

**MINUTES OF THE REGULAR MEETING OF THE
MICHIGAN CITY PLAN COMMISSION
JUNE 23, 2020**

The Michigan City Plan Commission convened in a regular meeting via Zoom and streaming live on My Michigan City, Indiana Facebook, on Tuesday, June 23, 2020, at 6:00 p.m. local time; the date, hour, and place duly established for the holding of said meeting. The meeting was hosted by City Planner Skyler York.

CALL TO ORDER

President Larry Zimmer called the meeting to order at 6:05 p.m.

ROLL CALL

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

Present:

Bryant Dabney (arrived after roll call), Christina Espar, Braedan Gallas, Dan Granquist, Michael Gresham, Fred Klinder, Andy Sperling, Jeffery Wright, Larry Zimmer (9)

Absent:

None (0)

Staff Present:

Planning Director Skyler York, Attorney Steven Hale, Planning Department Administrative Assistant Debbie Wilson

Staff Absent:

None

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

President Zimmer entertained a motion for approval of the minutes of the regular meeting of August 27, 2019. It was noted that approval was held over from the previous meeting because there were not enough members to vote on them.

Motion made by Commissioner Granquist – seconded by Commissioner Gallas accepting the minutes of the regular meeting of August 27, 2019 as submitted. The roll was called, and the vote taken: (Ayes) Commissioners Gallas, Granquist, Klinder, Sperling, Zimmer – 5; (Nays) None – 0; (Abstain) Commissioners Espar, Gresham, Wright – 3; (Absent) Commissioner Dabney – 1. With a vote of 5 ayes, 0 nays, 3 abstentions, and 1 absent, the MOTION CARRIED.

President Zimmer entertained a motion for approval of the minutes of the regular meeting of February 25, 2020.

Motion made by Commissioner Wright – seconded by Commissioner Gallas accepting the minutes of the regular meeting of February 25, 2020 as submitted. The roll was called, and the vote taken: (Ayes) Commissioners Gallas, Granquist, Klinder, Sperling, Wright, Zimmer – 6; (Nays) None – 0; (Abstain) Commissioners Espar, Gresham – 2; (Absent) Commissioner Dabney – 1. With a vote of 6 ayes, 0 nays, 2 abstentions, and 1 absent, the MOTION CARRIED.

PETITION(S)

The chair called for the first petition, Petition 901-20: Wallace Pritz - Woodland Ave Estates requests primary plat approval of Woodland Estates, a Major Subdivision to create a four-lot residential subdivision, located at the southeast corner of Welnetz Road and Woodland Avenue. Engineer/Surveyor: John Hendricks & Associates, P.C.

James Masters (Attorney for Petitioner) commented that Tony Hendricks prepared the site plan but he did not see Mr. Hendricks being present on this ZOOM meeting. Mr. Masters did state that the recommendations of the Planning staff to approve four residential lots and to amend the legal description so that the Commission is only addressing the property within the city limits of Michigan City, are all acceptable to the Petitioner.

Mr. York said staff is looking for proof of mailings.

Attorney Masters said he is looking for them as well. He commented that he has been trying to reach Mr. Hendricks all afternoon, trying to get a hold of those notices. He stated that he does not have them in hand right now.

Attorney Hale stated that the Commission has always held the rule that they must have proof of mailing to adjoining property owners either before or at the meeting. If those

are not available at this time, Mr. Hale said it would be his recommendation that this petition be continued to the next regular meeting.

Attorney Masters stated that he understands Mr. Hale's position, although he said he can say that letters were sent out by Mr. Hendricks, but he does not have those proofs in hand.

Commissioner Wright referred to the last meeting, stating that the question was posed if they had met all criteria to be before the Commission at that time, and that included the green cards. Then the Commission voted to continue to the next available meeting.

