

**MINUTES OF THE REGULAR MEETING OF THE
MICHIGAN CITY PLAN COMMISSION
NOVEMBER 23, 2021**

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, November 23, 2021, 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 Kaleb Goodwin, City IT staff.

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:

Bryant Dabney (in person); Daniel Granquist (in person); Michael Gresham (in person); Fred Klinder (in person); Lawrence Zimmer (in person) – 5

Absent:

Christina Espar, Andy Sperling, Jeffery Wright, 1 vacancy – 4

Staff Present:

Planning Director Skyler York (in person); Assistant Planning Director Aaron Borngaber (in person); Attorney Steven Hale (in person); Administrative Assistant Debbie Wilson (in person)

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 AGENDA

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

Motion made by Commissioner Dabney and seconded by Commissioner Klinder approving the November 23, 2021 agenda as submitted. The roll was called, and the vote taken: (Ayes) Commissioners Dabney, Granquist, Gresham, Klinder, Zimmer – 5; (Nays) None – 0. With a vote of 5 ayes and 0 nays, the MOTION CARRIED.

APPROVAL OF MINUTES

President Zimmer entertained a motion for approval of the minutes of the regular meeting of August 24, 2021.

Motion made By Commissioner Gresham and seconded by Commissioner Granquist approving the minutes of the regular meeting of August 24, 2021 as submitted. The roll was called, and the vote taken: (Ayes) Commissioners Dabney, Granquist, Gresham, Klinder, Zimmer – 5; (Nays) None – 0. With a vote of 5 ayes and 0 nays, the MOTION CARRIED.

PETITION(S)

Mr. York read into the record, Petition 902-21(1): Request approval of a Concept Plan by Lake & Blaine, LLC for a 6 lot Major Subdivision on an approximate 2.25 acre parcel of land situated generally between Blaine Street, Mulligan Street, Center Street, and Lake Street. (Represented by Attorney Barry F. McDonnell); and Petition 902-21(2): Request approval of a Development Plan by Lake & Blaine, LLC for a 6 lot Major Subdivision on an approximate 2.25 acre parcel of land situated generally between Blaine Street, Mulligan Street, Center Street, and Lake Street. (Represented by Attorney Barry F. McDonnell).

Attorney Barry F. McDonnell (appearing in person) stated he has offices located at 601 Franklin Street, Michigan City, Indiana. He said he is representing his clients Lake & Blaine, LLC regarding both the Concept Plan and Development Plan approval for a six lot proposed major residential subdivision in southern Sheridan Beach.

Mr. McDonnell noted that he provided proof of notice and notice documentation prior to the meeting. He noted that he also submitted three additional certified mailing green cards (total of 11 out 14) that were received back.

Attorney Hale acknowledged that Mr. McDonnell has submitted his notice documentation ahead of time. He had the opportunity to review it and noted that the Petitioner has satisfied all the requirements. Mr. Hale also pointed out that there are

only five Commission members present, and approval requires a majority of the Plan Commission which means it will require a unanimous determination. He pointed out that the Petitioner has the option to continue it to the next meeting if they wish to do so. Mr. Hale added that it is his interpretation of the Concept Plan and Development Plan, that the Plan Commission provides upon review of the Concept Plan, guidance and assistance to the Petitioner and only has to vote on the Development Plan. Although, Mr. Hale advised that it would be appropriate to have one vote to approve both the Concept Plan and Development Plan.

Mr. McDonnell said it would make sense for him to give his summary for both the Concept Plan and Development Plan together, and then the Commission can vote on them separately if needed. Mr. McDonnell noted that he discussed the lack of a full board with his client, and he is okay moving forward with only the five members being present. He introduced Jack Caplice, the managing member. He also introduced Hesham Khalil from Global Engineering & Land Surveying, who serves as the engineer for the project.

