

AGENDA
MERRILLVILLE BOARD OF ZONING APPEALS MEETING
WEDNESDAY
JANUARY 27, 2016
6:30 PM

The Board of Zoning Appeals meeting of January 27, 2016 was called to order by Chairman Minchuk at 6:30pm and led the group in the Pledge of Allegiance.

ROLL CALL

Members in attendance were Mr. Bigelow here, Mr. Holtz here, Mr. Fortier here e, Chuck Stojakovich here and Mr. Minchuk here. Let the record show we have a full vote tonight. Staff in attendance was Dorinda Gregor, Attorney Touchette and Bob Csanyi of Robinson Engineers.

MINUTES:

October 28, 2015

November 18, 2015

Chairman Minchuk asked if there are any additions or corrections to the minutes.

Mr. Bigelow said Mr. Chairman I move that both sets of minutes be accepted as presented.

Mr. Fortier second the motion.

Chairman Minchuk said all in favor

The board all replied aye.

COMMENTS FROM THE CHAIRMAN:

Chairman Minchuk proceeded I will call the case by case number and name of the petitioners I would ask that you come forward state your name and address for public record at which time you will be given an opportunity to present your case accompanied by any professionals that you may wish to have with you. After that we will have the open the case for further comment. If you are desirous of speaking for or against any case we ask that you please sign in at the registry in the center of the isle. We will have a question and answer period followed by a staff report pertaining to each case presented this evening. We will also render a decision either for or against or a deferral for more information or other reasons which we will state. Would you please at this time silence any communication devices, cell phones or pagers. We will appreciate it. Thank you.

2016 ELECTION OF OFFICERS: Chairman

Chairman Minchuk asked if we have a motion for Chairman

Mr. Stojakovich said I would like to make a motion for Mr. Tim Fortier be Chairman this year.

Mr. Bigelow second

Chairman Minchuk said all in favor aye.

Chairman Minchuk said the next opening is for secretary. Do I hear any nominations for secretary? I can't make it but one of you guys can.

Mr. Holtz said he would make the nomination for Chuck Stojakovich to remain as secretary.

Mr. Bigelow second the motion.

Chairman Minchuk asked all in favor

The board all replied aye.

Chairman Fortier asked if we have any communications.

Mr. Stojakovich replied yes and I will it at the time the petition is heard.

COMMUNICATION:

Letter of correspondence from Leep's Supply Company pertaining to #Z4E-0116 under new business.

OLD BUSINESS:

Z35E10-1015 JUSTIN FURR/CREW CAR WASH, PETITIONER

MEIJERS STORES L.P., OWNER, Located at 605 West 81st Avenue for a Special exception approval in a C-3 Highway Commercial zoning district on 1.44 acres (proposed lot 1B, Meijer Subdivision for a proposed car wash facility

Good Evening my name is Justin Furr I am the Director of Real Estate and construction for Crew Car Wash. Address is 10251 Hague Road in Indianapolis, Indiana 46256. I am happy to be here this evening after receiving Plan Commission approval on our plat. We are looking to locate a car wash facility on the corner of U.S. 30 and Merrillville Road in front of the Meijer. We have submitted and feel that we meet all the required all the statutory requirements for a special exception for a car wash use on the site as is required. I believe in your packets we have provided a site plan with details on the site and it is a pleasure to be back in the Merrillville after 3 or 4 times. The drive gets easier each time. Really we are looking to as I said looking to open a car wash it is an exterior only express wash we do offer some vacuum stations as well but it is a very high end well-built facility we operate 27 locations we just opened our 27th location in Brownsburg, Indiana. So we have 27 locations around central locations as far south as Columbus Indiana over to Terre Haute we have one in Lafayette and West Lafayette Indiana which would be the closest to the one here in Merrillville and we look forward growing by 3 or 4 new locations a year and we are hopeful that Merrillville can be one of those in 2016.

Mrs. Gregor read her staff report.

Mr. Furr said that was referring to the Meijer Gas Station sign on Merrillville Road at the entrance so we did all the site triangles and everything and met all the requirements but we did agree and Meijer has been good about working with us for special requests as well if it does create a problem then we would obviously make that request of Meijer and could work something out to relocate that sign if necessary.

Councilwoman Barron said I would like to address the situation as well that Meijer has addressed the pond issue. They have started working across the street on the creek and they have started working on the pond so everything is all going to where it should be at this time.

Mr. Holtz asked if there is drainage I guess in the very front corner on 30 and Merrillville Road. I mean it looks like it is covered up but is it.

Mr. Furr said all of our onsite storm water drainage will be handle on an underground detention facility that will be retained and release at the proper flows to be managed by the existing retention pond so we will manage all drainage that we would create.

Chairman Fortier asked if there are any other questions from the board.

Mr. Holtz said I guess the in and out on I guess it is called a serve road between the tire place. How are they the ones that come in that direction how will they get incorporated into that flow?

