

**MERRILLVILLE PLAN COMMISSION MEETING**  
**January 28, 2014**  
**5:30 PM**

President Shawn Pettit called the Meeting of the Merrillville Plan Commission of January 28, 2014 at 5:36 PM to order and led the group in the Pledge of the Allegiance. Members in attendance were Mr. Holtz, present, Mr. Spann present, Mrs. Krafft absent (arrived at 5:47pm), Mr. Widing present, Mrs. Palmateer president, Mr. Dering present and Mr. Pettit.. Staff present was Dorinda Gregor, Attorney Touchette and Bob Csanyi and Sedrick Green, Robinson Engineering.

President Pettit said we have 6 members so we have a quorum.

**MINUTES:** None

**2014 ELECTION OF OFFICERS:** **President**  
**Vice President**  
**Secretary**

President Pettit said at this time I will open it up for President for the 2014 Plan Commission.

Ron Widing nominated Shawn Pettit for President, seconded by Pam Palmateer.

Chairman Pettit asked if there are any other nominations seeing none. All of those in favor of me staying here please say Aye. 6-0 thank you Ladies and Gentlemen. We will open up the floor for nominations for Vice President.

Ron Widing nominated Don Spann for Vice President, seconded by Pam Palmateer.

President Pettit asked if there is any other nominations for Vice President. Seeing none all of those in favor of Don Spann for Vice President please signify by saying aye. Motion carries. Now Secretary Floor is now open for Secretary. I would nominate Mrs. Krafft but she is not here and that is usually how it goes doesn't it. When you miss the meeting you get nominated for secretary. I don't think that I can nominate under Roberts Rules is that correct Mr. Touchette.

Mrs. Palmateer nominated Brian Dering for Secretary, seconded by Don Spann.

President Pettit asked if there are any other nominations for Secretary seeing none all those in favor of Brian Dering as Secretary again please signify by saying aye. The Offices are myself as Present, Don Spann Vice President and Brian Dering Secretary for 2014 Plan Commission. Thank you ladies and gentlemen.

**COMMUNICATIONS:** Notification from Faegre Baker Daniels regarding the adoption by the Merrillville redevelopment Commission for the expansion of the Merrillville Redevelopment Commission for the expansion of the Mississippi Street Economic Development Area in the Town of Merrillville.

President Pettit said there is a communication Dorinda in our packet from Faegre Baker Daniels recording the ad Merrillville Redevelopment Commission for the expansion of the Mississippi Street Economic Development area in the Town of Merrillville.

Mrs. Gregor said you have to go through an order for if you go back to the Redevelopment Commission.

President Pettit said it will be up at our next meeting Ron, Don and I have at 6:00 for redevelopment there is no old business.

**OLD BUSINESS:**

None

**NEW BUSINESS**

**P1FP-0114 WHITECO INDUSTRIES INC., PETITIONER & OWNER,** Located at 7900 Rhodes Island Street for a Final Planned Unit Development in a C-3, Highway Commercial and R-4, Low Density Multi Family residential zoning district on approximately 9.56 acres for a Proposed memory care facility.

Chairman Pettit said on behalf of the Town Jeff we appreciate you indulging us due to our weather conditions last Tuesday. I didn't want anybody driving up in the snow. Hopefully we will be able to get through this and get you moving along. With that the floor is yours.

Jeff Fus said we appreciate you being flexible and rescheduling so soon. Yes again I am Jeff Fus representing Whiteco. I am here today along with John Howard, Chet Bradean and Ken Antaramian with KC Development and Doug Rettig with Land Technology. As was mentioned we are here for final PUD for the Memory Care Facilities to be located just north of Twin Towers on approximately 9 1/2 acres single story approximately 33,000 square feet. I

think that everybody is familiar with our proposed project so we would like to open it up for any additional questions.

Chairman Pettit asked if anyone has additional questions for Jeff or Doug or the gentlemen that we have met with over the last several months.

Mr. Dering said yes I have a number of questions and comments before us or do we want to do the staff report of course.

President Pettit asked Dorinda to read the staff report for the record.

Chairman Pettit said thank you Dorinda. Jeff if you don't mind I want to read two communications and again Dorinda alluded to this. This is from our Town Engineer Sedrick Green.

