

**CITY OF HOBART PLAN COMMISSION  
MINUTES OF FEBRUARY 6, 2020**

Maria Galka called the meeting to order at 7:00 p.m. with the recitation of the Pledge of Allegiance. Members in attendance: Stuart Allen, Lloyd Emig, Michael Chhutani, Rich Lain, Jason Spain, Maria Galka and Dave Vinzant. Members absent: Craig Brooks and Phil Gralik, City Engineer. Also in attendance: Sergio Mendoza, City Planner; Ross Pietrzak, Zoning Administrator and Joy Respecke, Recording Secretary.

Approval of Minutes: Mr. Chhutani motioned to approve the minutes of December 5, 2019 as presented, seconded by Mr. Vinzant. All ayes, motion carried. (7-0) Mr. Chhutani motioned to approve the minutes of January 2, 2020 as presented, seconded by Mr. Vinzant. All ayes, motion carried. (7-0)

Communications/Acceptance of Agenda: Mr. Mendoza introduced Hobart's new staff attorney, Heather McCarthy. He stated that she'll be working with staff on certain application requests when needed, as well as, taking the lead concerning legal matters. He stated she will occasionally attend the meetings when there are matters that need to be addressed on a larger scale or on a legal forum. Mr. Spain requested to table Petition 19-30. Mr. Allen motioned to approve the agenda as amended, seconded by Mr. Vinzant. All ayes, motion carried. (7-0)

**Business of the Day**

- 1.     **19-30**           City of Hobart Plan Commission  
  
**Request:**        **Tabled: Public Hearing** Chapter 4, Existing Land Use  
  
**Purpose:**           Amend Comprehensive Plan  
  
Favorable Rec. \_\_\_\_ Unfavorable Rec. \_\_\_\_ Deferred **X** Vote \_\_\_\_

Tabled at acceptance of agenda.

- 2.     **19-41**           Dragivoje Zivanovic (Petitioner/Owner) located on the NW corner of Colorado St. & 73<sup>rd</sup> Ave. zoned B-3, 0.88 acres +/-  
  
**Request:**        **Tabled; Site Plan Review**  
  
**Purpose:**           Proposed 6' wood privacy fence, temporary construction office & 50'x75' asphalt parking lot  
  
Granted \_\_\_\_ Denied \_\_\_\_ Deferred \_\_\_\_ Removed **X** Vote **7-0**

Speaking on behalf of the petitioner, Dragivoje Zivanovic, was his architect, Eli Balach. Mr. Balach updated the commission on the project stating they were informed by the water company that there is an existing water line to the south and are requiring Mr. Zivanovic to extend the line the full length of the property in order to hook into the water line. The line stops approximately half way of the property from the south. He stated the cost of the water line extension is out of proportion to the cost of the proposed project and asked for a determination from the commission if they will have to extend and connect into the water line or if a well could be utilized. Mr. Mendoza noted that based on past practice the commission has required the extension of water lines. He stated that although it is not identified in zoning, it is identified in Chapter 153 (Subdivisions) as utilities/infrastructure. He also requested clarification as to the exact proposed use for the property stating motor vehicle repairs are permitted in a B-3 but only as a secondary use to the sales of the motor vehicles. If only repairs are being proposed they will need to file for a variance or relocate to a manufacturing district. Mr. Vinzant motioned to give guidance that the plan commission is not in favor of moving forward with a well on the property for Petition 19-41 including all discussion, seconded by Mr. Chhutani. All ayes, motion carried. (7-0) Mr. Balach informed the commission that due to the cost of the water line extension Mr. Zivanovic will not move forward with the petition and requested to be removed from the agenda. Mr. Lain motioned to accept the withdrawal of Petition 19-41 from the agenda including all discussion, seconded by Mr. Vinzant. All ayes, motion carried. (7-0)

3. **20-02A** Millco 8150 Ridge Road LLC/Robert Miller (Petitioner/Agent) located 433' east from the NE corner of Ridge Road & Randolph Rd. zoned B-3, 2.32 acres

