

**MINUTES OF THE REGULAR MEETING OF THE  
MICHIGAN CITY PLAN COMMISSION  
JULY 26, 2022**

The Michigan City Plan Commission held their regular monthly meeting in the Common Council Chambers, City Hall, 100 E. Michigan Boulevard, Michigan City, Indiana, on Tuesday, July 26, 2022, at 6:00 p.m. local time; the date, hour, and place duly established for the holding of said meeting. This meeting also being available via Zoom and streaming live on My Michigan City, Indiana Facebook. Zoom was hosted by Access LaPorte County Media.

Note: Public had the option to attend, participate, and/or observe the meeting via Zoom, Facebook, or calling in.

**CALL TO ORDER**

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

**ROLL CALL**

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

**Present:**

Daniel Granquist (in person); Michael Gresham (via Zoom – audio and video); Fred Klinder (in person); Philip Latchford (in person); Lawrence Zimmer (in person) – 5

**Absent:**

Ross Balling, Sean Fitzpatrick, and 2 vacancies – 4

**Staff Present:**

Planning Director Skyler York (in person); Attorney Steven Hale (in person); Administrative Assistant Debbie Wilson (observing via Zoom to take minutes)

**Staff Absent:**

None

President Zimmer noted that there was a quorum present, but any vote must be unanimous to pass.

**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 AGENDA**

The chair entertained a motion for approval of the agenda as presented.

***Motion made by Commissioner Granquist – seconded by Commissioner Klinder approving the July 26, 2022, agenda as submitted. The roll was called, and the vote taken: (Ayes) Commissioners Granquist, Gresham, Klinder, Latchford, Zimmer – 5; (Nays) None – 0. With a vote of 5 ayes and 0 nays, the MOTION CARRIED.***

**APPROVAL OF MINUTES**

The chair entertained a motion for approval of the minutes of the regular hybrid meeting of June 28, 2022.

Commissioner Granquist noted a correction, on page 7, 4<sup>th</sup> paragraph from bottom, the word "perspective" should be "prospective".

***Motion made By Commissioner Gresham – seconded by Commissioner Klinder approving the minutes of the regular hybrid meeting of June 28, 2022, as corrected. The roll was called, and the vote taken: (Ayes) Commissioners Granquist, Gresham, Klinder, Latchford, Zimmer – 5; (Nays) None – 0. With a vote of 5 ayes and 0 nays, the MOTION CARRIED.***

**PETITION(S)**

The chair called for the first petition.

Mr. York read into the record, Petition 902-21(4): Lake & Blaine, LLC requesting Secondary Plat approval of a 6-lot Major Subdivision on an approximate 2.25 acre parcel of land generally situated between Blaine/Mulligan/Center/Lake (Represented by Attorney Barry F. McDonnell; Global Engineering)

Barry McDonnell (appearing in person) stated for the record that he is an attorney with his office located at 601 Franklin Street, Michigan City, Indiana. He said he is present tonight representing Lake & Blaine, LLC who is seeking Secondary Plat approval for the proposed six lot residential subdivision facing Blaine Street. He introduced Jack Caplice (in person), the managing member of Lake & Blaine, LLC; Hesham Khalil (in person), Global Engineering & Land Surveying; and Jeff Oltmanns (via Zoom), Global Engineering & Land Surveying.

Mr. McDonnell noted that they received Development Plan approval by the Plan Commission in November 2021 and Primary Plat approval by the Plan Commission in