Mr. McDonnell pointed out that they were before the Commission in January 2021 seeking a favorable recommendation for a zoning change on the 2.2 acre parcel at issue. It was originally zoned M2 Manufacturing. The Commission granted a unanimous favorable recommendation to change the zoning to R1E Residential. Subsequently, the City Council approved the recommendation and passed the zoning change in early March 2021, which paved the way for his clients to get to the point of a Concept and Development Plan. The parcel is generally bounded by Mulligan Street, Center Street, Lake Avenue, and Blaine Street. They believe each of the proposed six lots are compliant with the R1E District requirements regarding setbacks, lot frontage, and total square footage; the size of the lots is about 50% greater than what is required. In addition to the R1E requirements, they believe Global Engineering has supplied the additional information that was implemented when the Zoning Ordinance was updated to require extra requirements and documentation regarding the R1E District; this includes the outlining of trees, topographic, utilities, etc. These six lots already face an existing public right-of-way, so the developer does not have to go through the work of building an expensive curb, gutter, road, and drainage system that a much larger subdivision might have to go through.

Mr. McDonnell stated that if they receive a favorable vote this evening, they will incorporate any comments or questions into a proposal for a primary plat approval, which is the next step in the process. He noted that the parcel they had rezoned was 2.25 acres, although these six lots do not comprise the entire parcel. There is additional land to be developed, but they are not seeking approval for that tonight. The six lots are the ones they want to move forward to primary and secondary plat, and ultimately sale and development on. The additional land to the south will require working out more details regarding an extension of a private drive, access to an alley, an extension of

Mulligan Street, sewer lines, etc. He said it will be some time before they come back with plans for the southern portion.

President Zimmer called for Department reports.

Mr. York read the staff report into the record (attached hereto and made a part of this record [1]), recommending approval of the Concept Plan and Development Plan subject to the following conditions: 1) The Plan Commission has not considered and has not approved Phase II shown on the Development Plan. Approval is for Phase I only and the six (6) lots shown in that phase; 2) A traffic study is not required for Phase I, however, if Phase II has four (4) or more lots, a traffic study will be required as part of consideration of Phase II; 3) Almost ½ 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; 4) Sidewalks are required and should be on the primary plat; 5) A drainage plan shall be included with primary plat application.

Attorney Hale read his report into the record (attached hereto and made a part of this record [2]), noting that this request is for approval of a Concept Plan and Development Plan only for the six lot Major Subdivision on approximately 2.25 acres of land. He also pointed out that this parcel is in the R1E Waterfront Residential zoning district which requires Plan Commission approval of both a Concept Plan and Development Plan before submission of a primary plat. He referenced and provided copies of Sections 4.02 and 5.01 of the Subdivision Ordinance and Section 4.04(1)(1)(b) of the Zoning Ordinance. He explained that the Plan Director and Plan Commission review the Concept Plan and offers guidance to the subdivider. The Plan Commission reviews the Development Plan to determine if it is consistent with the Comprehensive Plan and satisfies development requirements of the Zoning Ordinance. The Plan Commission holds a public hearing on the Development Plan and then may approve the Plan, impose conditions and/or commitments, or disapprove it. The next step is for the owner/developer to file a primary plat.

President Zimmer opened the meeting to questions/comments by Commissioners.

Commissioner Gresham commented that this is an interesting plan and he said it was interesting to hear it referred to as southern Sheridan Beach because being born and raised here it was considered Hungry Hollow or Canada. He asked if this is the phase where sidewalks, parking, trees, etc. comes into discussion, or if it is in the primary plat phase.

