

## **Burns Harbor Advisory Plan Commission Minutes of Monday, July 13, 2020**

The Advisory Plan Commission of the Town of Burns Harbor, Porter County, Indiana met in a rescheduled session on Monday, July 13, 2020. 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
Andy Bozak.....	Absent
Gordon McCormick .....	Present
Jeremy McHargue.....	Present
Sarah Oudman.....	Present

### Additional Officials Present

Attorney-Michael Brazil  
Secretary-Marge Falbo

### Minutes

Oudman makes a motion to approve the minutes of June 8, 2020 as written. Poparad seconded the motion. Motion carried by unanimous vote.

### Communication, Bills, Expenditures

None

### Report of Officers, Committee, Staff

Oudman says the Shipping Container Public Hearing that was continued last time, Biancardi suggested I send the additional information to the attorney, but Attorney Patton suggested that we put it off until August. No one had commented on anything, so I just sent him what I had.

Poparad says as you remember Shadyside was here and turned in some plans. They have to revise those plans in accordance with the new trailer park ordinance before they can come before the BZA. Biancardi says Shadyside may not be able to do anything because of the way our ordinance reads. In 2009, when the Master Plan was revised, we created special districts with the idea that they wouldn't expand. I'm not sure this would fall under that because their original approval was for 99 lots and they have never had a full 99 and that is what they want to go up to. I don't believe that is an expansion, but they will need releases from the State.

**Preliminary Hearing**

None

**Public Hearing**

*Chapter 15 Zoning Ordinance*

*Temporary Political Signs*

Hull says basically we are mirroring the State Code and we are going through the process to make sure it gets changed in our Code book. It had to come to the Plan Commission first for your review. Hull asks Falbo if it was noticed properly. Falbo says yes it was.

**ORDINANCE 296-2020**

**AN ORDINANCE OF THE BURNS HARBOR TOWN COUNCIL AMENDING THE TEXT OF CHAPTER 15 ZONING CONCERNING TEMPORARY POLITICAL SIGNS 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 temporary political signs in the Town and to comply with Indiana Code § 36-1-3-11; 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 Indiana Code § 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 15-13-17(A)(1)(i) of the Town Code of the Town of Burns Harbor Zoning Ordinance shall be amended to read as follows:

Temporary political signs intended to be viewed from public sidewalks and streets supporting a candidacy for office or urging action on any other matter on the ballot of a primary, general or special election, provided the sign is limited in its display to no more than sixty (60) days prior and five (5) days after the election, is less than thirty-two (32) square feet in gross surface area, and is not placed on Town property or utility poles. Signs in excess of thirty-two (32) square feet in gross surface area shall require a permit fee of Ten (\$10) Dollars per sign.

**Section 2.** That Section 15.5 of Chapter 15 of the Town Code of the Town of Burns Harbor shall be amended as follows:

This Ordinance shall be effective upon its adoption and publication.

All of which is ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Town Council of the  
Town of Burns Harbor

\_\_\_\_\_  
Nicholas Loving, President

\_\_\_\_\_  
Eric Hull, Vice-President

\_\_\_\_\_  
Toni Biancardi

\_\_\_\_\_  
Roseann Bozak

\_\_\_\_\_  
Angie Scott

Attest:

Hull opens the Public Hearing.

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.

Hull asks the Board for their decision.

McCormick makes a motion to forward Ordinance 296-2020 (Temporary Political Signs) to the Town Council with a favorable recommendation. Biancardi seconded the motion. McHargue abstains due to a conflict of interest with the sign issue. Oudman-Aye, Poparad-Aye, Biancardi-Aye, McCormick-Aye, Hull-Aye. Motion passed.

### **Old Business**

None

### **New Business**

*Holladay Properties*

*Westport PUD Primary Plat*

Hull says what you have here is a copy of the primary plat. Global Engineering has made comments already and will continue to work with various parties to work out any issues before it comes back before us. If the Board has any comments on this, please reply so that Global and the developers know.

Biancardi says basically they have turned in their plans for review. They will be here to talk about it next month and request a Public Hearing. Then we'll have the following month to accept it. Hull says ideally next month everything is final so we can move to the next stage which would be a Public Hearing.

Oudman says since the Town and Holladay Properties are partnering as developers, who is technically the developer. Hull says Holladay Properties is the developer in conjunction with the Burns Harbor Redevelopment Commission. Ultimately the developer is the Redevelopment Commission – Holladay works on our behalf and is able to do everything in our name. Attorney Brazil says we need to clarify who the developer is (which party of the partnership) in each subsection of the documents.

Hull says Holladay submitted a check in the amount of \$1,250.00 for the application fee. Do we want to ask the Town Council to waive it?

Poparad makes a motion to forward to the Town Council to waive the fee and future similar fees for this development. McHargue seconded the motion. Motion passed.

**Review: Bonds, Maintenance Guarantees, Letters of Credit**

McCormick says Corlin’s Landing, Olthof Homes, LLC that should have expired. It was issued on 12/13/2019. McHargue says didn’t we have some issues with Clerk-Treasurer Jordan just not taking them off yet. Hull says we’ll have Building Commissioner Wesley check and give us some clarification on it.

**Good of the Order and Any Other Business**

Poparad says did anyone hear anything about Harbor Trails dividing those lots. There was no comment from anyone.

Hull says I understand someone was interested in locating a business in Town. I recommend referring anyone who has questions about a business to the Building Commissioner so he can point them in the right direction.

**Announcements**

None

**Adjournment**

McCormick makes a motion to adjourn at 7:29 p.m. Oudman seconded the motion. Motion carried by unanimous vote.

**APPROVED on August 3, 2020**

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Eric Hull, President

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Marge Falbo, Secretary