

**MINUTES OF THE REGULAR MEETING OF THE
MICHIGAN CITY PLAN COMMISSION
JANUARY 28, 2020**

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 28, 2020, at 6:00 p.m.; the date, hour, and place duly established for the holding of said meeting.

CALL TO ORDER

Being the first meeting of the year with election of officers to take place, Planning Director Skyler York called the meeting to order at 6:00 p.m.

ROLL CALL

Mr. York called the roll with attendance noted as follows:

Present:

Christina Espar, Braedan Gallas, Dan Granquist, Andy Sperling, Jeffery Wright, Larry Zimmer (6)

Absent:

Bryant Dabney, Fred Klinder, Faye Moore (3)

Staff Present:

Planning Director Skyler York, Planning Department Administrative Assistant Debbie Wilson

Staff Absent:

Attorney Steven Hale

ELECTION OF OFFICERS

Mr. York opened the floor to nominations for President.

Commissioner Granquist nominated Larry Zimmer.

Commissioner Zimmer accepted the nomination.

There were no other nominations. Nominations were closed, and the chair entertained a motion.

Motion by Commissioner Sperling – seconded by Commissioner Gallas approving the nomination of Larry Zimmer for President. Upon voice vote the motion was unanimously approved.

President Zimmer took the chair and presided over the meeting.

President Zimmer opened the floor to nominations for Vice-President.

Commissioner Zimmer nominated Dan Granquist for Vice-President.

Commissioner Granquist accepted the nomination.

There were no other nominations. Nominations were closed, and the chair entertained a motion.

Motion by Commissioner Sperling – seconded by Commissioner Gallas approving the nomination of Dan Granquist for Vice-President. Upon voice vote the motion was unanimously approved.

President Zimmer opened the floor to nominations for Secretary.

Commissioner Granquist nominated Christina Espar for Secretary.

Commissioner Espar accepted the nomination.

There were no other nominations. Nominations were closed and the chair entertained a motion.

Motion by Commissioner Sperling – seconded by Commissioner Gallas approving the nomination of Christina Espar for Secretary. Upon voice vote the motion was unanimously approved.

Officers for 2020 are: Larry Zimmer, President; Dan Granquist, Vice-President; Christina Espar, Secretary.

President Zimmer extended a welcome to new members on the Plan Commission – Jeffery Wright (City Engineer), Christina Espar (Park Board appointment), and Bryant Dabney (Council appointment).

POLICY OF CONDUCT AND PROCEDURES

Being the first meeting of the year and for the benefit of new members, President Zimmer read into the record the Policy of Conduct and Procedures: 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.

APPROVAL OF MINUTES

Without a full board being present and with new members possibly not voting on the minutes from the last meeting of 08/27/19, President Zimmer proposed that approval of the minutes be held over for a full board.

All agreed.

PETITION(S)

Mr. York read, "Petition 900-20: Beachwalk Property Owner's Association, Inc. (BPOA) c/o Anthony Novak of NLKJ requests Development Plan review for Beachwalk Preservation Minor Subdivision, located north of Washington Park Boulevard, Parcel ID 46-01-21-476-085.000-022. Represented by Attorney Anthony Novak; John A. Doyle & Associates, Surveyor." Mr. York noted that this petition will be represented by Jim Kaminski tonight as Mr. Novak could not be present.

Attorney Jim Kaminski of Newby, Lewis, Kaminski & Jones, LLP, 916 Lincolnway, LaPorte, Indiana, addressed the Commission stating that he is covering for Anthony Novak from his office on this petition. He acknowledged providing Mr. York with the original notices to adjoining property owners, the affidavit of service, and affidavit of publication.

