

Beverly Shores Plan Commission Minutes

February 6, 2023

1. The meeting of the Beverly Shores Plan Commission was called to order at 6:30 p.m. at the Beverly Shores Administration Building:
 - a) The following members were present in person: Joe Kapacinskas, Donna Norkus, Bob Young, and Greg Lyman. Ellen Hundt, Recording Secretary was also present in person and monitored the Teams Broadcast to the public.
 - b) Larry Stanton and John Blackburn were present virtually through the Teams broadcast.
 - c) David Phelps was absent.
2. Annual Elections of officers:
 - a) Nominations were taken for President; Commissioner Lyman was nominated by Commissioner Norkus, seconded by Commissioner Kapacinskas. A roll call vote was taken and Commissioner Lyman was elected President by a 6-0 vote.
 - b) Nominations were taken for Vice President; Commissioner Kapacinskas was nominated by Commissioner Norkus, seconded by Commissioner Young. A roll call vote was taken and Commissioner Kapacinskas was elected Vice President by a 6-0 vote.
 - c) Nominations were taken for Recording Secretary; Commissioner Norkus nominated Ellen Hundt, Commissioner Kapacinskas seconded. A roll call vote was taken and Ellen Hundt was elected Recording Secretary by a 6-0 vote.
 - d) Nominations were taken for the Plan Commission appointment to the BZA. Commissioner Stanton nominated Commissioner Lyman, Commissioner Norkus seconded. A roll call vote was taken and by a 6-0 vote Commissioner Lyman was appointed as the Plan Commission representative to the BZA.
3. Review of previous meeting minutes.

Minutes of the December 5, 2022, meeting were reviewed. Commissioner Kapacinskas moved to accept, seconded by Commissioner Young. A roll call vote was taken. The motion passed 6-0.
4. Continued Discussion of Comprehensive Plan. The latest draft was discussed, and changes were proposed. A new draft will be prepared and discussed at the next meeting.
5. Commissioner Kapacinskas moved to adjourn the meeting, Commissioner Young seconded, a roll call vote was taken and the motion passed 6-0. The meeting adjourned at 7:29 pm.

Beverly Shores Plan Commission Minutes

April 3, 2023

1. The meeting of the Beverly Shores Plan Commission was called to order at 6:30 p.m. at the Beverly Shores Administration Building:
 - a) The following members were present in person: Joe Kapacinskas, Donna Norkus, David Phelps, Larry Stanton, John Blackburn, and Greg Lyman. Ellen Hundt, Recording Secretary was also present in person and monitored the Teams Broadcast to the public.
 - b) Bob Young were present virtually through the Teams broadcast.
2. Review of previous meeting minutes.

Minutes of the February 6, meeting were reviewed. Commissioner Kapacinskas moved to accept, seconded by Commissioner Norkus. A roll call vote was taken. The motion passed 7-0.
3. Continued Discussion of Comprehensive Plan. The latest draft was discussed, and changes were proposed. The revisions were drafted. Further discussions were held concerning whether the draft was complete, whether it was ready to post to the Town's website and a date to schedule a public hearing.
4. Commissioner Kapacinskas moved to post the 2023 Proposed Comprehensive Plan to the Town's website, place a written copy at the Clerk-Treasurer's office, and schedule a public hearing on June 5, 2023; to decide whether to recommend to the Town Council the adoption of the Proposed 2023 Comprehensive Plan. Commissioner Stanton seconded the motion. A roll call vote was taken. The motion passed 7-0.
5. The next regularly scheduled meeting is May 1, 2023.
6. Commissioner Blackburn moved to adjourn the meeting, Commissioner Norkus seconded, a roll call vote was taken. The motion passed 7-0. The meeting adjourned at 7:05 pm.

Beverly Shores Plan Commission Minutes

May 1, 2023

1. The meeting of the Beverly Shores Plan Commission was called to order at 6:31 p.m. at the Beverly Shores Administration Building:
 - a) The following members were present in person: Joe Kapacinskas, Donna Norkus, David Phelps, Larry Stanton, Bob Young, and Greg Lyman. Ellen Hundt, Recording Secretary was also present in person and monitored the Teams Broadcast to the public.
 - b) John Blackburn was present virtually through the Teams broadcast.
2. Review of previous meeting minutes.