Dear Mr. Pettit;

Robinson Engineering has completed its inquiry into the flooding issue within Chapel Manor as stated by residence along Carolina Place. At the December 17, 2013 Plan Commission meeting. At this time we have not determined the cause from the residence along Carolina Place to have flooding issues. The proposed development of a Memory Care facility to the east of Chapel Manor Subdivision currently drains to the north where there are existing detention ponds that meet Town ordinance. We met with Matt Lake of the Storm water Department and he has no records of flooding along Carolina Place from storm water run-off. We also investigated the comments from residences regarding their basement flowing. We spoke to Chuck Stojakovich of the Merrillville Conservancy District regarding sanitary sewer back up. Chuck stated that the district has no record of any claims of sanitary sewer backup in Chapel Manor subdivision or on Carolina Place. If the board would like us to further investigate the individual homeowners with flooding along Carolina Place. We can accommodate you should you have any questions please feel free to contact me.

Sincerely Sedrick M. Green Jr.

We also have what Dorinda alluded to a e-mail sent by Matt Lake our Executive Director of the Merrillville Storm Water Utility to Dorinda. I met with Bob and Sedrick regarding these remonstrators we have never had a drainage complaint regarding any property adjacent to the proposed memory care facility. Robinson is looking into if there are any backups in the basement due to sanitary cross connections, sub pump failures etc. They should also look at if any of these residence ever made an insurance claim. I have a list of all the repeat flood loss properties from FEMA and none of those residence are listed (see attached). Most calls we get from basement backups are from in properly installed perimeter foundation tiles, cross connections, in proper grading around foundations or issues with the homes gutters or down spouts. If there is sanitary back up it will immerge out of a flood drain. The fact that the plans for the memory care facility have met our requirements for storm water and release rates and will not negatively impact the adjacent property owners drainage.

Matt Lake

Executive Director Merrillville Storm Water Facility

President Pettit said for the record Mr. Secretary those are read in and I guess being the Councilman for that area

I guess I will concur with Chuck and Matt and Sedrick. I have also happened to talk to a lifelong resident of Chapel Manor Subdivision who happens to sit on the Merrillville Conservancy District Board and we have their attorney here with us Bill Touchette. Bill does double duty and none of the folks that I have talked to except the residence that I had talked to that night. They can't substantiate these claims so Bob and Sedrick and Matt is not here yet. I don't know we are going to have to tackle this separate from what Jeff and the Memory Care Facility are proposing. That is my feelings as Councilman for the area. We deal with it kind of off to the side. Bill I don't know you have been with MCD for a number of years.

Mr. Touchette said I think that the proper way to do it is I don't think that there are any sewage backups there and I think that Matt's letter addresses what the problems are. It is probably footing tile for the houses, gutters running off by the house and that is probably the issues. Those houses are probably 40 years old and have clay tiles.

President Pettit said the only thing I would ask Jeff if you have seen Dorinda's staff report and we have talked about gentlemen is I would for the peace of mind for those residents I would like to enforce that 8 foot fence requirement along your property line as we talked about at the preliminary stage. I would like to see that as a condition for whoever makes a motion and then of course Don, Ron and I will see this when President Miano puts this on the agenda. This is a zone change so you will come to a Council workshop and this will have to go for a Council vote at a future meeting.

Mr. Fus said can I ask a question. There is an existing 6 foot cedar fence runs along the entire length of the west side of the property so ...

President Pettit said John is that on your property.

John replied I told Jeff that I was a little confused why would I want a 6 foot fence that I maintain with and 8 foot double fence that I am going to put up.

Mr. Dering said John is there any way possible that the fence is in good repair.

President Pettit asked how old is it do you know.

John said when I talked today about it he it was in good shape. It was suggested by your Plan Commission for the hotel.

Mr. Dering said I think that if the fence is in good repair if we wanted to go a little bit higher maybe you could put a decorative lattice across the top.

President Pettit said can you add something to make it 8 feet.

Mr. Dering said the homeowners seemed pretty adamant that they wanted a fence as tall as possible. Why should we put a second fence in?

President Pettit said we don't need to put a second fence in John if you can just add on and work with Dorinda and Dan Brown our Building Inspector and see what we can work out that is fine.

