

Burns Harbor Advisory Plan Commission Minutes of Monday, January 6, 2020

The Advisory Plan Commission of the Town of Burns Harbor, Porter County, Indiana met in a regular session on Monday, January 6, 2020 in the Town Hall. The meeting was called to order by Advisory Plan Commission President, Eric Hull at 7:00 pm.

The Pledge of Allegiance to the American Flag was recited.

Roll Call:

Eric Hull	Present
Bernie Poparad	Present
Toni Biancardi	Present
Gordon McCormick	Present
Jeremy McHargue.....	Present

Additional Officials Present

Building Commissioner-Rob Wesley
Attorney-Clay Patton
Global Engineer-Shem Khalil
Secretary-Marge Falbo

Also Present

Sarah Oudman
Nick Loving
Pat Kleihege

Hull says we still have two openings and hopefully this will get addressed at the Council at their next meeting. Biancardi says we have begun the interview processes and are trying to get people on board as quickly as possible.

Reorganization

McCormick makes a motion to leave it as is, Eric Hull as President and Bernie Poparad as Vice President. Biancardi seconded the motion. **Motion carried by unanimous vote.**

Hull says we need to appoint someone to the Board of Zoning Appeals.

Biancardi makes a motion to appoint Bernie Poparad to the Board of Zoning Appeals. McHargue seconded the motion. **Motion carried by unanimous vote.**

Hull says we need to appoint three people to the Plat Committee. Biancardi says can we wait until we have all seven of us. Hull says we can and asks Falbo to put it on the agenda for the February 3, 2020 meeting.

Minutes

McCormick makes a motion to approve the minutes of December 2, 2019 as written. Biancardi seconded the motion. Motion carried by unanimous vote.

Communication, Bills, Expenditures

Hull says you have a copy of the 2020 Plan meeting dates. We have a couple of conflicts:

July 6 is close to the 4th of July holiday and it's up to the Board if you want to make a change.

September 7 is Labor Day, so we do have to reschedule that one.

November 2 is a valid date, but we can't have it here because of the Elections so we can possibly meet at the Fire Station or reschedule. McCormick says I think the Fire Station is fine for November 2, 2020.

McHargue says can we push July and September. The Board agrees to change the July 6th meeting to July 13, 2020 and the September 7th meeting to September 14, 2020.

Report of Officers, Committee, Staff

Building Commissioner Wesley says it's been a busy year for the Building Department and the busiest we've ever been as you can see by the Building and the Year-End Reports. We have a lot going on. Hull says I would imagine it's going to get even busier for you this year.

Preliminary Hearing

None

Public Hearing Continuation

*Chapter 15 Zoning Ordinance
Storage and Use of Shipping/Cargo Containers*

Hull reopens the Public Hearing.

Biancardi says McCormick and I met last Thursday, and our comments are reflected on the redlined Ordinance before you which are based on discussion we had here.

Hull says what are items highlighted in yellow. Biancardi says that is when we had the conversation about could a shipping container be a shed because they are in various sizes and I think I highlighted that one because I personally wasn't sure how I interpreted that statement. So, could they be a shed if they were 160 square feet or less? Attorney Patton says do they make them that small. Hull says yes. Biancardi says so they have to conform to the standards of the Zone...so I wasn't sure what that meant. The conversation that McCormick and I had was the suggestion of adding the idea that a shipping container is not a shed in the definition. Poparad says to me that says the exact opposite because you are allowing some shipping containers. The first one you said no shipping containers and now you're saying if they're 160 square feet you can use them. It still looks like a shipping container. Hull says you can't just call it a shed all of a

sudden. Attorney Patton says the issue is it has to conform to the development standards, but the development standards don't apply if you are going to use it for a shed purpose. It says it can only be short-term storage. You have short-term for shipping and receiving, and I don't think Residential will have shipping and receiving. So that applies to the Commercial. Then you have Residential under construction and that is what I would call a mid-term because it's not permanent but it's not a 10-day either. So, the only true storage is going to be in Special Use District or the Business Park District.

