MINUTES OF THE REGULAR MEETING OF THE
MICHIGAN CITY PLAN COMMISSION
MAY 28, 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, May 28, 2019, at 6:00 p.m.; the date, hour, and place duly established for the holding of said meeting.

CALL TO ORDER
President Larry Zimmer called the meeting to order at approximately 6:05 p.m.

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

Present:
Sharon Carnes, Faye Moore, Dan Granquist, Phil Latchford, Fred Klinder, Charles Peller, Andy Sperling, Larry Zimmer (8)

Absent:
Braedan Gallas (1)

Staff Present:
Planning Director Craig Phillips, Assistant Planner Skyler York, Attorney Steven Hale,

Staff Absent:
Planning Department Administrative Assistant Debbie Wilson

APPROVAL OF MINUTES
President Zimmer entertained a motion for approval of the minutes of the regular meeting of April 23, 2019.

Attorney Hale suggested the following corrections. Page 2, first paragraph, change the word “nominated” to “elected”; page 2, fourth paragraph, change the word “nominated” to “elected”; page 2, last paragraph, change the word “nominated” to “appointed”; page 3, second paragraph, change the word “nominate” to “appoint”; page 3, fifth paragraph, change the word “nominated” to “appointed”.

Motion made by Commissioner Carnes – seconded by Commissioner Peller accepting the minutes of the regular meeting of April 23, 2019 as corrected. The roll was called, and the vote taken: (Ayes) Sharon Carnes, Dan Granquist, Phil
**Latchford, Fred Klinder, Faye Moore, Charles Peller, Andy Sperling, Larry Zimmer – 8; (Nays) None – 0; (Absent) Braedan Gallas – 1. With a vote of 8 ayes, 0 nays, and 1 absent, the MOTION CARRIED.**

**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.

**PETITION(S)**
President Zimmer advised that there was only one petition on the agenda and stated that he believed the petitioner has requested a continuance. He asked if anyone was present to speak on that.

Mr. York informed that Attorney Bradley Adamsky is representing the petitioner, and he formally made a request to him for continuance. He asked Mr. Adamsky if he wanted to add anything else.

Attorney Bradley J. Adamsky (Drayton, Biege, Sirugo & Elliott, LLC, 820 Jefferson Avenue, LaPorte, Indiana) addressed the Commission explaining that there are two petitions running parallel with regard to this property; one before the Board of Zoning Appeals and one before the Plan Commission. He pointed out that the Board of Zoning Appeals meeting was canceled earlier this month, so the petition was continued to June 11th. He continued to explain that if the Board of Zoning Appeals variances are not granted it would affect how the primary plat is presented to the Plan Commission. He therefore asked that this Board continue the petition to their June 25th meeting.

Mr. Phillips added that the reason the Board of Zoning Appeals meeting was canceled was due to the passing of one of their members. The petition will be heard at their June 11th meeting. Re-noticing will be based on rules set out city-wide for notification, which is the adjoining property owners.

Tom Swirski (333 Lake Shore Drive Unit B2, Michigan City IN) asked for clarification that the variance request will also be on the June 11, 2019 Board of Zoning Appeals agenda.

Mr. Phillips confirmed that it is, adding that when staff receives a valid and complete application for a request before the Board of Zoning Appeals or Plan Commission, staff is required to process that request.
The chair entertained a motion.

**Motion made by Commissioner Carnes – seconded by Commissioner Peller granting continuance of Petition 901-19 for primary plat approval, Subdivider BFLP Finance, LLC to the June 25, 2019 Plan Commission meeting. The roll was called, and the vote taken: (Ayes) Sharon Carnes, Dan Granquist, Phil Latchford, Fred Klinder, Faye Moore, Charles Peller, Andy Sperling, Larry Zimmer – 8; (Nays) None – 0; (Absent) Braedan Gallas – 1. With a vote of 8 ayes, 0 nays, and 1 absent, the MOTION CARRIED.**

**REPORT BY DIRECTOR**
Mr. Phillips stated that the Planning Department staff has had an increasing number of inquiries and preliminary requests and discussions for development of “tiny homes” in Michigan City. Tiny homes can range from 100 square feet up to 600-700 square feet and are typically on wheels to be transported to a location, then either left on wheels and skirted similar to mobile homes or anchored in a permanent location similar to what a single-family home would be.