Attorney Hale responded that the February 25, 2020 meeting was continued, but it was not continued to the next meeting. So, the question becomes how can neighboring people know when, given COVID, the Commission would have their next meeting. There was no way for them to know and due process requires that when there is a public hearing (such as required for this petition) that neighboring owners must be advised. He said unfortunately the notices that were provided for the 2/25/20 meeting and reviewed by Mr. York and himself do not help with notices for this meeting; therefore, Mr. Hale stated that his recommendation stands, and the Commission cannot hear the petition this evening.

Commissioner Wright asked if those notices would carry over since the Commission took action to continue the meeting.

Attorney Hale replied that the Commission has done that in the past; however, he reviewed the minutes from 2/25/20 and unfortunately the petition was not continued to the next meeting. It was continued until staff received all proper documentation to include the required certificates to be in place on the primary plat. In his opinion, the hearing would not necessarily be at the next meeting. Also, given the fact that there have not been any meetings due to COVID it is incumbent on everyone to send out new notices. Staff took steps to notify all petitioners who had matters pending asking them to send out new notices. Mr. Hendricks not only agreed to do that, but he told them he had done it. Mr. Hale felt that was further indication that his recommendation be followed by the Plan Commission.

Commissioner Gresham suggesting moving this petition down to the last petition on the agenda to see if within that time Mr. Hendricks could provide the proof, and if not, it should be tabled to the next meeting.

Commissioner Sperling encouraged the Commission to listen to Attorney Hale as their counsel because people need to be notified to give them the opportunity to air their grievances/comments. Mr. Hendricks had the chance to attend this meeting and he did not.

Attorney Masters asked if there were any objections from neighbors at the 2/25/20 meeting.

Attorney Hale replied that there were remonstrators (present).

Attorney Masters asked if there have been any written remonstrances filed.

Mr. York replied that no written remonstrances were received.

Attorney Masters stated that he would not debate with the Commission's counsel, although he commented that there is nothing written in the Commission's rules that required a second notice of this meeting after the first meeting was continued.

Motion made by Commissioner Gresham – seconded by Commissioner Granquist to move Petition 901-20 down on the agenda to be the third petition giving Mr. Hendricks the opportunity to provide proof of notification, and if he does not, continue the petition to the next meeting. The roll was called, and the vote taken: (Ayes) Commissioners Espar, Gallas, Granquist, Gresham, Klinder, Sperling, Wright – 7; (Nays) Zimmer – 1; (Absent) Commissioner Dabney – 1. With a vote of 7 ayes, 1 nay, and 1 absent, the MOTION CARRIED.

The chair called for the next petition.

Petition 902-20: JGM, LLC requests primary and secondary plat approval, Harbour Park Resubdivision, a Major Re-Subdivision to relocate two lot lines between lots 12 and 13, and between lots 13 and 14 in Krueger Addition, located on the east side of Krueger Avenue, north of Felton Street, and south of Washington Park Boulevard. Engineer/Surveyor: Thate-GLE.

Steven Thate (Thate-GLE Surveying, 3301 Franklin Street, Michigan City IN) addressed the Commission regarding the petition. He explained that there is an existing subdivision with 14 lots called Krueger Addition. They are now taking 3 lots and moving two interior lot lines over to the northwest to make lot 12A have more frontage. The reason for this is because when this was originally done there were 5' side building setback lines. Unbeknownst to his client those were changed to 7', so the design of his home does not fit in there now; they want to move everything over so it will fit there. By doing so, it would be further away from the neighbor, the lots will be more even, and it would make it better for everybody. Mr. Thate requested final plat approval.

Commissioner Dabney joined the meeting at 6:31 p.m. and was noted present for the record. He apologized stating that he was at a Council finance committee meeting.

Commissioner Gresham asked if it is correct that all the reports were back for the notifications.

Attorney Hale replied affirmatively, stating that he and Mr. York reviewed the notices, so the Commission is free to act on the petition.

The chair called for Department reports.

Mr. York noted that the Fire Department report indicated no issues with the reconfiguring of lots 12, 13, 14 (attached hereto and made a part of this record [1]); the Sanitary District report indicated taking no exception to the proposed major re-subdivision (attached hereto and made a part of this record [2]); and the Water Department report indicated no objections to the request for major resubdivision to reconfigure lots 12, 13, and 14 in the Harbour Park Subdivision (attached hereto and made a part of this record [3]).