February 2022. He pointed out that the plan has stayed consistently the same from the Development Plan all the way through; there are no additional lots, no additional size, no additional acreage. He stated that Global Engineering submitted the proposed Secondary Plat as well as the petition and the drainage plan which was requested as part of Primary Plat approval. Mr. McDonnell stated that they received Primary Plat approval subject to seven conditions. Mr. McDonnell stated that condition 1 is that the Plan Commission is not approving (nor was the Petitioner asking for approval of) anything regarding what was outlined as potential Phase 2 on the plat. He said this is only approval of the Secondary Plat for the six lots that face Blaine Street. Mr. McDonnell stated that conditions 2 and 3 combined are for the plat to provide for utility easements to allow for the Water Department to run their main across the front of the six lots, as well as to provide the option for the Sanitary District to have a shallow main that would run along the front of those lots as well, as opposed to having six individual taps into the deep main. Mr. McDonnell stated that condition 4 is that they do not require a traffic study. He said that is still true because they have not added any additional lots. Although, if Phase 2 would have four or more lots, then they would have to do a traffic study. Mr. McDonnell stated that condition 5 required them to dedicate 20' of the northern section of Lake & Blaine's property for the right-of-way of Blaine Street. He pointed out that the plat does allow for that, so there would be a dedication along with the recording of the plat to the City of Michigan City for Blaine Street. Mr. McDonnell stated that condition 6 is that sidewalks would be required. He explained that the intent is not build them now, but to build them as the homes are constructed, although they are included on the plat. Mr. McDonnell stated that condition 7 was for a drainage plan to be submitted, which he stated has been submitted. He explained that the primary drainage will be handled via a detention pond in the rear of the property, and if necessary, there is also the allowance in the side setback easements for additional drainage swales, and although unlikely, a swale in front of the properties. Referring to the plat, Mr. McDonnell stated that Global Engineering has allowed for the worst case scenario of lot coverage for every lot, and the detention pond would allow for that worst case scenario at over 140% of what is needed, and he therefore asserted that it is over engineered for the size of the lots and the anticipated lot coverage.

President Zimmer called for the staff report.

Mr. York read his report into the record (attached hereto and made a part of this record [1]), stating that the Petitioner has submitted the appropriate documentation for Secondary Plat approval, subject to the seven conditions of Primary Plat approval. He highlighted condition #3 of the Primary Plat, indicating that the Petitioner will need to work with the Sanitary District to determine if a shallow main may be more desirable than six individual taps, which would require an easement across Blaine Street frontage. Mr. York stated that staff recommends approval of the Secondary Plat subject to a modification indicating the type of connection required by the Sanitary District for the six new lots.

President Zimmer called for the attorney's report.

Attorney Hale read his report into the record (attached hereto and made a part of this record [2]), referencing the provisions of the Subdivision Ordinance pertinent to a Major Subdivision. He explained the process, noting that the Petitioner received Development Plan approval from the Plan Commission in November 2021 and Primary Plat approval from the Plan Commission in February 2022. He noted that a public hearing was held as required for Primary Plat approval, and although a public meeting is required for Secondary Plat approval, a public hearing is not required. The Secondary Plat must comply with the Primary Plat and the Subdivision Ordinance, and the Plan Commission is to make findings as to such compliance or noncompliance and then decide in the same manner as for Primary Plat approval. The Plan Commission may approve it, approve it with certain modifications that would bring the application into compliance with the Primary Plat, or they may deny the application on the grounds that it does not comply with the Primary Plat. If approved, the Secondary Plat will be recorded by the Petitioner as the last step in the process.

President Zimmer asked if there were comments/questions from Commissioners.

Commissioner Gresham asked Attorney Hale if the conditions from Primary Plat approval need to be included again for Secondary Plat approval because one of those conditions was communication between the Sanitary District and the Developer.

Attorney Hale replied that his advice is that they only need the modification for the one item for Secondary Plat approval if that is their wish. He noted from Mr. York's report that all the other conditions were satisfied and therefore there is no need to include them again.

Mr. York expanded on Mr. Hale's comments, going through the conditions again, stating that the Plan Commission is not considering phase 2; the Petitioner will need to provide an easement for water across the front of the six lots – there is a 10' easement they granted and is noted on the plat; a traffic study is not required for Phase 1 but if Phase 2 has four or more lots, then a traffic study is required, although they are not proposing anything with Phase 2 at this time; dedication of the right-of-way, which is noted on the plat as 20'; sidewalks are required and are shown on the final plat built into the right-of-way; a drainage plan was required and has been provided. He said the only outstanding condition was modification for #3 on how they want to connect.

