

CITY OF EAST CHICAGO
PLAN COMMISSION MEETING
Monday, February 21, 2022

BOARD MEMBERS:

Valeriano Gomez, President
William Allen, Vice-President
Lilia Ramos, Secretary
Joanne Moricz, Commissioner
Chanthini Fowler, Commissioner
Douglas Sloss, Commissioner
Grayling Gordon, Commissioner
Lydia Lopez, Commissioner
Stacy Winfield, Commissioner

STAFF:

Ateria Allen, Secretary
Richard Morrisroe
Douglas Powers

Reported for Fissinger & Associates, Ltd.

By: Peggy S. LaLonde, CSR RPR

Call to Order: 4:30 p.m.

Pledge of Allegiance.

Roll Call: Present in Chambers: Valeriano Gomez
William Allen, Chanthini Fowler

Present Via Telephone Confererence: Lilia
Ramos, Joanne Moricz, Douglas Sloss, Stacy
Winfield, Lydia Lopez, Grayling Gordon

STAFF - Present in Chambers: Ateria Allen,
Richard Morrisroe, Douglas Powers

MR. GOMEZ: We have a quorum. First on
the agenda, we have approval of minutes of the regular
meeting, Monday, February 7, 2022. Entertain a motion
to approve as written.

MR. SLOSS: So moved.

MS. FOWLER: Second.

MR. GOMEZ: Roll call.

Roll Call: "All in Favor": All Abstain: None
Opposed: None

MR. GOMEZ: Motion carries.
Next item on the agenda is New

1 Business, City Planner's Report, Mr. Powers. We have
2 Resolution number 01-2022, 2121 East Columbus Drive,
3 East Chicago, Indiana. Mr. Powers?

4 MR. POWERS: Thank you, Commissioners.
5 Today before us, as the President mentioned, we have a
6 resolution, which is the resolution of the East Chicago
7 Advisory Planning Commission initiating the proposal to
8 change the zoning map of the City, concerning 2121 East
9 Columbus Drive.

10 This petition started as an inquiry
11 from person of interest trying to procure the property,
12 as can be seen on the letter from the property owner and
13 the person of interest. The reason this came about is,
14 the property is currently zoned as C-1, where the size
15 and structure being 30,000 square feet is limited to
16 what is defined as a food mart. So if they wanted to
17 have that type of use, that would be permitted.
18 However, there is obviously inquiry for another use.

19 The properties adjacent are general
20 commercial use, so this could potentially be approved as
21 C-2 rather than C-1.

22 The premise behind this resolution
23 will allow for us to have the public hearing at a later
24 date, after sufficient notice has been published through
25 the paper, as well as to the residents within 300 square
feet. And then when we have a public hearing, we can
prepare an ordinance with that public feedback to be
submitted to the Common Council in the form of an
ordinance, to approve or denying this request.

I know that there is, I'm sure there
is probably many questions, so if I could address those,
I will be more than happy to do so.

MR. GOMEZ: Any questions or comments?

MS. WINFIELD: Yes. This is Stacy
Winfield. I would like to first before speaking about
this issue, I would like to ask my constituents if they
would go along with me in not approving this change of
zoning. All of us are basically born and raised in East
Chicago. We know the area is where County Market used
to be. There is residences on both sides all the way
around the Prairie Park area.

From reading the information that we
received, the zoning for that furniture store should
have never passed because it was not -- that area was
not zoned for a furniture store. It's always been zoned
for a grocery store. We do not have sufficient grocery

1 stores in the Harbor section of the City. That's what I
2 would like, and I know the residents, each one of us
3 know the residents have been asking for a grocery store
4 on this side of town. I don't know what the issue is.

5 I have been in the store that was
6 there, the furniture store, which very seldom do you see
7 cars there. Bringing a warehouse into that community
8 which would actually sell products for the gas stations,
9 which Mr. Powers could actually give more information on
10 that, what they were trying to bring to that community,
11 to this particular location, is not something that I
12 know that the residents in that area, in the Harbor
13 section of the area, would not want to see there.

14 As born and raised residents of East
15 Chicago Harbor section of the City, they have been
16 constantly asking about a grocery store, convenience
17 store. There are several different businesses that
18 could go into that building that should be sufficient
19 for the community. I ask that you not, if you would go
20 along with me, in not passing the rezoning because it
21 should have been zoned correctly the first time, which
22 we all know there's always been a grocery store.

