

**MINUTES OF THE REGULAR MEETING OF THE
MICHIGAN CITY PLAN COMMISSION
JANUARY 22, 2008**

The Michigan City Plan Commission met in a regular meeting in the Common Council Chambers, City Hall Building, 100 East Michigan Boulevard, Michigan City, Indiana, on Tuesday, January 22, 2008, at 7:00 p.m. local time; the date, hour and place duly established for the holding of said meeting.

CALL TO ORDER

In the absence of President Hook, Vice-President Nolah Nasser called the meeting to order at 7:00 p.m.

ROLL CALL

Plan Director John Pugh called the roll with the following noted present: Patricia Boy, John Carr, Tom Milcarek, George Mock, Nolah Nasser, Bill Phelps, Tim Smith, and Al Whitlow. G. Wallace Hook was absent. (8 present, 1 absent) Staff in attendance: Plan Director John Pugh, Attorney Jennifer Evans, and Secretary Debbie Wilson.

APPROVAL OF MINUTES

The Chair entertained a motion for approval of the minutes of November 27, 2007.

A motion to approve the minutes was made by Mr. Smith – seconded by Mr. Milcarek. The minutes were approved 6 – 2 with Mrs. Boy and Mr. Mock abstaining as they were not present at the meeting.

POLICY OF CONDUCT AND PROCEDURES

With no objections, Vice-President Nasser dispensed with the reading of the Policy of Conduct and Procedures but asked that it be included as part of the record.

The Policy of Conduct and Procedures for the Michigan City Plan Commission states that the Commission is composed of nine persons. By statute, five must vote affirmatively to approve a petition. Thus, whenever less than a full board is present, the petitioner may wish to continue his/her hearing. Anyone wishing to speak on a petition or to the board in general at the end of the meeting may do so by approaching the speaker's roster and giving his/her name and address. Comments should be addressed to the Plan Commission, not to a petitioner or remonstrator or others in the audience. The Plan Commission vote is based on the evidence presented.

ELECTION OF OFFICERS

The floor was opened for nominations.

Mr. Phelps made a motion that the officers from 2007 be retained for 2008. The motion was seconded by Mrs. Boy.

There were no other nominations and nominations were closed. The roll was called and a unanimous ballot cast.

Officers for 2008 are: G. Wallace Hook, President; Nolah Nasser, Vice-President; George Mock, Secretary.

PETITION(S)

The Chair called for reading of the first petition.

Mr. Pugh read **Petition 900-08 for Major Subdivision by Lakeside Cottages Subdivision 3rd Addition, located on the east side of Lake Avenue between Felton Street and Fogarty Street, by Michael Conner (Represented by Attorney Barry F. McDonnell).**

Attorney Barry McDonnell, 601 Franklin Square, Michigan City, came forward representing the Petitioner Lake & Blaine, LLC. He provided counsel with proof of publication as well as the certificate of service and applicable certified receipts and/or returned envelopes (a couple came back unsigned). He stated that the Petitioner is seeking primary approval for a Major Subdivision plat for Lakeside Cottages 3rd Addition. He introduced Michael Conner, one of the principals of Lake & Blaine, LLC. Also introduced was Ken Krause of Haas & Associates who is performing the engineering work on the project.

Attorney McDonnell explained that this is the third time they have been before the Commission. Many of the items that arise in this third addition have been discussed in the first and second additions. The parcel sits to the south of Felton Street and east of Lake Avenue. It is about a .8 acre parcel. What differs in this third addition from the prior two is that it has never been subdivided (unlike the prior two times they had to request vacation of the prior restrictions, covenants and easements).

Attorney McDonnell stated that the third addition will be a part of the overall development scheme for Lakeside Cottages. It will have shared covenants, restrictions, architectural styles, and common and recreational areas along with the first and second additions; particularly the pool envisioned for the second addition. All five platted lots front Lake Avenue and meet the square footage and frontage requirements of an R2 District. They do not envision any driveways off of Lake Avenue, as it was laid out in

the second addition. This is being done with the thought of the reconstruction of Lake Avenue in mind. There will be a rear court way as the point of ingress and egress for these five lots and it will join up in the back with the same court way as in the second addition. They anticipate a traditional layout of the lots with a garage in the back which would feed off of the court way and the home to the front of the lot on Lake Avenue. The traditional beach cottages constructed on these lots would be slightly larger than the first and second additions as the lots are slightly larger. They will be between 1800-2400 square feet, one-story, one and half story, and two-story, with a price point in the neighborhood of \$400,000.