Mr. Phillips stated that tiny homes bring with them a host of issues and considerations which need to be examined. Staff began exploring how other communities address this type of development. The Comprehensive Plan began to address the concept of tiny homes, but it does not go into the regulations necessary to incorporate them into our community. Mr. Phillips said staff would scan and share with Commissioners the industry standard type of information on these homes as well as the excerpt from the Comprehensive Plan. Mr. Phillips explained that these homes can be placed as individual units, accessory dwelling units, in clusters, etc. He noted he personally has a concern with placing them on individual lots in existing neighborhoods.

Mr. Phillips strongly suggested the Plan Commission consider the creation of a special committee made up with members of the Plan Commission as well as representatives of the City Council along with City administration including attorneys. He recommended including Braedan Gallas on the committee because of his expertise in real estate. Mr. Phillips also proposed the possibility of hiring consultants to look at the issue as well.

As the City Council liaison, Commissioner Carnes said she would reach out to the City Council to see who would be interested in serving on the committee.

Plan Commission members to serve on this committee include Charles Peller, Dan Granquist, Faye Moore, and Braedan Gallas. Others being considered to serve on the committee could include the Building Commissioner, City Attorney, Plan Commission Attorney, Common Council members, and staff; details to still be worked out.

**Motion by Commissioner Klinder – seconded by Commissioner Peller to create an “Alternative Housing Committee” to study the concept of tiny homes and**
report findings to the Plan Commission. The roll was called, and the vote taken: (Ayes) Sharon Carnes, Dan Granquist, Phil Latchford, Fred Klinder, Faye Moore, Charles Peller, Andy Sperling, Larry Zimmer – 8; (Nays) None – 0; (Absent) Braedan Gallas – 1. With a vote of 8 ayes, 0 nays, and 1 absent, the MOTION CARRIED.

REPORT BY ATTORNEY
(No report)

OLD BUSINESS
(None)

NEW BUSINESS
(None)

GENERAL DISCUSSION
(None)

PUBLIC COMMENT
Mary Rapier (220 Fogarty Street, Michigan City IN) spoke regarding the petition on the agenda tonight, noting that there were several people present to discuss it. She stated that she resents the fact that a continuance was allowed despite the fact there was an audience. Ms. Rapier made reference to her lengthy letter she provided to Commissioners in May. She expressed her frustration over the community being ripped away from them by the highest bidder and how it continues to plague the citizens of Michigan City, commenting that their opinion does not matter. Ms. Rapier read a letter from Tom Orlowski (attached hereto and made a part of this record [1]), owner of two lots at the northwest corner of Lake Avenue and Felton Street, opposing the major subdivision request for the proposed Lakeside Townhomes Subdivision. Reasons for opposition were setbacks for safety and traffic, the relocation of sewer lines affecting the capacity and performance of the existing system, parking becoming a problem in the area, and the population density disturbing the solitude of the neighborhood and negatively impacting the quality of life. Ms. Rapier added that since 2009 she has raised concerns (to no avail or response) about an abandoned property owned by Kevin Kensik at 222 Fogarty Street. Also, she said she was told nothing could be done about parking in the area, the traffic, and the sidewalks, but pointed out that in a blink of an eye the zoning was changed to alter an entire neighborhood.

Michael Adrian (218 Fogarty Street, Michigan City IN) addressed the Commission concurring with Ms. Rapier’s comments. He added that this morning there was an explosion at Weil McLain which is right behind this proposed development. He pointed out that there is only one entrance proposed for parking, so he suggested that the Commission rethink that in case an emergency would occur.
Ellie Hartman (230 Fogarty Street, Michigan City IN) addressed the Commission stating that she represents the Canada Park Neighbors Group. She asked if she could distribute notes from the neighborhood group.