23 MR. POWERS: I'd just like to make a
24 point of clarification before we go too much further.
25 For today, this isn't approving rezoning. What this
would allow is for a public hearing for the Planning
Commission to hear from members of the public on whether
they would be in favor or against the rezoning petition.
We just want to make sure that point of distinction is
made clear. That in order for this to be approved, the
Common Council would have to adopt the ordinance to
later be drafted based on the feedback from that public
hearing.

MR. GOMEZ: Right now you are just asking
for -- so did members understand, we are not asking for
any change. We are just approving the public hearing.

MR. SLOSS: Mr. President, if I may ask a
question. If they are seeking to try to get it rezoned,
what are they proposing to put in that facility, because
they are not just asking to get it rezoned for nothing.

MR. POWERS: Yeah, there's a few things.
I will go back a little. Originally when this came up
there was a person interested in, you know, having a
wholesale warehouse for the gas stations to increase the
accessibility of their products there. There also has

1 been an interest in private school that was utilized for
2 this location. I don't know how many other people that
3 are possibly interested for other use. It's just that
4 currently the property owner is trying to sell or convey
5 the property, and it would have to be conveyed for
6 either a food mart, as our ordinance defines it, or as a
7 furniture store as the legal nonconforming use.
8 Anything else would require the property to be rezoned
9 or for them to hire an architect to divide it to allow
10 for multiple businesses and starting with something
11 that's under 12,500 square feet. So, there are various
12 things that could happen.

13 That's why, you know, as this moves
14 forward, we certainly want to discuss the difference as
15 C-2 permits use like banks, things of that nature. As
16 to where the C-1 has different uses, but the C-2
17 incorporates all the uses permitted within C-1, as well
18 as C-2. So, today, you know, that's where the
19 importance is. In order for any rezoning to be
20 approved, there's a requirement that we have public
21 input, because you never know what types of comments,
22 questions, or concerns there could be from members of
23 the public that are affected.

24 So, we have the 300 feet of notice,
25 along with publication in the newspapers. So the public
can speak in favor or against, that way the Plan
Commission can have more information in preparing the
ordinance, whether it's in favor or against this request
to be submitted to the Common Council, for them to make
that final determination.

MS. WINFIELD: Mr. President, can I say
something, please?

MR. GOMEZ: Go ahead, Stacy.

MS. WINFIELD: Mr. Powers, can you let
the commissioners know what actually could go into that
building that would keep it as a C-1 zone, and that the
person that was trying to purchase the property did call
me to tell me. And the way I hear it, it seems like if
he was the person that was going to be purchasing it, he
plans on putting a warehouse there to supply the gas
station on their supplies. So can you tell them what
other businesses can go into that building for example,
in order for it to stay a C-1?

MR. POWERS: So, absolutely. So that
will be either what our ordinance defines as a food

1 mart, that would be permitted use by right, or if we
2 were to have another furniture store, that was legal
3 nonconforming use, that means it would be under the
standards of nonconforming, where it would lose that
status, at which time only be permitted as a food mart.

4 Any other type of business, the
property, the current building is 30,000 square feet as
5 to where the ordinance makes the distinction at 12,500
mark. So if any use of that property is greater than
6 12,500 square feet, it would have to be a food mart. So
if they were to bring in, you know, architect's
7 designer, dividing this into multiple businesses; there
would be more freedom for possible use. Like a filling
station could be located on that property.

8
9 MS. WINFIELD: An example, when there was
a grocery store there, there was a Citizens Bank on the
10 other side. It was actually built in where the bank was
able to sit on the inside of the grocery store. So I
11 heard you say about a bank, you said for example, they
wanted to be a food mart and a bank, or they wanted to
be where someone was selling something, different parts.
12 Because it's so large, it could be sectioned off, and if
anybody went into the grocery store, even with County
13 Market, it was Citizens Bank that was in there. You see
that was a different little section in that part to
14 where another business can go in there other than a
bank. So it was two in one basically, almost. And that
15 way it could be three in one.

16 So I would just ask everyone to
consider it. I know we are not voting on the zoning.
17 If you have the hearing, I will back it out with the
hearing, but really why do we have to go through that.
18 What do we really want to see in that building? That's
all I have to say.

19 MR. GOMEZ: Any other questions or
comments? Right now is this change being requested?
20 Are they aware the property --

21 MR. POWERS: The change is being
requested by the owner of the property, as well as other
22 interested parties. They do have a contract in place to
purchase, but they are working with others on the
23 property as he doesn't intend to continue with the
business. So if he's able to sell it, you know, then
24 whatever use it is that petitioner is wanting. If there
were site improvements, they would have to come before
25 the Plan Commission. But, he's mentioned that he

1 doesn't have interest in continuing to move forward. So
I will make sure we are all on the same page.

