MINUTES OF THE REGULAR MEETING OF THE
MICHIGAN CITY PLAN COMMISSION
FEBRUARY 26, 2019

The Michigan City Plan Commission met in a regular meeting in the Common Council Chambers, City Hall Building, 100 East Michigan Boulevard, Michigan City, Indiana, on Tuesday, February 26, 2019, at 6:00 p.m.; the date, hour, and place duly established for the holding of said meeting.

CALL TO ORDER
President Hook called the meeting to order at approximately 6:00 p.m.

ROLL CALL
Assistant Planner Skyler York called the roll with attendance noted as follows:

Present:
Sharon Carnes, Braedan Gallas, Michael Gresham, G. Wallace Hook, Faye Moore, Charles Peller, Larry Zimmer (7)

Absent:
Fred Klinder, Phil Latchford (2)

Staff Present:
Assistant Planner Skyler York, Attorney Steven Hale, Planning Department Administrative Assistant Debbie Wilson

Staff Absent:
None

APPROVAL OF MINUTES
President Hook entertained a motion for approval of the minutes of the regular meeting of January 22, 2019.

Motion by Commissioner Gresham – seconded by Commissioner Carnes accepting the minutes of the regular meeting of January 22, 2019 as submitted. The roll was called, and the vote taken: (Ayes) Sharon Carnes, Michael Gresham, G. Wallace Hook, Faye Moore, Charles Peller, Larry Zimmer – 6; (Nays) None – 0; (Abstain) Braedan Gallas – 1; (Absent) Fred Klinder, Phil Latchford – 2. With a vote of 6 ayes, 0 nays, 1 abstention, and 2 absent, the MOTION CARRIED.
POLICY OF CONDUCT AND PROCEDURES
Hearing no objections, President Hook dispensed with the reading of the Policy of Conduct and Procedures but asked that it be included as part of the record. 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.

PETITION(S)
President Hook called for the first petition.

Mr. York read: “Petition P-100-19: Michael Conner and Mark Valudos requesting Rezoning from R1E to R1D to allow for two-family dwelling units located at Blaine Street (Parcel ID 46-01-21-380-006.000-022).”

President Hook asked counsel if all the documents were in order.

Attorney Hale stated that he reviewed the notice documentation submitted by the Petitioner. He advised that the notice requirements have been met, and the Commission is free to consider the petition tonight.

Attorney Bradley J. Adamsky addressed the Commission stating that he is with the firm of Drayton Biege Sirugo & Elliott, LLC, located at 820 Jefferson Avenue, LaPorte, Indiana. Mr. Adamsky acknowledged being present on behalf of the Petitioners, Michael Conner and Mark Valudos, who are powers of attorney and agents for the property owner (James Kensik) regarding this petition. He pointed out that although the petition and agenda identify the property as being off Blaine Street, the property is north of that, closer to Felton and Lake Streets. He provided Commissioners with additional documents which include a Beacon printout showing the property location as well as a site plan along with renderings illustrating how the dwellings will look.

Attorney Adamsky gave a summary indicating that the property is currently zoned R1E Waterfront Residential and borders M2 Manufacturing property (Weil McLain) immediately adjacent and behind it. Petitioners are requesting to rezone the property from R1E to R1D, remaining a single-family residential use. By code, the standards between R1E and R1D are comparable with R1E intended to provide for continued maintenance of older waterfront neighborhoods, but prevent overbuilding of small lots and protect from new residential construction that is out of scale with surrounding smaller homes, and is only intended for existing historic waterfront neighborhoods and small scale infill development in waterfront areas; it is not intended for new development.
of large areas of undeveloped land. Mr. Adamsky pointed out that the subject property is undeveloped land that the Petitioners are requesting be moved into a R1D zoning classification. The R1D is intended to maintain and enhance traditional, walkable, pedestrian-oriented neighborhoods and provide for urban infill development that is of a form and character consistent with established historic neighborhoods. He referred to the design of the townhomes indicating that it fits R1D description to a tee.

