

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

The Michigan City Plan Commission convened in a regular meeting via Zoom and streaming live on My Michigan City, Indiana Facebook, on Tuesday, July 28, 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 approximately 6:02 p.m.

ROLL CALL

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

Present:

Braedan Gallas, Dan Granquist, Michael Gresham, Fred Klinder, Andy Sperling, Jeffery Wright, Larry Zimmer (7)

Absent:

Bryant Dabney, Christina Espar (2)

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.

Attorney Hale informed the petitioner/attorney that there was not a full complement of 9 Commissioners present this evening; however, with 7 members present, approval will require a majority of 5 affirmative votes.

APPROVAL OF MINUTES

President Zimmer entertained a motion for approval of the minutes of the regular meeting of June 23, 2020.

Commissioner Granquist noted a typo on page 6, 4th line down, the word “one” should be “none”.

Motion made by Commissioner Gresham – seconded by Commissioner Gallas accepting the minutes of the regular meeting of June 23, 2020 as corrected. The roll was called, and the vote taken: (Ayes) Commissioners Gallas, Granquist, Gresham, Klinder, Sperling, Wright, Zimmer – 7; (Nays) None – 0. By a vote of 7 ayes and 0 nays, 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.

Mr. York recalled that the Commission tried to hear this petition last month but there were issues with noticing.

Attorney Hale advised that he reviewed the notice documentation for tonight’s meeting as supplied by the petitioner’s attorney and found it to be adequate. He said the Commission is free to proceed to hear this matter tonight.

Attorney James Masters (attorney for petitioner) commented that at the Commission's meeting in March it was found that this primary plat met the requirements and the land is properly zoned for the intended use. He explained that there was an issue in March where the surveyor needed to provide certification, and that was subsequently provided. Then there was the onset of a pandemic which delayed everything for approval of that until last month. In June notice was sent to adjoining neighbors but it was sent by regular mail, not certified mail, and consequently there were no receipts to provide proof of mailing and receipt. Mr. Masters stated that is when he stepped in and served notice to adjoining property owners by certified mail. He received notice back from all but two, although those two signed receipts when they were notified of the earlier meeting.

Attorney Masters continued explaining that the matters before the Commission for the primary approval is that it is properly zoned, it meets the requirements, and it was

delayed for certification by the surveyor, which has now been provided. Mr. Masters requested approval of the primary plat.

Attorney Hale added additional background information stating that he wanted to set the record straight, although the gist of what Mr. Master's presented was accurate. Mr. Hale stated that at the 2/25/20 Plan Commission meeting this petition came up for public hearing. The matter was presented and there were significant questions from the Plan Commission members. Ultimately, a motion was made to approve the petition, but that motion failed on a 3 to 3 vote. During the presentation there was discussion about the lack of certification on the primary plat presented. There was a follow up motion made to continue the matter until the appropriate certifications were provided on a new primary plat. That motion passed unanimously which put the matter forward, but it did not put it forward to a specific meeting, only until the certifications were done. There had been a public hearing that was opened and closed. At the 2/25/20 hearing, the proposed primary plat had 7 lots. Subsequently, the petitioner submitted a primary plat with 4 lots, which is the primary plat the Plan Commission is considering tonight. Mr. Hale stated it is his opinion that the petition should be heard and there can be a determination made because proper notice has been made as to this meeting and this primary plat consisting of 4 lots. He advised that it would be appropriate to open the meeting up for public comments because the primary plat was changed from 7 lots to 4 lots. He reminded Commissioners that an appropriate motion to clarify this would include the primary plat before them tonight containing the 4 lots.

Commissioner Zimmer noted that there is one other difference on the plat that concerns him. He pointed out that each of the drives on the original plat with 7 lots had a backup area so cars could exit the garage, turn around and face the road when exiting. The turn around area on the new plat with 4 lots has been removed, so now the cars would be backing out onto Woodland Avenue.

Commissioner Zimmer also pointed out that Mr. Hendricks did not change the date on the drawing when he changed the drawing, which causes confusion. Mr. Zimmer stated that instead of referring to the drawing as either 7 lots or 4 lots, the Commission should be referring to a dated drawing for accuracy.

Attorney Masters stated that he believes it is still the intent to have a back up area, so the cars are not backing up onto Woodland Avenue.

Commissioner Klinder asked if that can be guaranteed.

Commissioner Granquist pointed out staff recommends that as a condition of approval.

Mr. York stated that the Commission can condition it upon approval to have a two point turnaround. He said he recalls the Commission previously talking about the issue of backing onto Woodland Avenue. He stated that in the future Woodland Avenue may

require another lane or a turning lane. He agreed backing onto Woodland Avenue is not ideal.