Hull says my only question on this is:

3. The number of shipping containers allowed per business is limited to one (1).

Biancardi says we put that there as a placeholder because there was no limitation, not that (1) is our recommendation but our recommendation is that we include a limit to the number. Building Commissioner Wesley says I agree 100% with that statement. Pilot has five (5) behind their business. Bozak has four (4) but they also have a dual unit basically a storage locker is what it looks like. It's a storage unit with roll up garage doors on it. They will just keep bringing them in until we put a stop to it. I have one now in Corlin's Landing that Olthof moved in and put on a lot that I'm not sure they even own. McCormick says we will be addressing that in here. Attorney Patton says what you just said brings up an interesting point—what if you have another developer say, "I haven't sold the lot yet, but I'll rent this lot to you for a year." So, they might not own the lot, but they are parking a shipping container on it because other developers can say you can put it there because I'm not breaking ground until next year. Biancardi says but the Ordinance if we passed it would say it's not permitted on a vacant parcel unless that parcel is adjacent to the one where construction or remodel has been approved by you. Hull says what is adjacent. Attorney Patton says don't they have to own it. Biancardi says it doesn't say own it, it just says where it's been approved, I'm sure through a permitting process for a construction or remodel. McCormick says does it matter if they own it or not if it's adjacent to the property...Attorney Patton says I guess it only matters if the owner complains about trespass. Building Commissioner Wesley says my question for that is if it's used for construction purposes it must be approved by the Burns Harbor Building Commissioner prior to placement when used during construction for less than twelve (12) months. I can see them leaving it for 12 months at least. Now, if this becomes an Ordinance, can I go to them and say you need to apply to keep this here. Hull says yes and what is the approval process. Would you add it to the Building Permit that a storage container will be used? I think that you need to break out the Special Use a little further. Building Commissioner Wesley says I think they need to apply for a Temporary Use Permit and pay for it. Biancardi says in our Table of Uses, the ordinance would say that shipping containers are permitted in a Special Use District and then anyone in any other Zone could go to the BZA and request a Special Exception. So, if Pilot wanted to continue to have those on their property, they would petition the BZA as a Special Exception. Hull says I think the issue comes more and the whole reason is, so somebody doesn't take three shipping containers and try to claim that that's their garage. Also, that somebody doesn't put twenty of them on their property. Biancardi says we are recommending as well that they are not allowed in the Downtown District and in the Special Use District because

we do have two mobile home parks. They are permissible in all Special Use Districts except where the Special District's use is primarily Residential. Those were our recommendations.

Then 5. on the last page was a contradiction when we read it.

The Board of Zoning Appeals has the authority to authorize but is not required to approve the use of Shipping Containers for construction or remodel purposes for any period in excess of twelve (12) months.

So, is that a necessary statement. I am just calling that out for you.

The only thing we really addressed necessarily was:

Shipping Containers may be used for shipping and receiving merchandise and goods in a commercial use, provided that the Shipping Container does not remain stationary for more than ten (10) days, provided that the Shipping Container is not kept in the front setback area or landscaped area, designated parking area, fire access lanes, public right-of-way, in an area visible from the property's primary street or on parcels that are adjacent to a residential district.

And we added language about where it could actually be set, so they couldn't just drop it in their front parking lot. They have to follow those restrictions.

Poparad says so am I under the impression in Business Park District shipping containers may be used for storing merchandise or goods including long-term storage.... on parcels that are adjacent to a Residential District. So that would mean Brown can't have one?

Hull says you say:

- i. Shipping Containers may be used for shipping and receiving...provided they don't stay for more than 10-days, provided it's not in the front or back.

But then you say:

- ii. Shipping Containers may be used for storing merchandise or goods, including long-term storage.

Biancardi says we talked about that too because depending on the interpretation of adjacent there is no one in a Business Park Zone that could have long-term shipping containers storage because of the adjacent Residential Uses.

