

MUNSTER PLAN COMMISSION
MINUTES OF REGULAR MEETING
February 11, 2025

The Munster Plan Commission held its regularly scheduled meeting on February 11, 2025, at Munster Town Hall in the main meeting room. The meeting could be accessed remotely by Zoom webinar, a videoconference application.

Call to Order: Commission Raffin, Vice President, called the meeting to order at 7:31 pm.

Pledge of Allegiance:

Roll Call:

Members in Attendance

Rachel Branagan
Joseph Hofferth
Jennifer Johns
David Nellans
George Shinkan
Roland Raffin, Vice President

Members Absent

Bill Baker, President

Staff Present

Nicole Bennett, Attorney
Denise Core, Administrative Assistant

Approval of Minutes:

Motion: Commissioner Branagan moved to approve the January 14, 2024, minutes.

Second: Councilor Shinkan

Vote: Yes – 6 No – 0 Abstain – 0. Motion carried.

Preliminary Hearings : None

Public Hearings:

Commissioner Raffin introduced agenda item PC Docket No.25-001 PRELIMINARY PLAT: David Otte of Powers Health requests approval of a Preliminary Plat POWERS HEALTH 800 MACARTHUR, LOT 1 located at 800 MacArthur Boulevard.

Commissioner Raffin stated that there was no staff to present the petition. He summarized the petition stating that Community Hospital was proposing to take three parcels and subdivide it into one larger lot of record. He read the staff findings and staff recommendations from page 7 of the staff report. Commissioner Raffin asked if there was anyone who wished to speak on this petition.

Mr. Dave Otte representing Powers Health at 901 MacArthur, stated the goal of this addition at 800 MacArthur is to provide outpatient services for all the services we now do inside the hospital. He said it will create more room so they can do inpatient services in the hospital. He stated the building is a four-story building; it will be Precast panels, caisson foundation, and expandable up to six stories. He said the services it will provide are PT (physical therapy) services on the first floor, non-invasive cardiology on the second floor, and non-invasive cardiology on third floor which are all outpatient procedures. He stated that this replat totally combines about 13.75 acres so we can use that entire space for medical development. He described the area as from MacArthur to Fran

Lin and from Commerce to Calumet Avenue. Commissioner Raffin noted that page 3 of the staff report shows how the site is three separate parcels today and page 4 shows the subdivision to make it one large parcel for future expansion of the four buildings on this property. Mr. Otte explained that the first parcel to the north is the 800 MacArthur existing one-story building and the parking garage, the south area is all parking lot right now. They will be putting in the foundation that will be for four-stories expandable to six-stories.

Councilor Hofferth asked if they are planning to add another parking structure. Mr. Otte answered that this will be a 4-phase project and for the first two phases, they are covered for the 3.3 parking spaces required for 1,000 square feet. He stated after that, they will have to look at expanding parking; it will likely be a garage at that time.

Councilor Nellans made the comment that this replat is just cleaning it all up; instead of having all these little parcels, they are just putting it in one package, with one description and they will be all set. Mr. Otte said the goal is first to do all four phases of this major building. The first floor of that building is about 75,000 square feet; each floor of the first building is about 25,000 square feet per floor, so it will be 100,000 square feet with 150, 000 total possible.

Commissioner Raffin opened the public hearing. There were no public comments, he closed the public hearing.

Motion: Commissioner Johns moved to approve Docket No. PC25-001 preliminary flat subdivision POWERS HEALTH 800 MacArthur LOT 1 with the condition that the final plat subdivision consideration occur on March 11, 2025, including all discussions and findings.

Second: Councilor Nellans

Vote: Yes – 6 No – 0 Abstain – 0. Motion carries.

Commissioner Raffin introduced agenda item PC Docket No PC25-002 REZONE TO PUD: David Otte of Powers Health requests a rezone, CD4-A and PUD to POWERS HEALTH 800 MACARTHUR PLANNED UNIT DEVELOPMENT located at 800 MacArthur Boulevard.