Attorney Hale advised that remonstrances can be submitted any time up until the hearing. Ms. Hartman could leave them, and they could be included in the record, or she could speak at whatever meeting she wanted to.

Mr. Phillips reminded everyone that the next step in the process is the Board of Zoning Appeals. He recommended she share that same information with the Zoning Board at their 6/11/19 meeting as they will more importantly be considering things like density and setbacks. Regarding the continuance, he advised that the petitioner has the right to request a continuance of their application; although he understands it can be frustrating, he said it is more of a technicality.

Ms. Hartman commented that they are interested in working this out amicably for both the City and the neighborhood.

Mr. Phillips stated that Ms. Hartman can provide the Plan Commission with that information but wanted her to understand that if the request does not get any further than the Board of Zoning Appeals, it would likely be removed from consideration by the Plan Commission at the request of the petitioner. He felt it would be more effective if that information was provided to the Board of Zoning Appeals.

Ms. Hartman replied that she understands and will do that, and she will also provide the Plan Commission with a copy tonight (attached hereto and made a part of this record [2]).

She stated that their biggest issue is the ordinance that got passed for rezoning, asking if it can be repealed or amended.

Attorney Hale responded regarding a rezoning explaining that the Council or landowner may apply for or file a petition for rezoning. He said the best place for the neighborhood group to start would be for them to see if the Council would entertain that thought.

Ms. Hartman stated it is her understanding from research that a petition signed by 20% of the neighboring property is what is required.

Attorney Hale replied that they can do that and submit it to the Plan Commission.

Mr. Adrian asked the required distance between a major subdivision and an industrial area.
Mr. Phillips replied that there are standard setback requirements for the district in which something is developed and located. There is only a requirement for setbacks of buildings from property lines; there is no minimum distance of separation between. He explained that if a new use were to go on the Weil McLain property, there would be additional buffering requirements, but existing uses are grandfathered. The buffering would occur on the property where the industrial use is taking place if it were to expand, but existing uses are grandfathered.

There were no further public comments.

**ADJOURNMENT**
The chair entertained a motion to adjourn.

Motion by Commissioner Sperling – seconded by Commissioner Carnes to adjourn and unanimously approved.

With no further business, President Zimmer declared the meeting adjourned at approximately 6:41 p.m.

**ATTACHMENTS**
1. Remonstrance from Tom Orlowski
2. Remonstrance from Canada Park Neighborhood Group

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Larry Zimmer, President

ATTEST:

Dan Granquist, Secretary
To: Members of the Plan Commission, or whomever it may concern

From: Tom Orlowski, owner of the two lots on the Northwest corner of Lake and Felton streets.

Regarding: Discussion of the proposal to create a major subdivision in this neighborhood.

I am adamantly opposed to the designation of the property in question, along the East side of Lake St. between Felton and Fogarty Streets, to being made into a Major Subdivision. In a brief discussion I had with Mr. Pellar in the City Planning Department, he said that the Developer was seeking variances in Setbacks, Sewer Line location, and Population Density so that the Developer can build as many residences as possible on this piece of land.

The setbacks are there for a reason, one of which is the safety of and from traffic traversing that area and negotiating turns at the relevant intersections on each end of the property. I have the same concerns for the proposed alley access on to Fogarty and Felton Streets at the East edge of this proposed Subdivision.

The relocation of the Sewer lines and additional outflow from this dense housing could adversely affect the capacity and performance of the existing system. The Storm sewers at the Felton/Lake Street intersection will be adversely affected by the loss of natural drainage into the soil caused by this heavy of a build up of that land. The Felton/Lake intersection is a low spot of the area.

Parking will become a problem as any of these many units who have guests will likely be in search of parking as the units themselves will only have a few parking spaces behind each unit. I foresee an influx of people parking in front of my property as overflow parking from this development and this will greatly reduce the value if my property.

The population density of anything built on this property should be the same as the residential properties of the surrounding neighborhood. Allowing this concentration of condominiums will disturb the relative solitude of this neighborhood and negatively impact our quality of life here.

