

CITY OF EAST CHICAGO  
PLAN COMMISSION

BOARD MEMBERS

Val Gomez, President  
Anthony Serna, Vice President  
Lilia Ramos, Secretary  
Joanne Moricz, Commissioner  
Chanthini Fowler, Commissioner  
Douglas Sloss, Commissioner  
William Allen, Commissioner  
Lydia Lopez, Commissioner  
Stacy Winfield, Commissioner

Regular Meeting Minutes  
(Via Zoom Videoconference)  
Monday, December 6, 2021 @ 4:30 p.m.

Reported for Fissinger & Associates  
By: Lisa Pena

CALL TO ORDER: 4:30 p.m.

ROLL CALL: Present in Chambers: Anthony Serna, William  
Allen

Present Via Zoom: Lilia Ramos, Joanne Moricz,  
Chanthini Fowler, Douglas Sloss, Lydia Lopez,  
Stacy Winfield

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

MR. SERNA: We do have a quorum. President Gomez isn't  
here due to the passing of his mother.

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES: Regular Meeting of Monday,  
November 15, 2021

Comments/Questions: None

Motion to approve November 15, 2021 Regular Meeting Minutes  
made by William Allen. Second by Chanthini Fowler.

Roll Call: "All in Favor": All Abstain: None  
Opposed: None Motion Carries.

1 NEW BUSINESS:

2 City Planner's Report

3 MR. SERNA: Next on the agenda we have New Business,  
4 City Planner's Report.

5 MR. POWERS: Good evening, Commissioners. Today we have  
6 before us Petitioner Herrera's Towing for a proposed tow yard  
7 at 4942 McCook Avenue, East Chicago, Indiana, 46312, Parcel  
8 Number 45-03-33-101-004 and 45-03-33-101-005.

9 The applicable ordinances pertaining to this  
10 proposed development plan can be found in 156.246(b)2 where  
11 it permits automobile storage, assembly, painting,  
12 upholstery, rebuilding, reconditioning, truck repair or  
13 overhauling, tire repair or recapping.

14 Additional sections include 156.448(e) where the  
15 Planning Department may require a graphic depiction,  
16 prospective sketch or elevation of the parking lot screening  
17 and islands as seen from the street.

18 Those items can be identified by the plans that  
19 were submitted to you regarding the development plan.

20 Little history on this proposed site. In 1890  
21 there was a right-of-way plat and per deed record 49 page  
22 375. In 2000 there was an industrial structure development  
23 constructed. On July 1 of 2020 the engineer had prepared new  
24 survey noting the right-of-way and having no documentation to  
25 demonstrate transfer of property.

Adjacent area, so the subject property is  
industrial and zoned M1 light industry. To the north, can  
you point this out? We can also see the images on Zoom of  
the subject property as well as what is facing to the north,  
south, east and west.

But to the north is vacant M1 zoned. To the south  
is vacant M1 zoned. And to the west is vacant M1 zoned. To  
the east is residential zoned R3.

As I mentioned regarding the history of this  
property there does appear to be some platting issues.

As I mentioned on the previous records there does  
appear to be a right-of-way constructed for the rail company.  
However this proposed project would be screening on the

1 existing parking area that you can see has already been  
2 paved.

3 Beyond that the ordinance does permit the outdoor  
4 storage as well as screening. I don't know if you have any  
5 specific questions pertaining to the proposed development or  
6 use.

7 The only other things that I can mention is in  
8 regards to zoning tow company isn't spelled out identically.  
9 That's why I used this reference for whether it is a  
10 permitted use or required variance.

11 We only mention tow companies in regards to  
12 business licenses and tax uses.

13 MR. SERNA: And so what is it that you're looking for us  
14 to move on today?

15 MR. POWERS: So if there's any issues with this proposed  
16 development as it sits being that these are development  
17 plans presented before you for the screening to allow for a  
18 tow company where I believe the operations would also occur  
19 in the office based to the south of that location, that if  
20 there are issues with this proposed development plan if you  
21 have concerns or a motion to approve or deny this request.

22 MR. SERNA: So you're looking for approval of  
23 development plans?

24 MR. POWERS: That is correct.

25 MR. SERNA: And then the step after if it were to be  
approved today, what is the step after?

MR. POWERS: So if you chose to approve this today, the  
developer would be able to go and pull permits to have the  
necessary work completed.

MR. SERNA: And what is your recommendation?

MR. POWERS: So there are some issues with planning  
this parcel that need to be addressed before additional  
development occurs.