Commissioner Raffin explained the current zoning in this area and in the surrounding areas. He read the staff findings from the staff report, as follows:

Staff initially finds that the Munster Character Based Zoning Code of the SD-PUD standards cite "Per PUD Approval" or " Not Regulated" for a proposed and future expansion of a medical campus and recommended that standards be reviewed for consideration of the PUD Rezone. Staff additionally recommends review of the Munster Character Based Zoning Code of the SD-PUD, review of the State Zoning Map Amendment Code, and review of the POWERS HEALTH 800 MACARTHUR PLANNED UNIT DEVELOPMENT STANDARDS FOR BULK, DESIGN, AND USES, found in Exhibit B. Finally, staff recommends the applicant be deferred if there are concerns with the proposed POWERS HEALTH PUD standards.

Commissioner Raffin stated that he had a problem with getting the packets of information on a Friday, he was out of town all weekend, he then worked Monday and Tuesday. He said there is not enough time to review all the information. He said this is not the fault of the petitioner but with the staff and the Board that we don't have all the information by the first of February in order to discuss it. He said when the recommendation is to defer the petition and there is no staff to explain why; he wants to know why we are deferring it. Commissioner Johns said hopefully the new schedule will allow that to happen in the

future. Commissioner Raffin said it is happening now and more time is needed to prepare so they can be on the same page. Councilor Nellans said , unfortunately, we don't have a backup staff person at the present time so we only have the notes that were sent forward.

Commissioner Branagan stated she was reading through the standards for bulk design and recalls when it was presented the first time. She referenced the staff report, page 18, Section G, which identifies that the building roof shall be generally a flat roof, decorative pitch roofs, or mansard elements are permitted in limited areas such as entrances of the building. She asked Attorney Bennett if the Commission could strike things from this proposed document like the mansard roof since, in her opinion, it is a very dated building type and she doesn't like it. Attorney Bennett said she is talking about aesthetics, which is a Pandora's box because what might not be pleasing to one person, can be to somebody else. She warned, from a legal perspective, not to get into those select decisions if it isn't something that's conflicting with the zoning code or is so adverse to the surrounding area, because of something that is so extreme, that would be offensive to more than the subjective standard. She said that is because there is no gauge for it, no single standard for it. She said if we, as a town, had our own standards like architectural standards in the way of materials, that would be one thing, but design standards don't get into aesthetics that way. It is Instead the building to a certain level or a building of a certain type, certain materials and dimensions. There was further discussion among the Plan Commission members and Attorney Bennett about the differences in standards that can be imposed on private property, on town property, by developers and HOA's, and in TIF or historic districts. Attorney Bennett also warned against commissioners collaborating with petitioners outside of formal meetings.

Commissioner Raffin asked about the timeline needed for the petitioner to proceed without delay if this petition were tabled.

Mr. Otte representing Powers Health at 901 MacArthur stated that they want to get started right away. He added that they have always been willing to work with the town, they always use first rate building materials, they will continue the current look throughout the campus with the Indiana limestone, but they plan to use precast so it will look more like the parking garage, more that white look. He said it will have a lot of storefronts on this one and it will be an attractive building. He asked that everyone keep in mind that some of the elevations of this building will disappear. The east elevation is up against the parking garage, the north elevation will be expanded in the future; the south and west elevation are what will be seen. Commissioner Branagan said she doesn't have a problem with any of the materials, they are all fine, she just doesn't think it should look like the 1970's, particularly with the punched windows. She suggested they might use ribbon windows. Mr. Otte said they are trying to make it look more modern, he has asked the architect to look at ribbon windows and vertical windows. He shared some new renderings with the Commission. Councilor Nellans stated that he has 30 years of experience with the hospital and this particular design was one approved by Donald S. Powers so it is important to respect that history. Mr. Otte stated that there will be a big drop-off canopy that will also bring a modern element in and they are adding landscaping and planters around the building wherever they can.