Mr. Kaminski explained that tonight they are asking for the Commission to review the Development Plan phase for a proposed minor subdivision under the recent changes to the Zoning Ordinance and Subdivision Ordinance. Mr. Kaminski stated that Beachwalk is proposing to purchase 6.91 acres of real estate located just north of Washington Park Boulevard, adjoining the Beachwalk Association current real estate. He explained that Beachwalk's plan is to separate the 6.91 acres into two parcels, thus the reason for minor subdivision approval. 4.8 acres of it would be in one parcel to the south and would be dedicated permanently to preservation of the dune and keeping it natural. It is hoped in the future it would be conveyed to a not-for-profit dedicated to that purpose. The 2-acre parcel to the north would be expanded Homeowner's Association property. It has been used under a license agreement by the current owner for overflow parking (particularly during the summer months), providing parking on a gravel parkway for the Homeowner's Association. Mr. Kaminski stated that will continue to be the plan for its use moving forward, although it might be used for a future amenity of the Homeowner's Association. He assured that there will not be any plans nor will there be any construction of additional homes, dwellings, or anything of that nature. The current plan

is for overflow parking, although they would like some flexibility for the 2-acre parcel for future use of the Association. Most of the land would be dedicated to preservation of the dune; the Homeowner's Association sees that as a wise buffer zone from some of the commercial uses near that property. The current trees would remain; part of the plan that is required by the ordinance calls for a tree canopy. Mr. Kaminski noted that it is shown on their preliminary plat submitted with this petition.

Mr. Kaminski pointed out that there is an easement of ingress and egress, stating that it isn't contemplated to be needed for the future use, although it is shown on the plat. Mr. Kaminski stated that the only thing he could get before today's meeting was the 3rd reinstated plat of Cason Park, which is a subdivision platted on this land. As a part of that plat it has a permanent easement of ingress and egress (and is shown on their plat). Mr. Kaminski stated that he will attempt to go back to the original subdivision plan before consideration is given for final plat approval to see if he can get specific details of that easement of ingress and egress. He is guessing that it is just part of an original platted subdivision back at least two amendments before the Cason Park Subdivision.

Mr. Kaminski indicated that pursuant to the ordinance, also included is the soil plan/characteristics of the subdivision.

Mr. Kaminski asked for the Commission's approval of the preliminary Development Plan, noting that they would come back for final plan approval at the next meeting. He acknowledged being aware of the question of ingress and egress and assured that they will try and track it down.

Mr. Kaminski introduced Rachel McCormick, Secretary for the Homeowner's Association.

Commissioner Wright referred to the plat asking about the location of the easement for ingress and egress.

Mr. York stated that it was the original easement.

Mr. Kaminski referred to the plat pointing out the portion where the easement runs along and up through the lot and additionally through the middle; noting that it runs in both directions.

Mr. York added that the part which attaches to Beachwalk Lane (that piece of the easement that runs east and then goes directly north) has never been built even though the easement exists there. He said he thinks it is part of the original easement that was previously granted. He noted that they did build the easement on Childers Lane which angles northeast connecting to Washington Park Boulevard. It is paved and provides emergency access to the rear of Beachwalk.

Commissioner Granquist questioned if there are two easements.

Mr. Kaminski replied that was correct.

Commissioner Granquist referred to item 2 in their application where it indicates that Beachwalk Property Owner's Association is the contingent purchaser. He asked if that is an executed contract.

Mr. Kaminski replied that it is, subject to approvals. He added that they do have written consent from the current land owner of the petition.

Commissioner Granquist asked for information on the preservation property and how that will be preserved. He referred to the letter from the Association which indicates it's a 501(c)(3) organization that is currently set up and will be maintained.

Mr. Kaminski replied that the 501(c)(3) has been approved by the IRS and will be dedicated to preservation of the land. It will have a similar board structure to that of the Homeowner's Association, although there will be some separation in terms of management. It is solely dedicated to preserving that property in perpetuity. They could see if there potentially is other adjoining property that could be acquired to do the same thing with.

Commissioner Granquist asked if this 4-acre parcel is the only property at the current time that would be owned by the preservation trust.

Mr. Kaminski replied that was correct.

Commissioner Granquist acknowledged that this is a preservation trust which is self-perpetuating, with a board of directors (no members), and will continue indefinitely.

Mr. Kaminski replied that was correct.

Commissioner Wright asked out of curiosity why they are doing this now, and if circumstances changed.

