

The March 19, 2018 Plan Commission meeting was called to order at 7:00 p.m. by Chairman Larry Ballah with members Stan Dobosz, Dave Maglish, and Rick Ryfa. Also present was Town Attorney Joseph Svetanoff, Plan Commission Engineer; Jake Dammarell, and Building Commissioner; Steve McDermott. Absent were members Rob Bubala, and Tony Hobson.

Minutes from the March 19, 2018 meeting were approved as written.

OLD BUSINESS

Item #1 Turnberry Phase 2 by Chris Kovich of Komark, LTD. Public Hearing on a PUD. The petitioner has requested a continuance to the May 21, 2018 meeting.

Mr. Maglish made a motion to continue Turnberry Phase 2 by Chris Kovich of Komark, LTD. to the May 21, 2018 meeting seconded by Mr. Dobosz. All favored, motion carried.

Item #2 Mirjan Petrovic; 331 N. Broad St. Holding a Public Hearing to rezone 331 N. Broad St. from B2; Central Business to R2; Single Family Residential.

Mr. Petrovic appeared before the Commission. Mr. Ballah asked if all legal requirements were in order. Mr. Svetanoff stated proof of publication was in order, but any remaining certified mailing tags should be returned to the Building Department as they are received. Mr. Ryfa asked how many certified letters were sent. Mr. Petrovic stated he sent 35 mailings. Mr. Ryfa asked Mrs. Horka how many green tags were turned in. Mrs. Horka stated the petitioner submitted 18 of the 46 green tags needed. Mr. Ryfa asked if Mr. Petrovic could provide the receipt from the Post Office. Mr. Petrovic stated he did not have the receipt with him. Attorney Svetanoff stated all proof of mailings must be returned and/or the receipt from the Post Office showing proof of mailing. Mr. Ryfa agreed that the Post Office receipt is necessary. Mr. Petrovic understood. Mr. Ballah then opened the Public Hearing portion of the meeting. Mr. Ballah asked Mr. Petrovic if his intention is to live at the property in question. Mr. Petrovic stated that was correct. Mr. Ballah asked if the house needs to be repaired before it can be occupied. Mr. Petrovic stated he will get permits for any improvements needed. Mr. Ballah then questioned the wording on the rezoning application, "Intention to personally live in house except to do business in same". Mr. Petrovic stated he will only live there, no business will be ran out of the house. No remonstrators appeared before the Commission. Mr. Ballah then closed the Public Hearing portion of the meeting. Mr. Ryfa asked why Mr. Petrovic is requesting to rezone the property. Mr. Petrovic stated he will be opening a restaurant on Broad St., the location of the house is convenient with his anticipated long hours. Mr. Ryfa asked how long Mr. Petrovic intends to live at the property. Mr. Petrovic stated he would like to run the restaurant into his retirement, approximately 10 years. Mr. Ryfa asked if there are plans to use the property as a rental. Mr. Petrovic stated it will not be a rental. Mr. Ryfa stated his concerns with rezoning the property and it becoming a rental within 2 years. Mr. Petrovic stated he intends to live there much longer than 2 years. Mr. Ryfa asked if the house is habitable and if it had washrooms. Mr. Petrovic stated it is and does have washrooms. Mr. Ryfa asked how long Mr. Petrovic has owned the property. Mr. Petrovic stated he entered into a purchase agreement 3 years ago. Mr. Ryfa asked if the house is in Mr. Petrovic's name. Mr. Petrovic stated it is not. Mr. Ryfa stated he must submit a letter from the property owner allowing Mr. Petrovic to speak on their behalf. Mr. Ballah agreed that the actual property owner must be present at the next meeting or a power of attorney must be submitted allowing Mr. Petrovic to speak on their behalf. Mr. Ryfa asked if Mr. Petrovic was aware the property was zoned commercial when he purchased it. Mr. Petrovic stated he was aware it is commercially zoned. Mr. Petrovic stated because of the commercial zoning, the taxes and other bills are much higher. Mr. Petrovic stated he would like to file for a homestead exemption if the zoning is changed to residential. Mr. Ryfa made Mr. Petrovic aware that it is illegal to rent out a home and still file for a homestead exemption. Mr. Maglish asked if Mr. Petrovic will only live at the property if the restaurant stays open. Mr. Petrovic stated he will try to keep the restaurant open as long as possible. Mr. Ballah asked if there is a garage. Mr. Petrovic stated there is not. ***Mr. Ryfa then made an unfavorable recommendation to the Town Council regarding 331 N. Broad Street rezone for Mirjan Petrovic from B2 zoning to R2 zoning seconded by Mr. Dobosz. All favored, motion carried.***

Item #3 Superior Ambulance; 321 E Main St. Final Site Plan Review for Change of Use to operate an ambulance service. The petitioner has requested a continuance to the May 21, 2018 meeting.