Minutes of the April 3, 2023, meeting were reviewed. Commissioner Kapacinskas moved to accept, seconded by Commissioner Norkus. A roll call vote was taken. The motion passed 7-0.
3. Discussion of comments to the proposed Comprehensive Plan. Written suggestions received from the public were discussed. A revised draft based upon these comments was discussed. Members of the public appeared to discuss the proposed plan.
4. Commissioner Norkus moved to post the revised 2023 proposed Comprehensive Plan to the Town's website, both a redlined version and a clean copy. Commissioner Stanton seconded the motion. A roll call vote was taken. The motion passed 7-0.
5. New Business. Commissioner Norkus discussed meetings that had been held concerning the lakefront. Susan Loeb, from the Town Council also participated in the meetings and in this discussion. The Great Lakes and St Lawrence Cities Initiative (GLSCI) along with the Smith Group met with representatives of Beverly Shores to discuss possible projects on the lakefront based upon the Smith Group master report for the Town. The GLSCI had prepared two possible projects one for the east side and one for the middle of the Town. The commission members were asked to prioritize the two projects. GLSCI suggested that more funding would be available for the east side project since it contained multiple approaches. The east side project involves removal of the far east lakefront revetment and a return to the natural setting along the closed portion of the road that ends at Central Beach. Second, the protection of the section of the road from approximately Drake to Drexwood along with priority areas for upland dune/bluff restoration with integrated stormwater management strategies. Opportunities to create pocket beaches and streetside green infrastructure. Opportunities to create access points to the lakefront along with trails. Susan Loeb indicated that the representatives at the meeting prioritized the east end project because the variety of approaches made funding much more available. The GLCI suggested that Beverly Shores was ahead of many communities along the shores of the Great Lakes because it already had a study and plan in place and had already demonstrated the community resolve to work together in 2020 to save the road. It was felt that the GLSCI wished to use Beverly Shores as a model for projects for other communities and

was trying to create a universal approach to similar issues throughout the great lakes. As a result, the GLSCI wanted some immediate feedback to meet internally to discuss options. Comments from the public were taken. The commission members unanimously felt that that east side project should be the first priority.

6. The next regularly scheduled meeting is June 5, 2023 which will be a public hearing for the proposed 2023 Comprehensive Plan
7. Commissioner Stanton moved to adjourn the meeting, Commissioner Kapacinskas seconded, a roll call vote was taken. The motion passed 7-0. The meeting adjourned at 7:50 pm.

Beverly Shores Plan Commission Minutes

June 5, 2023

1. The meeting of the Beverly Shores Plan Commission was called to order at 6:31 p.m. at the Beverly Shores Administration Building. The following members were present in person: Joe Kapacinskas, John Blackburn, Donna Norkus, David Phelps, Larry Stanton, Bob Young, and Greg Lyman. Ellen Hundt, Recording Secretary, was also present in person and monitored the Teams Broadcast to the public. Attorney Connor Nolan was also present in person.
2. Review of previous meeting minutes.

Minutes of the May 1, 2023, meeting were reviewed. Commissioner Stanton moved to accept, seconded by Commissioner Blackburn. A roll call vote was taken. The motion passed 7-0.

3. Public Hearing concerning the proposed Comprehensive Plan.

Commissioner Lyman explained the Process:

- The Notice of Public Hearing was read, the Notice had been posted and published as required by Indiana Law and the Town Code.
- The date of the Public Hearing had been announced at the April meeting of the Plan Commission, the proposed plan was available for 60 days in the Clerk's office and had been posted on the Town's website for 60 days for review by all interested persons.
- The formal process of the Public Hearing was explained as required by Indiana Law and the Town Code.

The Participants who were involved in preparing the revision of the Comprehensive Plan from the 2012 Plan were discussed.

- The Plan Commission had started the review some 4 ½ years ago, not only the current membership was involved but 5 other members who were no longer on the commission.
- Public input had been sought both by written comments and by a town wide survey.
- The revisions were discussed in public meetings during that 4 ½ years. Numerous drafts and redrafts to the plan were discussed.

The Nature and Elements of the Comprehensive Plan were discussed.

- The state law requirements were read.
- In essence the Comprehensive Plan is the vision for the Town, including the Town History, the current conditions, and the priorities for the future, both short term and long term.

The History of the Town and Continuity of Plan Precepts were discussed.