For Secondary Plat approval, Commissioner Gresham asked if there is a need to carry over the condition for the traffic study if they do more than four lots in Phase 2.

Attorney Hale replied that there is no need to carry that condition over for Secondary Plat approval. The Petitioner understands and is aware of that condition of Primary Plat approval, but they have not submitted anything for Phase 2.

Referring to the drainage plan, Commissioner Gresham stated that he believes it is typically the 100-year flood plan. He stated that he believes it was mentioned that this was figured out to 140% of the standard, asking Mr. Khalil if that is 140% of a 100-year event.

Mr. Khalil explained that the storage should be for a 100-year event and the conveyance is normally around ten years. Anything above that is two years pre-development that is discharging from the side. He stated that the reason for the approximation of 140% is because the conveyance system is a bioswale or a ditch, so it is a percolation as well. He said it is somewhat considered as a detention, but they are not calling it that; they designed the detention as a 100-year event and the conveyance to that detention is through a ditch or a bioswale.

Commissioner Gresham understood, acknowledging that the combination of the two is what gives that percentage.

Mr. Khalil replied, stating that it is roughly/approximately correct.

Mr. York read the Department reports into the record, indicating that the Fire Department had no further recommendations; the Water Department has no issue with the plat of this Major Subdivision; and the Michigan City Sanitary District takes no exception to the proposed project. He added that this went through Development Plan review and approval as well, so the departments had a chance to review this prior to it coming before the Plan Commission.

The chair entertained a motion.

***Motion by Commissioner Gresham – seconded by Commissioner Klinder approving Petition 902-21(4) by Lake & Blaine, LLC for Secondary Plat approval of a six lot Major Subdivision on an approximate 2.25 acre parcel of land generally situated between Blaine/Mulligan/Center/Lake, with the finding that it complies with the Primary Plat and Subdivision Ordinance, subject to the following modification: 1) The Petitioner work with the Sanitary District to determine the type of connection required for the six new lots (shallow main or six individual taps into the deep main). The roll was called, and the vote taken: (Ayes) Commissioners Granquist, Gresham, Klinder, Latchford, Zimmer – 5; (Nays) None – 0. With a vote of 5 ayes and 0 nays, the MOTION CARRIED.***

#### **NEW BUSINESS / OLD BUSINESS**

Mr. York introduced the newly hired Associate Planner (Kyle Anthony-Petter) and the Assistant Planning Director (Sylvia Collins).

Kyle Anthony-Petter came forward and introduced himself, stating that he is originally from St. Louis. He attended Ball State University and received a master's in urban planning as well as historic preservation. He said he is glad to be here.

Mr. York stated that Kyle's primary responsibilities are with historic preservation, permitting, and zoning review but he will also participate in a few other projects.

Dr. Sylvia Collins came forward and introduced herself, stating that she has a master's in urban planning and a doctorate in educational leadership. She has been in planning since 2011 working for the City of Gary as a Planning GIS Analyst, she has done contract work for community development, zoning, and green infrastructure with departments in the City of Gary. She said she is originally from Chicago and lives in Gary.

**PUBLIC COMMENTS**

None.

**COMMISSIONER COMMENTS**

None.

**ADJOURNMENT**

With no other business to come before the Commission, the chair declared the meeting adjourned at approximately 6:32 p.m.

**ATTACHMENTS**

- 1) 902-21(4) Staff report
- 2) 902-21(4) Attorney's report

  
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Lawrence Zimmer, President

ATTEST:

  
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Michael Gresham, Secretary

## MICHIGAN CITY PLAN COMMISSION

July 26, 2022

**Case # 902-21 Blaine Subdivison Request for Secondary Plat Approval****Request**

The petitioner is requesting Secondary plat approval for 6 new single-family lots. The petitioner received prior approval of the concept plan and development plan at the November 23, 2021 Planning Commission meeting. Followed by primary plat approval at the February 22, 2022 planning commission meeting.

