

Burns Harbor Advisory Plan Commission

Minutes of Monday, June 1, 2026

The Advisory Plan Commission of the Town of Burns Harbor, Porter County, Indiana, met in a regular session on Monday, June 1, 2026, at the Burns Harbor Town Hall. The meeting was called to order by Advisory Plan Commission President Toni Biancardi at 6:00 pm.

The Pledge of Allegiance to the American Flag was recited.

Roll Call:

Toni Biancardi.....	Present
Bernie Poparad.....	Present
Roseann Bozak	Present
Travis Dunlap	Present
Gordon McCormick.....	Present
Aaron Adcock	Present
Michelle Watkins.....	Present

Additional Officials Present

Attorney: Clay Patton, Building Commissioner: Joe Lawson, Global Engineer: Shem Khalil, and Secretary: Jill Sherrill.

Also Present

Attorney Todd Leath representing Lennar Homes, Todd Kleven and Andre Hatami with Lennar Homes, Mike Moore with Atwell Engineering, and residents of the Town of Burns Harbor.

Minutes

Bozak made a motion to approve the minutes of May 4, 2026. Watkins seconded the motion. Poparad-Aye, Watkins-Aye, McCormick-Aye, Adcock-Aye, Bozak-Aye, Dunlap-Aye, Biancardi-Aye. Motion passed.

Communication, Bills, Expenditures

Review: Bonds, Maintenance Guarantees, Letter of Credit
Biancardi stated that nothing has changed.

Report of Officers, Committee, Staff

Nothing to report.

Old Business

Lennar Homes- PUD Haglund Rd.

Biancardi stated that Secretary Sherrill sent an email to the Weavers regarding all the Lennar Homes documentation that we found showing a developmental standards variance for the property for it to be a temporary cul-de-sac with the intention of connecting that to future property. If any residents want copies of that, we can provide that to you, as well as the plat that was recorded with the county showing the temporary cul-de-sac.

Todd Leeth stated my name is Todd Leeth, and I am here on behalf of Lennar Homes. Todd Kleven and Andrei Hatami have joined me this evening to help me present and answer any questions you have. We also have Mike Moore from Atwell Engineering, and he is the project design engineer. We are hoping to develop what we hope to be Harbor Crest plan unit development, a subdivision with 86 individual homes, and we made some changes to the PUD ordinance that we hope you will give a favorable recommendation and pass that on to the Town Council this evening. There are three changes, one being the number of requested changes of clerical corrections, misspellings, directions, and things like that. For example, the cul-de-sac length to exceed the code requirement, but you wanted a number in there. We were exceeding the code, but not to exceed a certain one. So, we provided those. The second issue has to do with the park, the dedication of land following last month's meeting, we appeared before the Park Board and they quickly sent us their decision that they would rather than have the park plan dedication, they would like to have the alternative dollars in lieu, so the PUD has that change where we are providing \$500 per lot capital or cash contribution to meet that code requirement for the PUD. All the amenities in the park area will remain. The park will be built and maintained by the association, so all those amenities aren't going away just simply because we are writing a check to meet your code requirement. We think those are an important part of building a cohesive community, and Lennar certainly has experience and knowledge in knowing that. The last issue you addressed was related to the cul-de-sac or the connection to Parkwood Estates. It was, in my opinion, and I shared that publicly at the last meeting, that I was quite sure that there was an intended connection to this property to the west, just by looking at the orientation of that cul-de-sac. We have done a little bit of research, and you shared the minutes of the application for the variance that specifically says the future connection for fire and EMS, and so forth. In 2008, Parkwood Estates was platted, and the west property line was a stub; the road comes simply to that west property line. North and south of that were two out lots. Outlets A and B were replatted into a cul-de-sac bubble. The tip of that bubble goes across the property line into what we hope to be Harbor Crest, but it is clear just from looking at the plat that the extended right-of-way line, if it were to be drawn over to the property line, would not touch any lot. The most telling part is that the application for the developmental standards variance from 2014 specifically mentions extending it to the west, so that is consistent with what we understood when we first presented. Attorney Patton stated that, since we want to make a record, and I think it is obvious, but is the intent for the east/west road just south of lot 79 through 86 to be connected to a potential future development to the east of this proposed subdivision? Attorney Leeth stated yes, I think that is good planning. Your ordinance probably requires it, quite frankly. I haven't gotten into the subdivision part of it, just the PUD, but yes. Kleven stated that we will make sure that homeowners are aware of that, and we won't have the situation we have now. This happens in every community that I have worked on with a road that connects, so we will make sure that all future home buyers know, so that way it protects the current administration, future administration, and anyone who would have questions 30 years down the road. Building Commissioner asked if the signage would be double-sided. Kleven stated yes, all of this is temporary signage. Building Commissioner Lawson stated that in Section 5, you mentioned the lot depth may vary. Is that a cut off? And the same thing with the width. Kleven stated that there is a minimum lot width and a minimum lot depth. The reason we speak to it varies is probably exceeding that minimum. Building Commissioner Lawson asked if there was a maximum threshold. Kleven stated no. Attorney Leeth stated that the typical lot is as we described it. The reason why we say it may vary is current linear lots. It's going to be 123 or 128, depending upon whether it's converse or convex. The idea is that within a few degrees or a few feet, it's going to be that standard, typical lot size. Building Commissioner Lawson asked if they had any information on the situation with the drainage ditch. Moore stated that we had a meeting about a month ago with Porter County to talk about it. Due to all the other developments in the area, they didn't know that the ditch still existed. They are investigating abandoning and releasing the entire easement. But if not, they just want us to adhere to their drainage requirements. We are going to investigate reducing the easement and keeping that whole green space in place, regardless of whether they release the entire easement or not.