Mr. Furr said the flow of entering the car wash would be from the south entrances off the Merrillville Road closest to the Merrillville Road access point customers would head north and go under the canopy that is outlined there in the stacking lanes they would make a left to go into the car wash tunnel and then they would excess out heading west toward that access drive that you described between the tire store and

Mr. Minchuk said are you talking about the one between the gas station and tire place. That is private road isn't it?

Mr. Furr said as you can see from the site plan we are using existing private access

Mr. Holtz said I know that but I guess what I am saying is you have on the north end of the building and the south end of the building you have two directional arrows so if a car does come in off of 30 that private access road how are they going to get into the flow.

Mr. Furr said we would have signage internal signage there that would point to the car wash entrance facing south to direct them to go south on that road past the gas station make a left and get into the line. So we have multiple locations like this we put up the directional signage and if someone did turn in there we would have do not enter signs I am not sure you can see it on your site plan but next to the office the satellite office and canopy and then a landscape with do not enter signs so once they got there they would need to pull into one of the parking spaces back in and back out to get lined up down on the south side.

Mr. Holtz said I know we have talked to Councilwoman Barron about she is talking to the state about closing off the they wouldn't be able to exit on to 30. Is there any way I know that your proposal here has a right and a left exit correct can you just make it a left exit only. I mean they are going to close off the or the states going to close it off

Councilwoman Barron said you can't tell people that they can't exit on 30 but I do believe like Justin has pointed out before when you go to pull out that direction it is going to take a little while to get out there because normally that turning lane is backed up and all the other lanes are backed up when the light is red. You are going to want to go with the least resistance to traffic which is going to be Merrillville Road to the light or if you are going toward Crown Point the directional that way or the light that leads to 30.

Mr. Holtz said if you have a do not enter sign on that entrance

Councilwoman Barron said we can't put that up

Mr. Holtz said he is saying do not enter into that could he have a sign suggesting to turn left.

Mr. Furr said I have a do not enter further interior of the site that maybe it is just to clarify it.

Mr. Minchuk said you can't do it on 30.

Mr. Furr said I could point to it if you want me to come up and show you.

Chairman Fortier said actually at this time you do have access to 30 so that is kind of a mute point at this time so there is really no need for us to discuss it right now.

Mr. Holtz said I am just asking if they could put up a sign suggesting go out the other way.

Mr. Furr said and what we have done in some instances is we would put up a sign that says easy exit at the traffic light make a left and then go you know if they are headed west you would add west on that access road between Meijer's and the gas station and there is a traffic light to the west that would be the path of least resistance as Ms. Barron said.

Mr. Minchuk said that is private property we have no say so on that.

Mr. Furr said if there is a problem from a traffic flow standpoint we make every effort to keep the flow moving is advantage for us as well so if a problem does present itself we are going to address it for sure.

Mr. Bob Csanyi said I would like to just add there are a couple of edits on the plat that we have looked at before some information was sent and I would like to see where that is and if we can get some updated copies to review and then if you do have any drainage or preliminary plans that we can start looking at it and storm water as well and that we can keep this

Mr. Furr said I have asked my engineer to have full construction drawing to be done by the end of the week so I would expect to have all the engineering documents completed and submitted in the next two weeks and the architectural pending the decision here this evening we would expect them to complete their plans as well. Our goal is to start construction in April if at all possible. So just depending on how long it takes to get through the building department and all that.

Mrs. Gregor said you still have to go through one more meeting which will be the Town Council on the 9th of February. We could start reviewing the plans as soon as we get them in.

Mr. Holtz said just one more the digital sign that list the prices of Meijer's gas.

Mrs. Gregor said that is on Meijer's property.

Mr. Holtz said it is on Meijer's property and it won't cause anything to be within the 10 foot that they have to come to us .Ok

Mr. Furr said Dorinda has provided the sign ordinance and everything so we feel that we could fit within those perimeters and shouldn't need to come back for any request based on signage.

Chairman Fortier asked if there are any more questions from the board. Anyone in the audience would like to speak for or against. Seeing none do we have a motion?

Mr. Minchuk made a motion to approve case number Z35E10-1015.

Mr. Holtz second the motion.

Chairman Fortier asked for a roll call.

Mr. Minchuk yes, Mr. Holtz yes, Mr. Bigelow yes, Mr. Stojakovich yes and Mr. Fortier yes.

Motion carries

Chairman Fortier said ok just one less hurdle

NEW BUSINESS

Z1v1-0116 GHASSAN MOHAMMED, PETITIER

JAMES BUCHANAN, OWNER, Located at 3750 West 80th Lane for a Variance from Sec. 21-15 (a)(1) Non-Conforming lot, building etc., and Sec 21-137, Rear Yard Setback, in a C-2,Community Commercial zoning district, to reduce the rear yard setback from 20' on a legal non-conforming lot to from 14'to 6' for a proposed refrigeration unit for Aladdin Pita Restaurant.