Commissioner Zimmer noted his concern with another issue, and if there would be more than two cars in a household and someone uses the turnaround as a parking spot, cars would still be backing onto Woodland Avenue.

Mr. York agreed, although stating that he thinks the Commission is trying to mitigate the situation as they can. He believes the petitioners' goal is to give the City extra right of way so in the future they can put in a deceleration lane if needed.

Attorney Masters advised that is correct, stating it is his understanding that the City is being provided with right of way sufficient to construct a lane on Woodland Avenue if they choose to.

Commissioner Granquist commented that the number of lots has been reduced from 7 to 4. He noted two improvements (duplex) on each lot and asked if there would be backup turnarounds for each unit on each lot.

Attorney Masters replied that he believes it is the intent because they will be duplexes.

Commissioner Gresham said when talking about turnarounds and right of ways he is curious if there are standards in place or if it is just requests and recommendations of staff/board.

Mr. York stated that technically there is a rule where you are not supposed to back onto the road at any point in time, although there are many places where that has been allowed. He stated that backing onto Woodland Avenue is different than backing onto a neighborhood street. He said the only other option would be to provide a rear access drive along the back, but everything would have to be redesigned and turned to face the back. He said they want access off Woodland Avenue, and there must be a way of not backing out onto Woodland Avenue.

Mr. York added that people travel at a higher speed on Woodland Avenue and it is a significant concern with the Police Department.

Commissioner Zimmer mentioned Mr. York's comment about discussing a rear access option, asking who had talked about it.

Mr. York stated that it was discussed at the first meeting.

Commissioner Zimmer asked why they have not been pursuing that option.

Mr. York stated that the piece of land is located in the county.

Attorney Masters added that he understands it would require use of land that the developer does not own, and it is not within the jurisdiction of the City of Michigan City.

Commissioner Zimmer asked if there will be a public sidewalk in front of these units.

Mr. York stated that he does not think one is planned for at this time.

The chair called for department reports.

Mr. York read the staff report into the record (attached hereto and made a part of this record [1]) stating that the submitted primary plat containing 4 lots meets the standards and requirements of the subdivision ordinance and therefore recommends approval subject to revision of the legal description to only include property located within the municipal boundary of Michigan City.

Attorney Hale read his report into the record (attached hereto and made a part of this record [2]) reminding everyone that the primary plat being considered contains 4 lots and any motion should identify the primary plat by both date and number of lots and should also include the requirement that the petitioner revise the secondary plat to reflect only petitioner's property located within the city limits of Michigan City. He advised that the Commission may approve it, approve it with conditions, deny it, or ask for more information and continue it to another meeting.

The chair asked if there were any questions/comments from the Board.

With the removal of land behind (in the county), Commissioner Gresham asked if this would change the requirement standards being met from just the land within the city limits. Also, with the change of 7 lots to 4 lots and having multiple buildings within the same lot, he asked if that affects those standards.

Mr. York replied that there is not a dimensional standard for a size of a lot, so removal of the strip of land (county) does not affect the square footage standards. Right now, they meet the frontage standards, so it does not affect the depth to lot ratio. Regarding 4 units on 1 parcel, Mr. York replied that it is zoned R3A multi-family residential which allows townhomes and multiple townhomes. They can have 4 units on 1 lot as well as the single lot with 2 units. He said the density of this development is low if you max out what could be there.

Commissioner Wright asked about plats in general and if there is a standard to show driveways.

Mr. York replied, no but said it would behoove them to show it since it is on a major road like this. He said when they apply for driveway cut permits, we will be in the same situation, and either it will be no they cannot have driveway cuts, or they will be held to a

standard of driveway cuts; it will affect them one way or another. He pointed out that the Commission is trying to mitigate it now rather than later.

Commissioner Wright asked if it is correct that the driveway entrance is being platted as well.

Mr. York replied no, stating that they can move their driveways around north, south, east, or west. It could be required if the Commission is conditioning it upon this.

Commissioner Wright stated that he wants a proper plat with the proper date, proper description, and if it is to have driveways, he wants them shown on there as well.

Mr. York recalled Prairie Dunes Subdivision where the Commission required shared driveways (1 entrance with 2 drives off that) because there would have been 14 drives and the road was substandard only being 18' wide.

Commissioner Wright also noted his concern with the plat not having a current date on it because there are several drawings out there.

Mr. York stated that the Commission should add that as a condition. He said he also prefers that driveways be shown on the plat, with his concern being the two point turnaround.

Commissioner Wright commented that their drawing should show a suggested driveway location, and the Commission's requirement will be a two point turnaround.

Mr. York agreed.