Ken Krause, Haas & Associates, 526 Franklin Square, came forward to address the Commission and briefly discussed the drainage concerns as well as how utilities will be laid out for this phase. He explained that this particular addition of Lakeside Cottages, south of Felton Street, does not have an existing water line. They will have to connect to the existing 6" water main on Felton Street and extend it south to Fogarty Street, where they will then move it to an existing 2" across the street. The service lines will be coming off the new line so they will not have to cut into the existing pavement. There will be a fire hydrant at the southern end of the new 6" line. There is an existing sanitary sewer line running between lots 2 and 3. They propose to come from the manhole in the rear easement and take it south to serve lots 3, 4 and 5. Lot 2 will be served from the existing manhole south of that lot. Lot 1 will be served at the middle of the lot off of Felton Street. The new sewer for phase 2, which has not been built yet, will then have a stub for this particular lot. The storm sewer is pretty much in line with what they did for the phase 2 courtyard. There will be permeable pavement which is basically a block. When the blocks are put together, it leaves 12% of the surface as a void where it can go in between the blocks and soak into the sand. Beneath that, there will be a 12" perforated storm sewer which will act as the detention, along with two drywells at either end of the storm sewer. All the water will be picked up from the backyards of the homes and some of it from the southeast which drains onto the courtyard itself and will be picked up by the drywells located in the courtyard. The detention basin will also have a 6" line that will come out onto Felton Street and tie into the new manhole that phase 2 is proposing to put over the existing 48" storm sewer in Felton Street. Detention will end up in the pipes and the storm sewer itself. The courtyard will also be used to help drain away some of the water that would normally run off. It will soak through the blocks and into the sand which has a very high percolation rate. It will also slow down the time it takes the water to get into Trail Creek and Lake Michigan by making it go through the groundwater table instead of running it into the pipe where it would take a matter of minutes or hours instead of days to get there.

Regarding the storm sewer off of lot 2, Mr. Phelps confirmed that there is a drywell/detention structure there.

Mr. Krause stated that was correct.

Mr. Phelps also confirmed that the line continues to go north, and south of Felton it picks up another line, and then goes to the center where there is a storm manhole. He asked if that is where the 48" is.

Mr. Krause stated that it is.

Mr. Phelps asked if that line is still continuing north.

Mr. Krause stated that is correct. The phase 2 line comes in from the other direction and ties into that manhole.

Mr. Phelps confirmed that it comes from north to south.

Mr. Krause stated that is correct.

Mr. Pugh requested a copy of the calculations from Mr. Krause.

Mr. Krause stated that he would provide the calculations, the plan and profile sheet, and the detail sheet.

Mrs. Boy read a letter into the record from Tom Orlowski, a neighboring property owner at the northwest corner of Lake Avenue and Felton Street, which states his concern regarding traffic, drainage, loss of green space, the increase of outdoor ambient light, and ambient noise.

Mr. Smith wanted to reinforce that at the back of the lot there would be adequate space for two cars to pass each other. He also questioned where the waste pick up would be for these homes.

Michael Conner responded that 12' will be enough room given the turnoff for each lot (additional footage contiguous with the driveway) and there will be a pull off area if there is an issue. He would like garbage corrals and garbage pick up to remain at the front of the lots on Lake Street.

Regarding Mr. Orlowski's issues with ambient light and noise, Mr. Conner explained that the reason they developed the court ways was to keep traffic off of Lake Street. They do not plan any outdoor lighting, but they cannot restrict residents from having lights on in their second floor. Even so, he does not expect those to be intrusive to Mr. Orlowski considering the fact that he now has two vacant lots with two garages. The homes will be set back 25-30' from the road and they will retain as many trees as they can. He said Mr. Orlowski will not see the cars going to the back of the homes and he does not expect Mr. Orlowski's quality of life to diminish at all.

There were no other comments from the Board. The Chair opened the hearing for public comments.

There being none, Chairwoman Nasser closed the public portion.

The Chair called for Department Reports.

Mr. Pugh read:

**REPORT ON THE PETITION OF
LAKE & BLAINE, LLC 900-08**

WATER DEPARTMENT: R. E. Russell, Superintendent, had no objections but noted the Petitioner will need to apply for a water main to service the subdivision as no water main exists on Lake Avenue.

SANITATION DEPARTMENT: Al Walus, General Manager, had no objections.

FIRE DEPARTMENT: B. Brooks, Fire Marshal, had no recommendations.