Mr. York replied that it is relevant to talk about. They are required and did provide a tree survey and topographic survey. The tree survey provides diameters and sizes of trees and the ones that meet qualifications for tree preservation. Since they don't know the location of the houses yet, on the drawing they depict it with a box which shows the

envelope for development with respect to setbacks. He said there are trees within that box, so they more than likely will be allowed to remove what is underneath the footprint and 10' out. The building code does not dictate architectural designs (only general), although it does dictate height, stories, square footage, etc. Mr. York pointed out that has been satisfied by the Petitioner as shown within the envelope provided. Parking will more than likely come off Blaine street unless phase 2 gets further along. According to the zoning code, every house that has a frontage is guaranteed one means of access to the lot, which could presumably come off Blaine Street, or if Mulligan Street goes through there could be rear parking. Mr. York said he would encourage off street parking. Sidewalks would be required in the primary plat.

Commissioner Granquist questioned what comprises the 2 ¼ acres, asking if it just phase 1, or if it is both phase 1 and 2.

Mr. McDonnell replied that it is the total size, so it would include both phase 1 and 2.

Commissioner Granquist asked about dedication of a portion of the road – 20'.

Mr. McDonnell replied that was correct, stating that it was laid out as a meets and bounds description rather than a subdivision. He said they will also lose a portion of that developable land as they dedicate 20' in the front.

Commissioner Granquist asked if the Petitioner is aware of the conditions of approval from the staff report.

Mr. McDonnell replied that there was nothing problematic to his client as Mr. York was reading those conditions this evening.

Commissioner Granquist asked if the Petitioner accepts those conditions.

Mr. McDonnell replied affirmatively.

Mr. York read the City Engineer Jeffery Wright's comments into the record (attached hereto and made a part of this record 3]), questioning if the applicant is willing to extend the street (Mulligan Street) and then convey that extension to the City.

Mr. McDonnell responded that at this point in time they do not know, which is why they did it the way they did; there could be any number of ways it could resolve itself. He said there will be more detail at the primary plat stage, but this development plan stage was created so someone can at least get a preliminary nod from the Commission that they like the direction it is going in before they expend more money into the primary plat.

Mr. York added that the dedication of the street may offer some opportunities for easements if they are needed. He said it makes sense to dedicate that street now.

In response to Commissioner Gresham's comment, Mr. McDonnell stated that it is an interesting point, and he would have never called it southern Sheridan Beach back in the day but said Michigan City is a product of its own success. He said the values in property in that area are so vastly more than ever imagined. It is an area where if people are priced out of the first two blocks from the lake, their alternative is going further south.

Commissioner Granquist explained that what the Commission is doing tonight is approving the subdivision itself (the lots) so the nature and type of houses would be a separate matter. The owner may develop and build spec homes himself or sell them or sell off lots and individual property owners would construct their homes and go through the permitting process.

Mr. McDonnell acknowledged that was correct. He added that it is a process the Plan Commission does not get into. It is a higher level of scrutiny when bringing in architectural plans. That is when you deal with the building code issues, materials issues, parking, locations of garages, accessory dwelling units, drainage, retaining walls, etc.

Commissioner Granquist asked if there were any remonstrances or comments in support of the project.

Mr. York stated that he received an email from Bill Taft indicating that he liked the lot layout and is supportive as an adjacent property owner.

Commissioner Zimmer asked what the legal thing is that will happen to that section of Blaine Street, which is a part of their property, but will become a City street.

Mr. York responded that when it is dedicated it carves it out and essentially becomes a right of way. As part of the certification process on the primary plat, one of the certifications will indicate dedication of a public right of way. The City Engineer will take the plat before the Board of Public Works & Safety for acceptance and dedication of the right of way.

Hesham Khalil (appearing in person), Global Engineering & Land Surveying, acknowledged that it is correct that the dedication would happen on the primary plat and it will show the addition of the required sidewalk and the additional 20' dedication of public right of way. At the time of the secondary plat the improvement will not be shown. After the secondary plat it is no longer private property.

Mr. McDonnell added that ultimately it gets recorded, so it is truly a conveyance.

Commissioner Klinder referred to the staff report indicating that the parcel of land was originally thought to be a part of the Winship and Bigalow Addition. He asked if that had anything to do with this area.