It will probably be 37 ½-40 feet wide on each side. The existing ditch is 20 feet wide. All basins around the area, as well, will not be part of that same corridor and green space for drainage as well. Kleven stated that when we met with the Porter County Drainage Board, the ditch is a horseshoe, so that same ditch comes through the existing home that is just to the east of us. Porter County was very cooperative, and they indicated that they are not going to ask the Town of Burns Harbor to accept responsibility. So, one of two things will happen: they will either turn over to jurisdiction, or they will work with us and turn it over to our HOA. The HOA will maintain it. It will be a public drainage system as well, so anyone who is above the HOA can supersede that. Maybe they will just vacate it altogether, and it will just become a drainage space. Dunlap asked when that decision was anticipated. Kleven stated that they told us they don't want to review anything conceptual, so once we present our final engineering at the Plan Commission level, we would probably then ask for approval contingent upon finalizing the decision with the board, or we could have a decision before coming to Plan Commission. I think they indicated they wanted full engineering of drainage in our stormwater report, so our goal would be to have that before we are in front of you for the final engineering approval. Khalil stated that we didn't have a chance to review the ordinance, so I have no comments at this time. Biancardi stated that I know we talked about Sanitation last month, and the board can say that yes, there is capacity. The allocation that we would allocate to you would come once we have the plans, and then we could say yes, it is yours. I am a bit concerned about the stormwater because being an MS4 community. If Porter County does abandon that, and the HOA maintains it, we would need more of a plan. Khalil stated that a lot of other communities have a development agreement more specific to MS4 itself. So, if there is an MS4 issue or a drainage issue that is on the development itself, and it will be developed and maintained by the developer or the development that becomes an agreement between the town that it is for and the developer. Biancardi stated that I know the park requested the money, and that you are keeping the park property there. For clarity, I would encourage you to include in there that it will be HOA-managed. Kleven stated that once we receive the actual approval of the property, it will allow us to invest the money into engineering, knowing that we are now meeting the ordinance. McCormick questioned Section 2, page 8, where it mentioned the repair and reconstruction of stormwater infrastructure. I think that a portion needs to be taken out of there, stating it's the homeowner's responsibility. I feel we should have Global Engineering review the ordinance and make suggestions or comments. Building Commissioner Lawson asked if the intent for the cul-de-sac is to be less than what the ordinance allows. The cul-de-sac is smaller than what the ordinance allows, if you go by the scale. A discussion was held regarding the cul-de-sac. Biancardi asked the residents if they had any questions or comments.

