

**Burns Harbor Advisory Plan Commission
Minutes of Monday, August 2, 2021**

The Advisory Plan Commission of the Town of Burns Harbor, Porter County, Indiana met in a regular session on Monday, August 2, 2021 in the Town Hall. The meeting was called to order by Advisory Plan Commission Vice President, Bernie Poparad at 7:00 pm.

This meeting was made available to the public in accordance with Governor Holcomb’s Executive Orders and was streamed on Zoom and Facebook Live.

The Pledge of Allegiance to the American Flag was recited.

Roll Call:

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|-------------------------|----------|
| Eric Hull | Via Zoom |
| Bernie Poparad..... | Present |
| Toni Biancardi..... | Present |
| Travis Dunlap | Present |
| Jeremy McHargue | Present |
| Nicole Migliorini | Present |
| Sarah Oudman | Present |

Additional Officials Present

Attorney-Michael Brazil
Building Commissioner-Jack McGraw
Global Engineer-Jeanette Hicks
Secretary-Marge Falbo

Minutes

Biancardi makes a motion to approve the minutes of July 12, 2021. McHargue seconded the motion. Biancardi-Aye, Dunlap-Aye, Migliorini-Aye, McHargue-Aye, Oudman-Aye, Hull-Aye, Poparad-Aye. Motion passed.

Communication, Bills, Expenditures

None

Report of Officers, Committee, Staff

Building Commissioner McGraw: We’ve just been very busy and continue being busy. We’re moving forward.

Preliminary Hearing

None

Public Hearing

None

Old Business

Town Code Chapters 4, 13, 14 and 15 Draft Ordinance

Poparad: I don't think we're ready to proceed with these.

Oudman: Biancardi and I talked a little bit today about it. We need to have this formatted differently for us to inspect. This will come next time.

One thing I would like to do now, and I caught this because of the minutes we had from 2017. There was reference to something that the Plan Commission at the time had passed and for whatever reason didn't get to Town Council. I just want to review the changes that had already been made to see if there was something that could have been, should have been stated...that you have already done. I mean it's not something you would come back up and do again.

Biancardi: What she is saying, in 2017 the Plan Commission had discussed having oversight of commercial buildings that come in and present it to the Board. As Oudman pointed out, I was the one who said let's package it and then we didn't package it.

Oudman: There was also a section on limited and extended review, which this time we got rid of it all. I didn't have time to go back and see if there was anything that should have been considered so...

Poparad: OK. We'll table all the ordinances until next month.

Agricultural Use Update

Oudman: Last time we talked about it a little bit and going back to look at it again now, I just suggested it in the update which is in Chapter 15:

15-3-4-1 EXCEPTIONS TO REVIEW

The following shall be excepted from the foregoing requirements:

A. Agricultural Uses

B. Limited Review Permit

that instead of including it as an exception to review we just delete it off that section because we haven't expressed what we want to do with Agricultural Use and that doesn't not give somebody a pass. That puts Agricultural Use back under review. That's all.

Poparad: OK

Section 9-2(1) Grass/weeds in excess of 8 inches Update

McHargue: There is no point in rushing and getting this through because it wasn't going to benefit anybody. It wasn't anything that was going to be in place and enforceable prior to grass not growing anymore. So this will give us more time...with everything going on with Chapter 15 right now this is something that we can just dive into. It shouldn't take that long.

Review of Table 5-2, Zoning Form and Function Table

Oudman: Again, because we're not doing what we were going to do on Chapter 4, 13, 14 and 15, we should just wait until that's accomplished, but I would say that this kind of ties into the discussion we're going to have in New Business about Industrial Zones and Uses.

Swimming Pool Ordinance and Fencing Requirements Update

Building Commissioner McGraw: I really haven't had a chance to review it. Biancardi and I were going to get together and never got together on it to confirm everything. My question again, it states a barrier around pools before 48 inches...

Oudman: So it's unclear in our Code to people, I thought we should make some kind of adjustment which I would suggest that on Page 97 of Chapter 15: 15-13-8 g that under the restrictions we would add "pool or pool access being less than 48 inches". So that would say if access to your pool starts below 48 inches you have to have control on it. Would that do it?

Building Commissioner McGraw: What I'm trying to get at is when a residential person reads it, they look at it and say my pool from the ground to the top edge of my pool is only 48 inches, so I don't need a fence.

Oudman: That's why I say if we say that the pool at 48 inches or the pool access is less than 48 inches...

Biancardi: Following last month's meeting (I believe I sent this to Hull and Building Commissioner McGraw) I read the State Code and at the very end it says access to residential pools shall be restricted by one of the following means:

1. Walls or fencing not less than five feet high and completely surrounding the pool and deck area with the exception of self-closing and latching gates and doors both being capable of being locked.

So if we are following State Code, they have to have a five-foot fence. Right? Or latching. Right?

Building Commissioner McGraw: Correct.

Biancardi: I think I suggested referencing that on the permit from the State Code. I don't disagree that we can't make our Code better so it's clear but if we're saying that we're going based on the State, that's what they say.