PLANNING DEPARTMENT: The Planning Department recommends primary approval pursuant to the provisions of the Michigan City Subdivision Ordinance.

Chairwoman Nasser asked if the Petitioner had any summation.

Attorney McDonnell pointed out that before the secondary plat is recorded for the second and third phases, they will be submitting to the Commission (specifically Attorney Evans) their proposed covenants and restrictions for review. He thanked the Commission for their time and asked for a positive approval of this primary plat.

The Chair entertained a motion for approval of Petition 900-08.

A motion to approve was made by Mr. Carr – seconded by Mr. Phelps. Mrs. Boy stated that she would abstain from voting to avoid any appearance of impropriety.

Mr. Whitlow stated that before he votes he, as well as the public, is entitled to know why Mrs. Boy is abstaining.

Attorney Evans explained that Mrs. Boy had a concern with a campaign contribution that was accepted on behalf of the Petitioner. To avoid the appearance of impropriety, Mrs. Boy decided to abstain.

<u>Ayes</u>	<u>Nays</u>	<u>Abstain</u>
John Carr Tom Milcarek George Mock Nolah Nasser Bill Phelps Tim Smith Al Whitlow	None	Patricia Boy

With a vote of 7 ayes, 0 nays, and 1 abstention, the motion carried and primary approval was granted.

ADOPTION OF THE TRAIL CREEK PLAN BY LOHAN ANDERSON

Attorney Michael Bergerson, 601 Franklin Street, addressed the Commission and stated that he is the attorney for the Redevelopment Commission. He is before the Plan Commission at the Redevelopment Commission's request and has prepared **RESOLUTION 1-08 OF THE PLANNING COMMISSION OF THE CITY OF MICHIGAN CITY, INDIANA APPROVING AN AMENDMENT TO REDEVELOPMENT PLAN 1A-97 AND ADOPTING THE LOHAN-ANDERSON REUSE PLAN FOR THE TRAIL CREEK CORRIDOR**, which has previously been submitted to the Plan Commission.

As background history, Attorney Bergerson explained that in 1970 the Plan Commission adopted one of the first Re-Use Plans and created this redevelopment district. Subsequently, in 1997 the redevelopment district was amended and enlarged to include the area being discussed now, in addition to many other areas in the North End of Michigan City. By adopting the resolution in 1997, the Plan Commission also adopted a general plan for the area which called for sewer work, a river walk, and general improvements in the area. This is the first plan the Redevelopment Commission believes is a great start toward the implementation of Plan 1A-97. In the resolution adopted in 1997, the Plan Commission reserved the right, as did the City Council, to approve any re-use plan or project to be developed in this area.

Attorney Bergerson stated that Joel Stauber and Basil Souder of Lohan Anderson (who prepared the Plan) are present tonight. The Plan has been well discussed in the community and there have been many hearings on it. Attorney Bergerson stated that they will give a presentation on the Plan and he wholeheartedly recommends adoption of it. He pointed out one of the differences of this Plan and other plans that have been done, is that we can now see the benefits of the TIF program. The City now has monies available through TIF revenue to implement some of the infrastructure improvements and acquisition of property to make this area attractive to developers. The area is land along Trail Creek from "E" Street north and west to the Second Street Bridge, and also

includes the former Memorial Hospital property as well as properties between 5th, 6th and Michigan Boulevard.

Mr. Stauber, Director of Planning at Lohan Anderson, came forward to give the presentation. He introduced Basil Souder, Principal at Lohan Anderson. Giving a brief history, Mr. Stauber stated that they were asked to develop a concept plan so the City of Michigan City could have more control over redevelopment of the 50 acres the Redevelopment Commission has been acquiring. Lohan Anderson went through a process of an initial kick-off meeting and stake holder meetings to get public input, and from that, developed three alternatives. They brought those alternatives back and had the stake holders decide on which Plan they liked the best, and as a result, this is the Plan that has been developed. He noted that this is not a final Master Plan – it is a concept Master Plan. Its purpose is to establish a framework for the City and a developer.

Mr. Stauber continued with the slide presentation showing the project area – the “golden triangle” (the casino to the east, Washington Park to the north, and Lighthouse Place Mall to the west). Those are important elements that when linked together will provide a great potential economic stimulus for the North End.

Mr. Stauber read the North End Vision Statement and briefly summarized the mission and goals of the project. He reviewed the site context and pointed out that Lake Michigan is a tremendous asset as well as the Indiana Dune Parks and other cities nearby feeding into the economic center.