Sincerely,

Tom Orlowski
May 28, 2019

Public Hearing for a major subdivision

Planning Commission Board Meeting

Speaking for the Canada Park Neighbors group (the community surrounding property Parcel ID No. 46-01-21-380-006.000-022 or Real Estate located at the South East corner of Felton Street and Lake Avenue in Michigan City Indiana 46360 also dba “Lakeside Townhomes”

For your information: Canada Park Neighbors consists of residents between Route 12 and Lake Shore Drive, and Lake Street through Center/Kreuger Streets. We communicate regularly with approximately 50 households and two businesses.

We respectfully wish to notify the Planning Commission Board of our opposition to this project if ordinance 4509 is utilized. (This ordinance amended the Zoning Map from R1E to R1D—allowing for multifamily residences)

Attached please find our Challenge document as presented on May 8, 2018 to the City Council. This document explains 1) how this ordinance was passed and 2) some of the reasons why we oppose ordinance 4509.

Aside from the fact that not all residents immediately surrounding the property received notice of the zoning revision, the residents who did receive it may not have given it serious consideration as the property is referred to being on Blaine Street. (Documents attached.) None of this property is on Blaine Street. This gives us to wonder if anyone at City Hall (Planning, Zoning, etc.) understood the exact location of the suggested rezoning. (Blaine Street has very few residences and little traffic.)

We feel that little or no consideration has been given to the fact that this neighborhood harbors traffic (both walking and vehicular) for the beaches in this area. During peak summer months our population doubles, or even triples. As traffic here is already straining the infrastructure, we feel that additional traffic will adversely affect our community.

We feel that little or no consideration has been given to the fact that ‘double tracking’ will be adding even more traffic to the beach areas in the future.

The Lakeside Townhomes plan allows traffic access from only 1 side, not four. Putting all traffic onto Felton Street which we consider to be an over served traffic corridor in the area. A second access would be most beneficial to traffic loads in the immediate area. Please see attached photos of Felton Street at Lake Street during a recent BBQ.
Also, in reference to Ordinance 4509 as quoted:

Under B: That “the requested change in zoning ... will not have an adverse effect on surrounding land.” We feel that building duplexes on this property overloads existing current traffic and infrastructure.

Under C: “The requested change in zoning will not be injurious or detrimental to surrounding property values...” This change will put 10 residences in an area usually providing for 5 lots. These lots are already small compared to the rest of Michigan City. We feel that our property values will decrease due to overpopulation. We feel that single family homes are a much better fit, and would be an asset to existing residences. Considering our future, there is a great deal of undeveloped property in our area; we feel that this ordinance is setting a negative precedence for overcrowding.

Under D: “requested change will promote orderly and responsible community growth and development and will not adversely affect the community...” Not true, for reasons previously stated.

Under F: “The change in zoning is not “spot zoning” which will confer a special benefit on a relatively small tract without commensurate benefit to the community.” This is “spot zoning” and it does not provide commensurate benefit to the community.

Based on a recommendation by the American Society of Planning Officials, we are in the process of providing a petition which will be signed by more than 20 percent of the area of this proposed subdivision.

Please note: Respectfully, we hope for an amicable resolution to Ordinance 4509. Canada Park Neighborhood welcomes positive change in the best interest of current and future residents, both in our area and in Michigan City.

For any questions or further communication with Canada Park Neighbors, please contact Ellie Hartman at

(312) 515-1177 (text or voice) or eleanore_hartmn@hotmail.com.
REVISED
NOTICE OF
PUBLIC HEARING

Notice is hereby given that MIKE CONNER AND MARK VALUDOS has filed for a petition before the Michigan City Plan Commission for REZONING TO R-1D RESIDENCE DISTRICT on the following described real estate in LaPorte County, Indiana, to wit:

LEGAL DESCRIPTION:

<table>
<thead>
<tr>
<th>Part of Section 21, Township 38 North, Range 4 West of the Second Principal Meridian, LaPorte County, Indiana more particularly described as follows:</th>
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<tbody>
<tr>
<td>Commencing at the Southwest corner of Section 21; thence North 90 East along the south line of Section 21, 1065.94 feet; thence North 2 06' 00&quot; West along the East line of Lake Avenue, 172.82 feet to the POINT OF BEGINNING; thence continuing North 2 06' 00&quot; West along said East line, 277.00 feet to the South line of Felton Street; thence North 89 24' 00&quot; East along the South line of Felton Street, 125.00 feet; thence South 2 08' 00&quot; East parallel with said East Line, 277.00 feet; thence South 89 24' 00&quot; West parallel with the South line of Felton Street, 125.00 feet to the Point of Beginning. Containing 0.795 acres and subject to all legal highways and easements. All of the above-described property is shown in Deed Record 334, page 571 and Document Number 89-02913 in the Office of the Recorder of LaPorte County, Indiana.</td>
</tr>
</tbody>
</table>

The above described real estate is located at BLAINE ST, Michigan City, Indiana 46360.

Notice is further given that this petition will be heard and determined at 6:00 p.m. local time on the 26TH day of FEBRUARY, 2019, in the Common Council Chambers, City Hall, 100 East Michigan Boulevard, Michigan City, IN 46360, and that interested persons may attend and remonstrate, or the written remonstrances may be filed prior to and up to the time of the hearing.
NOTICE OF
PUBLIC HEARING

Notice is hereby given that MIKE CONNER AND MARK VALUDOS has filed for a petition before the Michigan City Plan Commission for REZONING TO R1-D RESIDENCE DISTRICT on the following described real estate in LaPorte County, Indiana, to wit:

LEGAL DESCRIPTION:

Part of Section 21, Township 38 North, Range 4 West of the Second Principal Meridian, LaPorte County, Indiana more particularly described as follows:

Commencing at the Southwest corner of Section 21; thence North 90 East along the south line of Section 21; 1060.94 feet; thence North 2 08' 00" West along the East line of Lake Avenue, 172.82 feet to the POINT OF BEGINNING; thence continuing North 2 08' 00" West along said East line, 277.00 feet to the South line of Felton Street; thence North 89 24' 00" East along the South line of Felton Street, 125.00 feet; thence South 2 08' East parallel with said East Line, 277.00 feet; thence South 89 24' 00" West parallel with the South line of Felton Street, 125.00 feet to the Point of Beginning. Containing 0.793 acres and subject to all legal highways and easements. All of the above-described property is shown in Deed Record 334, page 571 and Document Number 89-02913 in the Office of the Recorder of LaPorte County, Indiana.

The above described real estate is located at BLAINE ST
Michigan City, Indiana 46360.

Notice is further given that this petition will be heard and determined at 6:00 p.m. local time on the 22ND day of JANUARY, 2018, in the Common Council Chambers, City Hall, 100 East Michigan Boulevard, Michigan City, IN 46360, and that interested persons may attend and remonstrate, or the written remonstrances may be filed prior to and up to the time of the hearing.
May 8, 2018

Canada Park Neighbors
Challenge Ordinance 4509

We wish to challenge Ordinance 4509 (which has changed the property on Lake Street between Felton and Fogarty to R1D) for the following reasons:

- Only 1 resident was notified of the Public Hearing to change this zoning. Not one resident knew that the Planning Committee recommended this. No residents were notified that the zoning change was to be presented at the Common Council meeting on April 4. It was only after the ordinance was passed that we residents read about the zoning change in the newspaper. In other words, not one resident knew that a complex was being planned for this property, much less rezoned. We feel this is undemocratic and are disappointed by the behavior of our local elected/appointed government.

- We have attached a letter from John and Sue Heaney whose home is at the entrance to the proposed Lakeside Townhomes.

- In the future, we request that you publish any changes or news, such as new ordinances on the e-Michigan city site. Screening every newspaper is a lot of work.

- After going back and reading the minutes, we were astounded to hear that this ordinance was passed during the course of one meeting! This project has the potential to affect so many of us in so many ways. Our traffic, parking, water and sewage, the flora and fauna, real estate values, insurance premiums, and the neighborhood atmosphere are just some of the things that will be affected. We request that our councilman, Bryant Danbney alert us to any changes in our ward.