My name is Ghassan Mohammed owner of Aladdin Pita and my address is 3750 West 80th Lane Merrillville, Indiana and I would like to place a walk in cooler/freezer combo behind the building. It is actually going to be adjacent to the back wall of the building and have access from inside of the restaurant to the cooler. The reason for this is because when we rented the place in 2000 it used to be a butcher shop with coolers that where manufactured around 1968 so they are really insufficient and they are really bulky insufficient and they are water cooled

so it has been costing us a lot of money just to maintain them. We probably have spent thousands of dollars just to keep them running and maintained so we came up with the idea of buying an outdoor cooler/freezer and placing it behind the building this way we could get rid of the older ones and maybe save on water, electric and the sewer since the sewer is actually calculated on how much water we are actually spending. So we are probably spending about 1,600 to 1,700 dollars in just sewer and water alone. Just because we have water running all the time trying to cool the compressors for the old walk in cooler and walk in freezer. So I believe this would save us a lot of money and we will be able to utilize the space inside the restaurant once we take out the old coolers and freezers.

Mrs. Gregor read the staff report.

Chairman Fortier said ok we are open to the board for questions.

Mr. Touchette said Mr. Chairman I have one comment on this. I was out there the other day and the 28 foot length I agree that you already got the foundation started for this think. You are asking us to go 8 feet out why is the foundation 10 feet out from your building.

Mr. Mohammed said it is 10 feet because once the trucking company delivers the cooler it would be much easier for us to maneuver it and put it in place but when I spoke with Dorinda I told her that once the cooler is in place I would be able to cut the platform to the exact size of the cooler.

Mr. Touchette said I think that you are going to have a little trouble trying to support the cooler while you are taking that outside because that is where your support is on the outside away from the building that is where are your legs are.

Mr. Mohammed said and I did talk to a contractor and they will be able to redo it and reduce it if it needs to be.

Chairman Fortier said why would have done a foundation for a walk in freezer/cooler out of treated lumber instead of concrete.

Mr. Mohammed said that concrete would actually cost of much more money to I mean think the walk in cooler is not going to be that heavy. I mean these day walk in coolers are mostly panels that are really light. The heavy part is what is inside of the cooler and I did ask around a contractor and he said it would be sufficient and it would cost less of course.

Chairman Fortier said and it will rot.

Mr. Mohammed said no it is treated actually it said treated wood.

Mr. Touchette said treated lumbers rots too.

Chairman Fortier said any other questions

Mr. Holtz said so your will be moving both the garbage dumpsters and the grease dumpsters.

Mr. Mohammed said yes we will be moving it further either I mean we have the whole we have the banquet room the restaurant and the grocery store so we have all that room to work with so we could either put it behind the banquet room area or after by the door after the cooler.

Mr. Holtz said so all of that is yours back there. Is there any way of getting the garage crew to clean out that area better. It look like a filing cabinet laying down and beer bottles laying on the ground.

Mr. Mohammed said that is for the bar actually.

Mr. Holtz said that isn't part of you.

Mr. Mohammed replied we don't serve liquor any ways

Mr. Holtz said do you know why the paper that we got surveyor location report shows that the alley goes all the way through.

Chairman Fortier said that was my question.

Mrs. Gregor said it is not a developed alley. It is not an improved alley is the word I want to use. The land sort of dips down and it has never been improved.

Mr. Holtz said it was just drawn in a few years ago.

Mrs. Gregor said it is an alley way and they just never continued it to go further east.

Mr. Touchette replied that is not that all unusual for that to happen like with street and things like that?

Mrs. Gregor said sometimes they plat them prior to the Town of Merrillville becoming a town and we just have to accept it.

Mr. Holtz said I was just wondering why it got stopped at the end of his property.

Mrs. Gregor said it is because

Mr. Holtz said that land never got developed.

Chairman Fortier asked if there are any other questions from the board. Seeing none the audience anyone like to speak for or against the petitioner. Seeing none do you have a motion?

Mr. Stojakovich said Mr. Chairman I would like to make a motion that we do approve case number Z1v1-0116 as presented for this petitioner only, at this location only and for this use only.

Mr. Minchuk second the motion.

Mr. Touchette said I would like to make 1 additional add on to that the plat form that is out there be reduced to the size of the actual unit once it is installed.

Mr. Stojakovich said I do agree to put that into the motion so.

Mr. Minchuk said I will second that.

Mrs. Gregor said are we going to vote on these separately are we going to take them together.

Mr. Minchuk said they are together so can we

Mr. Touchette said so your motion applies to both and your second applies to both right.

Chairman Fortier asked for a roll call please.

Mr. Minchuk, yes, Mr. Holtz yes, Mr. Bigelow yes, Mr. Stojakovich yes and Mr. Fortier said no.

Mr. Stojakovich said lets show that we do have one no and 4 yes's.

Z2v2-0116 CHRISTIAN RATH, PETITIONER,

LIVING HOPE CHURH, INC., OWNER, Located at 9000 Taft Street for a Variance from Sec. 19-226 EXHIBIT B to reduce the required number of landscaping islands from 11 to 3 in a R-4, low Density Multi Family Residential zoning district for a parking lot expansion for the church.

Chairman Fortier said we don't have anyone to address that. So I need to direction Dorinda.

Mrs. Gregor said can we put it off at the end of the meeting. Maybe he will show up later and then if not

Chairman Fortier said we will delay that case until later this evening.