Mr. Dering said one correction on the letter that you read just for the record on tape it said that water will immerge out of floor drains and you said flood drains.(on the end of Matt's E-Mail) I wanted to make sure that was correct because I want to dot all the eyes and cross the T's . Now with that being said those were the only questions that I have. Shawn and I would like and I don't want to hold up the approval process what so ever but I would like engineering to quickly as possible to eliminate the fears of the homeowners that were remonstrating against this to deal with this problem immediately so if it is a problem with the footings I want them aware of it. If it is a problem that we find an old drain coming off of the property we can deal with it. I just want their fears erased as quickly as possible. I do not want it to hold up the approval process for this.

President Pettit said again what we probable need to do is Dorinda and I tonight in the Council meeting or aside with Matt, Bob and Sedrick get back out there kind of separate from this project we need to investigate obviously an issue has been brought to my attention we need to send our Storm Water Director and 2 engineers out there and figure out where we are we having problems. Guys I don't know if we want to do this for me it is better on a lunch hour. I don't mean to take away Jeff probably need to get out on a lunch hour. I will coordinate with you guys and Dorinda and Matt after the meeting so let's move Jeff and Whiteco forward.

Mr. Dering said that was what my big question was for Robinson. Of course we don't have all the drainage items in this packet yet but it does look like it is all draining to the north. It doesn't look like it would drain going into Carolina Place at all.

President Pettit said John you have been around long enough I mean that stuff had to go to the north when you built the hotel right.

Mr. Dering said I have not heard of anything that that pond has overflowed or anything. If there is an issue lets deal with it and make sure that the homeowner's are protected. You know my feelings on this project. It is an amazing project for our town.

President Pettit asked Don do you have any questions for the guys.

Mr. Spann said I spoke to the homeowners after the meeting and I kind of told them that the Plan Commission really liked this project. We are looking at the water issue and that is what they really had. They didn't really have anything else.

Mr. Dering said you know they seem to get it I think the majority that I talked to after the meeting also. I think that the majority of the complaints went away when you said you could get. There is 100 and some uses that you could get. You could have a nightclub or theatre or Hotel there. You could have anything there and this is going to be a beautifully designed building Frank Lloyd Wright building with the best landscaping plan I have ever seen come through this Plan Commission. It is a win, win for everybody it is like I said I would put this behind my house, my parents' house anybody's house it is a perfect project.

President Pettit said let the record show that Mrs. Krafft has joined us so we have 7 members in attendance. Rick do you have any questions for the petitioner.

Mr. Holtz replied no Thank you. Everything looks good I like the project.

President Pettit said Ron, Pam, Sylvia I know that you just got settled in you probably have been thinking about this the whole time you were driving in right. The Memory Care out at Whiteco. Chair will entertain a motion.

Mr. Dering said I would move that we approve P1fP-0114.

Mr. Widing seconded the motion.

President Pettit said we have a motion by Mr. Dering and a seconded by Mr. Widing to approve P1fP-0114 and move it forward to the Town Council. Is there any further discussion, comment? Seeing none Mr. Secretary roll call please

Mr. Holtz, yes, Mr. Spann yes, Mrs. Krafft yes, Mr. Widing yes, Mrs. Palmateer yes, Mr. Dering aye and Mr. President Pettit yes.

President Pettit stated motion carries 7-0. Congratulations guys. Get with Dorinda and she will tell you when the workshop is Jeff. I am guessing maybe the 3<sup>rd</sup> Wednesday in February.

Jeff said I know that you want us to put on the addition to the fence.

Mr. Dering said to we need to make an amendment to the motion.

President Pettit said oh yes we should. Mr. Dering do you want to amend your motion to include the 2 foot addition to the existing fence.

Mr. Dering said yes I do.

President Pettit asked Mr. Widing does your second stand.

Mr. Widing replied yes it does.

President Pettit asked if we need to take a roll call vote or can we do voice vote. All in favor signify by saying aye. Motion carries so we do add the two feet. All right ladies and gentlemen we have no other business Dorinda.

Mr. Dering asked did Mr. Goralczyk wish to be added to the meeting or was that just joshing.

President Pettit asked if we have business for next month.

Mrs. Gregor said we won't have a meeting.

President Pettit said we will not have a meeting in February.

Mr. Dering made a motion to adjourn, seconded by Mr. Widing.

Meeting adjourned at 5:55pm

Respectfully submitted  
Janet Rosko