Attorney Adamsky pointed out the additional zoning standards between R1E and R1D, wherein R1D would allow for two-family dwellings as opposed to single-family dwellings. He noted that it would also potentially allow for a neighborhood shopping center, nursing home, or funeral home, but he assured that it not the intent of this project. The setback standards are essentially the same between the two districts, the lot size is comparable with only a small difference in the side yard setback (7' in R1E; 5' in R1D). He said they are not looking to change the zoning requirements; they only want to make it possible to put additional housing on the lot to develop something that for a long time has not been developed.

Attorney Adamsky stated that by statute (IC 36-7-4-603), in considering a request for rezoning, the Commission shall pay reasonable regard to:

- **The Comprehensive Plan.** Mr. Adamsky stated that the intent of the rezoning is that it will be residential, and it is in a neighboring residential property; it is not changing the use or moving away from the plan.

- **Current conditions and the character of current structures and uses in each district.** Mr. Adamsky explained that while there has not been a specific change in this property, it does border right next to industrial property, so it does not quite fit the residential areas. This will provide an additional possibility for the residential development of this lot.

- **The most desirable use for which the land in each district is adapted.** Mr. Adamsky stated that they are just trying to make this land more developable to put housing in and keep it with the residential characteristics of the neighboring properties.

- **The conservation of property values throughout the jurisdiction.** Mr. Adamsky stated that it currently is a vacant lot. Putting additional houses/development in there will improve the surrounding values, not hurt them.

- **Responsible development and growth.** Mr. Adamsky referred to the renderings stating that the design of the townhomes will be an improvement to an otherwise vacant lot.
• The topography, soil conditions and physical features of the property. Mr. Adamsky stated that they are not changing the area; it is currently residential and there will be additional residential.

• Spot zoning. Mr. Adamsky assured that the petition is not spot zoning explaining that while this is part of a larger R1E district, it is on the edge of the R1E district; specifically, right on the edge between R1E and M2.

• The neighborhood plan. Mr. Adamsky stated that they are trying to make this more residential by putting residential properties near where there would otherwise be no intent to do so (by an M2 zoning – Weil McLain property).

In closing, Attorney Adamsky acknowledged that Mr. Conner and Mr. Valudos were present if there were questions specifically of them.

President Hook asked if there were any questions or comments from Commissioners.

Commissioner Gresham asked Mr. York if it was correct that the Commission recently considered a subdivision in the same vicinity, and there were sidewalk issues. He questioned if this specific site has sidewalks.

Mr. York replied that it currently does not have sidewalks, but staff discussed it with the Petitioners. If the property is rezoned, the Petitioners would need to get subdivision approval, and at that time the sidewalks would be addressed. He recalled that the Commission did approve a resubdivision just north of this property and they did not grant the waiver for sidewalks. Mr. York said he believes that was the right choice given that Lake Avenue is the direct access to the lake and Lake Shore Drive.

Attorney Adamsky added that this is the very first step of the process with more to follow prior to construction. At this point, Petitioners are just asking for the rezoning.

Commissioner Carnes asked what some of the other permitted uses are in the R1D district which are different from the permitted uses in the R1E district.

Attorney Adamsky replied that there are several uses specific to R1D, but not to R1E. One being a permitted use for a two-family home, and three special exceptions including a shopping center, nursing home, and a funeral home.

Mr. York confirmed that those three uses would need to go through a Board of Zoning Appeals process to be granted a special exception use, and there would be other standards they would have to meet as well to be granted.
Commissioner Peller pointed out that there are similar housing developments on Lake Shore Drive and Lake Avenue, so he felt this was a good idea.

Mr. Zimmer referred to the renderings and asked if aesthetically they can have fences coming out between the units projecting out in front of the buildings.

Mr. York replied that the fence beyond the front plane of the house must drop down to 3 1/2' in height and be of the picketed type being 50% open.

Mr. Zimmer questioned why the sidewalk going up to the front door is so wide, looking like a parking spot. He asked if that is the intent.

Mark Valudos (9330 Lookout Point, Dallas TX) replied that aesthetically they were trying to keep it lined up with the front entry as a linear look, and rocks placed adjacent to each of the sidewalks. He continued explaining that their idea on the back side of the property is to have a drive that has a rear entry into the driveways, with the same aesthetic look on the back side of the property, bringing the aesthetic around the entire lot.

Mr. Zimmer again questioned if the intent is for it to be a parking spot.