Z3v3-0116 ARTE EMMANOILIDIS, PETITIONER & OWNER, Located at 9275 Taft Street for a Variance from Sec. 21-189 (10) to reduce the required setback for a freestanding sign from 10' to 2' in a C-3, Highway Commercial zoning district for a proposed freestanding for the American Brake and Muffler shop.

Mr. Emmanoildis asked if he could bring up some better pictures that will be easier to understand. What I am trying to do get the sing in a position that is going to show better how to get into our property because INDOT will not allow a curb cut anywhere on Taft so the only entrance and exit I have is through the shared entrance of Luke Gas station. So the as I understand it the sign has to be 10' away from a parking lot and 10' away from a property line which in this property there isn't any place like that further more I would like to have the sign as close as possible to my entrance because being I don't have an entrance on both ends of the property I want to be able and the traffic is a little bit fast when the light is green. I want people to see where that entrance. If you see the sign then you will see where the entrance is. If you see the sign then your eye will see the entrance so the logic there is if you see the sing you will see the entrance and turn in. As opposed to the sign not being there you pass the place up and you see that you passed it or don't see and entrance and move on to the next place. So what I am trying to do is

get this sign and if you look in there you can kind of see my crude little arrow where it would be. So it would be a couple of feet south of my parking lot in the unfinished area where the landscaping is going to be.

Mrs. Gregor read her staff report.

Chairman Fortier said we will open to the board for questions.

Mr. Minchuk said I went by there today and have been by there a couple of other times and if you are coming heading south you are right by the Shell station there and you cannot where they are supposed to put the sign you can't see it. You have to make a quick turn right next to the Shell station that is the only way you can get in there. A lot of cases I have seen here this one I do see a hardship on. I actually see a hardship. Where if he to put it where it was supposed to you can't see the sign. There is no way you can see the sign and if you remember store as a sign about a couple hundred feet away if the liquor store sign that we approved also to be closer so I think that Mr. Emmanolidis has a legitimate case here for a hardship.

Mr. Holtz said there is a billboard on your property too right.

Mr. Emmanolidis replied yes on the north end.

Mr. Holtz said that sign would be almost right underneath it.

Mr. Emmanolidis said yes if it were there it would be a mess because then the liquor store sign is there billboard it would look awful.

Mr. Minchuk said remember we approved that and he got the billboard sign farther out which would be farther south yes you would never see it.

Mr. Emmanolidis said yes this would put the sign on the south end of my property where the entrance is.

Mr. Holtz said where it is already started.

Mr. Emmanolidis said there was a little miscommunication there and that is why I stopped immediately. That is where wanted to put it and I said on lets get started when I saw they had stopped them and if it doesn't go favorable I will address it then.

Mr. Holtz said it makes perfect sense if it is on the other end like you said as their driving well there is the sign I will try and pull in there but there is no entrance.

Mr. Emmanolidis said for the customer that are regular customers it is a destination and it is not an issue it is the customers that aren't regulars that we are trying to get in there. Those are the ones that oh I missed it well it wasn't meant to be I will just go to the one 3 blocks on either end. so I want to try and get that sign. The entrance to this property is not ideal for what I do but that is the hand I was dealt so I have to medicate it as best as possible.

Chairman Fortier asked if there are any questions from the board. Seeing none we will open it to the audience. Anyone would like to speak for or against.

Chrissy Barron Councilwoman for Ward 5 which he is in my ward. I personally did drive down the road and I did see that there is a big problem. He would have to turn around and come back so I understand the dilemma here and I think that as long as it is not going to impede on somebodies direction or oncoming traffic which it doesn't. I do see a hardship as well.

Chairman Fortier said Thank you. Is there anyone else that would like to speak for or against? Seeing no one

Mr. Holtz said one more for Dorinda. So the only thing is that it is to close to the parking lot

Mrs. Gregor said it is not the parking lot it is the access drive and property line.

Mr. Holtz said so it isn't to close to Taft. It didn't look like it would block anyone few.

Mrs. Gregor said they have to have a 10' clearance and they have met that.

Chairman Fortier said it is actually further off than where the sign would supposed to go.

Mr. Emmanoilidis said yes that is correct.

Chairman Fortier asked if there are any other questions.

Mr. Minchuk made a motion to approve case Z3v3-0116 for this petitioner only at this location only and this use only.

Mr. Holtz second the motion.

Chairman Fortier said we have a first and a second can we get a roll call.

Mr. Bigelow yes, Mr. Minchuk yes, Mr. Holtz yes, Mr. Stojakovich yes and Mr. Fortier yes.

Chairman Fortier said it passed.

Z4E1-0116 KARMA CIGARS, PETITIONER & OWNER, Located at 850 West 81st Avenue for a Special Exception approval in a C-3, Highway Commercial zoning District for a proposed restaurant within the Cigar Shop (Phase 2 of the cigar shop interior remodel).

Dhiren Shah from Karma Cigar Bar. We got occupancy for retail shop if you want to put cigar retail and also beer and wine restaurant right in the shop. We are asking for permission for that today.