Commissioner Raffin stated that he would not want to approve the standards without having someone on staff present to give him all the recommendations on why we are passing it or tabling it. He added that he doesn't want to don't want to hold up the project but he would feel more comfortable tabling this petition with the standards and move on to the building which they can come to a consensus on because it fits in with the campus. Councilor Nellans stated that there is a

reason why it was asked to be deferred. He said the Mr. Otte can continue with the planning and break ground until summer to do the actual work. He added that the hospital does build quality buildings, their caissons go down 125 feet, depending on the building, and they're substantial. He said they are built solidly and he would classify these buildings well in excess of 100-year life. Mr. Otte said to keep in mind that they are a dependent place; they have people that are incapable of self-preservation so we have to protect their lives.

Commissioner Raffin opened the public hearing. Hearing no comments, he began to close the public hearing. Attorney Bennett stated that if the Commission is going to consider a motion to table this petition, new information may be heard and the public can still speak if the public hearing remains open. They can continue the public hearing and it will not need to be published again. Commissioner Raffin agreed on advice of counsel, to keep the public hearing open for PC25-002.

Motion: Councilor Hofferth moved Defer/Table PC Docket No. 25-002 a proposed PLANNED UNIT DEVELOPMENT POWERS HEALTH 800 MACARTHUR, Rezone for Continued Discussion on March 11, 2025, for final review of SD-PUD, including all discussion and findings.

Second: Commissioner Branagan

Vote: Yes – 6 No – 0 Abstain – 0. Motion carries.

Commissioner Raffin introduced agenda item PC Docket No. 25-003 DEVELOPMENT PLAN REVIEW: David Otte of Powers Health requests Development Plan approval for a new 4-story medical office building to be part of POWERS HEALTH 800 MACARTHUR PLANNED UNIT DEVELOPMENT at 800 MacArthur Boulevard.

Commissioner Raffin reported that the master plan shows the floor plan of the 24,978 square foot building that will be the first one built. There will be four phases. The phase two building would be roughly 12,694 square feet right, the phase three building would be 29,428 for the first floor, and the last building will be 12,453 square feet. These four buildings will be tied into the parking structure off MacArthur Boulevard and just to the east of Calumet Avenue that can be accessed from the campus.

Mr. Otte representing Powers Health at 901 MacArthur stated there will be bridge that goes across MacArthur on the second floor. He said they are proposing a 4-story building that will be developed with caissons so they can expand it up to 6-stories adding that this is typical of the hospital buildings they have built in the past. As examples, he said the PVT building was only two stories and they added four stories on it and the west pavilion was also a two-story structure they took to six stories. He said the foundations will be deep caissons, a slab almost on grade, and will be on about the same level as the first floor of the parking garage. There will be concrete columns and concrete waffle decks for all the floors, the skin of the building will be the precast concrete with the ribs in it which is typical of the parking garage. There will be punch windows along with a raised bow window in a radius shape. There is a large glass storefront with a drop-off canopy with some architectural supports underneath it; the roof system will be insulated with EPDM, a rubber membrane, to keep them dry. He stated they are putting as much landscaping as we can around the entrance and will be adding pots and planters. They are looking at adding some ornamental trees on the south side of Braeden to dress that up and are adding some trees by the parking garage. He said the renderings show the building as grey but they are going more towards the white of the parking garage so it ties in together. He said building 1 is 25,000 square feet per floor, four floors, for a total of 100,000 square feet. They plan to place the mechanicals on the fifth floor. They would like to have the

Powers Health signage on the south and west elevations. He concluded by saying they would like to get started as soon as possible.

Commissioner Branagan stated that the 4 buildings are packed very tightly together. Mr. Otte explained what elevations will be seen after the construction is complete and explained that there will be a courtyard in the center that will be landscaped and made like a healing garden. Mr. Otte explained that there will be no gaps between the buildings, it will be a combined structure and provide more structural support.

Councilor Nellans asked how they are handling the seismic requirements. Mr. Otte stated that McCluskey Engineering has been engaged in the project along with JMA Architects and they are following all the seismic requirements that are the new codes so they will have all the isolation requirements included in this building. Mr. Otte added that, like all their buildings, this will be 100% sprinkled, however, none of this building will have overnight stay at this time, it is just outpatient services. Mr. Otte said there will be three elevators and two stair towers for easy access and tied into the parking garage at all elevations so people should be able to access all the outpatient services easily and get to their appointments quickly.