Mr. Maglish made a motion to continue Superior Ambulance; 321 E Main St. to the May 21, 2018 meeting seconded by Mr. Dobosz. All favored, motion carried.

Item #4 Family Express Corp.; 1208-1216 45th Ave. Holding a Public Hearing to rezone the property from B1; Neighborhood Business to B3; General Business to operate a convenience store with fueling pumps.

Attorney Dave Wickland and Mr. Scott Jones appeared before the Commission. Mr. Ballah asked if proof of publication and mailings were in order. Attorney Svetanoff stated all legal requirements were in order, and any remaining certified mailing tags should be returned to the Building Department as they are received. Attorney Wickland stated there are only 3 green tags missing from the mailing list. Mr. Jones distributed a site plan to all commission members. Mr. Wickland then stated the property in question is currently zoned B1. Family Express is requesting a rezoning to B3 so it can become a convenience mart along with 5 fueling stations. The building will remain in its current state and be retrofit for the store, a canopy with fueling stations will be installed, there will be no

sub-tenants, LED lighting will be installed. There are other locations that are open 24 hours but is up for discussion. Family Express currently has 71 locations and does partner with community charity events and offers higher staff wages. Mr. Ballah then opened up the Public Hearing portion of the meeting. The following remonstrators appeared:

- Mr. Paul Stewart; 919 N. Wheeler questioned if the petitioner met the 10 day deadline for notices. Mr. Stewart also stated his concerns with the addition of a gas station in a residential neighborhood, fears of decreased property values, the current fencing and grass is unkempt, and the added traffic in an already congested intersection. Mr. Stewart also asked if there will be a car wash and questioned where the fuel tanks will be located.
- Mr. Art Garcia II; 920 N. Wheeler stated his concerns with being open 24 hours, odors and pollution emitted, and increased noise. Mr. Garcia also questioned if there will be a barrier between the gas station and nearby homes, questioned the need for another gas station when there are already a lot in town. Lastly, Mr. Garcia read aloud an FBI statistic stating there is an uptake in crime near gas station/convenience stores.
- Ms. Missy Borter; 958 N. Wheeler stated her concerns with the proposal of being open 24 hours, increased traffic, noise, and lighting.
- Mr. Jeremy stated his concerns with a decrease in property values, an undesired transient population being drawn into the neighborhood, and the close proximity of fuel pumps being installed near one of the town's water tanks.
- Ms. Coleen Land; 955 N. Wheeler stated she runs a daycare out of her home and questioned what safeguards the Town will do to ensure the safety of children she cares for and the other 28 children on the block. Ms. Land added that the traffic is already so high that she is not able to walk to the library because the intersection is too dangerous.
- Mr. Art Garcia; 920 N. Wheeler stated his concerns with the property values decreasing.
- Mr. Mike Dujmovc; 932 Wheeler stated his concerns with the property values decreasing, an increase in crime, and questioned if there are any environmental dangers.