Mrs. Gregor read the staff report. If approved for this petitioner only at this location only for this use only

Chairman Fortier said I understand we have some communication for this petition.

Mr. Stojakovich said yes we do Chairman Fortier we do have a communication letter here it is addressed to the Merrillville Board of Zoning appeals regarding the public hearing for Karma Cigar Special Exception application for the proposed restaurant at 850 West 81st Avenue in Merrillville.

This is to whom it may concern

Leeps Supply Company which is directly behind you has no problem or issue with the application for Karma Cigars for the Special Exception.

Thank you for including us in the process

Sincerely John Hamstra, President of Leeps Supply Company.

Chairman Fortier said alright we will open to the board for questions.

Mr. Holtz said so right now you have a temporary liquor license.

Mr. Shah said yes I went to Indianapolis to get a liquor permit but they only give it to us for a month and they will mail it to us in the regular mail in approximately 10 days.

Mr. Minchuk said it is like a driver's license. You go in there and they mail it to you.

Mr. Holtz said that is way I couldn't figure out it was only good until February 19

Mr. Stojakovich so you actually do your work on your application until they get you..

Mr. Minchuk said just like your driver's license.

Chairman Fortier said I guess my big question is ow do you get around the nonsmoking restaurant ordinance.

Mr. Shah said we are actually 21 and over and it is a restaurant with cigar smokers only. We don't allow anyone minors in our shop.

Mr. Minchuk said it has to be approved by the state. If the state doesn't approve excise then you can't do it. It is sort of like our American Legion in our bar area it is 21 only and nobody would go in there except 21 in there. The others have to stay in the hall because we have a separate bathroom and there is no smoking allowed in there. They have separate ventilation systems also, but the main thing is no one under 21 and you have to post those signs. We have to actually have to order those signs from the state. But the state excise will check on that.

Chairman Fortier asked if there are any other questions.

Mr. Bigelow said I would have to assume that there would have to be a license from the Health Department with food services and I don't see any indication that

Mr. Shah said I have it I just forgot to send it to Dorinda.

Mrs. Gregor said they only go in after the place is open and operating so we would not see a copy of that at all.

Mr. Minchuk said it would only be Lake County and Merrillville.

Mrs. Gregor said Lake County Health Department

Mr. Shah said I do have paid for it from Lake County and they have approved it but I forgot to forward it to Dorinda.

Mr. Touchette said right now there is no plans to use that big garage area that is to the north portion to the north portion of the building.

Mr. Shah said not right now but in the future we will make it a bar area.

Mr. Touchette said that would require coming back before us to get approval for that. It is completely separate from this.

Chairman Fortier asked any other questions. Open it to the audience is there anyone that would like to speak for or against this request. Seeing none do we have a motion?

Mr. Minchuk said I can make a motion to approve Z4E1-0116.

Mr. Stojakovich said I will second that Mr. Chairman.

Mr. Minchuk said it will be for this petitioner only, at this location only for this use only.

Chairman Fortier said we have a first and a second can we get a roll call.

Mr. Holtz yes, Mr. Bigelow yes, Mr. Minchuk sure Mr. Stojakovich yes and Mr. Fortier yes.

Motion carries

Mrs. Gregor said this will be forwarded to the Town Council on February 9th. You will have one more meeting to come

Mr. Shah said can I open now.

Mrs. Gregor said no you have one more meeting to come to.

Chairman Fortier said ok we are going to go back to our new business and recall case number Z2v2-0116

Z2v2-0116 CHRISTIAN RATH, PETITIONER

LIVING HOPE CHURCH, INC., OWNER, Located at 9000 Taft Street for a Variance from Sec. 19-226 EXHIBIT B to reduce the required number of landscaping islands from 11 to 3 in a R-4 Low Density Multi Family Residential zoning district for a parking lot expansion for the church

Mr. Rath said first of all I would like to apologize for having being late. It does not mean a sign of disrespect but I was stuck in traffic. We are in the process of building an additional parking lot on the church property and the presence of those islands would have 3 types of negative impact.

Number 1 it will add the cost of about 11% to our project if we want to reach the 150 new parking lots that we need.

Number 2 it will increase the cost of snow plowing because of the presence of the island verses free open space that can be plowed.

Number 3 it will create some potential type if issues for cars that might be bumping or actually maneuvering through them. We have a day care to the south side and it creates sort of an obstacle to that so we have made a request that you Actually not install those islands but instead planted with the trees than are required and then go with those islands on the surrounding parking lot that you preserve as beautifying elements of the parking lot.

Chairman Fortier said would you please state your name and address.

Mr. Christian Rath I am project manager and owner representative of Living Hope Church located at 9000 Taft Street

Mrs. Gregor read the staff report. Conditions if approved for this petitioner only at this location only for this use only

Chairman Fortier said do we have any question from the board.

Mr. Touchette said who would approve the mediated landscaping plans

Mrs. Gregor reported Storm Water and the have approved that.

Mr. Holtz said so our engineer were they want to place the closest to the old parking lot there is a ravine there looks like where the water flow goes. What is there proposal to continue the flow of the water?