**Request:** *Final Plat Approval:* Millco Hobart Subdivision

**Purpose:** A proposed 2-lot subdivision

Final Plat \_\_\_\_\_ Denied \_\_\_\_\_ Deferred X Vote 7-0

Speaking on behalf of the petitioner was Richard Dubin, Dubin Singer PC. Mylars were not present. It was noted that staff suggested the approval of the subdivision be contingent upon the city attorney's review and approval of the proposed Declaration Agreement regarding the shared parking access ability. Mr. Allen motioned to table Petition 20-02A including all discussion, seconded by Mr. Lain. All ayes, motion carried. (7-0)

4. **20-03** Mark Hovanec (Petitioner/Owner) 327/337 Liverpool Road located approx. 1/3 mile south from the SE corner of Liverpool & Ridge Roads zoned M-1, 18.72 acres

**Request:** *Tabled; Site Plan Review*

**Purpose:** Existing concrete recycling operations

Granted \_\_\_\_\_ Denied \_\_\_\_\_ Deferred X Vote 7-0

Mr. Hovanec mentioned that due to circumstances beyond his control and hasn't been able to discuss his project with his engineer. Mr. Pietrzak stated he summarized the discussion from the January meeting and forwarded them to his engineer in which the engineer responded by questioning the requirements for the  
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comments. Mr. Pietrzak forwarded the sited requirements and has not since heard back with an update. He reiterated the issues of the commission during the January meeting and that he forwarded to the engineer. They were: the berm separating the northern parcel from the current development; berm detail rendering to include a 8' minimum & no less than a 3 to 1 slope, landscaping & evergreens along the top; open cut in the south berm to allow for drainage; detail of the fore bays; no material on the drainage easement; additional SWWP details; travel lanes to be a 24' minimum width; the roadway past the gate must be asphalted a minimum of 20', road aggregate use; erosion screening around storage piles; crushed concrete piles no higher than 40'; limit of M-1 building; definition of defined miscellaneous metals; identify time frame for the removal of organic materials; to remove no longer accepted organic materials and culverts need to be provided for drainage purposes. Mr. Hovanec stated he will accept the majority of the issues and will address others by filing for variances. Mr. Mendoza stated that aside from the site plan the concrete recycling plant is permitted in an M-1 zone but only through conditional use approval. He felt in order to move forward with the site plan the use of the concrete recycling plant should be approved contingent upon an approve site plan. Mr. Allen motioned to Table Petition 20-03 including all discussion, seconded by Mr. Lain. All ayes, motion carried. (7-0)

5. 20-04 Jonathon Hollowell (Petitioner/Agent) 4433 E. 83<sup>rd</sup> Avenue located approx. 500' west from the SW corner of 83<sup>rd</sup> Ave. & Clay St., zoned A-1 & OS-1, 30 acres

**Request:** Public Hearing: Lone Oak Subdivision

**Purpose:** Proposed 3-lot subdivision

Final Plat \_\_\_\_ Preliminary Plat X Denied \_\_\_\_ Deferred \_\_\_\_ Vote 7-0

Present were Doug Rettig, DVG, and Jonathon Hollowell, petitioner and agent for owner. Mr. Rettig stated the 3 lot subdivision is proposed to fulfill the requirements that were outlined in the past for the rezone approval for the business operating on the OS-1 zoned property. Mr. Mendoza explained there has been ongoing unresolved issues from past years. He stated what occurred was Mr. Tipton, the homeowner, began operating his business from an accessory structure on A-1 zoned property. A rezone to OS-1 was approved for a portion of the property to accommodate the business with the conditions that the rezone be identified on a separate lot of record and to provide an ingress/egress easement to the accessory building on the OS-1 property. These issues came to light after a variance was filed for an additional accessory structure. Also requested was a drainage easement, should the city ever need access to the front retention pond and to dedicate a 15' utility easement on the western and southern property lines. Ms. Galka opened and closed the public hearing for Petition 20-04 without public comments. Mr. Vinzant motioned to Grant Preliminary Plat Approval including all discussion, seconded by Mr. Allen. All ayes, motion carried. (7-0)

6. 20-05 Marco Tamayo (Petitioner/Owner) 7197 Mississippi Street located 600' north from the NE corner of Miss. St. & 73<sup>rd</sup> Ave. zoned R-2, 5.3 acres