Mr. Valudos replied that it is not; the intent is to aesthetically line up with the front entry.

Mr. York added that it is his understanding these duplexes will be rear loaded rather than front loaded.

Mr. Valudos replied that was correct.

Mr. Zimmer asked if there will be on-street parking in front as well.

Mr. York replied that he does not think on-street parking is prevented there as of now, and people do it down there already. If they were front loaded it would kill all the on-street parking because of the driveway distances being so close. He said he was not sure if there was a curb there to be painted for no parking.

Mr. Conner pointed out that there is a curb there, but nobody parks in the right of way. There is no need to park there now.

President Hook asked if there were any further questions or comments from Commissioners.

There being none, President Hook called for the department report.
Mr. York read the staff report into the record (attached hereto and made a part of this record [1]) recommending approval of the petition.

Commissioner Gresham recalled the strategic plan meetings and questioned if duplex style properties are one of the styles the consultants specifically mentioned as not having enough of locally.

Mr. York replied that was correct, stating that it is called the "missing middle"; there are a lot of single and multi-family homes. He pointed out that this specific location was called out in the Comprehensive Plan as introducing those residential options.

President Hook called for the attorney's report.

Attorney Hale read his report into the record (attached hereto and made a part of this record [2]) noting for the record that Petitioners provided a meets and bounds legal description which is attached to the petition as Exhibit A as well as to the Certification to the Common Council. He reminded Commissioners that Indiana Code allows the owners of property to initiate a change in zoning designation. He pointed out that the Petitioners have petitioned the Plan Commission to rezone this property from R1E to R1D, but the owner of the property (James Kensik) has signed the petition and submitted a Limited Power of Attorney granting Mr. Connor and Mr. Valudos the power to act in this matter on his behalf.

Attorney Hale reminded Commissioners they must follow procedure set out in Indiana Code 36-7-4-602(c) which requires a public hearing. Following a decision reached by the Commission, they are to certify the proposal to the Michigan City Common Council who has the final decision on the rezoning. The certified document shall be sent onto the Common Council with either a favorable recommendation, an unfavorable recommendation, or no recommendation. He pointed out that the decision criteria standards are set out in Indiana Code 36-7-4-603 and Section 30.07 of the Zoning Ordinance.

Attorney Hale advised that a motion be made sending the Commission's recommendation onto the Common Council, and that they also approve and adopt the certification.

President Hook opened the hearing for public comments. He called for public comments three times; and hearing none, closed the public portion of the hearing.

The chair entertained a motion.

*Motion by Commissioner Carnes – seconded by Commissioner Gresham approving Petition P-100-19 for rezoning Parcel ID 46-01-21-380-006.000-022 (Blaine Street) from R1E to R1D and forwarding it onto the Common Council with*
a favorable recommendation. The roll was called, and the vote taken: (Ayes) Sharon Carnes, Braedan Gallas, Michael Gresham, G. Wallace Hook, Faye Moore, Charles Peller, Larry Zimmer – 7; (Nays) None – 0; (Absent) Fred Klinder, Phil Latchford – 2. With a vote of 7 ayes, 0 nays, and 2 absent, the MOTION CARRIED.

Motion by Commissioner Gresham – seconded by Commissioner Carnes approving and adopting “Certification of the Plan Commission of the City of Michigan City, Indiana”, which includes the findings of fact as presented, for forwarding onto the Common Council with a favorable recommendation. The roll was called, and the vote taken: (Ayes) Sharon Carnes, Braedan Gallas, Michael Gresham, G. Wallace Hook, Faye Moore, Charles Peller, Larry Zimmer – 7; (Nays) None – 0; (Absent) Fred Klinder, Phil Latchford – 2. With a vote of 7 ayes, 0 nays, and 2 absent, the MOTION CARRIED.

President Hook called for the next petition.

Mr. York read: “Petition 900-19: ServiScape, LLC requesting primary and secondary plat approval of a Minor Subdivision (C and A Properties Subdivision) to create one new buildable lot located at 711 E. Highway 212 (corner of Warnke Road and State Road 212). Engineer: Great Lakes Engineering, Inc.”

President Hook asked counsel if all the documents were in order.

Attorney Hale advised that the notice documentation is in order and the Commission is free to consider the petition tonight.