No further remonstrators appeared before the Commission. Mr. Ballah then closed the Public Hearing portion of the meeting. Attorney Wickland then addressed a few concerns. After hearing so many concerns with being open 24 hours, the hours will be changed so that the hours of operation will be 5:00 am to 11:00 pm, there will not be a car wash, and informed the residents that Family Express is a good neighbor. Mr. Ryfa asked resident Stewart if he knew when the Family Video was built. Mr. Stewart stated it may be 6 years but was unsure. Mr. Ryfa informed the residents that the property is already zoned commercial and once Family Video closes it would be a lot worse to have an empty boarded up building vs. a gas station. Mr. Ryfa asked where the tanks would be located. Mr. Jones stated they will be away from the building, but the parking lot will be smaller, so there will be more green space added. Mr. Ryfa asked if utility locates have been done. Mr. Jones stated they have not. Mr. Ryfa asked if the project is federally regulated. Mr. Jones stated it is. Mr. Ryfa asked what the plans are for the LED lighting. Mr. Jones stated LED lighting will be installed that direct down onto the property with a zero lot line. Mr. Ryfa asked if there are plans to protect the neighbors with any type of buffer. Mr. Jones stated Family Express will work within the town ordinance and neighbors with regards to a barrier. Mr. Ryfa asked if there are any known issues with the other Griffith location. Mr. Jones stated there are no issues and would consider it an asset not a deterrent. Mr. Ryfa asked if food will be sold. Mr. Jones stated there will be sandwiches, pizza, pastries, and donuts. Approximately 13 deliveries a week. Family Express does not have a lot of vendors and sells a lot of their own products. Mr. Ballah asked if a traffic study for the volume of cars had been done. Mr. Jones stated it has not. Mr. Ryfa stated a traffic study was done a few years ago and that number was very high. Mr. Ballah asked if there will be diesel. Mr. Jones stated there will be diesel for pickup trucks but not for semi fueling. Mr. Jones added that there will be a professional landscape and snow removal company to maintain the property. Mr. Maglish asked when deliveries take place. Mr. Jones stated fuel is delivered as needed, other deliveries are done between the hours of 8:00 pm to 9:00 pm. Mr. Maglish asked if there are any odors. Mr. Jones stated the underground fuel tanks are vented. There is very little, if any, smell from the gasoline process. Mr. Jones included that there will not be any additional road/curb cuts. Mr. Wickland then presented the Commission a list of charities that Family Express has helped. Mr. Ryfa asked Mr. Dammarell if a full site plan will be necessary. Mr. Dammarell stated that was correct but not needed for the rezone. Mr. Jones stated their architect and engineers are ready to begin that process once the rezoning has been approved. Mr. Ryfa asked if conditions can be placed on the rezone. Attorney Svetanoff stated there could. Mr. Svetanoff listed the contingencies as discussed.

1. The rezoning from B1 to B3 is for this location only and this applicant only.
2. Hours of operation are from 5:00 a.m. to 11:00 p.m.
3. No car wash on site.
4. LED lighting shall be directed downward and away from surrounding neighbors.
5. There will be a barrier/fencing between Family Express and neighbors.
6. There will not be any semi-tractor trailer fueling.
7. Approval is contingent upon site plan approval by the Plan Commission.

Mr. Ryfa asked if the HVAC system will be replaced. Mr. Jones stated it probably will. Mr. Ryfa stated the units are currently near neighbors and should be relocated, if possible. Mr. Jones understood. **Mr. Ryfa made a favorable recommendation** to the Town Council with the above listed contingencies (numbers 1 thru 7) to rezone 1208-1216

45th Ave. from B1 Neighborhood Business to B3 General Business to Family Express Corp. to operate a convenience store with fueling pumps *seconded by Mr. Dobosz*. Mr. Ballah; in favor. Mr. Maglish; opposed. *Due to there not being a unanimous vote with the quorum, there was NO RECOMMENDATION to the Town Council.*

NEW BUSINESS

Item #1 Hydro Exc., Inc.; 321 E Main St. Site Plan Review for Change of Use to operate a hydro excavating business/office.

Ms. Mirjana Cvjeticanin appeared on behalf of property owner, Mirko Krasic. Ms. Cvjeticanin stated she has provided power of attorney to speak on Mr. Krasic's behalf. Also present was Mr. John Love, Superintendent of Hydro Exc. Mr. Love stated they do work for NIPSCO and ComEd in Illinois. The space will have offices as well as a warehouse. Mr. Ballah asked if there are floor drains. Ms. Cvjeticanin stated there are. Mr. Ballah asked if there is spillage. Mr. Love stated all precautions are taken. Mr. Love also stated he would like to relocate their sign shop to the space. That business is currently located in Schererville, business is mostly thru internet sales. Mr. Ryfa asked if signs will be made there. Mr. Love stated they would. They also make banners and t-shirts. Mr. Ballah asked how many employees there will be. Mr. Love stated there will be approximately 9 employees. Mr. Ballah asked if there will be walk in customers. Mr. Love stated there will not be customers on a regular basis, the only reason for a walk-in customer would be to pick up a sign. The main shop is in Chicago. This location will be used for equipment storage and if a truck is down, it could be stored there until it can be moved for repairs. Mr. Ryfa asked how much noise is produced. Mr. Love stated there is some normal noise, but it's not bad. Mr. Maglish asked if the trucks are the same size of the mill trucks. Mr. Love stated that is correct. Mr. Dobosz asked what the hours will be. Mr. Love stated he expects to be open from 7:00 am to 4:30 pm and does not intend to use all the parking spaces that are available. Mr. Ballah asked Mr. McDermott if the zoning allows this type of business. Mr. McDermott stated it does. Mr. Dammarell asked where the truck will be filled. Mr. Love stated he has been in contact with the Public Works Department and they will assign a meter and fill up will be behind Oak Ridge Prairie. Mr. Love stated he will have warning signs posted and this is the best set up the company has had. *Mr. Maglish made a motion* granting Preliminary Site Plan Approval for a Change of Use to Hydro Exc., Inc. to operate a hydro excavating business/office and sign shop at 321 E Main St. *seconded by Mr. Ryfa. All favored, motion carried.* Mr. Ryfa informed the petitioner that there will be a special meeting on Tuesday, April 24, 2018 at 5:55 p.m. This item can be heard for Final Site Plan Review. Mr. Love understood.