Mr. Csanyi replied said it is going to continue as the site was originally developed and it is going to go into the front pond and then from that it is going to be released. I believe it goes to the south and around to the west.

Mr. Rath said do you mind if I jump in water is collected through the front pond and then it goes north to the second pond which is on the property adjacent to ours it goes under Taft on the east side of Taft.

Mr. Csanyi replied that is right.

Mr. Holtz said ok right on the end of the north end of the parking lot there is a huge di you are not going to put that into your new parking lot. Are you going to put piping for it to go underneath the new driveway?

Mr. Rath said I want to make sure I underneath it. Which one are you talking about because we have 3 area with low area? We have one on the south of our property but is not on our property the other one is on the north on Taft is that the one you are talking.

Mr. Holtz said well ok the north end of the I guess where the new parking lot is going against the old parking lot there is a probably a 2 foot drop.

Mr. Bigelow said there is a drainage swale just immediately north of the existing parking lot only 10 or 15 feet north of that you have a nice swale that comes down there for drainage how are you going to handle that when you go to pave it over.

Chairman Fortier said can I interrupt you for a second I want to ask our engineer questions how does landscaping islands affect water run-off.

Mr. Csanyi said obviously they are preferred but generally the way the storm sewer storm drainage was designed it was going to be picked up from the parking lot anyway so they weren't really going to be used. If it was for more esthetic's than and according to town ordinances for those islands.

Mr. Fortier said I just didn't want to get too far off board here we are talking about landscaping islands

Mrs. Gregor said there are going to be storm sewers like in our parking lot underground to carry that water

Mr. Rath said yes and that is part of the exhibit.

Mr. Holtz said are you going to have water coming out of the field to the west of your property and I figured that was what the swale was for to carry the water to the pond the north pond ok. If you are going to be blacktopping that whole area how is that water going to get there.

Mr. Rath replied 2 things the water on the west of our property goes west there is a ridge the water that is on the north of the property is going to be collected by additional manhole and piping and be collected in the front pond and then eliminated through the northern pond and underneath Taft.

Mr. Holtz said so you are saying that the swale was never needed in the first place.

Mr. Rath said once again sir I don't know what swale you are talking about. I would like to answer your question...

Mr. Touchette said there is no drainage problem there now and I drive by there all the time and there is not a drainage problem

Mr. Holtz said yes I know but once you blacktop you are going to block off that swale for anything

Mr. Touchette said what he is saying is he is putting piping under the parking lot that would handle all that water and to the west that water drains to the west it doesn't drain to the east .

Mr. Csanyi said so basically what it is doing from my understanding for the existing parking lot it may sheet flow into that swale and then drain off to the west so these are going to be interconnected and paved over so right now once it is paved over the point is going to flow into the swales.

Mr. Holtz said so you are saying the swales are current parking lot to drain into so I didn't want to impede the water flow coming from behind the church going toward Taft.

Mr. Csanyi said it took me a minute to recall the drawing on there but yes. I mean it won't impeded the drainage because it basically drains to the west it doesn't flow to the east.

Chairman Fortier said I am going to interrupt for a second because we are not here to talk about the eater run off.

Mrs. Gregor said we would not issue the permit unless the drainage has been approved.

Chairman Fortier said we are just here talking about landscape islands.

Mr. Holtz said we are talking about a new parking lot to

Mrs. Gregor said I know that we would not issue a permit for the expansion of parking lot unless the drainage has been approved by the Town engineer.

Chairman Fortier said the parking lot has been approved we are just talking about the number of islands. Landscaping islands so we are talking about green space basically.

Mrs. Gregor said so will you vary from the code to allow it to reduce the landscaping island from 11 to 3 first of all and if so they will end up medicating what landscaping was required on those island so where else on the property. That is what we are here for.

Chairman Fortier said basically we are talking about green space. Is the greenspace going to be in the parking lot or around the parking lot. The number of shrubs ,trees and bushes.

Mr. Rath said you are right I would just like to reassure you that we have looked into very details about what you are talking about and it seems everybody signing off.

Mr. Holtz asked are you still going to have since where the two of the islands are they going to be light post there like you have every else.

Mr. Rath replied yes

Mrs. Gregor said they have to meet the requirements of a parking lot.

Chairman Fortier asked if there are any more questions from the board members.

Mr. Minchuk said I have one for you Mr. Chairman I know that we aren't doing drainage or anything but that is his profession.

Chairman Fortier said that is why I asked him if islands have anything to do with water runoff. Which he did answer that question? Any other questions from the board then I would like to open it to the audience.

Councilwoman Barron said I don't have any questions but I agree with you on the parking lot. I think that the greenspace is very important. I would rather see greenspace than concrete. As far as the flooding or the water drainage or anything on the engineering side. Thank you Dorinda for that I do trust our Storm Sewer director Matt Lake and I do trust our engineering firm to not let something pass that is going to cause more problems on Taft Street because as we are all very aware Taft Street is very unanimous for every time it rains it wants to flood and the road is just not if we can go back when the road was built we probably would have design it a lot different but knowing now versa what we didn't know and the amount of effort that has gone in to helping Taft Street not flood I trust the people that we have in place to make sure that it doesn't happen. Thank you very much for questioning it. That is what we are all here for but I am in favor of this project. I think it is going to be a very welcome site more greenspace instead of more concrete. I think that if we could make this into something that could follow in a parking lot I think that would be great because as we have notices in subdivisions and get approved and the concrete is put in or taking out the concrete islands and were making asphalt or more landscaping in so I think that this is a really good idea.