Steven Thate (Thate-GLE Surveying & Engineering, 3301 Franklin Street, Michigan City IN) stated that their client (ServiScape, LLC) is under contract to buy this property from Landen Land, LLC. He pointed out it is an irregular piece of land with a creek going through it and some wetlands and flood zones. There is an existing older home on the front of the lot which is currently being used for a landscape company business office. There is also a pole barn on the lot. ServiScape would like to buy this property and split it into two parcels; one for the business and the other lot (Lot 2) for his home, separating the business from the residence. Mr. Thate stated that they are asking for a waiver for the 50’ driveway, width to depth ratio, shape, and lots lines. Mr. Thate stated that they are also requesting secondary plat approval.

Commissioner Gresham asked if they are proposing Lot 2 to be Residential and Lot 1 to be Business.

Mr. Thate replied that Lot 1 already has an existing metal building on it and a couple block buildings – one an old garage and one an older house they used for an office.
Commissioner Gresham asked if the building would be done behind the three existing buildings.

Mr. Thate responded that it will be cleared in the back close to Lot 2. The 25’ part of Lot 2 would be the driveway going back.

Mr. York noted that it is currently zoned R1B Residential – large lot development.

Commissioner Gresham asked what the gap is in between where the proposed 25’ driveway would be and the Evans property.

Mr. York and Commissioner Gresham referenced the plat speaking amongst themselves.

Mr. Thate stated that he believes Evans owns that as well. He said those are all meets and bounds parcels in through there.

President Hook asked if there were any further questions or comments from Commissioners.

There being none, President Hook called for the department report.

Mr. York read the staff report into the record (attached hereto and made a part of this record [3]) recommending approval of the petition as well as the requested waivers from Article 6.03 (d)(e)(f).

Commissioner Gresham said he was curious about the wetland discussion, noting there is approximately five different spots along the entranceway. He asked if those are getting moved.

Mr. York responded that this project has been about a year in progress with discussions back and forth between Mr. Putnam of ServiScape and himself. Mr. Putnam approached Mr. York indicating that he wanted to subdivide this property. Mr. York said the property is in the wetlands inventory, so he required Mr. Putnam to get a wetland delineation because there was the question of if there is any buildable land at all. The delineation showed Lot 2 being significantly elevated. This wetland is associated with a floodplain, meaning it is not standalone, and Mr. Putnam must work with the Army Corp of Engineers who has purview over wetlands connected to a floodway. Mr. York pointed out that Mr. Putnam has already been working with them. The City can subdivide the property but cannot issue a building permit to Mr. Putnam. By doing the delineation and working with the Army Corp of Engineers, Mr. Putnam proved that there is buildable land. Mr. Putnam will have to work with the Army Corp on whatever decision they make for mitigation of those wetlands.
Commissioner Hook asked Mr. York if it would be correct to assume that if the Corp of Engineers approves this, it makes the City's job much easier.

Mr. York responded that was correct and added that he can't approve any type of building in a wetland; approval by the Army Corp must happen before he can issue a permit.

Mr. Thate added that normally the Army Corp does not have a problem with anything under 1/10 of an acre.

Mr. York pointed out that the wetland area is going to be road, which is different than constructing a building there.

Mr. Thate stated that a culvert might be required under the road to allow the water to flow through and underneath it.

Commissioner Zimmer asked Mr. Thate how the angle of the property line between Lot 1 and 2 was chosen.

Mr. Thate replied that one reason was the building site and the other reason was that Mr. Putnam wanted to be as close as possible to 10 acres on Lot 2 but still be under for mortgage purchases, thus making it 9.99 acres. Bringing the lot up to the driveway created the angle itself.

President Hook called for the attorney's report.

Attorney Hale read his report into the record (attached hereto and made a part of this record [4]) noting provisions of the Subdivision Ordinance pertinent to minor subdivisions. He reminded Commissioners that they may approve the minor subdivision application, approve it with certain modifications to 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. Mr. Hale pointed out that the Petitioner is requesting modifications to the Subdivision Ordinance requirements for depth to width ratio, lot shape, and side lot lines. He advised that the Commission has the power to waive/grant modifications to the requirements of the Subdivision Ordinance as set out in Section 08.01, with the necessary criteria to make such modifications listed in Section 08.02. He pointed out that the staff report indicates the proposed subdivision meets all the requirements of the Zoning Ordinance and does not need any variances from the development standards.