I would also like to see if the City Engineer has  
any additional or counter information regarding what I have  
said.

1           However this isn't an additional development of the  
2 structure, anything that would interfere or possibly infringe  
3 more upon the right-of-way than the current development  
4 already does. So I would recommend approval of this request  
5 unless there's any additional engineering issues.

6           MR. SERNA: And engineering would that be something that  
7 you would be able to answer, William Allen, or do we need  
8 Mr. Julio to be able to answer any of those questions?

9           MR. ALLEN: I don't have any answers right now. This is  
10 something that we're taking a look at.

11           MR. SERNA: Do we have any questions or comments from  
12 Commissioners?

13           MR. SLOSS: Yes, Mr. Serna.

14           MR. SERNA: Yes, Mr. Sloss.

15           MR. SLOSS: I do have a question. My question is so if  
16 this is voted on today my understanding is it then would not  
17 have to go before City Council?

18           MR. POWERS: This would only have to go in front of the  
19 City Council if it was deemed that this was not a permitted  
20 use by right.

21           So, Commissioners, if you were to state that the  
22 ordinance number and citations that I mentioned within the  
23 City Code, one being that the applicable ordinance allowing  
24 for the automobile storage, assembly, painting, upholstery,  
25 rebuilding, reconditioning, truck repair, overhauling truck,  
tire repair or recapping, if you were to say that that does  
not apply and this was to need a variance, then what would  
occur is it would have to go in front of Board of Zoning  
Appeals at which time they would prepare a recommendation for  
a use variance based on a public hearing.

          And then that would go in front of the Common  
Council. And the Common Council would then determine whether  
they were to approve or deny that request at which time the  
plaintiffs would come before the Planning Commission.

          MR. SLOSS: Thank you. My concern is that if I'm living  
in that neighborhood and that kind of business was going in  
right in front of my property, I would have a real concern.  
Especially if there was never an opportunity for the public  
to have some kind of say so in a business like that coming

1 in. But thanks for the information. Thank you.

2 MR. SERNA: Any other questions or concerns,  
3 Commissioners?

4 So we're looking for approval of development plans.

5 MS. WINFIELD: Excuse me, Mr. Serna. I'm sorry. I was  
6 trying to reach you. I had my phone on mute.

7 MR. SERNA: Go ahead, Miss Winfield.

8 MS. WINFIELD: My question is I am just trying to see.  
9 I am with Pastor Sloss on the concerns with the neighbors  
10 with this actually going to be in front of some homes. And I  
11 have a concern because I hear Doug saying that he has  
12 questions on it.

13 Doug, does this need to be tabled right now or  
14 until he has further information or is this something that we  
15 need to pass because like you said the neighbors are the ones  
16 that are going to probably complain about it.

17 I don't know if you spoke with Councilman Hill  
18 because the Council did ask that Herrera's Towing, they had  
19 so many months to get a towing company in the area, in East  
20 Chicago.

21 MR. POWERS: So I have a few things. One, yes, I have  
22 spoke to the Councilman. I was hoping that he would have  
23 documentation that he could have submitted to us.

24 However he did mention that he had concerns  
25 pertaining to this use being another tow company within his  
district.

So the question is whether this is a permitted use  
versus whether it needs a public hearing.

Even if this was to be tabled, the items on the  
Planning Commission other than rezoning requests or community  
plan unit developments do not have the public hearing.

Typically this notice was sent out just as any  
other Planning Commission agenda would have been.

MS. WINFIELD: Do you do anything with the neighbors?  
Do you sent a survey out to the neighbors?

1 MR. POWERS: No. With this being listed, the property  
2 being zoned light industry and that being listed as a  
permitted use, there was no public notice.

3 MS. WINFIELD: Okay.

4 MR. SERNA: So again it's development plans that you're  
5 looking for approval?

6 MR. POWERS: That is correct. Now mind you when I am  
7 saying nothing on our end, I can't speak in regards to the  
property owner on any notice that they may or may not have  
solicited.

8 However the property owner is not here with us  
9 today. We do have the petitioner here.

10 MR. SERNA: Is there any input from counsel as far as  
11 any direction? As our Department Head, the Planning Director  
has said, he is seeking approval. Is there any direction?  
Anything we need to address?

12 MR. ALLEGRETTI: I think as far as the Councilwoman's  
13 concerns there will be no towing yard permitted on this site  
unless a resolution approving it is adopted by the Common  
Council.

14 Wouldn't you agree with that, Doug?

15 MR. POWERS: That's the method we can take. Because if  
16 this isn't viewed as similar use to like an automobile  
storage, then it would need some Council action.