Rachel McCormick (103 Joe Lane, Michigan City IN) stated that they have been trying to come to an agreement with the owner of the property for the past couple of years. They also had to get approval from their Homeowner's Association to purchase the land which has been a two-year process. The current owner bought it at bankruptcy, and they did not know what they were going to do with the land, and then they approached the Homeowner's Association. She said when dealing with 217 properties and different people's opinions it is difficult to get everybody in agreement. Per their declarations and covenants they must have 2/3 majority to go ahead. It just took time to get through the process.

Commissioner Granquist noted that as part of the application process they gave notice to adjacent/abutting land owners. He asked if they have received any responses from them.

Mr. Kaminski replied that there have been no communications to their office, and he believes no communications to the Planning Office.

Mr. York acknowledged that he had one visit to look over the petition, but no remonstrance was filed.

With no further comments/questions from Commissioners, President Zimmer called for department reports.

Mr. York stated that he received an email from Jeffery Bruder, Fire Marshal. He read the comments (attached hereto and made a part of this record [1]) indicating their concern for future access to homes with the change in road configuration. They recommend that the Childers Lane extension through Washington Park Boulevard remain. Mr. York agreed it is important to maintain some type of rear entrance into Beachwalk. He said they would figure out the easement situation before their next filing.

Mr. York read the staff report (attached hereto and made a part of this record [2]) noting that the easement will need to remain and be maintained per the easement, and that criteria required for submittal has been satisfied, therefore recommending approval of the Development Plan.

The Water Department had no objections (attached hereto and made a part of this record [3]).

The Attorney's report is attached hereto and made a part of this record [4] explaining that tonight is public hearing and consideration of the Development Plan. The next step is consideration of the Primary Plat which will take place at a subsequent Plan Commission meeting and may, but need not, include consideration of the Secondary Plat.

The chair entertained a motion.

Motion by Commissioner Sperling – seconded by Commissioner Espar approving the Development Plan 900-20 for Beachwalk Preservation Minor Subdivision, located north of Washington Park Boulevard, Parcel ID 46-01-21-476-085.000-022. The roll was called, and the vote taken: (Ayes) Christina Espar, Braedan Gallas, Dan Granquist, Andy Sperling, Jeffery Wright, Larry Zimmer – 6; (Nays) None – 0. With a vote of 6 ayes and 0 nays the MOTION CARRIED.

REPORT BY DIRECTOR

Mr. York reported that work continues to update/streamline petition application forms. He hopes to bring the forms to the board for their approval within the next couple months.

REPORT BY ATTORNEY

(No report)

OLD BUSINESS

(None)

NEW BUSINESS

(None)

GENERAL DISCUSSION

(None)

PUBLIC COMMENT

(None)

ADJOURNMENT

With no further business, President Zimmer moved to adjourn – seconded by Commissioner Sperling and unanimously approved. President Zimmer declared the meeting adjourned at approximately 6:25 p.m.

ATTACHMENTS

1. 900-20 Fire Department recommendations
2. 900-20 Staff recommendations
3. 900-20 Water Department recommendations
4. 900-20 Attorney recommendations



Larry Zimmer, President

ATTEST:



Christina Espar, Secretary
David Grangvist Vice President



MICHIGAN CITY INDIANA

Michigan City Fire Department ~ Craig Krivak, Fire Chief - ph 219.873.1440 fax 219.873.1451 email - ckrivak@emichigancity.com
2510 E. Michigan Boulevard - Michigan City, IN 46360

Beachwalk Board Members,

The Michigan City Fire Department has recently viewed plans for possible expansion of your property.

Review of the plans have a concern of future access to homes. The change in road configuration could limit fire equipment and possibly delay response for a medical emergency.

It is in the best interest of safety for your community and rapid access to your property to have the Childers Ave. extension through to Washington Park Blvd. remain.

If you should have further questions or wish to discussion, please do not hesitate to contact the Fire Marshal office.

Thank you in advance for your attention to this matter.

Jeffery S. Bruder
Fire Marshal
Michigan City Fire Department
2510 E Michigan Blvd.
(219) 873-1440

DUANE PARRY-MAYOR

City of Michigan City - City Hall - 100 East Michigan Boulevard, Michigan City, IN 46360 - 219.873.1400 - fax 219.873.1515
web - emichigancity.com

MICHIGAN CITY PLAN COMMISSION

January 28, 2020

Case # 900-20 Beachwalk Minor Subdivision- Development Plan Approval Request**Request**

Development plan approval for a 2 parcel minor subdivision of 6.91 acres zoned R1E Waterfront Residence District

Staff Analysis

The property in question is currently vacant and unsubdivided. The surrounding uses are single family residential and are zoned R1E to the north, south, and west and M2 Industrial to the east of the site.