Hull says so it's the word adjacent. Biancardi says so the Brown property definitely can't because we have Residential around it but there is a road between it. Hull says if someone wants to put a storage container on the Brown property, they have to do what? Do they add one and come to the BZA to see if we can get one? Poparad says it would be a Special Exception in there. I had

to come before the BZA when I put up a shed because I'm not in a Residential Zone. I had to go to the BZA for several things. I had to go to the BZA to put a fence around my house.

Hull asks the Board what they want to do. Biancardi says is there a limit to the number of continuances of a Public Hearing? Hull says we could just stop the Public Hearing process and work on it more because if we're going to make changes you really can't have the Public Hearing, right? Attorney Patton says you can continue the Public Hearing again but at some point... Poparad says let's work on it some more.

Poparad makes a motion to continue working on the Chapter 15 Zoning Ordinance--Storage and Use of Shipping/Cargo Containers. McHarque seconded the motion. Motion carried by unanimous vote.

Biancardi says if we don't have a final draft that is ready to go next month on February 3, 2020 that we should probably consider closing the Public Hearing. The Board agrees. Biancardi says what are the major points that need to be discussed...Hull says I have two and that is clarification on:

- iii. Shipping Containers may be used for shipping and receiving merchandise and goods in a commercial use, provided that the Shipping Container does not remain stationary for more than ten (10) days, provided that the Shipping Container is not kept in the front setback area or landscaped area, designated parking area, fire access lanes, public right-of-way, in an area visible from the property's primary street or on parcels that are adjacent to a residential district.

I want to know what to do with, for instance, the Brown property because it's adjacent to a Residential property. McHargue says they still have the ability to go to the BZA. It may make it a little more difficult for this one property but right now we don't have any other instances that apply. Attorney Patton says that goes to your limit, whether it's one or whatever you choose. McHargue says Pilot would have to apply because the majority of their containers are visible from the street. There has to be some type of notification because they have no idea this is happening. Biancardi says they wouldn't be able to have those in Commercial, but they could ask for a Special Exception. Hull says and they will have 90 days after passage of the Ordinance to take action. Biancardi says McCormick and I talked that there might be four properties that would be affected by the 90 days.

Hull says my only other question on this then would be the process for applying. That's not really a part of the Ordinance. It's just a process through the Building Department. It's not Code, is it? Attorney Patton says you don't really have explanation or instructions in other portions of the Code that say you would need to go to the BZA.

Biancardi says so what we need to narrow it down for the Public Hearing next month is what is the limit. McCormick says the limit is one (1), if they want more they need to come before the BZA. Biancardi says we just solved your two questions. So, if Attorney Patton puts this in order

then we can act on it next month. Attorney Patton says I suggest you hold off—you may have another person or two who get appointed Wednesday and once they are appointed to forward it to them because they may have some questions. Hull says Biancardi and McCormick looked at it last month and I suggest Poparad and McHargue look at it this month and see if we can get a final version that we can all agree upon for next meeting.

Public Hearing

*Chapter 15 Zoning Ordinance
Detached Accessory Buildings*

Hull opens the Public Hearing and presents the Ordinance.

ORDINANCE _____

AN ORDINANCE OF THE BURNS HARBOR TOWN COUNCIL AMENDING THE TEXT OF CHAPTER 15 ZONING CONCERNING DETACHED ACCESSORY BUILDING WITHIN THE TOWN OF BURNS HARBOR, INDIANA.

