererville area in prime coffee buying time greatly alleviates the traffic concerns that were just brought up.

Mr. Kouros asked if there were any further comments from the floor. There being no further comments the matter then returned to the board. Mr. Kouros stated that there was currently a deceleration lane on the right hand side going off of Route 30; then asked if they plan on making that conducive to people turning in and going to the drive-thru. Mr. Hus replied that he believed there already was. Mr. Kouros then asked if the order window would be conducive to that. Mr. Hus then responded that they do not have the site stripping layout figured out yet, but did know that more than likely they are going to be able to have a bypass lane on the east side of the building. Mr. Hus said they could build one; but as Mr. Wilson had mentioned, the customer would enter the queue and would order on the south east face of the building, so vehicles entering from the north of Route 30 on Cline south of the driveway and go around the building; adding that he believed at this location they could never eliminate all the problems, but there are a lot of pros for traffic flow coming from the north. Mr. Kouros then commented that people heading west were more likely to use the entrance off Route 30 then they would to turn on Cline. Mr. Gorman responded that is exactly what they would do instead of turning on Cline and try to turn left, they would go straight and turn right to go into the plaza. Mr. Hus stated that he was confident that once the proposed business opens and customers know how it works, anybody that came from the east would come off Route 30 after going through the signal.

Mr. Jarvis asked if BMO Bank was currently closed. Mr. Gorman replied that it was. Mr. Jarvis stated that there should not be any garbage created by BMO. Mr. Gorman replied there should not. Mr. Jarvis then stated that this would be Cline Commons. Mr. Gorman responded they are different property owners. Mr. Jarvis stated that he believed they were getting off subject because this would have to go through the Plan Commission. Mr. Gorman then replied that was correct, this would only be for the drive-thru, not traffic patterns. Mr. Jarvis asked how many drive-thrus the BMO currently had. Mr. Gorman replied three. Mr. Jarvis wanted to verify that it would be eliminated down to one which would be improving the property as far as traffic goes. Mr. Hus responded that theoretically that was correct. Mr. Davis stated that he understood what Mr. Jarvis had stated but he wanted to address what the citizens had said that lived in the community. Mr. Jarvis replied that the citizens could come back when it goes before the Plan Commission and it could be addressed at that level.

Mr. Jarvis made a Favorable Recommendation of B.Z.A. Case #24-8-11 to the Town Council with the stipulation that it be for this petitioner only. This was seconded by Mr. O'Rourke and carried 5-0.

B. B.Z.A. Case #24-8-12 790 W. Lincoln Hwy. (Proposed: Scooter's Coffee Drive-thru)

General Location: 790 W. Lincoln Hwy. – Cline Commons, Lot 1

Petitioner(s): DVG Team, Inc. – James Hus, P.E. and Grit and Grind, LLC

Request: Variance of Use as required by Ordinance No. 2004, Title XVI,
Section 4, Paragraph C (2), ix

Purpose: To allow a drive-thru lane within the U.S. 30 Commercial Corridor Overlay
District

For discussion see above.

Mr. Jarvis made a Favorable Recommendation of B.Z.A Case#24-8-12 to the Town Council with the stipulation that it be for this petitioner and this development only. This was seconded by Mr. Calinski and carried 5-0.

III. COMMISSION BUSINESS:

A. Findings of Facts:

- 1) B.Z.A. Case #24-7-9 1505 U.S. 41, Suite A8 – Metro by T-Mobile
Petitioner(s): Mohammad Saudagar
Developmental Variance as required by Ordinance No. 2004, Title XIX, Section 9,
Paragraph A – To allow a 20.4 Sq. Ft. fascia sign (Lineal foot of frontage the business
occupies 15.5 Sq. Ft. APPROVED (4-0) 7/22/24

Mr. Davis made a motion to approve which was seconded by Mr. Calinski and carried 5-0.

- 2) B.Z.A. Case #24-7-10 6400 W. Lincoln Hwy.
(Proposed: By Appointment Only Tattoo Studio)
Petitioner(s): Joseph M. Gralowski
Variance of Use as required by Ordinance No. 2004, Title XVI, Section 4,
Paragraph C (2) – To allow a private (by appointment only) tattoo studio within the
U.S. 30 Commercial Corridor Overlay District

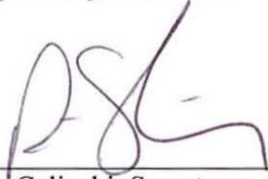
FAVORABLE RECOMMENDATION TO THE TOWN COUNCIL
W/ CONDIDITIONS (4-0) 7/2/24

Mr. Davis made a motion to approve which was seconded by Mr. O'Rourke and carried 5-0.

IV. ADJOURNEMENT

There being no further business, the meeting was adjourned at 6:45 P.M.

Respectfully Submitted:



Rick Calinski, Secretary