Commissioners Raffin and Branagan asked questions about the complex when all four buildings are completed. A discussion continued among the commissioners and Mr. Otte centered on what might be done to dress up and add interest to the new construction. When asked about the expected timeline, Mr. Otte said it is a 25-year plan with the goal of emptying the hospital of all the outpatient services and moving those services into this building so they can provide more private patient rooms and more inpatient services inside the hospital. Councilor Nellans asked for an estimate on the construction costs. Mr. Otte said \$100 million but, based on tariffs, construction costs keep going up; they have been seeing \$1,000 a square foot on what they are building currently. Councilor Nellans asked Mr. Otte to clarify if that estimate was for the entire project or just the first building. Mr. Otte said that is a rough estimate for the first phase.

Commission Raffin opened the public hearing. There were no comments; he closed the public hearing.

Motion: Councilor Hofferth moved to approve and accept the development plan for PC Docket No. 25-003 as presented and discussed including all conversations related to the window renderings.

Second: Councilor Shinkan

Vote: Yes – 6 No – 0 Abstain – 0. Motion carries.

Continued Discussion:

Commissioner Raffin introduced agenda item PC Docket No.24- 012 DEVELOPMENT PLAN REVIEW: Tony Gierczyk with E. Anthony Inc. for OSNI (Orthopedic Specialists of Northwest Indiana) is proposing to amend a previously approved Development Plan impacting the building facade and site updates, including the interior renovation of a 10,000 SF church building into a medical office facility at 9900 Columbia Avenue.

Commissioner Raffin summarized the petition by reading the staff findings and recommendations from the staff report. OSNI, Orthopedic Specialists of Northwest Indiana is proposing a previously

approved development plan adapting the building facade and site updates including an interior renovation of a 10,000 square foot church building into a medical facility at 9900 Columbia Avenue. The public hearing was closed on December 14, 2024, and staff has requested additional information regarding lighting plan to include the pole detail and head type as well as a proposed sign package.

Commissioner Raffin asked if anyone was in attendance to speak on this petition and update the Commission on the submission of the requested materials.

Mr. Marc Smith of E. Anthony Inc., Tinley Park, IL, introduced himself. He stated that Landmark Signs has been going through the sign review process and will be resubmitting new plans; they will be compliant with the current code for signage. He said with regards to the site plan, they now show the landscape screening around the transformer, which the Commission has requested; the additional landscaping is shown highlighted and the sidewalk is shown throughout the perimeter of the site. He said the site plan shows the mechanical screening on the courtyard where it blocks the view of the condensing units. He said there is a note on the final drawing of the floor plan which shows an actual view of the mechanical screening with the gates which match the trash enclosure look, so it's consistent. Mr. Smith said they are going for the variance for the lighting on March 11th and have submitted all the information for that. He stated his belief that they had submitted everything that was required.

Commissioner Raffin asked what had happened with the lighting plan. Mr. Smith said it was the part of the original approval; they were keeping everything consistent with what was already in place. Attorney Bennett said there has been a misunderstanding about the approval of the lighting on the original development plan. She said she had researched this and pointed out that this lighting plan could not be approved by the Plan Commission as part of development plan because it does not comply with code. The Plan Commission cannot override the required Board of Zoning Appeals approval for a lighting or signage variance. She added that the development plan is an overall look at the whole site plan, it is not necessarily the specific criteria, which goes back into the prior discussion about the aesthetics and things of that nature. She said Mr. Smith had indicated that they are going to go in front of BZA for the lighting plan for sure and it sounds like the signage will now be compliant once it comes back around or they would need to seek a variance. She concluded that the Board of Zoning Appeals alone has the final authority over those developmental standards.