Mr. Stauber showed images of the site itself as it exists today and made note of their analysis for access to the site – roadways which all lead into the downtown area, the railroads, bus routes, and bike paths. The Plan shows that there is open space, there is a need for more park space which they addressed, there are historic districts, and there are proposed streets linked to existing streets to maximize ease of access, and pedestrian linkages.

They took examples from other places to show what opportunities there could be. There could be a more developed river edge with walkways where public access is available for everyone, there could be icons (something unique to Michigan City) to attract people, waterfront events, a nature preserve and an aerial tramway.

Ideas for Michigan City include an aerial tramway from the riverwalk to Washington Park, a marina in the northern section, a jumbotron screen on the side of the riverboat, a park across the way, a nature preserve, and development to include single-family, multi-family, townhomes, and some high rise (1,000 units aggregate to the 50 acres). The market will change; their goal is to set a framework for developers to come back and set the appropriate size of development. B-4 shows a mixed-use opportunity with retail, residential, and parking which will transform the whole river edge. Michigan

Boulevard should be pedestrian friendly and provide linkage to neighborhoods. He showed other images of what it could look like and noted that the connection to Lighthouse Mall is important.

Mr. Stauber pointed out the recent efforts of the Andrew's University Plan and how a number of things from this Plan will fit with it – the pedestrian bridges, the transformation of Michigan Boulevard to a pedestrian friendly street, the mix of uses, making streets more pedestrian friendly, and preserving and enhancing the historic districts. The streetscape design guidelines recently completed for the Elston Grove Neighborhood are something they would coordinate with as well.

There is potential for rezoning. Their plan works with an R4 PUD zone. There currently is some R4, and M2 and B5. At some point, if a developer comes in and wants R4 throughout, it would be very consistent with this Plan.

Mr. Stauber concluded that these are all guidelines that would be developed as a part of a larger Master Plan.

The Chair asked if there were any questions from the Commission.

Mrs. Boy wanted to clarify that the entire waterfront would be public access.

Mr. Stauber replied affirmatively.

Mrs. Boy questioned if it would be possible to have some component of affordable housing included in the Plan.

Mr. Stauber stated that affordable housing is a good idea. As to when it is addressed is related to economic incentives and public/private negotiations that have to happen. He advised her to keep it in mind and when the time comes, she should raise the question again as it would have to be addressed when a specific Master Plan is completed.

Mr. Whitlow asked for a definition of affordable housing in terms of this development.

Mr. Stauber replied that in other communities where TIF funds has been used, there is a percentage of housing done that is called 50% and 75% median income housing, which targets certain population incomes, and the housing has to be priced to fit those demographics.

Mr. Whitlow asked if the demographics would be targeted just for that particular part of the community.

Mr. Stauber explained that the City has leverage to ask for things if TIF dollars are being brought into the equation.

Mr. Whitlow pointed out that the question of affordable housing to many means the subsidized housing that is not always what people would call low income housing. He stated that there is a distinction and this community does not do a very good job of making that distinction when projects are brought before the City. He advised that if it is going to be kept at the top of the list, it should be talked about, defined, and redefined. He also pointed out that he was really asking Mrs. Boy for the definition.

Mrs. Boy replied that the Indiana Housing and Community Development Association has guidelines for it specifically.

There were no other Board member comments. The Chair opened the hearing for public comments.

There being none, public comments were closed.

The Chair entertained a motion to adopt the resolution.

Mrs. Boy moved to adopt Resolution 1-08 – seconded by Mr. Smith. The roll was called, with the vote as follows:

<u>Ayes</u>	<u>Nays</u>
Patricia Boy	None
John Carr	
Tom Milcarek	
George Mock	
Nolah Nasser	
Bill Phelps	
Tim Smith	
Al Whitlow	

With a vote of 8 ayes and 0 nays, the resolution was adopted.

In closing, Attorney Bergerson advised that the next step would be to move onto the City Council, then back to the Redevelopment Commission and have parallel tracking with Request for Proposals from potential Master Developers to get the Plan out and see what interest there is. A community task force will be put together to get input and evaluate any proposals received from master developers. Once a developer is selected, the Redevelopment Commission will come back to the Plan Commission with a concrete plan. He stated that this Plan does provide an excellent framework for anyone interested, and the Redevelopment Commission appreciates the Plan Commission's support.