WHEREAS, the Burns Harbor Town Council has adopted a Zoning Ordinance codified as Chapter 15 of the Town Code of Burns Harbor, Indiana; and

WHEREAS, the Burns Harbor Advisory Plan Commission has initiated certain amendments to the text of the Zoning Ordinance in order to better regulate Detached Accessory Buildings in the Town; and

WHEREAS, notice has been given in accordance with Indiana Code of all proceedings concerning these text amendments; and

WHEREAS, a public hearing has been held before the Burns Harbor Advisory Plan Commission and said Commission has paid reasonable regard, in preparing and considering the proposal, to the factors set forth in I.C. 36-7-4-603, including the Comprehensive Plan; and

WHEREAS, the Commission now certifies its proposal to amend the text portions of the Zoning Ordinance to the Burns Harbor Town Council; and

WHEREAS, the Burns Harbor Town Council concurs with its Advisory Plan Commission and accepts this proposal;

NOW THEREFORE, be it and it is hereby ordained by the Burns Harbor Town Council as follows:

Section 1. That section 15-13-6 of the Town Code of the Town of Burns Harbor Zoning Ordinance shall be amended to read as follows:

15-13-6 DETACHED ACCESSORY BUILDING

Detached Accessory Buildings shall conform to the standards found within each corresponding zoning district, provided that the development standards contained in this section shall not apply to detached accessory structures used for storage, so long as the structure is two hundred (200) square feet or less in total size.

- A. All detached Accessory Buildings shall be behind the Rear Principal Building Line and may be erected within five (5) feet of a side or five feet (5) of a Rear Lot Line so long as it is not within a recorded Easement.
- B. The design of the Accessory Building shall be in character with the Principal Building and constructed of the same quality permanent materials as the Principal Building including structurally sufficient concrete slab and/or pad per Indiana Code. The Accessory Building shall be located on the same lot and within close proximity to the Principal Building. Where such Building exceeds 200 square feet in area, at least a third of the Building's exterior perimeter shall be landscaped in the same manner as the principal facility.

Section 2. This Ordinance shall be effective upon its adoption and publication.

All of which is ADOPTED this _____ day of _____, 20_____.

BURNS HARBOR TOWN COUNCIL

ATTEST:

Jane Jordan, Clerk-Treasurer

Hull says an Ordinance of The Burns Harbor Town Council Amending the Text of Chapter 15 Zoning Concerning Detached Accessory Building Within the of Burns Harbor and we are changing it from 160 to 200 square feet.

Hull asks for comments in favor. There are no comments in favor.

Hull asks for comments in opposition. There are no comments in opposition.

Hull closes the Public Hearing.

Biancardi makes a motion for a favorable recommendation to the Town Council of the Detached Accessory Buildings Ordinance. McCormick seconded the motion. Motion carried by unanimous vote.

New and Old Business

Hull says this is the Westport Planned Unit Development (PUD) that the Redevelopment Commissioner has been working on along with the Town Council. Many of you attended the workshop that got us to this point. I am distributing this for a couple of reasons. The biggest is Holladay will be in front of the Board on February 3, 2020 to present our plan. The Redevelopment Commission will be in front of the Plan Commission to lay this out. The PUD Ordinance will be a lot different than what you're seeing here. These are just concept ideas. We are moving through the plan stage and everything is just a concept at this time. We are starting to get real documents and things to act on. All of this is going to come in front of you next month. I would recommend that you take this and the other information that's on the Burns Harbor website and review it prior to that meeting. We have tried to be as transparent as we can with everyone.

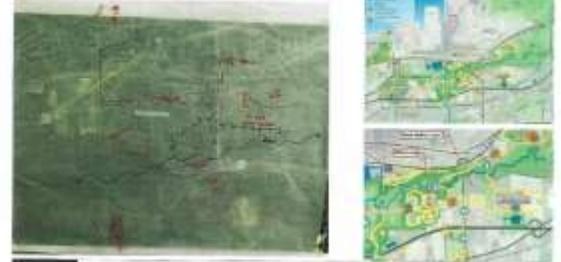


DESIGN DRIVERS



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COMMUNITY CONTEXT



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PRELIMINARY ALTERNATIVES



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ON THE TRAIL



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DRAFT PROGRAM

- Multifamily Units:** 7,000+
- Community Center Building:** 14,750 sq ft (includes gym, library, community room, etc.)
- Streetcar or Light Rail Station:** 11,000 sq ft with 7 car (two-sided garage)
- Neighborhood Office Building:** 125,000 sq ft (two-story)
- Community Center:** 13,000 sq ft building north of Main Street (14,750 sq ft building south of Main Street) including 5,000 sq ft of community room space (north-south) and 10,000 sq ft of gym space (north-south)
- Parking:** 400 total (100 on-site, 300 off-site)