Mr. Minchuk said Chairman Can I ask Councilwoman Barron a question. What I was trying to say is and the Chairman also he had mentioned that this was not for the drainage.

Councilwoman Barron replied oh I know.

Mr. Minchuk said what it is if Storm Water was ok with it that is why I questioned why we are continuing on with that. That was the only reason I questioned it. We have professionals in storm water

Councilwoman said yes we just went through that in Plan Commission too.

Chairman Fortier asked if there are any other comments or concerns.

Councilman Hardaway said I stand here to support this project also. I am Councilman Hardaway, Ward 2 I stand here to primarily because they are expanding their parking lot for a couple of reasons and primarily because of their congregation is growing but also maybe in the future we may have a rec center there on that same property and if that happened then we will be able to utilize that parking lot as rather than having to build our own parking lot and to reduce the number of islands so that we will have more parking spaces I think that it is great and also they are making an investment in the town by giving us a football field and a soccer field for youth. That is going to be built on their property that is going to help us do something that right now can't do and that is provide some type of recreation for the children here in the Town of Merrillville so that is the reason I support it. I support it because I know everything that Living Hope has done as far as community outreach goes and they continue to work with the town

and I just think that they are an asset to the community and we should be supportive anytime they come before us with a Special request and this is considered a Special request to reduce it from 11 island to 3 island. I understand what the rules say but that is why he is before you this evening is so that we can adjust the rules so he can continue to do with what they need to do with their church.

Chairman Fortier replied thank you. I have to make another comment as far as you talked about maintenance of the parking lot as someone has plowed snow. Islands are terrible in parking lots. They are great in grocery stores because they slow down the fling baskets but in an open parking lot like this which is primary use for cars it is really hard to do a good job plowing around them to keep the lots clean. Any other comments from the audience or the board.

Mr. Holtz said no I realize what the request is for but it also says for the purpose for a parking lot expansion so I just wanted to make sure everything was done properly

Chairman Fortier said I appreciate it.

Mr. Holtz said it was not the understanding of the drainage but I do want to make sure everything is done on the up and up.

Mrs. Gregor said on the staff report it did say at the end that permits were issue for the Storm water already and the town engineer has reviewed and approved the drainage plan.

Mr. Bigelow said one other question relative to the lighting in the parking lots I see in the two islands in the middle of the parking lot you are showing street lights are those still going to be placed in that location.

Mr. Rath said in the final submittal of the eliminations plan along with the photomontage plan is in the process of being submitted and it might have a couple of poles located not exactly in the same way because this was a conceptual drawing. I have seen that the final draft of the photomontage plans is suggesting a slightly a different location in order to have a minimum of three candle foot everywhere so therefore there might be a couple of changes but all to get the better type of illumination.

Mr. Bigelow said so we will still get lighting out in the central portion of the lot.

Mr. Rath said certainly.

Chairman Fortier said can we get a motion.

Mr. Minchuk said I will make a motion to approve Z2v2-0116 Living Hope church for this petitioner only at the location only for this use only with conditions as approved.

Mr. Holtz second the motion.

Chairman Fortier said we have a first and a second can we get a roll call vote.

Mr. Minchuk yes, Mr. Holtz yes, Mr. Bigelow yes, Mr. Stojakovich yes and Mr. Fortier yes.

Motion carries

OTHER BUSINESS:

1. **Z21v-0606 & Z22uV-0606 CENTURY PLAZA, 8275 BROADWAY,**
Previously approved for two (2) digital display message center signs on existing pylon signs by the BZA in 2006 but would like to relocate one (1) of the previously approved digital display message center sign to a new approved pylon sign north of Staples. This request would not exceed the two (2) digital display units previously approved.

Hello my name is Mike Anderson 9211 Broadway Merrillville Indiana Merrillville Indiana. I am here on behalf of Century Plaza. My client is requesting a modification of the previous recommendation made to the Town Council in 2006 at that time the recommendation called for an LED message center on two existing signs on the property. At that time 3 signs were approved but only 2 signs were build and a LED message center were approved for the 2 existing signs. What my client is looking for this evening is for a recommendation modifying the previous recommendation that any 2 of the 3 signs on the property can have this LED message center. The third sign is not built yet it will be built but outside of any other there are no other changes that my client is seeking in terms of size or scope or anything that is relating to the signs that have been previously been approved other than the LED message center be able be put on any of the two of the three signs rather than just the two existing signs on the property.

Chairman Fortier asked if there are any questions from the board.

Mr. Bigelow said so the existing sign just to the east of White Castle and west of Portello's is going to stay.

Mr. Mike Anderson said the two signs that are there will stay and there will be a third site behind Staples off of Rhode Island I believe it is.