17 MR. ALLEGRETTI: I thought that determination by you and  
18 you're the Zoning Administrator --

19 MR. POWERS: I had said here that regarding the tow  
20 company this is under Ordinance 156.246(b)2, automobile  
storage is a permitted use in the M1 light industrial zone.

21 MR. ALLEGRETTI: So it is a permitted. It does not need  
22 a conditional permit use?

23 MR. POWERS: That is correct.

24 MR. ALLEGRETTI: I guess I got lost in my translation.

25 MR. POWERS: Unless the Planning Commission sees my  
interpretation as possibly being incorrect and felt as though

1 this does need a use variance. That would be the question  
2 before us today.

3 The other issues are pertaining to the property.  
4 However this wouldn't have any impact pertaining to those.  
5 They're something that the property owner needs to address.

6 MR. ALLEGRETTI: So then the Plan Commission -- I am  
7 sorry. I can't be heard.

8 So if the Plan Commission is opposed to this  
9 particular use, they should vote no on this resolution?

10 MR. POWERS: That is correct. If the Planning  
11 Commission is opposed, they should vote no.

12 MR. ALLEGRETTI: So if Pastor and Councilwoman Winfield,  
13 if they're opposed to this use, they should vote no on the  
14 proposition?

15 MR. SERNA: Thank you for the clarity.

16 MR. POWERS: Can everyone on Zoom hear what counsel  
17 said?

18 MR. SLOSS: Yes.

19 MR. SERNA: So we're looking for approval for  
20 development plans for Herrera's Towing Yard and Office at  
21 4942 McCook Avenue.

22 Motion to approve Herrera's Towing Yard and Office, 4942  
23 McCook Avenue made by William Allen.

24 MR. SERNA: Motion made by William Allen. Is there a  
25 second?

26 Motion made by William Allen for approval of  
27 development plans. Is there a second?

28 Motion made by William Allen for approval of  
29 development plans. Is there a second?

30 There being no second motion dies.

31 MR. ALLEGRETTI: Mr. President, you can second it if you  
32 chose. Robert's Rule allows the presiding officer to  
33 participate without stepping down. If you want.

1 MR. SERNA: I'd like to bring it to a vote, yes, please.  
Thank you for clarity.

2 Motion to approve Herrera's Towing Yard and Office, 4942  
3 McCook Avenue made by William Allen. Second by Anthony  
Serna.

4 Roll Call: "All in Favor": Anthony Serna, William Allen  
5 Abstain: Joanne Moricz Opposed: Lilia Ramos, Chanthini  
Fowler, Douglas Sloss, Lydia Lopez, Stacy Winfield.  
6 Motion Denied.

7 MR. SERNA: The noes have it. That motion is voted  
down.

8  
9 It appears to me, Mr. Powers, that there needs to  
be a little bit more clarity on where the platting issues are  
10 and any input from the Engineering Department. That may or  
may not have influenced everyone's vote. And clearly as  
11 Councilwoman Winfield stated the input from her colleague  
would be helpful.

12 So that may or may not have influenced this vote.  
13 So I would just suggest, in lieu of President Gomez being  
here and that I am running this meeting, I would suggest if  
14 the Petitioner would want to have this brought up at the next  
meeting and possibly work with you to resolve some of these  
15 issues, these questions with engineering and plating issues  
that could be the next step taken.

16 MR. POWERS: We have to motion to deny or table this  
request?

17 MR. ALLEGRETTI: Well, it's already been denied.

18 MR. SERNA: The approval has been denied. The noes have  
19 it.

20 MR. ALLEGRETTI: We have some housekeeping rules about  
21 on how often you can come back and come up with duplicitous,  
a duplicate. But we can cross that bridge when we come to  
it.

22 MR. POWERS: So the next meeting is two weeks from today  
23 I believe, yes. So you would like to table this until the  
next Planning Commission Meeting, is that correct, until we  
24 get the information?

25 MR. SERNA: Well, I would say bring the information.



1 You can put this on the agenda for the next meeting. But I  
2 think you would need to bring more information.

3 It appears that those platting issues and input  
4 from the City Engineer and the Third Direct Councilman would  
5 be appropriate.

6 MR. POWERS: Okay. Thank you.

7 OLD BUSINESS: None.

8 COMMISSIONER COMMENTS:

9 MS. RAMOS: Mr. Vice-President, this is Lilia Ramos. I  
10 agree with you regarding the motion or the lack thereof to  
11 pass it.