**Findings and Recommendation**

The Parcel of land shown in the subdivision plat was originally thought to be part of the Winship and Bigalow Addition subdivision but after further inspection was found to not be part of that subdivision but rather a mete and bounds description.

The land is currently zoned R1E Waterfront Single Family Residential zoning. This zoning division is for single family housing in general on smaller lots and the requirement for street frontage per lot is 50' and the minimum lot size is 5000 sqft.

Phase I is suitable for single family residential development and the petitioner has submitted the appropriate documentation for secondary plat approval subject to the following conditions.

Conditions of approval for the Primary plat were as follows:

1. The plan commission has not considered and has not approved Phase II shown on the current plat. Approval is for Phase I only and the six lots shown in that phase.
2. The petitioner will need to provide an easement for the water across the front of the 6 lots as determined by the Superintendent of Water Department.
3. The petitioner will need to work with Sanitation to determine if a shallow main may be more desirable rather than 6 individual taps, this would require an easement across Blaine Street Frontage.
4. A traffic study is not required for Phase I; however, if Phase II has four or more lots, a traffic study will be required as part of consideration of Phase II.
5. Almost 1/2 of Blaine Street is included in the proposed Blaine Subdivision property. The northern 20.04', as shown on the development plan for Phase I, shall be dedicated for public Right-of-Way for Blaine Street.
6. Sidewalks are required and should be on the final plat.
7. A drainage plan shall be included with primary plat application.

Staff Recommends approval of the secondary plat subject to a modification indicating the type of connection required by the sanitary district for the new six lots.

## Attorney Report

Petitioner No.: 902-21(4) Secondary Plat  
Petitioner: Lake & Blaine, LLC  
Engineer/Surveyor: Global Engineering & Land Surveying, LLC  
Request: Secondary Plat approval for Major Subdivision  
Location: An approximate 2.25 acre parcel of land situated generally between Blaine Street, Mulligan Street, Center Street and Lake Avenue

Petitioner is filing for Major Subdivision approval for 6 lots located at generally between Blaine Street, Mulligan Street, Center Street and Lake Avenue . Approval of the primary plat was granted at the Plan Commission's February 22, 2022 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).

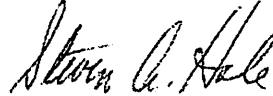
The process for a major subdivision includes: the Petitioner files a concept plan and a development plan (together with any fee) and our enforcement official reviews them; then the Plan Commission reviews and approves the development plan at a public hearing. For this Petition, the concept and development plans were reviewed by Skyler York (the enforcement official) and were submitted to, reviewed and approved by, the Plan Commission at its regular meeting held on November 23, 2021. The next step in the process: the the Petitioner files a Petition for primary plat approval, together with any fee, which is followed by administrative review of the application and proposed primary plat by the enforcement official; The enforcement official then refers the primary plat and application to the Plan Commission for a public hearing. Following the public hearing, the Plan Commission adopts findings of fact and reaches a decision. This Plan Commission held a public hearing on this request and granted primary plat approval for this project at its regular monthly meeting held on February 22, 2022. See Section 4.03 of our Zoning Ordinance. See also I.C. 36-7-4-1401.5. Next, the Petitioner submits plans for any proposed improvements and requests needed building permits. After submission and approval of construction plans regarding any improvements approved in the primary plat and any necessary inspection and approval of completed improvements, the Petitioner submits an application for approval of the secondary plat. The secondary plat is to be reviewed and approved (if it complies with the primary plat) by the enforcement official and then the secondary plat is reviewed and approved, if it complies with the primary plat, by the Plan Commission at a public meeting according to Section 4.06 of our Zoning Ordinance. This Petitioner is now requesting secondary plat approval. If approved by the Plan Commission the secondary plat will be recorded as the final step in the process.



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, but does not require a public hearing.

As to 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 and our Subdivision Ordinance.

Respectfully submitted,



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Steven A. Hale