Mr. York read the staff report (attached hereto and made a part of this record [4]) indicating the criteria for submittal and approval of the primary plat is sufficient and therefore recommends approval.

Commissioner Gresham noted these lot lines and shapes being non-traditional, asking if they still meet all the distances and setback requirements.

Mr. York responded that it will affect the other two lots, but they still will have to contend with the setbacks that are established now, although the house will fit on Petitioners' lot without having to get any variances. He added that he is not sure what will happen to the two lots at the time they are developed, but they probably will have to make those houses conform to the existing setbacks at that time or get a variance.

Attorney Hale read his report (attached hereto and made a part of this record [5]) noting Petitioner is requesting primary and secondary plat approval. He explained the three-part process under the new amendments for the R1E Overlay District, noting that the Commission approved the second step, the Development Plan at their 2/25/20 meeting. He stated that the Commission may approve the primary plat, approve it with certain modifications that would bring the application into compliance with the Subdivision Ordinance, or deny it on the grounds that it does not comply with the Subdivision Ordinance. The secondary plat must comply with the primary plat and the Subdivision Ordinance. He noted that primary plat requires a public hearing; secondary plat does not but requires the Commission to approve it at a public meeting. In this case it is appropriate to approve both primary and secondary plats since it is merely a change in the configuration of the lot; the secondary plat will remain the same as the primary plat.

Commissioner Zimmer asked if the Commission can combine approval of both the primary and secondary plat in the same motion.

Attorney Hale replied affirmatively, stating that in this case the document the Commission is approving is the same.

President Zimmer opened the hearing to public comments.

There being none, he closed the public portion of the hearing.

The chair entertained a motion.

Motion by Commissioner Gresham – seconded by Commissioner Gallas approving Petition 902-20 primary and secondary plat, Harbour Park Resubdivision based on the primary plat meeting the Subdivision Ordinance standards, as well as approval to include the findings of the Planning staff.

Sherry (last name inaudible), 101 Washington Park Boulevard noted her concern with sidewalks in the area and asked if there is any consideration given to address sidewalks on Krueger Avenue.

President Zimmer stated that it does not have any impact on the petition and suggested she talk to someone at the Planning Department about it.

Mr. York added that the City did look at sidewalks in that area, but the issue is the road is not on its centerline and is partially on private property. By shifting the road over, it would impact the dune, so it was suggested to not do that and instead steer people onto Lake Avenue where there are sidewalks. Survey work was done on that, but it was determined that it would eat into Krueger Dune causing erosion.

With a motion and second on the floor, the roll was called, and the vote taken: (Ayes) Commissioners Dabney, Espar, Gallas, Granquist, Gresham, Klinder, Sperling, Wright, Zimmer – 9; (Nays) None - 0. With a vote of 9 ayes and 0 nays, the MOTION CARRIED.

The chair called for the next petition.

Petition 901-19: BFLP Finance, LLC requests secondary plat approval of a Major Subdivision for four lots at the Southeast corner of Felton Street and Lake Avenue to be known as Lakeside Townhomes Subdivision. Attorney: Bradley J. Adamsky; Engineer/Surveyor: Global

Mr. York noted that primary plat was approved in July 2019; this is request for secondary plat approval.

Attorney Bradley Adamsky representing the petitioner noted that he provided proof of mailing and publication. He also noted that this was already approved as primary by a vote of 7-1 in July 2019 with one condition that the secondary plat reflect the addition of sidewalks, which has been addressed. His client is ready to move forward with secondary plat approval with those sidewalks on there as approved with the primary plat last July.

The chair called for the Department reports.

Mr. York read the staff report (attached hereto and made a part of this record [6]) indicating that staff finds the secondary plat to be in order but recommends conditional approval based on the submission of satisfactory proof of bonds or certified check for public infrastructure and utilities (sidewalks, water, sanitary, etc.).