Mr. York stated that when he first met with the petitioner and looked at the site on Beacon, it was south of it, but it is labeled in Beacon so it would be a resubdivision rather than a subdivision which is the same process. Today it came in as a meets and bounds description which is simply a description from point to point to point, which means it is not a resubdivision but instead is a subdivision. Mr. York then went to the original plat and it is not labeled as a lot, so it is a residual piece of land left over. What they plotted out is south of the tracks with actual lot numbers. He said it is believed that this it is just residual land that was never subdivided.

Mr. Khalil added that any property being subdivided in the State of Indiana, the deed must be pulled, and that deed will have the legal description. Inside this deed was a legal description with meets and bounds which means it was not actually related to any subdivisions or lots or any type of subdivision. It does not need to be resubdivided because the legal description is meets and bounds (distance, angles).

Mr. McDonnell added that it does not affect the subdivision process. This happens to be an area of the city that was never a subdivision. He said they are normally huge tracks of lands like the Oehmstead property which is a meets and bounds description. He said it is odd that this piece of land in the center of the city was never subdivided.

Mr. York stated that the subdivision will allow them to get new PIN numbers; currently it only has one PIN. Subdividing is the legal way to make it useable land.

Commissioner Klinder said when he looks at the drawings for the Concept Plan and Development Plan, he sees no difference.

Mr. York stated that they are essentially the same; there is no difference. In an R1E zoning district a subdivision may transpire upon approval of a Concept Plan, then a Development Plan, then Primary Plat, then Secondary Plat. He said in a normal subdivision they bring a Concept Plan to him then they put together a Primary. In the R1E there are four steps and two public hearings.

Commissioner Dabney stated that part of the logic in this was to give the public more chances for input. He said everyone he has talked to does not have a problem with Phase 1, although there will be questions when it gets to Phase 2. Intent is a big topic, with the intent of single-family homes. They are concerned with Airbnb's and short term rentals because it has become an issue in Sheridan Beach.

Mr. McDonnell said he could not speak to that but gave his opinion as someone who owned property and is about to move full time into Sheridan Beach, stating he is not

opposed to Airbnb or vacation rentals. To him it is a part of the character of the neighborhood. As a real estate lawyer, part of the attractiveness compared to other beach communities is that we don't put restrictions on them. He said they will have to see what the market says when they sell these lots. As a resident of Sheridan Beach, he said fulltime/long term residents are equally problematic. Ultimately the market will decide whether there is more value in putting restrictions on rentals or having rentals.

Commissioner Granquist confirmed that the only intent of the Petitioner is to subdivide.

Mr. McDonnell acknowledged that was correct.

Commissioner Gresham commented that it seems to be a proposal that fits the character of the neighborhood; it is not a thickly populated neighborhood. He said it is nice to see single-family homes and it appears they will not be overcrowding the neighborhood with this development.

President Zimmer opened the hearing for public comments.

Cindy Batz (appearing in person), 116 Mulligan Street, Michigan City IN, asked the timeline for the start of construction.

Mr. Khalil stated that the DNR has a timeline for clearing any trees. In general, any excavation would commence in the spring because of pouring concrete.

Mr. McDonnell added that they must come back for Primary and Secondary Plat, so that would probably not happen until late February. Then it would be up to Mr. Caplice if he wants to build the homes or sell the lots. He assumes Mr. Caplice would be in the position to do that in March or April 2022.

Councilwoman Dalia Zygus (appearing via Zoom) commented that this sounds like a nice development, it follows all the rules, it is better than having vacant land there, and we do need housing. She said she hopes the Commission votes for it.

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

Commissioner Gresham asked counsel if they should vote on them separate or if it would be appropriate to do both at the same time.