President Hook asked if there were any further comments or questions from Commissioners.
There being none, President Hook opened the hearing for public comments. He called for public comments three times, and hearing none, closed the public comment section.

The chair entertained a motion.

Motion by Commissioner Gresham – seconded by Commissioner Carnes approving Petition 900-19 for Minor Subdivision (C and A Properties Subdivision) by ServiScape, LLC, including the requested waivers from Article 6.03 (d) Depth to Width Ratio, (e) Shape, and (f) Side Lot Lines. The roll was called, and the vote taken: (Ayes) Sharon Carnes, Braedan Gallas, Michael Gresham, G. Wallace Hook, Faye Moore, Charles Peller, Larry Zimmer – 7; (Nays) None – 0; (Absent) Fred Klinder, Phil Latchford – 2. With a vote of 7 ayes, 0 nays, and 2 absent, the MOTION CARRIED.

Mr. Thate also requested secondary plat approval.

Attorney Hale explained that the Commission approves the primary plat, then at some point in time (it has been done at the same time) the secondary plat in a minor subdivision can be approved by the enforcement official or it can be approved by the Plan Commission.

Motion by Commissioner Gresham – seconded by Commissioner Gallas approving the secondary plat for Petition 900-19 based upon the fact that the secondary plat complies with the Zoning and Subdivision Ordinance standards and it is consistent with the primary plat. The roll was called, and the vote taken: (Ayes) Sharon Carnes, Braedan Gallas, Michael Gresham, G. Wallace Hook, Faye Moore, Charles Peller, Larry Zimmer – 7; (Nays) None – 0; (Absent) Fred Klinder, Phil Latchford – 2. With a vote of 7 ayes, 0 nays, and 2 absent, the MOTION CARRIED.

REPORT BY DIRECTOR
(No report)

REPORT BY ATTORNEY
(No report)

OLD BUSINESS
(None)

NEW BUSINESS
President Hook announced his resignation as a member of the Plan Commission tonight, attributing macular degeneration to the reason which has caused his eyesight to become difficult. He commented that he was appointed to the Commission by former Mayor Robert Behler in February 1988 and has served since then for 31 years, being
reappointed by former Mayors Sheila Brillson, Charles Oberlie, and current Mayor Ron Meer. He added that he has also been the Plan Commission's representative to the Board of Zoning Appeals for 18 years. Mr. Hook said it has been his extreme pleasure to have had the opportunity to serve on this Commission and to be associated with all the Board members over the years. He recognized current staff and acknowledged Debbie who has been with the department for 37 years, stating that her assistance over the years has been invaluable to him. He thanked everyone and stated that he thinks the best things for Michigan City are yet to come.

President Hook was applauded by all.

Commissioner Gresham added that he is the second senior member on the Commission and he wanted to personally thank Mr. Hook not only for learning from him but also working with him during what is now his third term to the Commission. He said he is sad to see him go but is more saddened by it because of health issues. He wished Mr. Hook the best.

Commissioner Carnes thanked Mr. Hook for his commitment to Michigan City, as 31 years is a long time to be a Board member. She said she was also sad to see him go and wished him well.

GENERAL DISCUSSION
(None)

PUBLIC COMMENT
(None)

ADJOURNMENT
With no further business, President Hook declared the meeting adjourned at approximately 6:57 p.m.

ATTACHMENTS
1) P-100-19 Staff report
2) P-100-19 Attorney report
3) 900-19 Staff report
4) 900-19 Attorney report

[Signature]
President  Larry Zimmer

ATTEST:

[Signature]
Larry Zimmer, Secretary

Dan Granquist
MICHIGAN CITY PLAN COMMISSION

February 26, 2019

Case # P-100-19 Rezoning of Parcel 460121380006000022 (SE corner of Felton Street and Lake Ave.)

Request

Rezoning of a parcel of land located at the SE corner of Felton and Lake Ave. from R1E to R1D to allow Single Family attached dwellings to be constructed.