The Sanitary District report indicates taking no exception to major subdivision – secondary Lakeside Townhomes Subdivision (attached hereto and made a part of this record [7]). The Water Department report indicates no objections but wants the developer to understand that a water main and service taps will need to be paid for and constructed to properly serve the units (attached hereto and made a part of this record [8]).

Attorney Hale read his report (attached hereto and made a part of this record [9]) noting that this is major subdivision approval for 4 lots at the southeast corner of Felton Street and Lake Avenue known as Lakeside Townhomes Subdivision. Primary plat approval was granted in July 2019; this request is for secondary plat approval. Attorney Hale reviewed the provision of the Subdivision Ordinance pertinent to a major subdivision and explained the process. The secondary plat must comply with the primary plat and requires approval at a public meeting of the Plan Commission but does not require a public hearing. The Commission may approve the primary plat, approve it with certain modifications that would bring the application into compliance with the Subdivision Ordinance, or deny it on the grounds that it does not comply with the Subdivision Ordinance.

President Zimmer asked for confirmation that there does not need to be public comment.

Attorney Hale replied that there does not, but there certainly may if he wishes to do so.

President Zimmer opened the hearing to public comments.

John Heaney (231 Felton Street, Michigan City IN) commented that like last July, he again did not receive notice of this meeting; he found out about it from his neighbor. He asked the number of units on the lots. He also questioned if the builder plans on

leveling this area of all the trees and letting it sit for years like other property in the neighborhood.

Regarding the number of units, Attorney Adamsky replied that the issue arises because the property was rezoned and there is a density requirement the developer must follow with the City, but that has no bearing on the subdivision. There are four lots and they will be bound by what the City requires. He could not respond to the issue of leveling but noted seeing Mr. Harte and Mr. Conner being present on ZOOM, but the engineer was not.

Commissioner Zimmer said his comment was well taken, and once they level the site and want to start building, they need to build and not leave an empty lot that would become an eyesore.

Mr. Heaney noted Mr. Conner being present stating that he is the realtor on this. He commented that there is a property Mr. Connor is developing now next to one he recently developed and there has been a big hole in the ground with a pile of sand for quite some time next to a house he sold that he owned. Mr. Heaney stated he understands that last July there was a density problem. He asked if Mr. Connor wanted to speak about the leveling of the property.

Mr. York told Mr. Heaney that density is based on acreage and the ratio is still the same.

Attorney Hale addressed Mr. Heaney's request for Mr. Connor to speak, advising that the Commission's rules provide that members of the public can direct their questions/comments to the Board; there is no requirement for anyone to answer and he feels it is inappropriate to put anyone on the spot, although certainly if anyone from the audience wants to address that issue they may. He advised that no one from the public is required to answer that question, or any question.

Mr. Heaney asked Mr. Hale when that next Board meeting would be and if he would be notified.

Attorney Hale replied that depending on what happens this evening, this may be the last Plan Commission action taken on this project and there would be no further meetings.

The chair entertained a motion.

Motion by Commissioner Gresham – seconded by Commissioner Sperling granting secondary plat approval of Petition 901-19 with staff's recommendation of being conditional approval based on the submission of satisfactory proof of bonds or certified check for public infrastructure and utilities (sidewalks, water, sanitary, etc.).

Before the vote was taken, Commissioner Dabney explained for the record that he does not approve anything conditional; he likes everything to be in place before he votes in favor.

With a motion and second on the floor, the roll was called, and the vote taken: (Ayes) Commissioners Espar, Granquist, Gresham, Klinder, Sperling, Wright, Zimmer – 7; (Nays) Commissioners Dabney, Gallas - 2. With a vote of 7 ayes and 2 nays, the MOTION CARRIED.

Petition 901-20 was officially called back.