- Modern day Beverly Shores began with the National Lakeshore bill in the 1960's where two thirds of the land was lost to the National Lakeshore
- It resulted in a unique physical environment for the Town as well as some unique challenges. The residential district is an "island" surrounded by the National Park and landlocked. The commercial district and governmental district are totally separated from the residential district.
- The entire Town is within a mile of Lake Michigan and within a fragile dune and wetland environment.
- The 1978 Camiros-Frankel study was discussed that study became the foundation for the first comprehensive plan in 1982 and the restatement of the Town Ordinances in 1983.
- The continuity of plan precepts was established in that first plan and continued through the plans in 2003 and 2012, including:
 1. The Island would be limited to single-family low-density housing, 20,000 square foot minimum, with bulk restrictions.
 2. Wetland and Dune Topography protection as well as Site Review to protect the fragile environment.
 3. Encouraging appropriate and commercially viable business in the commercial district.
 4. To make police and fire protection a high priority.
 5. The 2003 plan added a Green Space initiative and established a drinking water system.
 6. The 2012 plan added steep slope protection and protection against short term rentals.
 7. The proposed 2023 Comprehensive Plan continues these plan precepts and makes 14 recommendations for the future of the Town including the Town Beaches and access to the beach, as well the growing issue of aging septic disposal systems in the Town.

The Public Hearing was opened.

Persons who spoke in favor of the proposed Comprehensive Plan:

- Mary Marvel
- Howard Marvel
- Barb Vanecko
- Dick Vanecko
- Kevin Fitzgerald
- Nina Diamond

- John Mackin
- John Nekus
- Sandy Komasinski

Persons who spoke against the proposed Comprehensive Plan:

- Mike McCurdy
- Debbie Kleban

The Commissioners then had the opportunity to review the written comments submitted prior to the beginning of the hearing.

The Public Comment portion of the hearing was then closed.

The Commissioners each spoke discussing the contents of the proposed plan and many of the comments made during the public hearing. Among the comments:

- Commissioner Young stated that the Comprehensive plan results from a balancing act of the community's input and a balancing act between the commissioners to try to establish a roadmap for what is best for the community. He does not agree with every point, indeed it is likely no one will agree with every line or every point, but that is the process of balancing.
- Commissioner Blackburn stated that the commission took into account the community survey which again established the importance to the community of low density. He indicated that if the entire document is read it provides protection for property rights and protection for the community and the environment.
- Commissioner Stanton stated the commission reviewed the number of vacant possible building lots left within the residential district and the number was very small, some 25 sites, and many of these may not be buildable because of the high dunes, wetlands and other building obstacles. Since most new construction going forward will be modifications or teardowns it is very important to have enforcement of the current building code. The Town will never have adequate resources to accomplish all of its goals so it will have to prioritize and collaborate with groups within the town as well as the critical collaboration with the National Park in order to solve the large projects that will need to be taken on including the beaches and beach access. It is also central to this plan that there be accountability and regular review to measure progress and set priorities. He mentioned the plan does protect the interests and property rights of the residents and needs to be read as a whole and not as a piecemeal.
- Commissioner Phelps stated that the plan represented a balance of property rights with community and protection of the environment that brought most residents to Beverly Shores. It represents a roadmap for the future based upon the goals and concerns that the community sees at the present time. He addressed the assumption underlying a few of the comments concerning increasing the tax base. He explained that because of the formula utilized and the caps in place, increasing the tax base does not result in a

corresponding increase in the tax revenue for the town. He further indicated that enforcement of the zoning code was critical to protect the and preserve the community.

- Commissioner Kapacinskas stated that he had listened to the concerns and points raised by those who submitted written comments and had participated in the hearing. He stated that many if not all of these concerns had been raised during the last three years and had been incorporated into the various drafts of the plan. The Town survey was given great emphasis in the preparation of the plan and the interests and rights of the residents had been incorporated into the plan.
- Commissioner Norkus stated that the Core Objectives in the beginning of the plan addressed many of the concerns expressed. One of the core values is to enhance the lives of residents and visitors, another maintaining low population density to protect the fragile dune environment. She read from the Town survey which found that some 91% of the responses indicated that low-density single-family housing was very important to them.
- Commissioner Lyman thanked all the community members who had participated in the comprehensive plan revision process and participated in the hearing. This participation is critical to help balance all the competing interests and make sure the plan reflects the communities' interests. He stated that the proposed plan did not change the balancing between the environment, community interests and homeowner interests, it was the same as found in the last three comprehensive plans dating back to 1982. He stated that steep slopes review and short-term rental restrictions had been in the prior plan. The steep slope ordinance had been revised in 2021 to make it more objective, if anything, it loosened the restrictions to make it easier to administer. There simply is no movement to impose further restrictions on homeowners and that the 2021 changes had been recommended to clarify, make the exiting limits easier to administer and enforce.

After each commissioner spoke, they were asked whether they wished to give further thought to the proposed plan or whether they were ready to vote. Each commissioner indicated they were ready to vote.