DISCUSSION REGARDING STATUS OF TOWER ORDINANCE, PROPOSED ZONING ORDINANCE AMENDMENT REGARDING HOTEL-MINIUMS, PROPOSED ZONING ORDINANCE AMENDMENT ALLOWING DWELLING UNITS IN THE B1 DISTRICT ABOVE THE FIRST FLOOR

Chairwoman Nasser advised that there are three items of discussion on the agenda that will be presented as a group.

Mr. Pugh led the discussion and explained that the tower ordinance was discussed by this body in November and there was no meeting in December. It had been submitted to the previous City Council, and since that time there is a new Council. It is his understanding that the ordinance which was submitted to the previous Council and was tabled, has now died, and a new tower ordinance must be submitted to the new Council.

Mr. Pugh continued explaining that the Plan Commission had also worked on an amendment regarding hotel-miniums as well as an amendment to allow dwelling units as a permitted use in a B1 district above the first floor.

Mr. Pugh commented that the Plan Commission has time to review these and work on them to achieve the results they would be satisfied with. Secondly, he pointed out the Countywide Comprehensive Plan is completed, he will distribute it in February, and a public hearing will be scheduled before this body in March. The second quarter of the year, the City will be following a joint approach with the City of LaPorte and the County of LaPorte to rewrite and upgrade the Zoning Ordinance. Mr. Pugh suggested the Commission just work on the amendments at this time and follow the route of the Zoning Ordinance rewrite coming in the second quarter.

With regard to the hotel-minium, Mr. Whitlow asked if it would hold up any developers by the Commission not moving forward with the amendment.

Mr. Pugh stated that there is only one project in the redevelopment area that he is aware of and he does not think it would hold it up. When the developer submits plans, it would initially go to the Redevelopment Commission.

Mr. Pugh stated the Plan Commission can continue discussion on these items as they go.

PUBLIC COMMENT

Howard Mason, Carolina Avenue, came forward and stated his confusion with the discussion on the Tower Ordinance. He said it was to be discussed at the November Plan Commission meeting but it was not discussed because there was no legal representation, so it was tabled until this meeting. He asked how it could be dead if it was tabled and waiting to be heard.

Attorney Evans responded and explained that the ordinance before the City Council was dead. The reason why this matter was back before this Board was to deliver a recommendation on the ordinance that was before the City Council. That City Council Ordinance died at the end of the year because it was on the table and there was an election of new Council members. Either the City Council or the Plan Commission can reinitiate it (the City Council can do it on its own and submit it to the Plan Commission for a recommendation; or the Plan Commission can submit a proposed ordinance to the City Council). It has to be reinitiated by one of the parties and passed to the other party for a recommendation.

Mr. Mason asked for clarification that everything tabled and on the table would die because of an election for a new or partial Council.

Attorney Evans reaffirmed that if there was legislation that was tabled prior to the new City Council taking over, that legislation effectively dies at the end of the year.

Mr. Mason asked who has to reinitiate it.

Attorney Evans stated that either one can initiate it, but it does have to go to the other body at some point. She explained that by the Plan Commission not acting in a timely manner, they basically submitted a no recommendation back to the City Council. It did not get brought back up at the Council and died.

Mr. Mason asked where this fits into Mr. Pugh's plans for revamping the ordinances.

Attorney Evans stated she thinks what Mr. Pugh has stated is that because in the next quarter, the Plan Commission is going to look at revising the entire ordinance, and with this ordinance being a part of that entire ordinance, he would be suggesting that it be looked at again at that time. She did advise that it can be initiated prior to that time by either party.

Mr. Whitlow stated that he does not understand why the Plan Commission is not sending forward a recommendation. He questioned why the Commission does not initiate the action.

Mr. Pugh stated that the Commission can, but his point is that the Commission would have to look at the ordinance and send a new one to the Council. He does not think the Commission should do it tonight; instead they should look at it and discuss it as an ongoing process. Secondly, he wanted to make the Commission aware that the Countywide Comprehensive Plan is done, there will be a public hearing on it in March, and after that the Commission will start the same process to rewrite the Zoning Ordinance. This could be included in the new Zoning Ordinance. It is up to the

PLAN COMMISSION

JANUARY 22, 2008

Commission if they want to continue to work on it; but it is his opinion to not do a lot of amendments since the ordinance will be rewritten anyway.

ADJOURNMENT

The Chair entertained a motion to adjourn.

A motion was made by Mr. Phelps – seconded by Mrs. Boy.

The meeting adjourned at 8:00 p.m.

George W. Mock, Secretary