12 I need a little bit more information regarding this  
13 to make a decision. I was a little hesitant. So I think  
14 that definitely doing what you suggested would help everyone  
15 altogether.

16 MR. SERNA: Duly noted. Thank you, Commissioner Ramos.

17 Any other comments from Commissioners?

18 PUBLIC COMMENT:

19 MR. HERRERA: Can I say something?

20 MR. SERNA: Yes, sir, Mr. Herrera.

21 MR. HERRERA: Just to take into consideration for the  
22 next meeting, I don't know if you pointed out my other two  
23 properties I have in Whiting and Hammond.

24 I run a nice, clean business from the outside. I  
25 don't dismantle cars. It's just strictly tow. I tow for  
26 five different municipalities.

27 If you see the pictures of my fences, I do  
28 landscaping. We do the nice brown slotted fence. Not no  
29 steel fences.

30 We don't cut up cars, convertors, tires. Old cars  
31 get rid of at one time. You're more than welcome to come to  
32 my yard and see at any time. Anyone is invited to come.

33 MR. ALLEN: So little to no noise pollution?

1 MR. HERRERA: No. No. We hardly bring in cars at  
2 night. We don't have the lights on or nothing, nothing like  
3 that. My guys all know not to flash lights at night.

4 MR. ALLEN: Hours of operation?

5 MR. HERRERA: We're actually 24 hours. We're on call  
6 with the City 24 hours. But it's not like in and out all  
7 night.

8 We don't get a tow every night with the City of  
9 East Chicago. It's maybe every third night or something. It  
10 depends if we're on rotation.

11 There wouldn't be no noise or nothing like that.  
12 No forklifts picking cars up like you see in other yards.  
13 Nothing like that.

14 MR. SERNA: That's good to know. No noise pollution and  
15 maybe every third day a car coming through.

16 MR. HERRERA: At night.

17 MR. SERNA: At night. Thank you, Mr. Herrera.

18 MR. HERRERA: Thank you.

19 MR. MORRISROE: If I may?

20 MR. SERNA: Mr. Morrisroe, yes.

21 MR. MORRISROE: Mr. Herrera, do you have a yard at  
22 Kennedy and another yard at Railroad?

23 MR. HERRERA: No. I have a yard on New York Avenue in  
24 Whiting and I have one on 137th in Hammond.

25 MR. MORRISROE: What is it that you have? Don't you  
have something on Kennedy Avenue?

MR. HERRERA: No. There used to be like another Herrera  
Auto Sales or something on Kennedy, something like that. But  
that's not me.

MR. MORRISROE: Thank you.

MR. HERRERA: Thank you.

MR. SERNA: Thank you. Any further Public Comment?

1                   \* Next Regular Meeting Date: Monday, December 20,  
2021 @ 4:30 p.m.

2  
3 Motion to adjourn was made by William Allen. Second by  
Douglas Sloss.


4 Roll Call: "All in Favor": All Abstain: None  
5 Opposed: None Motion Carries.

6                   \* Meeting ended at 4:53 p.m.

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Approval of Meeting Minutes of  
Monday, December 6, 2021  
Approved and Signed December 20, 2021

  
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Val Gomez, President

  
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Anthony Serna, Vice President

  
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Lilia Ramos, Secretary

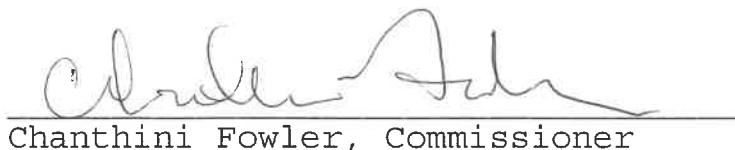
Joanne Moricz / Zoom  
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Joanne Moricz, Commissioner

Stacy Winfield / Zoom  
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Stacy Winfield, Commissioner

Douglas Sloss / Zoom  
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Douglas Sloss, Commissioner

  
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William Allen, Commissioner

Lydia Lopez / Zoom  
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Lydia Lopez, Commissioner

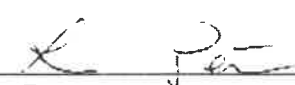
  
\_\_\_\_\_  
Chanthini Fowler, Commissioner

C E R T I F I C A T E

I, Lisa Pena, 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 said proceedings taken at said time and place, so ordered to be transcribed.

Dated at Portage, Indiana, this 15th day of December, 2021.

  
\_\_\_\_\_  
Lisa Pena  
Notary Public Porter County  
Certified Shorthand Reporter  
License Number 084-003483