Attorney Masters stated that while he was waiting he went through correspondence and saw an email from Tony Hendricks to Skyler York, Steve Hale, the City Attorney, the Mayor, and others indicating that Wally Pritz instructed Mr. Hendricks to send out the notices, and he was sending them out on that date. Mr. Masters also saw an email that Mr. Hendricks sent to Mr. York earlier today which has copies of notices he sent for today's hearing addressed to the adjacent property owners., but they were apparently sent first class mail instead of certified mail return receipts; therefore notice of the meeting was failed to the adjacent property owners, not by certified mail but regular mail. Mr. Masters left it to the Commissioners and their legal counsel as to whether there has been adequate notice given to adjacent property owners of this hearing.

Attorney Hale stated that the ordinance and continuous practices require that the staff determine notice was sent; not that it was just sent out, but that notice was sent to every adjoining owner. In this case, staff cannot know if every adjoining owner was properly noticed. He explained that it is not unusual for one or more homeowners to not be on the list, and in those cases the Commission continued those hearings in the past because one or two were skipped over. Although, Mr. Hale applauded Mr. Masters for pointing out that some notice was attempted to be sent but it is impossible for staff and their attorney to determine if the appropriate notice was sent to the appropriate neighbors. Therefore, Attorney Hale stated that his recommendation stands to continue this petition (if a motion is made) to the Commission's next regular in-person meeting on July 28, 2020 at 6:00 p.m. at Kruger Memorial Hall, 801 Liberty Trail, Michigan City, Indiana.

Motion by Commissioner Sperling – seconded by Commissioner Gresham to continue Petition 901-20 of Wallace Pritz – Woodland Ave Estates to the regular July 28th meeting at 6:00 p.m. local time, at Krueger Memorial Hall, 801 Liberty Trail, Michigan City, Indiana.

Commissioner Wright asked for confirmation that when the petitioner originally came before the Commission on 2/25/20, notices were mailed, and they were adequate.

Mr. York stated that was correct.

Commissioner Wright asked for confirmation that Commission's counsel and Mr. York reviewed those notices and they were adequate at that time.

Mr. York replied that they were adequate for that meeting.

Commissioner Wright referred to the minutes from that meeting (2/25/20) where the motion was to continue Petition 901-20 until staff receives all proper documentation to include the required certificates to be in place on the primary plat. He questioned why there must be new notification if the notice was good for that meeting and the plat now has the certifications.

Mr. York stated that the public needs to be notified of the date, and a date was not specified, so there was no date to continue it to. The public has not received the proper notification at this time.

Commissioner Wright felt that the Commission was adding other criteria beyond what the Commission asked him to do under the original motion.

In response, Attorney Hale stated that the question is, does the public have a right to be present and participate in a hearing to consider approval of the primary plat, and that answer is clearly, yes. Mr. Hale explained that when the February meeting was continued without a date, the public was unable to determine when the next meeting would be. There is an obligation to the public to tell them when the meeting would be continued to.

Commissioner Wright asked if the original motion was a bad motion.

Attorney Hale replied that it was not at all a bad motion; it was an appropriate motion, but perhaps inefficient.

Attorney Masters asked if they must publish notice in the newspaper again.

Attorney Hale stated that he and Mr. York prepared and filed for publication on two occasions notice of tonight's meeting for all three petitions. It was done because staff knew it would be expensive because of this being a ZOOM meeting and being brand new to the Commission and staff wanted to provide an extensive notification. This was done at the Plan Commission's expense to satisfy the requirement that there be newspaper publication of this meeting, so the petitioners were not required to do so. He further pointed out that all three petitioners knew that and agreed that they would send notices to the adjoining neighbors, but they did not have to publish notice in the newspaper.

Mr. York asked counsel for confirmation that if the petition is continued at this time, there is no more notification needed at this time.

Attorney Hale replied that was correct, adding that it is in compliance with Commission's past practices.

With a motion and second on the floor, the roll was called, and the vote taken: (Ayes) Commissioners Dabney, Espar, Gallas, Granquist, Gresham, Klinder, Sperling, Wright, Zimmer – 9; (Nays) None - 0. With a vote of 9 ayes and 0 nays, the MOTION CARRIED.

REPORT BY DIRECTOR

Mr. York noted that the meeting will be going live next month and will be at Krueger Memorial Hall.