Staff Analysis

The property in question is currently zoned R1E Single Family Residential which allows single family homes to be constructed. The request is to rezone this property from R1E Single Family Residential to R1D Single Family Residential to allow for the addition of single family attached structures.

This lot is directly abutting Heavy Industrial—Weil-McLain Company. The planning staff believes that this new zoning will add additional housing opportunities and provide a buffer between the heavy industrial and the single family zoned neighborhood. This is a very common planning practice across the United States, providing buffers between land uses that are not compatible by allowing a slightly different use and increase opportunity for development while creating an edge/buffer between the incompatible uses. In this situation the Heavy Industrial is not compatible with the R1E single family zoning. Although this zoning incompatibility has stood for many years the land has not developed as the abutting neighborhood has which begs the question, are detached single family homes desirable abutting heavy industrial. Perhaps a slightly different housing type would be more desirable while maintaining the character, compatibility and economic value of the neighborhood. The rezoning does not preclude single family detached homes from being built on the parcel but could allow single family attached and detached homes at this location.

According to Indiana Code 36-7-4-603, in considering a request for a rezoning the Plan Commission shall pay reasonable regard to:

(1) the comprehensive plan; (County Land Development Plan/Comprehensive Plan)

The Comprehensive Plan for the city calls for auto urban multiple family

(2) current conditions and the character of current structures and uses in each district;

Structures will be designed to be compatible with the surrounding neighborhood

(3) the most desirable use for which the land in each district is adapted;

Medium Residential is an excellent buffer between low density residential and heavy industrial

(4) the conservation of property values throughout the jurisdiction; and
Property Values will be conserved through adequate buffering between incompatible uses and new investment in the neighborhood.

(5) responsible development and growth.

As stated before this is a very common planning practice through the U.S. to buffer between incompatible uses to allow for responsible development and growth.

Staff Recommendation

Planning Staff has reviewed the proposed request for the rezoning of the subject parcel and recommends approval of the petition.

Skyler York, Assistant Planner
Attorney Report

Petition No.: P-100-19
Owner: James Kensik
Petitioners: Michael Conner and Mark Valudos
Request: Rezoning from R1E to R1D
Location: Blaine Street/Parcel No. 46-01-21-380-006.000-022 (the "Property")

Indiana Code 36-7-4-602(c)(1) allows the owners of property to initiate a change in zoning designation (amending a zoning map). The Petitioners herein has petitioned the Michigan City Plan Commission to rezone this property from R1E Waterfront Residential District to R1D Single Family Residential District. In this case, the owner of the Property has signed the Petition and submitted a Limited Power of Attorney whereby said owner has granted Michael Conner and/or Mark Valudos the power to act in this matter on behalf of him.

The Plan Commission must follow the procedure set out in Indiana Code 36-7-4-602(c), and, following a public hearing, certify the proposal to the Michigan City Common Council for its passage of an ordinance establishing the new zoning designation (if the Council approves the change). See Indiana Code 36-7-4-604 for the requirement of a public hearing and the notice requirements.

It should be noted that Petitioners propose to construct duplexes on the Property and that two family dwellings are permitted use under a R1D zoning designation (see Table 04.02 of our Zoning Ordinance), provided the use requirements of Section 14.01(a) are met.

In considering the rezoning request, the Plan Commission "shall pay reasonable regard to": the comprehensive plan; current conditions, and current structures and uses, in the zoning district; the most desirable use for the property; the conservation of property values throughout the city; responsible development and growth; the topography, soil conditions and physical features of the Property; the request will not confer a special benefit on a small parcel "without commensurate benefit to the community" (i.e. no spot zoning); and the neighborhood plan. See Indiana Code 36-7-4-603 and Section 30.07 of our Zoning Ordinance for these decision criteria.

Following the public hearing, the Plan Commission shall certify to the Common Council the request to rezone the Property:

(1) with a favorable recommendation; or,
(2) with an unfavorable recommendation; or,
(3) with no recommendation.

See Indiana Code 36-7-4-605(a)(3) and Section 30.04 of our Zoning Ordinance.

In addition to any recommendation, a Petitioner may be required by the Plan Commission to make a commitment. See Indiana Code 36-7-4-1015 and Section 30.08 of our Zoning Ordinance regarding commitments.