**Request:** Site Plan Review

**Purpose:** Proposed approx. 700 cubic yards of fill

Granted \_\_\_\_\_ Denied \_\_\_\_\_ Deferred X Vote 7-0

Due to a language barrier, Mr. Tamayo's son was present to translate for his father and the Commission. Mr. Mendoza noted that Mr. Tamayo has appeared before the Board of Public Works (BOW) for several months regarding activity on residential property located on Mississippi Street and at the last BOW he was requested to hire a professional surveying/engineering service to provide a site plan indicating the change of elevation on the property and determine the drainage impact to the adjacent properties. Mr. Pietrzak stated that he, Officer Russo, Tim Kingsland, Phil Gralik and the Building Department inspectors visited the site after receiving complaints pertaining to drainage issues, exceeding 500 cubic yards of fill removed and added to the site and work done on the rear of the property in potential wetlands. He stated that he spoke with Mr. Tamayo's son informing him of the BOW's request for engineered plans and that the Plan Commission would follow suit to request the plans to supplement the fill permit to determine the work that has been done and the new grading and drainage pattern in order to address the drainage to the adjacent properties. Mr. Mendoza also mentioned the hand drawn site plan that was presented is ineffective as there was no reference to the amount and location of fill, the direction of runoff drainage and elevations. Mr. Vinzant explained that the commission requested a professional drainage plan. A list of commonly used surveyors/engineers was given to Mr. Tamayo's son and was told they could use someone else of their own choosing. Mr. Kingsland explained that there has been potential encroachment in the wetlands in the back. The Army Corp of Engineers will verify if there has been any encroachment and that the wetlands will still need to be delineated. The limits of the wetlands will need to be submitted as part of the drainage plans. Mr. Allen inquired if they had a list of botanists and offered Soil Solutions and Cardinal. He explained a botanist delineates the area and a report is given to a surveyor who identifies where it is located on the property. Mr. Allen motioned to require a site plan that includes a drainage plan, the delineation of the wetlands and a stormwater pollution prevention plan if more than 1 acre is disturbed for Petition 20-05 including all discussion, seconded by Mr. Lain. All ayes, motion carried. (7-0) Mr. Emig inquired as to what was proposed on the property and Mr. Tamayo replied a taco shop.

7. 20-06 John Osan (Petitioner/Owner) 107 E. 3<sup>rd</sup> St. located approx. 400' west from the SW corner of 3<sup>rd</sup> & Main St. zoned B-2, 1.3 acre

**Request:** Site Plan Review

**Purpose:** Eliminate asphalt drive and approx. < 400 cubic yards of fill, remove drive approach on 3<sup>rd</sup> Street

Granted X Denied \_\_\_\_\_ Deferred \_\_\_\_\_ Vote 7-0

Representing the petitioner was Brandon Towles, BFS. He stated they eliminated a concrete approach off 3<sup>rd</sup> Street and removed the asphalt drive in the parking lot and filled the area with approximately 175 cubic yards of fill that was removed during the bridge reconstruction. Concrete approaches, curbing and sidewalks in the parking lot will match the bridge project. Mr. Lain motioned to Grant Fill & Site Plan for Petition 20-06 including all discussion, seconded by Mr. Chhutani. All ayes, motion carried. (7-0)

8. 20-07 Becknell Industrial/Paul Thurston (Petitioner/Agent) located 800' east from the NE corner of 69<sup>th</sup> Ave. & Miss. St. zoned PUD (M-1), 51.96 acres