Mr. York stated that he is working on cleaning up the petition applications, making them clearer to understand and including a checklist so petitioners know what to provide. He hopes to bring that before the Commission within the next month.

REPORT BY ATTORNEY

(No report)

OLD BUSINESS

(None)

NEW BUSINESS

Commissioner Gresham requested and recommended if possible, to publish again an updated location and time for the meeting next month as a courtesy to the public.

Mr. York asked if he was referring to a newspaper publication.

Commissioner Gresham replied that was correct.

GENERAL DISCUSSION

(None)

PUBLIC COMMENT

Don and Mary Gustafson (owners of property approved on Krueger Avenue) thanked staff/Commission for getting the ZOOM meeting organized. They look forward to taking advantage of the remaining building season and look forward to being great new neighbors.

Karen Rafter (403 Colfax Avenue) asked if anything has gone through on the Hilltop development.

Mr. York replied that he has not talked to them since their last presentation and he has not received a petition from them.

ADJOURNMENT

The chair entertained a motion to adjourn.

Motion to adjourn by Commissioner Gresham – seconded by Commissioner Zimmer and unanimously approved. President Zimmer declared the meeting adjourned at approximately 7:23 p.m.

ATTACHMENTS

1. 902-20 Fire Department comments
2. 902-20 Sanitary District comments
3. 902-20 Water Department comments
4. 902-20 Staff report
5. 902-20 Attorney report
6. 901-19 Staff report
7. 901-19 Sanitary District comments
8. 901-19 Water Department comments
9. 901-19 Attorney report



Larry Zimmer, President

ATTEST:



Christina Espar, Secretary

**PETITION RECOMMENDATIONS
PLANNING DEPARTMENT**

PETITION NO: 902-20

PETITIONER: Harbour Park Resubdivision

REQUEST: Major Re-subdivision – Primary & Secondary plat approval

LOCATION: E side Krueger, N Felton, S Washington Park Blvd

Planning Department Observations:

Request for Major Re-subdivision to reconfigure lots 12, 13, and 14. Please submit your comments/recommendations to our office by 06/11/20.

Date Forwarded: 6/4/20

Fire Dept: The Michigan City Fire Department has no issues with the reconfiguring of lots 12,13,14.

Date Forwarded: 6/10/20

Water Dept:

Date Forwarded: _____

Sanitation Dept:

Date Forwarded: _____

Attorney:

Date Forwarded: _____

**PETITION RECOMMENDATIONS
PLANNING DEPARTMENT**

PETITION NO: 902-20

PETITIONER: Harbour Park Resubdivision

REQUEST: Major Re-subdivision – Primary & Secondary plat approval

LOCATION: E side Krueger, N Felton, S Washington Park Blvd

Planning Department Observations:

Request for Major Re-subdivision to reconfigure lots 12, 13, and 14. Please submit your comments/recommendations to our office by 06/11/20.

Date Forwarded: 6/4/20

Fire Dept:

Date Forwarded: _____

Water Dept:

Date Forwarded: _____

Sanitation Dept:

The Sanitary District takes no exception to the proposed Major Re-Subdivision.

Date Forwarded: _____

Attorney:

Date Forwarded: _____

**PETITION RECOMMENDATIONS
PLANNING DEPARTMENT**

PETITION NO: 902-20

PETITIONER: Harbour Park Resubdivision

REQUEST: Major Re-subdivision – Primary & Secondary plat approval

LOCATION: E side Krueger, N Felton, S Washington Park Blvd

Planning Department Observations:

Request for Major Re-subdivision to reconfigure lots 12, 13, and 14. Please submit your comments/recommendations to our office by 06/11/20.

Date Forwarded: 6/4/20

Fire Dept:

Date Forwarded: _____

Water Dept:

The Department of Water Works has no objections to the request for Major Re-subdivision to reconfigure lots 12, 13, and 14, in the Harbour Park Subdivision.