2 Briefly, C-1, the types of permitted
3 use, if this were to be subdivided, are dwelling units
4 and lodging rooms, stores and shops for connecting
5 retail, business offices, photography studios, offices,
6 banking services, restaurant. Also covers personal
7 service shops, barber, beauty, hair, tailor, filling
stations; those are permitted use along with there being
some accessories. So only one of those, the food mart,
is the only one that is currently permitted, other than
the furniture store, which is legal nonconformity under
C-2.

8 However, if the property was to be
9 rezoned as C-2, it would lose the permission for the
10 dwelling units being on the main floor. Other than
11 that, all of those would be permitted, along with banks,
12 hotels, theaters, private schools, catering, undertaker,
13 telegraph office, telephone and express office, baking,
14 confectionary, dressmaker. So some of these are
15 similar. It does also permit for automobile parking
lot, used cars, automobile showrooms and wholesale
storage. If this site requires any improvements, we
have two different things going on the site that
requires improvement, development claims to be submitted
to the Plan Commission for your approval. Rezoning we
would be preparing recommendations to the Common
Council, where they will make a determination to approve
or deny. Two separate things going on.

16 The question is whether we want to
17 have the public hearing to get the public input. If
18 Planning Commission fails to adopt the resolution or
19 rejects it, then we would not be able to have the public
hearing to have the public input for rezoning request.
That is, you know, completely up to you. I am just here
for any questions, comments, or concerns we have
regarding this request.

20 MR. GOMEZ: I have a question. The
21 public hearing, can they bring a petition?

22 MR. POWERS: Absolutely. So any public
23 comments, whether they attend in public or if they sent
24 e-mail or mail that we receive prior to the date of this
25 hearing. I would say safely the Friday before at the
very latest so we can get, as a matter of record, it
could be recorded and have the proper records; there is
no reason why we can't accept any of those things for
feedback.

1 MR. GOMEZ: I am, like Stacy, I'm from
2 the Harbor. I'd like to see a food mart there, but I
3 also would like to have the public hearing so we can
4 send a strong message to the owner, that's all we would
5 accept. I think if we have the public hearing, then we
6 have petitions, with the amount of people we will send a
7 strong message saying in the event, in the future, they
8 note that the public is wanting the grocery store there.
9 That's why I think we should have a public hearing. And
10 it still has to go to the Council, right?

11 MR. POWERS: Adopt the resolution for the
12 public hearing, then prepare an ordinance for the Common
13 Council.

14 MR. GOMEZ: I'm pretty sure a lot of the
15 councilmen feel the same way Stacy and I do about the
16 food mart there.

17 MS. WINFIELD: I was just trying to see
18 -- our constituents are not saying anything. I just
19 wanted to hear something from our other constituents on
20 their concern. I agree with you with the hearing as far
21 as keeping it as a C-1, but I wonder how everyone else
22 feels about it. You know, you might have people getting
23 petitions, I don't know if we'll get to that point. But
24 just to make sure, a lot of people won't come out due to
25 COVID. We have a lot of seniors who don't know how to
do zoom or go on the computer. So is a petition
actually something that we need to look at also if those
people cannot will not come or don't know how to get on
our access, public access.

MR. POWERS: So petitions are completely
fine. All of this stuff is subjective. It's to make
sure that we have it for documentation, whether the
commission sways your vote on the preponderance of
people making similar comments for or against that
request, or if there are different comments.

The only suggestion I would have is,
there are an abundance -- now petitions work better than
having a lot of people show up in public or having a lot
of different letters. But submitting a petition,
letter, e-mail to myself; those are all completely fine,
along with something in public. It's just any comments,
questions, or concerns in favor or against these types
of participation just making sure that we can have them
as a matter for the record. So that way everyone can be
aware of the pros and cons against it.

1 MR. GOMEZ: Mr. Sloss.

2 MR. SLOSS: Thank you, Mr. President.

3 This is my concern, everybody that I have been talking
4 to in the community is always asking about additional
5 grocery store in the Harbor. I am very apprehensive
6 about voting on anything that could later be turned into
7 some type of warehouse, and so that's where I stand on
8 it. If it has to go to public hearing and people need
9 to do petitions, then we can do that. But I am just
10 very apprehensive about voting on something later turned
11 into a warehouse.

