

**MINUTES OF THE REGULAR MEETING OF THE
MICHIGAN CITY PLAN COMMISSION
DECEMBER 27, 2011**

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, December 27, 2011, at 7:00 p.m. local time; the date, hour, and place duly established for the holding of said meeting.

CALL TO ORDER

President G. Wallace Hook called the meeting to order at 7:00 p.m.

ROLL CALL

Plan Director John Pugh called the roll with the following Board members being noted present for the record: Michael Gresham, G. Wallace Hook, Fred Klinder, Richard Murphy, and Al Whitlow. John Carr, Bryant Dabney, Bill Phelps, and Tim Smith were absent. (5 present – 4 absent) A quorum was noted. Staff in attendance: Plan Director John Pugh, Attorney Steven Hale, and Secretary Debbie Wilson.

APPROVAL OF MINUTES

The Chair entertained a motion for approval of the minutes of the regular meeting of November 22, 2011.

A motion to approve the minutes as written was made by Mr. Gresham. The motion was seconded by Mr. Klinder. Upon roll call the vote was as follows: (Ayes): Michael Gresham, G. Wallace Hook, Fred Klinder, Richard Murphy, Al Whitlow (Nays): None

With a vote of 5 ayes and 0 nays, the minutes were unanimously APPROVED.

POLICY OF CONDUCT AND PROCEDURES

With no objections, President Hook 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.

PETITION(S)

The Chair called for reading of the first petition.

Mr. Pugh read **"Petition 904-11 for Minor Subdivision – Kohl's Minor Subdivision for Key Development Partners to create a 4 acre lot in Dunes Plaza (Robert Palm, Surveyor)"**.

Steve Panko, Key Development Partners, LLC, came forward to address the Commission. He noted their address as 321 N. Clark Street, Suite 2440, Chicago, IL 60654. Mr. Panko thanked the Commission for meeting over the holidays.

Mr. Panko explained that they are applying for a subdivision and that the property is under their control. They are trying to redevelop the property; this being the first step of multiple steps that need to happen in order to redevelop this property. Mr. Panko stated that he would answer any questions the Commission may have.

President Hook stated that there is not much to discuss with a minor subdivision, but asked if the Commission had any comments or questions.

Mr. Gresham asked if this is the first anticipated step toward more changes (zoning, subdivision) in this lot.

Mr. Panko replied that it is all driven by the anchor. He stated that in this case they have to make sure they have secured the anchor. He said preliminary indications show there is an interest; but this is the first of multiple steps. There may be other subdivisions specifically for some outlots where the theater was and the entry drive. He stated that they would come back before the Commission when that happens based on desirability of individual users, the size, and other particulars.

Mr. Murphy stated that on behalf of many residents and the Commissioners, they are thrilled Kohl's is here making this first request and that the Commission looks forward to working with the developer to get to the step where Kohl's is open for business in Michigan City.

Mr. Panko responded that he hopes it will come true for everyone.

Mr. Whitlow asked counsel if there is anything that needs to get into the record stating that this subdivision meets the standards.

Attorney Hale replied that part of the record will include both his report and Mr. Pugh's. He explained they both found the proposal meets all the ordinance requirements for a minor subdivision. He pointed out that the access/frontage issue and the lot width issue, which would normally be of concern in a commercial district, is specifically addressed by the new zoning ordinance. He explained that the new zoning ordinance states where there are cross easements for access (as presented in the plan submitted) there is no longer a requirement for minimum lot width and frontage on roads. Attorney Hale continued explaining that the new zoning ordinance has addressed this problem because the vast majority of shopping mall applications present in Michigan City and LaPorte County have the same situation with multiple access points used by multiple retail outlets. Attorney Hale added that in his report he put forth the subdivision ordinance sections that apply. Attorney Hale stated that in his review and Mr. Pugh's review the proposal and submitted plats meet those requirements. For the record, Attorney Hale pointed out that the Petitioner has provided adequate proof of publication and notice to adjoining property owners.

There being no further questions or comments from the Board, President Hook opened the hearing for public comments.

There being none, President Hook closed public comments.

The Chair called for reading of the department reports.

Mr. Pugh read:

**REPORT ON THE PETITION OF
KEY DEVELOPMENT PARTNERS 904-11**

WATER DEPARTMENT: R. E. Russell had no objections.

SANITATION DEPARTMENT: Mike Malatovic, General Manager, had no objections.

FIRE DEPARTMENT: Kyle Kazmierzak, Fire Marshal, had no recommendations at this time.

PLANNING DEPARTMENT: The Planning Department recommends approval based on the fact that this petition meets the requirements of the Michigan City Subdivision Ordinance.

As a technical matter, Attorney Hale added that in the past he has asked Mr. Hook, as President of the Plan Commission, to point out to the Petitioner(s) that whenever less than a full Board is present, they may wish to continue the petition. He noted that there are only five members present and five votes are needed for approval. Attorney Hale

gave the Petitioner the opportunity to postpone this to a hearing when there is a fuller compliment of the Board.

Mr. Panko asked if it would be advisable at this time to continue.

Board members reminded Mr. Panko of the favorable comments and support for this project.

Mr. Panko thanked Attorney Hale for advising him; but asked to continue with the vote tonight.

President Hook asked if the Petitioner cared to summarize before the vote.

Mr. Panko again pointed out that this is the first of multiple steps and they will be happy to hopefully continue the process with the Commission to see if they can deliver a redevelopment of this area.

The Chair entertained a motion.

A motion was made by Mr. Gresham to approve Petition 904-11 for Kohl's Minor Subdivision. The motion was seconded by Mr. Murphy. Upon roll call the vote was as follows: (Ayes): Michael Gresham, G. Wallace Hook, Fred Klinder, Richard Murphy, Al Whitlow (Nays): None

With a vote of 5 ayes and 0 nays, the petition was unanimously APPROVED.

GENERAL DISCUSSION

Attorney Hale advised that at the first meeting in January he will bring up that the Commission consider appointing a committee that he could meet with to propose new rules; including considering appointing a plat committee that could handle some of the minor subdivisions. He stated that he would also like to propose some new procedure rules that he would like discussed and perhaps implemented by the Commission in the upcoming year.

Mr. Gresham stated that he would like to see a written proposal and discussion to make this Board more efficient.

OLD BUSINESS/NEW BUSINESS

None

PUBLIC COMMENT

None

ADJOURNMENT

With no other business to come before the Board, President Hook declared the meeting adjourned at 7:13 p.m.

/s/ Michael Gresham, Secretary