**R. E. Russell, Supt.
Date Forwarded: June 5, 2020**

Sanitation Dept:

Date Forwarded: _____

Attorney:

Date Forwarded: _____

MICHIGAN CITY PLAN COMMISSION**June 23, 2020****Case # 902-20 JGM Resubdivison of 3 previously subdivided lots****Request****Development plan approval for a resubdivision of 3 previously subdivided lots****Staff Analysis**

The property in question is currently vacant and is subdivided. The surrounding uses are single family residential and are zoned R1E to the north, south, and marina district to the southwest

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.

This resubdivison cannot be approved under the administrative subdivision ordinance and therefore must be done by resubdivison. Essentially what the petitioner is trying to accomplish, is to give more land to lot 12 by adjusting the interior lot lines of lots 13 & 14.

Tonight the petitioner is before the planning commission to ask for Primary Plat. Development plan approval was granted at the February 25, 2020 planning commission hearing.

Staff Recommendation

Staff finds that the criteria required for submittal and approval of the Primary Plat is sufficient and recommends approval.

Attorney Report

Petition No.: 902-20
 Petitioner: JGM, LLC
 Owners: JGM, LLC (as to Parcel Nos. 46-01-21-355-021.000-022 and 46-01-21-355-022.000-022) and Donald Gustafson and Mary Anne Gustafson Living Trust dated 05/28/13 (as to Parcel No. 46-01-21-355-020.000-022)
 Request: Major Re-Subdivision
 Location: East side of Krueger, North Felton, South Washington Park Boulevard; also known as Parcel Nos. 46-01-21-355-021.000-022, 46-01-21-355-022.000-022 and 46-01-21-355-020.000-022

Petitioner is filing for Major Re-Subdivision approval to reconfigure lots 12, 13 and 14 and is requesting primary and secondary plat approval this evening of a subdivision to be known as Harbour Park Resubdivision.

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; this may also include, in appropriate cases, approval of the Secondary Plat.

The Plan Commission held a public hearing and approved the Development Plan at it's regular meeting on February 25, 2020. The third step - consideration of the Primary Plat as well as secondary plat approval is scheduled for tonight's meeting.

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).

As for approval of the primary plat, the Plan Commission may approve the major subdivision application, approve it with certain modifications that would bring the application into compliance with the Subdivision Ordinance or deny the application on the grounds that it does not comply with the Subdivision Ordinance. See Section 4.03(f) of our Subdivision Ordinance. The issue for the Plan Commission in considering approval of the primary plat is: does it comply with the Subdivision Ordinance. See Section 4.03(f). The Plan Commission must make findings of fact regarding such compliance as stated in Section 4.03(f). A motion to approve or disapprove the primary plat may adopt the Planning Department report and any findings or conclusions therein, and may include any findings of fact of the Board member making the motion. When pertinent, the matters that the Plan Commission may consider are found at Section 4.03(g) and (h).

The secondary plat is to comply with the primary plat and the subdivision ordinance. (See Sections 4.06(f). The Plan Commission is to make findings as to such compliance or noncompliance and then make a decision in the same manner as for a primary plat approval.

The submitted materials include:

- (a) The Application For Minor or Major Subdivision Within The Corporate Limits of Michigan City (Primary and Secondary) signed by Petitioner's land surveyor, Steven C. Thate;
- (b) Names and mailing addresses of adjoining property owners;
- (c) Plat for Harbour Park Resubdivision prepared by Thate-GLE Engineers and Surveyors dated 1/23/20.

Respectfully submitted,



Steven A. Hale

MICHIGAN CITY PLAN COMMISSION

June 23, 2020

Case # 901-19 Secondary Plat Approval – Major Subdivision located at SE corner Felton Street and S. Lake Ave.**Request a**

Secondary Plat Approval for a .79 acre piece of land to be subdivided into 4 new lots.

Staff Analysis

The primary plat approval was provided by the plan commission for this subdivision in July 2019 at a public hearing. The developer has worked with all utility departments to complete construction drawings and the necessary bonds to install the infrastructure improvements but we do not have proof of bonding yet.