12 MS. RAMOS: I also have mixed feelings
13 about voting on this, but however we are not voting
14 today on passing this. What we are voting on is just
15 allowing to have this resolution to have a public
16 hearing. With the public hearing, I believe that's
17 important, that we can give the residents a voice and
18 they can submit, because I have had that in a meeting
19 where we do have public hearings and we hear readings of
20 letters that residents have sent when they can't make
21 it. So I think it's important that we do have the
22 public hearing so that it makes a clear message to this
23 owner and let's him know that the residents are not for
24 this.

25 Because I do agree, I am also born
and raised and from the Harbor, so I do agree with the
rest of my colleagues on this, that I don't believe we
need a warehouse right now. I think this should remain
as a C-1. And that's my opinion.

MR. POWERS: Can we let the record show
that Commissioner Grayling Gordon asked what would
happen to the building if it is not sold? I think we
need a grocery store as well.

So, you know, two things. I just
want to briefly touch on that. The issue is comments or
concerns pertaining to these uses are separate from, you
know, the public hearing. If we want to pass the
resolution to have the public hearing, you would approve
that resolution today. Any concerns related to this,
whether they are in favor or against, could be addressed
through that public hearing progress.

And the question that Commissioner
Gordon had, I mean it could sit vacant and then, of
course, the action that the City would have, if the
building became unsafe, then at that time it would go
through the unsafe procedure and request the property be

1 demolished. After it's demolished perhaps there could
2 be a development there in the future. But, yes, there
3 are pros and cons. That's where this is something that
4 you want to pass the resolution for the public hearing,
5 you know, you would do so tonight. But if no one has
6 any other questions, you know, maybe we want to close
7 this section and take a motion.

8 MR. GOMEZ: Notification of the public
9 hearing will be by mailings also?

10 MR. POWERS: It's by certified mail. So
11 they would receive notice at least ten days prior to the
12 hearing, as well as we submit that notice in NWI Times
13 and notify residents within 300 feet of that property
14 address.

15 MR. GOMEZ: Mr. Morrisroe.

16 MR. MORRISROE: As I understand the point
17 being made by Council Person Stacy Winfield and
18 Commissioner Gordon, and also Commissioner Lilia Ramos
19 is that they are not looking at 300 feet; they are
20 looking at the Harbor. And just simply saying that
21 notice should be sent to more than 300 feet of that
22 building, it seems to me in no way gives voice to the
23 residents in the Harbor in terms of that notice. The
24 fact that it appears as a legal notice in an obscure
25 part of the daily paper people don't even get, I just
think it's unfair. And I think somehow the broader
interest of the residents of the Harbor need to be
addressed, as well as those living at 300 feet.

MS. RAMOS: Mr. President, that's exactly
what I was going to say. I know the guidelines are that
you notify the residents within a certain area, so that
wouldn't really inform any resident that should have
knowledge of it.

MR. POWERS: So that's based on the
ordinance passed by Council. If we have issues with
distance or certified notice with the petitions, we
could certainly take that up at another meeting. We
have got to be clear here, for transparency purposes,
legal requirements, that if there is perception that you
are changing the requirement, you know, for one
development rather than another, there could be some
legal issues there.

If no one has any specific questions

1 pertaining to this resolution, we probably should take a
2 motion to pass or reject it for the ability to have a
public hearing.

3 MR. GOMEZ: Any other questions or
4 comments?

5 MS. WINFIELD: Stacy again. Doug, can
6 you tell me where the 300 feet is in that area, like
7 with Mr. Morrisroe, it's not making sense. I don't even
8 want to move forward. You are saying take 300 feet and
9 we note on the hearing only 300 feet and the majority of
10 the people in that area are not going to come. And if I
11 get a petition, it's not going to be from people just
12 within 300 feet. So I need to know where the 300 feet
13 is. And really it's not making any sense to move
14 forward because 300 feet is not that much. If you could
15 give me the area, specify, I wouldn't even want to move
16 forward now, going back to Council and get another
17 ordinance passing all of this. It's not going to make
18 sense.

19 MR. POWERS: I'll send you a list in
20 regards to, you know, who all is involved. The
21 recording secretary has that information. So the public
22 hearing, that ordinance was approved by the Common
23 Council, in order for that to be addressed, you know,
24 there would have to be some other discussion at another
25 meeting. This is what is required as part of that
notice. That does not mean those are the only people
that get notified, it's just that they get the certified
mail cost and for the 300 feet public notice versus also
having it listed within the Times. If we need to
address the proper notice for a public hearing, we can
have a discussion at a separate meeting where we can try
to have the ordinance drafting to be prepared to the
Council.