Commissioner Wright confirmed that the Commission's conditions would be a correct date on the drawing, a proper description, and a driveway turnaround with a suggested driveway location.

Mr. York agreed, adding that this is primary plat approval, which is good for up to two years. Then they will come back before this body for secondary plat approval.

Attorney Hale added that the subdivision ordinance requires primary and secondary plat approval by this body. The secondary plat gets recorded. There is time to get the changes and the Plan Commission will have the opportunity to review those changes between primary and secondary approval.

Commissioner Klinder asked if there is a requirement for sidewalks.

Mr. York replied that there is; sidewalks are required for subdivisions.

Mr. Klinder stated that it should also be included in the recommendations.

The chair opened the hearing for public comments.

Paul Applegate, CPA located directly across from this proposed subdivision, stated that the subdivision looks good; he is not opposed to the subdivision, but is concerned with the traffic on Woodland Avenue. He pointed out that his accounting firm has been located there for over 20 years. People drive 40-50 mph. He is concerned with the number of driveway cuts onto Woodland Avenue and what that will do to traffic. He is afraid it will increase the likelihood of accidents. Mr. Applegate stated that there needs to be a turning lane on Woodland Avenue. He commented that when he received zoning approval, they deeded 20' of frontage to the City to expand the width of Woodland Avenue to put in a turning lane. He said he has seen a lot of accidents on Woodland Avenue.

There were no other comments; the chair closed the public portion of the meeting.

The chair entertained a motion.

Motion by Commissioner Granquist – seconded by Commissioner Gresham approving Petition 901-20 Woodland Estates for primary plat approval as amended for four lots, with approval subject to the following conditions: 1) a corrected legal description on the plat; 2) sidewalks to be included on plat; 3) two point turnaround shown on driveways; and 4) a current date on the drawing. The roll was called, and the vote taken: (Ayes) Commissioners Gallas, Granquist, Gresham, Klinder, Wright, Zimmer (6); (Nays) Commissioner Sperling (1). By a vote of 6 ayes and 1 nay, the MOTION CARRIED.

REPORT BY DIRECTOR

(None)

REPORT BY ATTORNEY

(None)

OLD BUSINESS

(None)

NEW BUSINESS

Commissioner Gallas stated that the Commission should be listening to what Mr. Applegate discussed regarding people backing out onto Woodland Avenue and the curb cuts. He said it is something that the City should be looking at.

Commissioner Zimmer agreed.

Commissioner Wright asked if there is access to accident and ticketing data from the police department.

Mr. York replied that there is access to that information. He noted Captain Jeff Loniewski of the Traffic Division has indicated that Woodland Avenue is one of his high volume daily stops for ticketing.

Mr. York noted that the City has the extra right of way land available, but he questioned if traffic warrants the turn lane now, or if maybe it will be warranted in the future.

Commissioner Wright talked about the existing street width of Woodland Avenue and how much would be needed for a turning lane.

Mr. York stated that Mr. Wright could look at the data to determine what is warranted and what type of configuration is warranted.

Commissioner Granquist stated a lot of these issues are outside of the Plan Commission's jurisdiction (speed enforcement, traffic control, turning lane). To the extent that the Commission is interested in approving the subdivision, he asked who would have the respective jurisdiction, and if it would be appropriate for the Commission to submit a letter of observation or indication to the police department.

Attorney Hale stated that he believes it would be under the Commission's jurisdiction and would be appropriate. He said the Commission is the Planning Department and they have the power to plan and the power to consider changes to the zoning and subdivision ordinances. He said he thinks that if we put all that together the notion is that one of the Commission's functions is to do just that – to make comment on how the City can properly plan to go forward.

Mr. York added that the idea of having the City Engineer serve on the Plan Commission is so he can look at improvements to roads as the city grows.

As City Engineer, Commissioner Wright stated that his next step would be to pull the accident data to see what is warranted. He said it sounds like a center turn lane is what is needed but he would need to research the data. Since the City has the land, the only thing stopping it would be the money to do it.

Commissioner Zimmer questioned how a center turn lane would help in this situation where vehicles are backing out onto Woodland Avenue.

Commissioner Wright replied that in either scenario (turn lane or center turn lane) you still have the through lane of traffic passing by the drives. The center turn lane would help with rear end type of accidents. Having the accident data would help determine which type of accidents are occurring and what type of lane is needed.

PLAN COMMISSION

JULY 28, 2020

President Zimmer asked if it would be appropriate to ask Mr. Wright to do the research and report back to the Commission at their next meeting.

Mr. York replied affirmatively, stating that they can get the data from the police department.

President Zimmer stated that the Commission can return to this discussion when they have the data to look at.