**Request:** Site Plan Review

**Purpose:** Proposed 617,760 sq. ft. light manufacturing building with office

Granted \_\_\_\_\_ Denied \_\_\_\_\_ Deferred \_\_\_\_\_ Vote \_\_\_\_\_

Present were Joe Hallak and Paul Thurston, Becknell Industrial. Mr. Hallak stated they are proposing a 617,000 sq. ft. building that sits on two PUD (M-1) zoned lots with 2 curb cuts off 69<sup>th</sup> Avenue and is currently working with the city to amend their covenants for this proposed development. Proposed are 10 doc doors, 8 truck drive in doors and 259 parking spaces, opaque fencing on top of a 4' berm with heavy landscaping. Lighting has been designed in a way that it is contained on site and does not spill over to the neighboring property and is compliance with the covenants and requirements of the City. The heavier traffic is estimated at 25 to 30 trucks a day within the hours of 8 a.m. to 5 p.m. and will be utilizing the western entrance. John Brown, V3 Engineering, explained the drainage is designed with a ridgeline in the middle of the property directing the eastern drainage to flow to the NE of the property through a culvert under the railroad tracks and continuing north while the western drainage will flow to the northwestern pond. Millie Hovanek 69<sup>th</sup> Avenue inquired as to who will be responsible for funding of 69<sup>th</sup> Avenue. Mr. Thurston replied they will be funding approximate 40% of the cost toward the 69<sup>th</sup> Avenue improvements. Mr. Mendoza reminded the public that discussion is to be directed to the commission and then the commission will direct the applicant to respond. Ron Williams 69<sup>th</sup> Avenue questioned the berms on Mississippi St. & 69<sup>th</sup> Ave. He also inquired as to why the proposed development needs the east curb cut when the majority of the traffic will use the west entrance. Mr. Mendoza explained that a 6' opaque fence is required on top of a 4' berm with 75% of landscaping on the outside of the berm and fencing. He also explained the east cut is a right of way dedication for the future Liverpool Road. It was noted the agenda did not note the site plan as being a public hearing but was recognized in the public hearing requirements along with the amendment to the PUD and subdivision. Ms. Galka opened the public hearing for Petition 20-07. Mary Bhe, 69<sup>th</sup> Ave. questioned the height of the berm, the lighting and if the existing trees to the east and north will be removed. The berm height, fence and plantings were explained again. Mr. Pietrzak noted that there will be over 300 plantings between the fencing on the berm and the street. The photometric contours was explained again stating that the lighting will be directed down and will not shine onto the street. The trees to the north will remain and some trees will be removed to the east in order to allow for the drive and grading. Mr. Vinzant inquired if a buffer is proposed between the subdivision to the east and the street. Explained was the 60' right of way dedication will be entirely on the proposed development with the roadway centered within it. Approximately 15' on each side will be either parkway or landscaped. Joe Moonsbichler, 69<sup>th</sup> Ave. was concerned with the excessive traffic. Al Sabobi, 773-559-8322 noted when he was approached for the 69<sup>th</sup> Ave. improvements he was not informed of the development. Scott Seeley, 942-1833 questioned demographic studies for the area. Millie Hovanec inquired to why the traffic couldn't come off Mississippi Street. She was once again informed the property on the corner of 69<sup>th</sup> Ave. & Mississippi St. and west of the proposed development is private property and not owned by Becknell. Mary Bhe was concerned about the traffic at the corner of 69<sup>th</sup> Ave. & Mississippi St. She was informed that Mississippi St. is not in Hobart's city limits and is under Merrillville's jurisdiction. Brian Snedecor, 1214 State St. mentioned extensive traffic flow studies have been performed and that the city has been working with the Town of Merrillville on improving Mississippi St. & Marcella Blvd. He stated that he understood the concerns the residents in this area have and that when considering this project, the city has done everything it could to be respectful and responsive to them but understanding Becknell has done everything required of them in following the guidelines and is compliant. Ron Williams inquired if the proposed building is tax abated. He was informed that is not a function of the Plan Commission and they did not know. Hearing no further public comments Ms. Galka closed the public hearing. Mr. Pietrzak mentioned there were several comments from staff regarding the 3

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petitions; the majority of them specific to the site plan. Although Becknell has addressed these issues and provided updates they are not in a position to move forward with receiving approvals. It was felt important to receive the public's input which is why we continued to open the public hearing. He felt they will be advised on any additional changes that the Plan Commission felt need to occur. He stated he basically reviewed their project against the approved PUD. There are some comments where they either need to amend the PUD language or to change their plans to indicate compliance with the various sections that were outlined in his response. Mr. Vinzant expressed 2 areas of concerns. One being in order to mitigate noise in front of the large drive in truck bays to possibly adding extra landscaping in the front and the other was due to the close proximity of the proposed road to the subdivision to the east by reducing the noise and interference by platting the proposed road but not installing it until it was needed by the city and to only use the entrance to access the parking lot. Mr. Pietrzak mentioned that the detention pond is in the rear of the development and they have drawn a blanket drainage easement across the rear of the property through their spillway to the wetlands in which there needs to be some form of improvement in order for the city's vehicles to be able to access. Mr. Mendoza also noted that the proposed road is part of the Thoroughfare Plan that was recommended to and adopted by the City Council for future traffic circulation. Discussion ensued regarding possible fencing on the east side of the proposed road. Mr. Vinzant motioned to Table Petition 20-07 including all discussion, seconded by Mr. Lain. All ayes, motion carried. (7-0)