The submitted materials include:

(a) Petition For Rezoning signed by James Kensik, the property owner.

(b) List of name and address of adjacent property owners and map of their locations.

(c) Notice of Public Hearing.

(d) Limited Power of Attorney of James Kensik.

(e) Drawings depicting working site plan, floor plans and elevations.

Respectfully submitted,

Steven A. Hale
Case # 900-19  C and A Subdivision Minor Subdivision – Serviscape LLC

Request

The petitioner is requesting the approval of a 2 lot minor subdivision located at 711 E Hwy 212. This will be the subdivision of an existing large lot into two smaller lots.

The applicant is also requesting a waiver from the commission from Article 6.03 (d) (e) (f)

(d) Depth to Width Ratio. The depth-to-width ratio of a lot shall be a maximum of three to one (3:1). This ratio shall not apply to unusable area of the rear portion of a lot occupied by wetland or floodplain.

(e) Shape. Lots shall be designed to provide suitable building sites and related yard areas. Irregularly shaped lots may be permitted by the plan commission where it deems the pattern to be more appropriate to the site conditions than regular shapes.

(f) Side Lot Lines. Side lines of lots shall be at approximately right angles to straight streets and on radial lines on curved streets. Some variation from this rule is permissible, but pointed or very irregular lots should be avoided.

Staff Analysis

The property is located at the physical address of 711 E Hwy 212 and is currently occupied by Serviscape LLC, a landscaping company. The owner and purchaser wished to subdivide the property to create a lot that can have one single family home constructed on it. The lot does have wetlands that are delineated on the primary plat. The applicant has worked with Army Corp of Engineers to mitigate the use of the property.

The petitioner has requested a waiver from Article 6.03 (d) (e) (f) to which the planning department believes are reasonable request due to the wetland locations as delineated. Also, the petitioner has is not trying to create a multiple lot subdivision but rather a lot for large lot single family development. The petitioner has been advised that any further subdivision under the current subdivision code is not allowable unless additional improvements are made for access and public safety.

Staff Recommendation

Based on the analysis and the information provided to staff recommends approval of 900-19 and waivers for the (d) (e) (f) of the Article 6.03.
Attorney Report

Petition No.: 900-19
Owner: Landen Land LLC
Petitioner: ServiScape, LLC
Request: Minor Subdivision
Location: 711 E. Highway 212

Petitioner is filing for Minor Subdivision to create two lots on property located at 711 E. Highway 212.

The provisions of the Subdivision Ordinance pertinent to a minor subdivision include: Section 1.08(a)(2) (general provision for minor subdivisions), Article 3 (general rules pertaining to minor subdivisions) and Article 6 (design standards).

The Plan Commission may approve the minor 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 the following Sections of our Subdivision Ordinance: Generally, Section 3.03(d); matters that the Plan Commission may consider are found at Section 3.03(e) and (f); the final plat is to include the information found at Section 3.08.

Petitioner is also requesting that the Plan Commission grant modification of the subdivision ordinance requirements for a depth to width ratio of no more than 3 to 1 under Section 6.03(d), for lot shape to be generally regular under Section 6.03(e) and for side lot lines to be at right angles to adjoining streets under Section 6.03(f). All of these requirements may be modified or waived by the Plan Commission as it has the power to waive ("grant modifications") the requirements of the Subdivision Ordinance as set out in Section 08.01. The necessary criteria to make such modifications are listed in Section 8.02. The Plan Department Report should indicate if any requirements are not met. It should be noted that, as set out in the Planning Department staff report, the proposed subdivision meets all of the requirements of our Zoning Ordinance and does not need any variances from the Zoning Ordinance development standards.

The submitted materials include:

(a) Application For Minor Subdivision Within The Corporate Limits of Michigan City signed by Petitioner;

(b) Note that ServiScape, LLC has a contract to the purchase the property and that the owner of the property is Landen Land, LLC.
(c) Letter dated January 9, 2019 from Petitioner regarding its request.

(d) List of name and address of adjacent property owners and map of their locations.

(e) Primary Plat of C AND A PROPERTIES SUBDIVISION prepared by THATE-GLE Engineers and Surveyors dated December 19, 2018.

Respectfully submitted,

[Signature]

Steven A. Hale