Commissioner Raffin asked Attorney Bennet how they can avoid this type of confusion in the future, to make sure that a project that was approved and then modified does not move forward. Attorney Bennett said there should have been stop work orders issued. As soon as the contractor was known to be moving forward with unpermitted work, they should have been stopped and the determination made on how to proceed legally and with financial consequences. She stated that is the process and the recommendation for the future. She said this cannot be reinspected and a determination cannot be made after the fact whether work was in compliance with not only local code but also state code for all of those things they were doing. She concluded by stating that if a plan is substantially different, the entire process starts over.

A discussion continued on who might best raise the alarm on this in the future. It was determined that the inspectors would be the first to know if what is being done is what was included in an issued permit. There could be a difference of opinion between what the building party had on permits and what the contractors. Commissioner Johns pointed out that in this case, it may not have been known that they were no longer building an addition, she is not sure they could have known. It was also noted that the inspectors do not travel with a set of plans.

Mr. Smith said, with all due respect, they had complete transparency on the project. He said they had pre-meetings with the village and building staff on three occasions on site to make sure everyone knew exactly what was happening with the scaled down building and the scope of the project.

Ms. Lisa Werth of 225 Knightbridge Place, Munster, representing OSNI, said they had met with Sergio, not the Plan Commission, and the existing building was always going to be a remodel, staying within the existing walls. The second building was to be phase 2 of the plan. She said the architect presented both phases of the building, similar to what Powers did by showing what the overall look of the campus will be. She concluded by saying they have not said they are not building the second building; it is on hold right now due to financial reasons. She said they do not intend to leave that big wide-open triangle of space. She said there is still intent to have that second building; it will just not happen at the same time. She said she would be happy to answer any questions.

Commissioner Raffin said that he had reread the meeting minutes because he thought that building was going in sooner because why else would they be putting in such a large parking lot. Ms. Werth said she believed the intention was to have them closer together but decided, financially, to spread them out more. Commissioner Raffin said he doesn't know if that was conveyed to them.

Councilor Nellans asked how they can move forward at this point. Attorney Bennet said when she had met with Director Mendoza the previous day and he advised her that the petitioners had complied with all the requests based upon those changes. She said one of the issues that came up last month was that although the Plan Commission had approved the 2 buildings and the site plan, whether they are proceeding with the second building now or later, there were modifications made that were not in the original plans. There was added landscaping and a difference in the parking. She said those were the documents that Sergio was waiting to have updated and he has now received all of those. She stated that the only outstanding items or questions at this point have to do with signage and the lighting, as indicated. She said that it should not affect the Plan Commission decision to proceed forward this evening because that approval is not giving approval to those items regardless; they must meet code or they have to have a variance from the BZA. She reiterated that as for every other development standard, Plan Commission approval of a site plan does not get you past the approval of the development standards for the code. If it doesn't meet code, you don't get to build it anyway. You have to go before the BZA to get a variance.

Motion: Commissioner Johns moved to approve PC Docket No. 24-012 development plan for 9900 Columbia with the condition that all lighting specs and signage comply with the character-based code, including all discussions and findings.

Second: Councilor Shinkan

Vote: Yes – 6 No – 0 Abstain – 0. Motion carries

Findings of Fact: None

Other Business:

2025 PLAN COMMISSION MEETING SCHEDULE-Time Change

This is an updated schedule reflecting the change of start time to 7:00pm for the remaining Plan Commission meetings in 2025. It was noted that the BZA meetings were moved up to 6:00pm.

Next Meeting: Vice President Raffin announced the next regular business meeting will be held on March 11, 2025.

Commissioner Raffin recognized the high school students attending the meeting. The Commission members introduced themselves and offered insights into their motivations for serving. The students were encouraged to ask questions.

Adjournment:

Motion: Councilor Hofferth moved to adjourn.

Second: Councilor Shinkan

Vote: Yes –6 No – 0 Abstain – 0. Motion carries.

Meeting adjourned at 8:28pm

Vice President Roland Raffin
Plan Commission

Date of Approval

Executive Secretary Sergio Mendoza
Plan Commission

Date of Approval