Commissioner Stanton moved to approve the proposed 2023 Comprehensive Plan, to forward the 2023 Comprehensive Plan to the Town Council for consideration and close the public hearing. Commissioner Kapacinskas seconded the motion. A roll call vote was taken. The motion passed 7-0.

4. The next regularly scheduled meeting is July 3, 2023.
5. Commissioner Young moved to adjourn the meeting, Commissioner Phelps seconded, a roll call vote was taken. The motion passed 7-0. The meeting adjourned at 8:15 pm.

Beverly Shores Plan Commission Minutes

August 7, 2023

1. The meeting of the Beverly Shores Plan Commission was called to order at 6:31 p.m. at the Beverly Shores Administration Building. The following members were present in person: Joe Kapacinskas, John Blackburn, Donna Norkus, Larry Stanton, Bob Young, and Greg Lyman. Ellen Hundt, Recording Secretary, was also present in person and monitored the Teams Broadcast to the public. David Phelps was absent.

2. Review of previous meeting minutes.

Minutes of the June 5, 2023, meeting were reviewed. Commissioner Stanton moved to accept, seconded by Commissioner Young. A roll call vote was taken. The motion passed 6-0.

3. The Annual Comprehensive Plan Reporting Template was discussed; the review will continue at the next meeting.

4. Dave Wagner, the Building Commissioner and Scott Vliek, chair of the Building & Site Committee, appeared to discuss some difficulties with a few contractors who have not been registering with the Town. In general, the contractor registration has been very successful with approximately 125 contractors registered. Ideas were discussed to increase compliance.

5. The next regularly scheduled meeting is October 2, 2023.

6. Commissioner Blackburn moved to adjourn the meeting, Commissioner Norkus seconded, a roll call vote was taken. The motion passed 6-0. The meeting adjourned at 7:25 pm.

Beverly Shores Plan Commission Minutes

October 2, 2023

1. The meeting of the Beverly Shores Plan Commission was called to order at 6:30 p.m. at the Beverly Shores Administration Building. The following members were present in person: Joe Kapacinskas, John Blackburn, Donna Norkus, David Phelps, Larry Stanton, Bob Young, and Greg Lyman. Ellen Hundt, Recording Secretary, was also present in person and monitored the Teams Broadcast to the public.

2. Review of previous meeting minutes.

Minutes of the August 7, 2023, meeting were reviewed. Commissioner Blackburn moved to accept, seconded by Commissioner Young. A roll call vote was taken. The motion passed 7-0.

3. The Annual Comprehensive Plan Reporting Template was discussed; the review will continue at the next meeting.

4. The next regularly scheduled meeting is December 4, 2023.

5. Commissioner Blackburn moved to adjourn the meeting, Commissioner Norkus seconded, a roll call vote was taken. The motion passed 7-0. The meeting adjourned at 7:45 pm.

Beverly Shores Plan Commission Minutes

December 4, 2023

1. The meeting of the Beverly Shores Plan Commission was called to order at 6:30 p.m. at the Beverly Shores Administration Building. The following members were present in person: Joe Kapacinskas, John Blackburn, Donna Norkus, Larry Stanton, and Greg Lyman. David Phelps and Bob Young attended the meeting virtually through the Teams broadcast. Ellen Hundt, Recording Secretary, was also present in person and monitored the Teams Broadcast to the public.
2. Review of previous meeting minutes.

Minutes of the October 2, 2023, meeting were reviewed. Commissioner Stanton moved to accept, seconded by Commissioner Blackburn. A roll call vote was taken. The motion passed 7-0.
3. The Annual Comprehensive Plan Reporting Template was discussed and modified. Commissioner Stanton Moved to forward the "Beverly Shores Comprehensive Plan, Annual Progress Report, December 2023" to the Town Council with a recommendation that the Plan Commission Report to the Town Council at least annually, no later than December of each year, using the format of the December report. Further the Plan Commission Recommends the Town Council establish priorities as well as determine responsibilities for implementation of the Comprehensive Plan, and that the Plan Commission forward the "Ideas for Initial Implementation with examples, December 2023" form. Commissioner Blackburn seconded the motion. A friendly amendment was suggested by Commissioner Norkus, included in the above accepted by both Commissioner Stanton and Commissioner Blackburn. A roll call vote was taken, the motion passed 7-0.
4. It was decided that the January meeting which falls on a holiday should be cancelled, and the next meeting will be held on February 5, 2024.
5. Commissioner Stanton moved to adjourn the meeting, Commissioner Norkus seconded, a roll call vote was taken. The motion passed 7-0. The meeting adjourned at 7:45 pm.