COMMUNICATIONS

Mr. Ryfa stated there will be a special Plan Commission meeting on Tuesday, April 24, 2018 at 5:55 p.m.

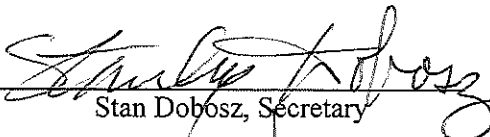
BILLS AND EXPENDITURES

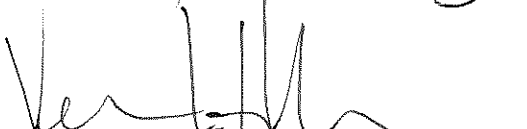
Mr. Dobosz made a motion to approve a claim for the meeting held March 19, 2018 in the amount of \$65.00 *seconded by Mr. Ryfa. All favored, motion carried.*

ADJOURNMENT

There being no further business to come before the Plan Commission, a motion was made and seconded to adjourn. The meeting was adjourned at 8:45 p.m.

Respectfully Submitted


Stan Dobosz, Secretary


Veronica L. Horaka, Recording Secretary

**TOWN OF GRIFFITH
PLAN COMMISSION**

REQUEST BY PETITIONER, MIRJAN PETROVIC,
LOCATED AT 331 NORTH BROAD STREET, GRIFFITH, INDIANA,
FOR A CHANGE IN ZONING FROM B-2 TO R-2.

FINDINGS OF FACT

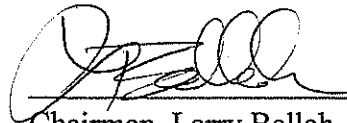
1. That on April 16, 2018, Petitioner appeared for a public hearing on his Petition to change the zoning of the above-mentioned property from B-2 to R-2. After Attorney Joseph C. Svetanoff advised the Board that all notices, publications, and postings needed to be in order and that any approval would be contingent upon said proper and timely notices, publications, and postings, the Chairman then opened the public comment portion of the hearing for the change in zoning so the Petitioner can live in the building and use it as his residence.
2. That Petitioner explained at the public hearing the proposed change in zoning and what type of plan he had for the property in changing the zoning from business to residential.
3. That there were no remonstrators who made comment during the public comment portion of the hearing, the Chairman then closed the hearing to public comment.
4. That to obtain a zoning change the Petitioners are required under the Town of Griffith Zoning Ordinance and the Indiana Code §36-7-4-603, to demonstrate the following:
 - a) The request is consistent with the comprehensive plan;
 - b) The current conditions and the character of current structures and uses in each district will be maintained because the structures have been built or will be built to the applicable standards;
 - c) The zoning change for this property does contain the most desirable uses for which the land can be adapted because the redevelopment of the property should not negatively impact the surrounding residential uses;
 - d) The proposed zoning change will preserve the conservation of property values throughout the Town because the land will be developed to current standards and will be in active use; and
 - e) The change in zoning of the property, is more compatible with the surrounding properties and reflects responsible growth and development.
5. That as set out in the Town of Griffith Zoning Ordinance, the Board must make a recommendation to the Town Council by issuing a favorable, unfavorable, or no recommendation to grant the requested Change in Zoning. Commission Member, Mr. Ryfa moved for an UNFAVORABLE recommendation to the Town Council. The Motion was seconded by Commission Member, Dobosz. All favored an UNFAVORABLE recommendation to the Town Council and the Motion carried (4-0).