26 MS. WINFIELD: Don't you think this needs
27 to be tabled then? I don't want to vote on something
28 that then we get these people, other than the 300 feet.
29 I don't know what 300 feet is from around Elm Street. I
30 do know where the 300 feet goes to. Can we table this
31 until we know and go in front of Council, I just don't
32 want to --

33 MR. POWERS: We do know where that is,
34 that just hasn't been provided as part of the packet.
35 That's never -- any rezoning ordinance that's prepared

1 that's what we submit, the information that's relative
2 to the request. One, you know, information about the
3 property. Along with, you know, the resolution for it.
4 So that way the Planning Commission, primarily made up
5 of members of the public, citizens of the public, can
6 have a public hearing where they get public input in
7 regards to if the people are in favor or against. Prior
8 to this application coming to the Commission, we have
9 that information that shows exactly whom all would
10 receive notice. If you would like that for the future,
11 having that information added as part of your packet,
12 that is something that could possible be done.

13 But, you know, we have to also be
14 mindful of timeliness and have due process. If this
15 was, if this resolution was approved or passed today; at
16 the earliest the rezoning couldn't occur until April
17 because this would have to come back for public hearing
18 and public hearing would not be able to be the next
19 meeting. We would not be able to send notice within
20 sufficient time. It would have to be the meeting after
21 that and then it would have to go to the Council for
22 three separate hearings for the ordinance.

23 So, already they submitted this
24 request at the beginning of February and they are
25 looking at it taking two months. So if you table it,
keep that in mind.

MS. RAMOS: Mr. Powers, this is Lilia.
You said within 300 feet, however a resident doesn't
have to be within that area to voice their concerns.
They can still come even if they are outside of that
area, correct?

MR. POWERS: That's totally correct. So
anyone can come and be heard as part of the public
hearing. They do have to be residents of Indiana. Just
when they come to the public hearing, that they have to
give their name and address, so that way the Planning
Commission would be aware of whether they are affected
by this petition or, you know, if they are potentially
outside of the boundary as to where they are not
affected by it. They are just in favor or against for
whatever reasons. So anyone is more than welcome,
that's why it's posted through the paper as well as the
certified mail, and being posted at the City Hall too.

MR. GOMEZ: Any other questions or
comments? I think this is a strong issue for a lot of
people and I don't think it's going to get passed by the

1 Council to tell you the truth. I do believe we should
2 have a public hearing so everybody knows. If there are
3 no other questions or comments, I would entertain a
4 motion to approve Resolution 01-2022. (Pause) Is there
5 a motion? (Pause) No motion, so there is no second; I
6 think the matter dies.

7 MR. POWERS: I believe you then need a
8 motion to deny the resolution.

9 MR. GOMEZ: I would entertain a motion to
10 deny the resolution.

11 MR. SLOSS: So moved.

12 MS. WINFIELD: Second. I never heard
13 this before, but I'll second.

14 MS. RAMOS: That was to deny the
15 resolution?

16 MR. GOMEZ: Correct. Next we have Old
17 Business. We have no old business. Any other comments
18 from commissioners or public? (None)

19 Next meeting is Monday, March 14,
20 2022, at 4:30. Motion to adjourn.

21 MR. ALLEN: So moved.

22 MR. GOMEZ: Roll call.

23 Roll Call: "All in Favor": All Abstain: None
24 Opposed: None

25 MR. GOMEZ: Motion carries.
Meeting adjourned.

* * * * *

Approval of the Meeting Minutes of Monday
February 21, 2022

Approved and signed March 7, 2022



Valeriano Gomez, President



William Allen, Vice-President

Lilia Ramos / Zoom

Lilia Ramos, Secretary

Joanne Moricz / Zoom

Joanne Moricz, Commissioner

Chanthini Fowler / Zoom

Chanthini Fowler

Douglas Sloss / Zoom

Douglas Sloss

Grayling Gordon / Zoom

Grayling Gordon

Lydia Lopez / Zoom

Lydia Lopez

Stacy Winfield / Zoom

Stacy Winfield

Ateria Allen

Ateria Allen, Recording Secretary

C E R T I F I C A T E

I, Peggy S. LaLonde, a competent and duly qualified court reporter, do hereby certify that I did report in machine shorthand the foregoing proceedings and that my shorthand notes so taken at said time and place were thereafter reduced to typewriting under my personal direction.

I further certify that the foregoing typewritten transcript constitutes minutes of the said proceedings taken at said time and place, so ordered to be transcribed.

Dated at Munster, Indiana, this 24th of February, 2022.

Peggy S. LaLonde

Peggy S. LaLonde, CSR, RPR



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