Joint Zoning ordinance 04.04- Building Dimensional Requirements (I) Standards Applicable to the R1E District.

(1)Subdivision of Land. Any subdivision or re-subdivision of land shall require a concept plan followed by a development plan followed by a primary plat for review and approval by the Plan Commission at a public hearing in compliance with the requirements of the 1400 Series of Indiana Code 36-7-4 prior to submission of an application for Primary Plat review.

Tonight the petitioner is before the planning commission to ask for the Development Plan approval to move the next step which is primary and secondary approvals.

Staff Recommendation

Staff has reviewed the proposed development plan and offers the following:

There is a permanent Easement for safety access into the beachwalk through the preserved property. This easement will need to be maintained and maintenance per the easement.

Staff finds that the criteria required for submittal and approval of a Development Plan has been satisfied and recommends approval of the Development Plan.

PETITION RECOMMENDATIONS
PLANNING DEPARTMENT

PETITION NO: 900-20

PETITIONER: BPOA

REQUEST: Minor Subdivision - primary

LOCATION: n of Washington Park Blvd 46-01-21-476-085.000-022

Planning Department Observations:

Request for Minor Subdivision to create two lots with southern half being donated to 501(c)(3) for land preservation. Please submit your comments/recommendations to our office by 1/10/20.

Date Forwarded: 1/2/20

Fire Dept:

Date Forwarded: _____

Water Dept:

The Department of Water Works has no objections to the Minor Subdivision. Water can be obtained at any time when required and requested.

R. E. Russell, Supt.
Date Forwarded: January 2, 2020

Sanitation Dept:

Date Forwarded: _____

Attorney:

Date Forwarded: _____

Attorney Report

Petition No.: 900-20
Petitioner: BW Renaissance Partners LLC
Owner: Beachwalk Property Owners Association, Inc.
Request: Minor Subdivision
Location: Approximately 6.91 acres North of Washington Park Boulevard; Parcel No. 46-01-21-746-085.000-022 ("the Property")

Petitioner is filing for Minor Subdivision approval to create two lots on the Property and requesting primary plat approval of a subdivision to be known as Beachwalk Preservation Minor Subdivision.

The process under our new amendments for the RIE Overlay district is in 3 parts:

1. Submission of concept plan and enforcement official approval.
2. Submission of a Development Plan and approval of the Development Plan by the Plan Commission following public hearing.
3. Submission of the Primary Plat and approval of the Primary Plat by the Plan Commission following public hearing.

Tonight, the Plan Commission is to hold a public hearing and consider approval of the Development Plan. The third step - consideration of the Primary Plat will take place at a subsequent Plan Commission meeting. Consideration of the Primary Plat may, but need not, including consideration of the Secondary Plat.

The provisions of the Subdivision Ordinance pertinent to a major subdivision include: Section 1.08(a)(3) (general provision for major subdivisions), Article 4 (general rules pertaining to major subdivisions) Article 5 (plat composition requirements) and Article 6 (design standards).

The submitted materials include:

- (a) The Application For Minor Subdivision Within The Corporate Limits of Michigan City signed by Petitioner's attorney, Anthony Novak;
- (b) Names and mailing addresses of adjoining property owners;

- (c) Beacon Overhead Map of adjoining property owners.
- (d) Letter of Development Plat dated November 11, 2019 from Petitioner regarding its request.
- (e) Proposed Preliminary Plat for Beachwalk Preservation Minor Subdivision prepared by Surveyor John A. Doyle dated November 20, 2019.
- (f) Primary Plat for Beachwalk Preservation Minor Subdivision prepared by Surveyor John A. Doyle
- (g) Acknowledgment of Public Hearing Notice Requirements documentation related to public hearing.

Respectfully submitted,



Steven A. Hale