Commissioner Granquist suggested putting the matter under New Business on the next agenda.

GENERAL DISCUSSION

Board members discussed having a meeting in August and whether it would be by ZOOM or in person.

Mr. York said he will notify Commissioners once a decision is made.

Regardless of whether there is a petition, Commissioner Granquist suggested the Commission still have a meeting to discuss the traffic counts and some of the information Mr. Wright has to present to keep moving forward on the planning concepts discussed tonight.

President Zimmer agreed that meeting next month would be a good idea, even if by ZOOM.

PUBLIC COMMENT

(None)

ADJOURNMENT

The chair entertained a motion to adjourn.

Motion to adjourn by Commissioner Gresham – seconded by Commissioner Klinder and unanimously approved. The chair declared the meeting adjourned at approximately 7:00 p.m.

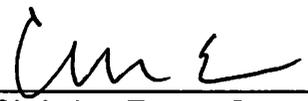
ATTACHMENTS

1. 901-20 Staff report
2. 901-20 Attorney report



Larry Zimmer, President

ATTEST:



Christina Espar, Secretary

MICHIGAN CITY PLAN COMMISSION

July 28, 2020

Case # 901-20 Woodland Ave Estates**Request**

The petitioner is requesting approval of a Major Subdivision to create 4 new residential lots located Southeast corner of Welnetz Road and Woodland Ave.

Staff Analysis

The property in question is currently vacant and unsubdivided. The property is zoned R3A and the surrounding properties are zoned R3A to the north and east and B2 to the south and west

Joint Zoning ordinance 05.03 & 05.04- Building Dimensional Requirements & Lot Area and Width Requirements applicable to R3A

This development is using the R3A Townhouse development standards which require the following:

Front Yard 15'

Side yard 10' (total for both 20')

Rear yard 25'

Street Side yard (corner lot) 15' minimum same as front yard setback

There is not a minimum lot square footage for R3A zoning

The development is below the allowable density standards as well of 18 units per acre

Staff recognizes that traffic safety issues were raised concerning the addition of seven drives accessing Woodland. Based on the petitioner's donation of additional right-of-way for possible use for third lane, turning lane or deceleration lane, staff believes any serious traffic issues can be addressed in the future.

Staff Recommendation

Staff has reviewed the proposal and feel that it meets the standards and requirements of the subdivision ordinance and recommends approval. Subject to legal description being revised to only include property located within the municipal boundary of the Michigan City and the seven drives should be designed with individual two point turnrounds so cars are facing traffic rather than backing into oncoming traffic along Woodland Ave.

Attorney Report

Petition No.: 901-20
Petitioner: Woodland Avenue Estates
Owner: Woodland Avenue Estates LLC
Request: Major Subdivision - primary
Location: Southeast corner of Welnetz Road and Woodland Avenue, also
known as Parcel No. 46-05-03-151-022.000-009

Petitioner is filing for Major Subdivision approval to create 4 residential lots located at the Southeast corner of Welnetz Road and Woodland Avenue and is requesting primary plat approval of a subdivision to be known as WOODLAND ESTATES.

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.

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 required information to be found in the concept plan and the primary plat are found at Sections 5.01 and 5.02 respectively of the Subdivision Ordinance.

The submitted materials include:

- (a) Application For Major Subdivision Within The Corporate Limits of Michigan City;
- (b) Small, colored Plat for Woodland Estates prepared by CHAAPC Engineering and Land Surveying dated 12/27/19, showing 7 lots.
- (c) Plat for Woodland Estates prepared by CHAAPC Engineering and Land Surveying dated 12/27/19, showing 7 lots.
- (d) Plat for Woodland Estates prepared by CHAAPC Engineering and Land Surveying dated 12/27/19 showing four lots with two structures on each lot except for Lot 1, which has only 1 structure.

It should be noted that Petitioner has submitted more than 1 plat under the same date of 12/27/19. Petitioner should identify the plat he is submitting for approval and any motion should identify the plat by number of lots incorporated therein. This should be the plat described in (d) above.

Also, there has been some confusion regarding the legal description of the parcel to be subdivided. The Plan Commission only has authority to approve the subdivision of land within the boundaries of Michigan City; it does not have the authority to subdivide Petitioner's adjoining parcel located outside of the boundary of Michigan City in an area under the jurisdiction of LaPorte County.

To provide clarity, any motion to approve the primary plat should identify the plat being approved by both date and the number of lots and should also include the requirement that Petitioner revise Petitioner's secondary plat, if necessary, to reflect that only Petitioner's property located within the Michigan City city limits shall be subdivided and approved.

Respectfully submitted,



Steven A. Hale