6. That the Board then made the following Findings of Fact:

- a. The request made by this Petitioner is not consistent with the comprehensive plan, in that, the zoning will not remain consistent with business/commercial properties included in said business/commercial area;
- b. The current conditions and the character of current structures and uses in each district of this Petitioner will not be maintained because the residential structure has not been built or will not be built to the applicable standards;
- c. The zoning change for the property of this Petitioner does not contain the most desirable uses for which the land can be adapted because the redevelopment of the property would negatively impact the surrounding business/commercial properties and business/commercial area;
- d. The proposed zoning change for this Petitioner will not preserve the conservation of property values throughout the Town because the land will not be developed to current standards and will be in active use but only as a residential structure; and
- e. The change in zoning of the property for this Petitioner from B-2 to R-2 is more incompatible with the surrounding business/commercial properties and does not reflect responsible growth and development.

These Findings of Fact are approved and adopted this 16 day of April, 2018.

TOWN OF GRIFFITH
PLAN COMMISSION



Chairman, Larry Ballah

**TOWN OF GRIFFITH
PLAN COMMISSION**

REQUEST BY PETITIONER, FAMILY EXPRESS CORP.,
LOCATED AT 1208-1216 45TH AVENUE, GRIFFITH, INDIANA,
FOR A CHANGE IN ZONING FROM B-1 TO B-3.

FINDINGS OF FACT

1. That on April 16, 2018, Petitioner appeared through its Attorney David Wickland for a public hearing on its Petition to change the zoning of the above-mentioned property from B-1 to B-3. After Attorney Joseph C. Svetanoff advised the Board that all notices, publications and postings were in order (pending the return of three (3) green cards), the Chairman then opened the public comment portion of the hearing for the change in zoning so the Petitioner can convert the current building from a video rental business to a gas station.
2. That Petitioner explained through his Attorney at the public hearing the proposed change in zoning and what type of plans were anticipated for the conversion from a video rental business to a gas station.
3. That there being seven (7) remonstrators who made comment during the public comment portion of the hearing, the Chairman then closed the hearing to public comment.
4. That to obtain a zoning change the Petitioners are required under the Town of Griffith Zoning Ordinance and the Indiana Code §36-7-4-603, to demonstrate the following:
 - a) The request is consistent with the comprehensive plan;
 - b) The current conditions and the character of current structures and uses in each district will be maintained because the structures have been built or will be built to the applicable standards;
 - c) The zoning change for this property does contain the most desirable uses for which the land can be adapted because the redevelopment of the property should not negatively impact the surrounding residential uses;
 - d) The proposed zoning change will preserve the conservation of property values throughout the Town because the land will be developed to current standards and will be in active use; and
 - e) The change in zoning of the property, is more compatible with the surrounding properties and reflects responsible growth and development.
5. That as set out in the Town of Griffith Zoning Ordinance, the Board must make a recommendation to the Town Council by issuing a favorable, unfavorable, or no recommendation to grant the requested Change in Zoning. Commission Member, Mr. Ryfa moved for a FAVORABLE recommendation to the Town Council, subject to the following conditions:
 - A) The rezone from B-1 to B-3 would be for this location only and this applicant only;

- B) The daily hours of operation are from 5:00am to 11:00pm;
- C) No car was at this location;
- D) The LED lighting at this location will be directed downward and away from surrounding neighbors;
- E) There will be fencing/barriers between this location and surrounding neighbors;
- F) No fueling for semi-tractor trailers will be conducted at this location; and
- G) This approval is contingent upon site plan approval by the Plan Commission.

The Motion was seconded by Commission Member, Mr. Dobosz. The vote then was taken as follows: Mr. Ryfa-in favor; Mr. Ballah-in favor; Mr. Dobosz-in favor; and Mr. Maglish-opposed. Due to there not being a unanimous vote with the quorum, there was a NO RECOMMENDATION to the Town Council.

6. That the Board then made the following Findings of Fact:

- a. The request made by this Petitioner may/may not be consistent with the comprehensive plan, in that, the zoning may/may not remain consistent with business;
- b. The current conditions and the character of current structures and uses in each district of this Petitioner may/may not be maintained because the structures may/may not be built or will be built to the applicable standards;
- c. The zoning change for the property of this Petitioner may/may not contain the most desirable uses for which the land can be adapted because the redevelopment of the property may/may not negatively impact the surrounding residential uses;
- d. The proposed zoning change for this Petitioner may/may not preserve the conservation of property values throughout the Town because the land will be developed to current standards and may/may not be in active use; and
- e. The change in zoning of the property for this Petitioner from B-1 to B-3, may/may not be more compatible with the surrounding properties and may /may not reflect responsible growth and development.

These Findings of Fact are approved and adopted this 16 day of APRIL, 2018.

TOWN OF GRIFFITH
PLAN COMMISSION


Chairman, Larry Ballah