Category	Area	Count	Notes
Multifamily Units	1-Bed	1,000	
	2-Bed	2,000	
	3-Bed	3,000	
	4-Bed	1,000	
Community Center	Community Room	10,000	
	Gym	5,000	
Neighborhood Office	Office	125,000	
	Public Space	10,000	
Community Center	Community Room	10,000	
	Gym	3,000	
Parking	On-site	100	
	Off-site	300	

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CONCEPT PLAN WESTPORT CENTER

OVERALL PLAN

Multifamily Units: 7,000+

Community Center Building: 14,750 sq ft (includes gym, library, community room, etc.)

Streetcar or Light Rail Station: 11,000 sq ft with 7 car (two-sided garage)

Neighborhood Office Building: 125,000 sq ft (two-story)

Community Center: 13,000 sq ft (two-story)

Parking: 400 total (100 on-site, 300 off-site)

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WESTPORT CENTER DRAFT CONCEPTS



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WESTPORT CENTER ENLARGEMENT



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WESTPORT CENTER ENLARGEMENT

NORTH SINGLE-FAMILY TOWNHOMES



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WESTPORT CENTER ENLARGEMENT

PATRIE WEST DEVELOPMENT PARCEL



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WESTPORT CENTER ENLARGEMENT

EAST SINGLE-FAMILY TOWNHOMES



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WESTPORT CENTER RENDERING



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WESTPORT CENTER RENDERING



Westport Center and Industrial Center - Concept Plan

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WESTPORT PLANNED UNIT DEVELOPMENT (PUD)

WORK PLAN (NEXT STEPS)

- Westport PUD Concept Plan Phase - November 13, 2019 (TONIGHT)
- Westport PUD Concept Plan Commission Application DUE - January 17, 2020
- Westport PUD Presentation to Plan Commission - February 3, 2020

Westport Center and Industrial Center - Concept Plan

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CONCEPT PLAN WESTPORT CENTER

OVERALL PLAN



Westport Center and Industrial Center - Concept Plan

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Poparad says if we are having a joint meeting and you are President of both, which one are you representing. Hull says that's a very good question. What we've done is this. The RDC and Town Council have authorized Holladay to present on behalf of the RDC. Holladay will come here speaking for the Redevelopment Commission and present. Poparad says and you will be sitting on the Plan Commission. Hulls says yes. Attorney Patton says Holladay is the petitioner. The property is owned by the Town, but the petitioner is the developer who has the specific knowledge of what the best concept is. Hull says we have tried to do this so that we are very transparent. We don't have to recuse ourselves for different things to make sure that we don't get into trouble going through the process. Attorney Patton says three (3) of the seven (7) Plan Commission members are Town Council members. We are doing the best we can given the box we're placed in given this situation. That is why we are holding Public meetings. Hull says what you have here is Public Record. This was handed out and presented on November 13, 2019 at the RDC meeting. So just in case you weren't able to attend or forgot, we want to make sure you got it because this is our plan that's coming through. Remember that the role of the RDC is to redevelop some areas to help encourage more tax allocation and tax dollars coming in our TIF area.

Biancardi says I don't think I heard you say that this is definitely a good tool to review if you haven't. January 17, 2020 is the 10-day deadline to turn in documents prior to a meeting and so on the 17th via email from Falbo, you should receive the concept plan that Holladay will present in February. The idea will be for them to present. If there are questions, they may be able to answer them at that time, but they may not. Then we'll have time to have conversation and come up with our own questions, comments, feedback and then they would come back again in March. It's not like there's an expectation in February of any sort of a decision. It's presentation of

the Concept Plan and March 2, 2020, once we've shared our feedback, we would give them the ok to submit an application in April. That's where more of the details would come in.