Building Commissioner McGraw: That's what I'm getting at and instead of referencing a Code I would say right in there that we found a State Code mandate that states...and put that wording into our...

Oudman: Right, it would go in 15-13-8 g. That is where we would add that.

McHargue: So every time we write one of these things in here and we're writing verbatim what State Code states and State Code changes, we have to go back through our Code and change our Code to reflect something that is already existing. So when State Code makes a change who is watching that and making sure we revisit our Code and deal with it. Who's watching it? We have to figure out what they changed and change everything word for word. That's what we're getting ourselves into.

Biancardi: I think that could be cited on the permit they pull. Like the reference on there because that doesn't require us to go through an ordinance and to adopt something to put that there. We can just cite the Code from the State there.

Oudman: There is no reason we can't be more specific on our pool permit and just not necessarily have it in our ordinance that way. That way it can easily be changed.

Biancardi: Another avenue we have, that I have been wanting to do, is we have Building Department webpage where we can have these frequently asked questions and guidance on swimming pools and fences. So we just need to put the information there as well.

Poparad: Oudman, can you and Building Commissioner McGraw get together and bring something back to us next month?

Oudman: Yes

Building Commissioner McGraw: That's fine.

Poparad: So next month swimming pools again.

New Business

Review: Bonds, Maintenance Guarantees, Letters of Credit
None

Review Industrial Zones and Uses

Biancardi: So this was me and this came up with just some different properties that are for sale in Town. Currently in our Code we have an Industrial Heavy Use, which is defined. We have an Industrial Light Use, which is defined. And also an Industrial Limited. So we kind of have a gap between the Light and Heavy. In 2017 we had started discussion here of defining Industrial Medium and so those were some minutes that were attached. I would like to suggest that we move forward and come back to that Industrial Medium and if you are all in favor of that I will put together the information in advance of next meeting and we can look over it. We have a lot of the work I think done already, while at the time, we were working with a property owner who had an intended use. If you all want to move forward with that I will put together some stuff for next month. The purpose that was put in place in 2017 for that Medium was to provide for areas in the Town for future development and pre-existing strictly industrial and business uses that are more intense than Light but excludes smoke-stack type industries. This district would also consist of principally industrial uses that have supported or commercial or office. That was the intent of that.

Poparad: Is that basically Tech Drive?

Biancardi: I think it would be no smoke-stacks, Light as described relatively clean, quiet, free of objectionable or hazardous elements, generating little industrial traffic, no nuisances. This one we could probably limit further in terms of Traffic. So kind of like what Brown is doing. Although Brown, they're a paper company, the front of the building might be more like something Light.

Poparad: They don't have much going on in there at all. One truck a day.

Biancardi: When we changed the Code in 2009 we took away the Industrial Zones. So their uses now...you could ask for a Use Variance, but we don't have those zones. So what happens on Tech Drive right now is a Special District. We have to look at the previous Code to see how it was defined. If you would like to move forward I think it would be a good idea to build that gap for future development. We have some properties where something might fit for that. It's not allowed anywhere in Town so anyone that would want to do something like that would definitely have to go to the BZA to get approval.

Poparad: So you'll bring something next month.

Biancardi: I'll bring from the 2017 minutes. I'll try to organize it in advance of the meeting for everyone to see that.

Good of the Order and Any Other Business

Oudman: In reading the minutes that we had in 2017 that is where I saw the information that Biancardi had referenced earlier on commercial site plan review and the Plan Commission at that time had inserted this paragraph:

Prior to the issuance of a permit for a Commercial and/or Subdivision Development, developers/ sub-dividers must first appear before the Plan Commission and present completed Site Plans to the Plan Commission for review. No fee or formal application is required for this meeting. The developer and/or sub-divider should come prepared to discuss the details of the proposed subdivision and/or commercial development including such items as proposed use, existing features of the area, exiting covenants, land characteristics, availability of community facilities and utilities, size of development, park areas, or public areas, proposed protective covenants, proposed utilities and street improvements. In order to have the matter placed on the Commission's agenda, a person requesting Commercial Site Plan Review should contact the Commission's Secretary no later than ten (10) days prior to the next regularly scheduled meeting of the Plan Commission.

One of the things that caught my attention because it's come up a few times from different people it would be nice if we had something that people coming here to do business would have something to review before they went through more expense than necessary and also have to go to the Building Commissioner to get turned down in order to go to the BZA.

Biancardi: That would still have to happen. An official rejection is how they get to the BZA.

Poparad: Let's work on that and we'll get that in there.

Announcements

None

Adjournment

Biancardi makes a motion to adjourn at 7:33 p.m. Migliorini seconded the motion. Biancardi-Aye, Dunlap-Aye, Migliorini-Aye, McHarque-Aye, Oudman-Aye, Hull-Aye, Poparad-Aye. Motion passed.

APPROVED on September 13, 2021

Bernie Poparad, Vice President for Eric Hull, President

Marge Falbo, Secretary