Mr. Bigelow said and that is the one that will have the message board on it.

Mr. Mike Anderson said likely yes two of the three signs will have the LED message signs yes including that sign yes.

Mrs. Gregor said they are not asking for another message center they are only looking for the flexibility to locate those message center signs on any of the three pylon signs.

Mr. Minchuk said we have never done that before have we.

Chairman Fortier said they all suite the same purpose.

Mrs. Gregor said yes the size won't change or anything on how they were approved. I provided you with a copy of the minutes so you could read through them.

Chairman Fortier said are we voting on two separate they are not two separate things just the one

Mrs. Gregor said if we could waive the condition to relocate one of the LED message center signs to any of the three locations.

Mr. Holtz said so it was originally the two digitals should have been on the ones that already ok. Is the third sign going to be the same size?

Mr. Mike Anderson said it will be the same size like I said near Rhode Island and I believe the plan is to put a LED message center because it is closer to I 65 to draw people into the shopping center.

Mr. Minchuk said all conditions are going to be met for LEDs with the Town messages

Mrs. Gregor said all signage code requirements will have to be met.

Chairman Fortier asked if there were any other questions anyone in the audience like to speak for or against. Seeing none do we have a motion?

Mr. Holtz said how are we making the motion

Mrs. Gregor said to waive the approved conditions

Mr. Holtz said I would like to make a motion to approve the request to revise Z21v-0606 & Z22uV-0606 to allow tow of the three signs to have digital and it is there choice of which ones that they want to have digital for this petitioner only for this location only for this use only.

Mr. Bigelow second the motion.

Chairman Fortier said we have a first and a second can we get a roll call.

Mr. Bigelow yes, Mr. Minchuk yes, Mr. Holtz yes. Mr. Stojakovich yes and Mr. Fortier yes.

Motion carries.

2. Z29E8-0715 YOSEF ALAHMAD/AMERICAN AUTO SALES, 5940 BROADWAY.

Petitioner would like to increase the number of vehicles that was a condition placed on their approval by the BZA for their special exception for a used car lot on July 22, 2015 and TC approved on August 25, 2015 from ten (10) to twenty (20) vehicles to locate on the lot (inside showroom and outside Parking lot).

I am Sandy Alahmad I just want to make a correction for the address it is 5924 not 5940 Broadway. If you allow me to pass these so that you guys can understand. If you look at those pictures you will see how the parking lot looks like with 10 cars for sale on the lot and it is like 7 up front and 3 toward the back. I do have like way much space up to the point that I have people passing by Broadway that they want to turn around from Broadway going back instead of making a U turn they go inside my parking lot then turning around. This happened a whole lot of times too me that I saw that I think that it is a customer coming in and it is just a person turning around and going out since we have a lot of empty space there. Other than that is you look at my showroom inside I have a big, big space there than I cannot put anything there just because I don't have enough total cars even for the outside. So I am trying to use the inside space for a few cars and a few cars for the outside to make it look like a dealership a used car dealership. Yes I did request for 10 cars when I applied for the Special use but after I put the 10 cars I noticed that is a big place a big empty space that is not it doesn't even look like a car lot like when you walk into a car lot and then if you notice in the pictures our cars our clean, reliable new now brand new just newer cars I don't have junky cars I don't have those cars that you don't want to see when you pass by. I have too many people come in that are happy. I just what to make sure I use the space inside and make the outside look like a car lot. This is all I am asking for. I am just there to make good business for everybody for us for you guys and for the community. I am not here for anything else. So if you guys take that into consideration for me please

Mrs. Gregor said let me give you a little bit of history. It was approved for 10 and at the Town Council meeting the council asked how many cars can she work with and she said 10. Soon after she opened we received a complaint that there were more than 10 cars there were 20. Code enforcement officer went out and observed that there was 20 cars and then they removed them. Soon after that then she went out and there were more than the 10 cars I think there were 1. So she was in violation of the conditions places on these car lots being only having 10 cars. However she rethought this the used car lot she feels that she could work with 20 cars some of them being places on the inside and some as well being placed on the outside to meet the needs of her automobile dealership used car lot.

Mr. Minchuk said I was there the other day and there were 13 cars there.

Mr. Alahmad asked if they were all for sale.

Mr. Minchuk said all the cars were for sale they all had flags on them. I was by there oh day before yesterday around noon and there was 13 cars there on the outside.

Mr. Alahmad said with the flags you said even the ones in the back of the building you might thought they were for sale but I only have 10 cars because ever since I was told to move those cars I moved them. The next day yes they came in and there was one extra car and every after that I did not have any other cars for sale

Mr. Minchuk said when I went back there all these spaces were filled and all the cars were up front.

Mr. Alahmad said yes you are right but

Mr. Minchuk said I see 13 cars and that was my question. We first gave it to you 10 cars you could have put in for 20 I don't see a problem with that but you didn't abide by the first time when we asked you to do or the council asked you to do that is my problem with it.

Mr. Alahmad said could I explain sir I am a honest person I was raised to be honest I wasn't trying to break the law I am educated yes I am not an egroment person