Attorney Hale advised that it would be appropriate to do both at the same time. He reminded Commissioners that by our ordinance they are required to make findings. Mr. York has included findings in his report. If the Commission is going to put any conditions on it, they must be included in the motion as well. An appropriate motion to approve would include approval of the Concept Plan, the Development Plan, adoption

of the findings and recommendation and conditions as submitted by Mr. York in his report.

The chair entertained a motion.

Motion by Commissioner Gresham – seconded by Commissioner Granquist approving Petition 902-21(1) Concept Plan and 902-21(2) Development Plan by Lake & Blaine, LLC for a 6 lot Major Subdivision on an approximate 2.25 acre parcel of land situated generally between Blaine Street, Mulligan Street, Center Street, and Lake Street; along with adopting the findings and recommendations and five conditions as submitted in Mr. York’s staff report. The roll was called, and the vote taken: (Ayes) Commissioners Dabney, Granquist, Gresham, Klinder, Zimmer – 5; (Nays) None – 0. With a vote of 5 ayes and 0 nays, the MOTION CARRIED.

NEW BUSINESS / OLD BUSINESS

Mr. York stated that he anticipates scheduling a presentation on the housing study for the January meeting.

Attorney Hale commended the Plan Commission and Petitioner, stating it is his opinion that what took place tonight was wonderful; it was what was contemplated by the ordinance. There was discussion of the issues, giving the developer a notion as to what it is this body expects and giving them a chance to air out their thoughts and ideas. In addition, it brought forth some public comment. It is good for the Commission to get feedback from the public. He said he thought this was a very good demonstration of what this body should be doing to help development in Michigan City.

Mr. York announced that he hired an Assistant Planning Director, introducing Aaron Borngraber. He said Aaron will be filling in as needed for the Plan Commission, although his main responsibility will be running Board of Zoning Appeals. He also helps with Historic Preservation and numerous other things in the department.

Mr. Borngraber introduced himself, stating that he will always be available to the Commissioners.

PUBLIC COMMENTS

None.

COMMISSIONER COMMENTS

Commissioner Granquist asked if there are any petitions for the December meeting.

Mr. York replied that at this time no one has filed, but he has been dealing with quite a few conceptually, so probably after the first of the year. The December 28th meeting

PLAN COMMISSION

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will not be canceled at this time in case something comes in. a decision will be made later.

Commissioner Dabney commented that it feels great to get something positive done.

ADJOURNMENT

With no further business to come before the Commission, President Zimmer declared the meeting adjourned at approximately 7:05 p.m.

ATTACHMENTS

- 1) Staff report 902-21(1) & 902-21(2)
- 2) Attorney report 902-21(1) & 902-21(2)
- 3) City Engineer's comments 902-21(1) & 902-21(2)



Lawrence Zimmer, President

ATTEST:



Christina Espar, Secretary

MICHIGAN CITY PLAN COMMISSION

November 23, 2021

Case # 902-21 Blaine Subdivison, Concept and Development Plan Approval

Request

Concept Plan approval and Development Plan approval for the proposed Blaine Subdivision.

Findings and Recommendation

The Parcel of land shown in the concept plan and development plan 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 the concept plan and development plan subject to the conditions set forth below.

Staff recommends approval of the concept plan and development plan but only if subject to the following conditions.

Conditions of approval:

1. The plan commission has not considered and has not approved Phase II shown on the development plan. Approval is for Phase I only and the six lots shown in that phase.
2. 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.
3. 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.
4. Sidewalks are required and should be on the primary plat.
5. A drainage plan shall be included with primary plat application.

Attorney Report

Petition Nos.: 902-21(1) Concept Plan; 902-21(2) Development Plan
 Petitioner/Owner: Lake & Blaine, LLC
 Request: Concept Plan and Development Plan
 Location: Blaine/Mulligan/Center/Lake

Petitioner is filing its request for approval of a Concept Plan and Development Plan for a 6 lot Major Subdivision on approximately 2.25 acres of land.