- We don't understand why the Zoning Council felt that putting this crowded 'urban' development in a single family beach neighborhood was appropriate. How could there be a 'match' here? There are so many other places in town for this. Couldn't more tax dollars be made by building single family residences here? Wouldn't less infrastructure money be needed for single family residences?

- Why would 5th Ward councilwoman recommend a zoning variance for the 1st Ward? Doesn't she live in the 5th Ward?

- Was there any discussion as to accommodating traffic, water and sewer use? Does anyone know that we have traffic problems here? Does anyone realize that hundreds of cars, school buses, semi-trailers, and trucks traverse Center/Kreuger Street daily? (As an example, we recently emailed Michigan City's traffic officer regarding traffic gridlock on Fogarty Street. There is no room for an emergency vehicle to traverse Fogarty when cars are parked on both sides of the street.) Felton Street is the worst. For Lake Hills Elementary School, there are 6-8 buses making 4 runs daily down Felton Street. There are countless semi-tractor trailer trucks going in and out of Weil McLain on Felton Street. Does anyone realize that this is the only route that local traffic can use to move in/out of the community onto Route 127? (See map)
-How many trees will be taken down? Do they know there is an old oak savannah on this property?

-What will the architecture be like? Does anyone know that most of the homes around Canada Park are over 100 years old? They were built on property previously owned by the foundry.

-Do they know that the two new duplexes built on Felton Street at the entrance to Weil McLain have never been completely rented?

-Has it been noted that there are also 3 large single family homes being built just adjacent to this lot? How do you think those new neighbors will feel about having a new duplex complex next door?

-Was there any discussion as to where these new residents and their guests would park? Felton Street at Lake Street was gridlocked on Sunday because someone was having a BBQ.

-We have been told that "no infrastructure changes will be made in our area" due to lack of funding. How will residents and their guests walk to the beach, zoo, or Washington Park? There is a lack of contiguous sidewalks, not to mention curbs. Currently the sewer between Felton and Fogarty streets gets cleaned out every week. How can it handle more sewage?

-We want the Michigan City Council to know that we welcome positive change. We wish to see our neighborhood improve. However, but these 'urban' plans are not compatible. Our delightful neighborhood has a character of its own, which we cherish and wish to continue. We love having wooded areas. There isn't room for this much additional traffic. Please consider building single family homes.

-Please know that we wish to work this out amicably.
To: Michigan City Planning Commission

From: John and Sue Heaney
231 Felton St., Michigan City, IN

Re: Proposed use of land—Lake Street between Felton and Fogarty Streets

Date: May 8, 2019

I am submitting this letter in absence of tonight’s attendance due to a family wake that we are attending this evening.

We are the homeowners at the corner of Lake and Felton Streets, 231 Felton, Michigan City. We have been apprised of changes by word of mouth from our neighbors to zoning on Lake Street directly across the street from our house between Felton and Fogarty Streets. Although one neighbor received notification via certified mail, we have never had any communication by any parties involved at any time-no certified letter or other communications. If not for our neighbors we would not be aware of changes in development that are on the table for this property, and I believe this lack of communication is a violation of property owner rights.

I understand that the parcels are proposed for buildings other than single family dwellings. Has the planning commission conducted studies for new zoning as it relates to traffic, congestion, parking and neighborhood impact? Has anyone on the commission recorded the traffic coming in from Hwy 12 to Fogarty, Lake, and Felton Streets on a daily basis and as it increases in the summer months? In addition to Felton being a designated school bus route, the truck traffic in/out of McClain adds to the already busy car traffic on these streets.

We are not opposed to single-family builds on this block, however, anything more than that is unacceptable. We ask that you work with the developer and owner and redesign the proposed plan.

Finally, we want an answer as to the reason that we, as direct property owners at 231 Felton across the street from the land, have not received official notice from Michigan City.

Sincerely,

John and Sue Heaney