9. 20-07A Becknell Industrial/Paul Thurston (Petitioner/Agent) located 800' east from the NE corner of 69<sup>th</sup> Ave. & Miss. St. zoned PUD (M-1), 51.96 acres

**Request:** Public Hearing

**Purpose:** Amend PUD

Favorable Rec.  Unfavorable Rec.  Deferred  Vote 7-0

Mr. Hallak mentioned as part of the site plan they are amending minor changes to the approved PUD. Mr. Pietrzak explained the proposed changes: Remove requirements for stub streets to future development parcels-VI.(D)(4) ~~Stub streets shall be built in all cases where adjacent lots have reasonable potential for development;~~ Allow for parking in the front yard-VI.(F)(a)2. Parking areas, whenever possible, shall be located to the side and rear of structures and away from streets and highways, thereby using buildings or other architectural elements as a visual barrier *or comply with a Type 3 Bufferyard as described in VI.(G)(5)(c).*; Clean up open storage requirements-VI.(E)(2) Outside/outdoor sales, displays, and storage, uses, services, processing or storage within ~~an office service, planned business park, and/or a~~ manufacturing/light industry use shall be conducted entirely within the rear yard as shown on the site plan attached herein ~~in completely enclosed buildings; except when outside/outdoor sales, and display are in conjunction with "drive in," "drive thru" establishment type uses offering goods and services directly to customers waiting in parked motor vehicles;~~ and shall be in compliance with open lot selling guidelines when applicable as outlined in HMC Sec.154.307 OPEN LOT SELLING; Remove requirements for pedestrian access along west side of property-VI.(D)(1)(a) Frontage roads, access roads, and other *public* internal drives shall be classified as major and minor arterials and major collector streets must be constructed to create a hierarchy of roads for safe on-site circulation. These *public* internal drives shall provide pedestrian access and landscaping. The Commission felt the petition was not ready to move forward and that the public hearing will be held at next month's meeting. Mr. Chhutani motioned to Table Petition 20-07A including all discussion, seconded by Mr. Lain. All ayes, motion carried. (7-0)

10. 20-07B Becknell Industrial/Paul Thurston (Petitioner/Agent) located 800' east from the NE corner of 69<sup>th</sup> Ave. & Miss. St. zoned PUD (M-1), 51.96 acres

**Request:** Public Hearing: Northwind Crossings South

**Purpose:** Proposed 1-lot subdivision

Approved \_\_\_ Denied \_\_\_ Deferred X Vote 7-0

Mr. Thurston proposed combining 2 parcels to create a 1 lot subdivision under one tax id number. Ms. Galka opened and closed the public hearing for Petition 20-07B without public comments. Mr. Pietrzak noted that at this time, the only comment he had was the proposed Liverpool Road dedication will need to be addressed. The Engineering Department reviewed and found no other additional changes were required. Mr. Allen requested to extend the sidewalk to the eastern and western property lines and to ensure they are located within the right of way to provide additional right of way, if needed. Also requested was to provide 15' utility easements along the west and north property lines. Mr. Vinzant motioned to Grant Preliminary Plat Approval for Petition 20-07B contingent upon the 15' utility easements along the west and north property lines, the southern public sidewalks are installed within the right of way or a sidewalk easement is provided and the dedication of Liverpool Road is addressed including all discussion, seconded by Mr. Chhutani. All ayes, motion carried. (7-0)

Consultation/Discussion: None

There being no further comments or discussion Mr. Lain motioned to adjourn, seconded by Mr. Spain. All ayes, motion carried. (7-0) Meeting adjourned at 9:40 p.m.



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Maria Galka, President



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Jason Spain, Secretary