Hull says a couple of things—you will get the plans and presentation prior to the next meeting. Please review them and if you have any questions please email them to Falbo and she will then provide that information to Holladay when they leave on February 3, 2020. They will come back on March 2, 2020 and address those questions and if everything is good, they would then submit the application for a PUD in April.

New Business

Patrick Kleihege

Trail Creek Phase II Sanitary Approval

Hull says if I remember this goes back to October since we started this. Biancardi says this came last month to the Plan Commission from the Sanitary Board and we recommended that this Board recommend to the Town Council for acceptance if Kleihege had the video, the as built, the testing and then our Engineers would provide the 10% bond. So, once all that was in place, the Sanitary Board is basically certifying that Kleihege's underground is ready to accept. I understand that we have all of that now. Global Engineer Khalil says, yes, we do. Biancardi says do you know what the bond amount is. Global Engineer Khalil says, yes, we do, it's \$15,600, so the bond will be 10% of the \$15,600 which would be \$1,560.

Biancardi makes a motion for a favorable recommendation to the acceptance of Trail Creek's Sanitary to the Town Council and that bond should accompany that before the Council accepts it for \$1,560.00. Poparad seconded the motion. **Motion carried by unanimous vote.**

Hull says how long is that for. Biancardi says two (2) years. Hull says this is for Trail Creek Phase II. Global Engineer Khalil says we will send a letter with all the documents that Kleihege provided. The vacuum test was just completed today. Biancardi says we keep all the documents as the Sanitary Department. Kleihege says does this now go to the Sanitary Department. Biancardi says no it will go straight to the Town Council. It could go on Wednesday. Falbo could certify it, but it would not be approved or accepted without the bond. If not, it will go to next month.

Hull asks Building Commissioner Wesley if we have an amended plat. Building Commissioner Wesley says I am waiting to hear back from the Postal Service. The address is cleared though the 911 Center and the only other hurdle that I have is trying to get a hold of the Postmaster in the Chesterton Office to get those approved. Biancardi says Kleihege's plat only needs the address corrected. Building Commissioner Wesley says yes. Biancardi says to Kleihege one thing I noticed last month is on the side notes, it didn't note that it was an amended plat. Generally, on the side it would say what changes there were. Kleihege says I don't think it was amended for the Babcock property. In talking with Building Commissioner Wesley, it was an oversight of putting the address on there. Building Commissioner Wesley says we don't know where the address came from. Global Engineer Khalil says just to make sure that they understand. You are saying an amended plat. That is a process of recording and coming back to the Plan Commission. The addresses are not a plat issue. It's a Town issue. Biancardi says the addresses were not on there

to begin with. Building Commissioner Wesley says no. Global Engineer Khalil says my point is any addresses the Town is assigning, and the Post Office is approving those addresses has nothing to do with the Title. Biancardi says they are printed on the plat incorrectly. Global Engineer Khalil says that's correct. They shouldn't be printed on the plat to begin with. Kleihege says what we do is submit them for approval from the Fire Department and the Post Office before they get recorded. Kleihege says I think the builder put an address to it and that's where the problem started.

Review: Bonds, Maintenance Guarantees, Letters of Credit

Hull says the Letter of Credit for Village in Burns Harbor Phase 4A and 4B is expired.

Falbo says I talked with Jane about this. She has been very busy with year-end work and hasn't had a chance to update her file. Since I receive the monthly information from her, I don't want to remove anything on my end unless she has done the same.

Good of the Order and Any Other Business

None

Announcements

None

Adjournment

Poparad makes a motion to adjourn at 8:02 p.m. McCormick seconded the motion. Motion carried by unanimous vote.

APPROVED on February 3, 2020

Eric Hull, President

Marge Falbo, Secretary