Staff Recommendation

Planning Staff has reviewed the proposed subdivision and finds the secondary plat to be in order but recommends the following:

Conditional approval based on the submission of satisfactory proof of bonds or certified check for public infrastructure and utilities (Sidewalks, Water, Sanitary, etc.)

**PETITION RECOMMENDATIONS
PLANNING DEPARTMENT**

PETITION NO: 901-19

PETITIONER: BFLP Finance, LLC

REQUEST: Major Subdivision – secondary (Lakeside Townhomes Subdivision)

LOCATION: SE corner Felton St – Lake Ave

Planning Department Observations:

Request for Major Subdivision secondary plat approval to create four lots. Please submit your comments to our office by 6/11/20.

Date Forwarded: 6/4/20

Fire Dept:

Date Forwarded: _____

Water Dept:

Date Forwarded: _____

Sanitation Dept:

The Michigan City Sanitary District (District) has reviewed PETITION NO: 901-19 and takes no exception to Major Subdivision – secondary (Lakeside Townhomes Subdivision).

Date Forwarded: _____

Attorney:

**PETITION RECOMMENDATIONS
PLANNING DEPARTMENT**

PETITION NO: 901-19

PETITIONER: BFLP Finance, LLC

REQUEST: Major Subdivision – secondary (Lakeside Townhomes Subdivision)

LOCATION: SE corner Felton St – Lake Ave

Planning Department Observations:

Request for Major Subdivision secondary plat approval to create four lots. Please submit your comments to our office by 6/11/20.

Date Forwarded: 6/4/20

Fire Dept:

Date Forwarded: _____

Water Dept:

The Department of Water Works has no objections to the request for Major Subdivision secondary plat approval to create four lots, for the Lakeside Townhomes Subdivision, located at SE corner Felton St. and Lake Ave. Developer understands that a water main and service taps will need to be paid for and constructed to properly serve the Units.

**R. E. Russell, Supt.
Date Forwarded: June 5, 2020**

Sanitation Dept:

Date Forwarded: _____

Attorney:

Attorney Report

Petition No.: 901-19 Amended
Petitioner: BFLP Finance, LLC
Engineer/Surveyor: Global Engineering & Land Surveying, LLC
Request: Major Subdivision - Lakeside Townhomes Subdivision
(Secondary Plat)
Location: SE corner Felton Street-Lake Avenue

Petitioner filed for Major Subdivision approval for 4 lots located at the Southeast corner of Felton Street and Lake Avenue and requested primary plat approval of a subdivision to be known as Lakeside Townhomes Subdivision. Approval of the primary plat was granted at the Plan Commission's July 2019 meeting. The Petitioner is now requesting approval 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 process for a major subdivision includes: filing of a concept plan by the subdivider (together with any fee) and administrative review of the concept plan by our enforcement official; filing of an application for a primary plat by the subdivider, together with any fee, and administrative review of the application and proposed primary plat by our enforcement official; referral of the application to the Plan Commission for a public hearing; adoption of findings of fact and a decision by the Plan Commission. Section 4.03. After submission and approval of construction plans regarding improvements approved in the primary plat and any necessary inspection and approval of completed improvements, the subdivider submits an application for approval of the secondary plat which is reviewed and approved (if it complies with the primary plat) by the enforcement officials and the Plan Commission according to Section 4.06

The secondary plat is to comply with the primary plat and the subdivision ordinance. (See Section 4.06(f)). The Plan Commission is to make findings as to such compliance or noncompliance and then make a decision in the same manner as for a primary plat approval. Approval of the secondary plat requires approval of the Plan Commission at a public meeting not a public

hearing. Finally, as for approval of the secondary plat, the Plan Commission may approve it, approve it with certain modifications that would bring the application into compliance with the primary plat or deny the application on the grounds that it does not comply with the primary plat. See Section 4.03(f) of our Subdivision Ordinance. So, the sole issue for the Plan Commission in considering approval of the secondary plat is: does it comply with the primary plat.

Respectfully submitted,



Steven A. Hale