To subdivide a parcel located in a RIE Waterfront Residential zoning district, an owner or subdivider must submit both a Concept Plan and a Development Plan for Plan Commission approval prior to submission of the primary plat. Petitioner has submitted both a Concept Plan, Petition 902-21(1), and a Development Plan, Petition 902-21(2), for consideration and approval at the same time.

The requirement and process for Concept Plan review by the Plan commission is found in Section 4.02 and Section 5.01 of our Subdivision Ordinance. Copies attached.

The requirements and process for Development Plan review is found in Section 4.04(1)(1)(b) of our Zoning Ordinance. Copy attached.

The Plan Director and Plan Commission should review the Concept Plan and offer guidance to the subdivider as to the proposed development as part of its review.

The Plan Commission is to review the Development Plan to determine if it is consistent with the comprehensive plan and satisfies the development requirements of our Zoning Ordinance. The Plan Commission should hold a public hearing on the Development Plan and then may simply approve the Plan, may impose conditions (and/or commitments) on their approval of the Development Plan, or may disapprove the Development Plan.

The next step in this subdivision process is for the owner/developer to prepare and file a primary plat.

Respectfully submitted,

A handwritten signature in cursive script that reads "Steven A. Hale". The signature is written in dark ink and is positioned above a horizontal line.

Steven A. Hale

Debbie Wilson

From: Jeffery Wright
Sent: Tuesday, November 23, 2021 7:05 AM
To: Debbie Wilson; andysperling@hotmail.com; Bryant Dabney; cnespar@gmail.com; dwg@granquistlaw.com; Fred Klinder (f.r.klinder@comcast.net); lzimmer@nplhinc.com; Michael Gresham (southsider2k4@gmail.com); Steve Hale (halelaw@sbcglobal.net)
Cc: Skyler York; Aaron Borngaber
Subject: RE: REMINDER PC MTG 11/23/21

I'm afraid I have another appointment at this evening at 6:00pm. I reviewed the Global set of drawings in detail and I have no exceptions to the concepts as presented on those drawings. I've reviewed those plans with Skyler and if the commission and Skyler are agreeable, I'd simply suggest Skyler convey my comments.

- 1) Is the applicant willing to extend the street and then convey that extension to the city. How that extension might affect the south end of the subject parcels?
- 2) The status of sanitary sewer that traverses the lower portion of the property.

Neither of those 2 items are on the agenda or on the concept plan however, I think it prudent to at least get a sense of direction the developer is heading with those items prior to approving the concept plans.

Lastly, and for what it's worth, Global did a nice job on these drawings. They are clear, concise and to the point; professionally done. The intent of the developer clearly outlined on them.

Those are essentially my thoughts and that's about all I'll try to squeeze in an email. Apologies to the commission for my absence this evening.

J

From: Debbie Wilson <debbiew@emichigancity.com>
Sent: Monday, November 22, 2021 3:48 PM
To: andysperling@hotmail.com; Bryant Dabney <bdabney@emichigancity.com>; cnespar@gmail.com; dwg@granquistlaw.com; Fred Klinder (f.r.klinder@comcast.net) <f.r.klinder@comcast.net>; Jeffery Wright <jwright@emichigancity.com>; lzimmer@nplhinc.com; Michael Gresham (southsider2k4@gmail.com) <southsider2k4@gmail.com>; Steve Hale (halelaw@sbcglobal.net) <halelaw@sbcglobal.net>
Cc: Skyler York <syork@emichigancity.com>; Aaron Borngaber <aborngaber@emichigancity.com>
Subject: REMINDER PC MTG 11/23/21

Just a reminder of the Plan Commission meeting tomorrow night (Tuesday, November 23, 2021) at 6:00 p.m. in the Council Chambers.

Please confirm your attendance with a reply email back to me.

Thank you,

Debbie Wilson
 Administrative Assistant

City of Michigan City
 Department of Planning & Redevelopment
 100 E Michigan Boulevard