Jacqueline McPhearson- 272 Lake Park Rd- McPhearson brought up concerns about the detention pond and the movement of water. Is there anything else that the residents can do to deter the cul-de-sac from opening? Biancardi stated that this is just my opinion, but not based on the records and the plats that were planned and the approval from the BZA. It has been intended to be that way.

Ryan McPhearson- 272 Lake Park Rd.- McPhearson asked if Lennar Homes would incorporate us into their subdivision and their HOAs. Biancardi stated no, because you are Lake Park, and this would be Harbor Crest, you would be two individual subdivisions.

McPhearson stated that if we wanted to petition to keep the subdivision closed, who would we ask for that? Khalil stated that if you are changing the plat, now you must get signatures from the entire subdivision and apply. It's not just signatures; you must replat the entire subdivision, and then the Plan Commission would have to approve it one more time. It is a very lengthy process. So, you can go through that whole process, and the Town of Burns Harbor can still say no.

Jerry Cassidy- 276 Lake Park Rd.- Cassidy asked if there was any plan for speed control throughout the neighborhood. Biancardi stated that it hasn't been discussed at this point, but it can be added to the conversation.

Susan Hall - 1216 Stanley St. - Hall stated that my question is about when construction would begin. Will they build a road to that area instead of coming down Stanley Street and through our subdivision with the big trucks? Kleven stated that we will make sure that we post signs that no construction traffic is allowed in their community. If it is in the PUD ordinance, then the municipality can fine us. So, that is one way we can police it. We must take on the obligation of policing our trade partners and making sure that they do not go back there. It is a very valid request. McCormick made a motion to make a favorable recommendation to the Town Council contingent on the incorporation of board comments and engineer comments. Poparad seconded the motion. Watkins- Aye, Dunlap- Aye, McCormick- Aye, Adcock- Aye, Poparad- Aye, Bozak- Aye, Biancardi- Aye, Motion passed.

Proposed Code Book Amendments

Industrial Permits

Biancardi stated that Building Commissioner Lawson and I met with Praxair, and they have a permit that they are going to be looking at to get approved, and when it comes to commercial or industrial, we generally employ our engineer. This code allows us to bill back their time. I think the intent was always commercial and is also industrial. What is vague is that we only say subdivision and or commercial, so this is proposing to add industrial. This would flag that the petitioner needs to come to this board, so that then this board can direct the engineer to be involved, and when they bill, we can bill back. Otherwise, even the cost of the permits would never cover the cost of the review. The Building Commissioner needs the support of the engineer when it comes to commercial and industrial development, so that's what this intends to do. We already have the verbiage for billing, so this is why it makes sense to add it here. Bozak made a motion to set the mandatory meeting site plan review language for Public Hearing. Dunlap seconded the motion. Watkins- Aye, Dunlap- Aye, McCormick- Aye, Adcock- Aye, Poparad- Aye, Bozak- Aye, Biancardi- Aye, Motion passed.

Utility Work Permits

Biancardi asked Building Commissioner Lawson if he foresees adding those to the town code. We had a resident reach out regarding Frontier in town, and in the process of having Frontier, we realized that some things need to be in place to make sure that they are not leaving behind messing and cleaning up, protecting our residents during their utility work. Building Commissioner Lawson is working on some more requirements for his department and some things to sign off on. Building Commissioner Lawson stated that it is something I foresee adding to the town code. This is something that everyone should review, and the Town Engineer should review it. I worked on this with the engineer for the city of Mishawaka, and took some information from him, so it is a starting point. Biancardi stated that if everyone could please look at that for next month, we will discuss it a little more in depth and try to help.

Sidewalks

Biancardi stated that Building Commissioner Lawson has also been working on sidewalks. Building Commissioner Lawson stated that I have been working on this with the building commissioner from Porter because they are also working on a new ordinance for sidewalks. I'd recommend this be reviewed.

Poparad brought up concerns regarding certificates of occupancy. You can give one for certain stuff, but there should be no safety issues there. Biancardi stated that I will add that to our notes. Biancardi asked Building Commissioner Lawson to provide a list of what temporary occupancies entail.

Light Ordinance

Biancardi stated that last month, it was also mentioned that the lighting from CIT Trucks and the car dealerships was very bright. I reached out to Building Commissioner Lawson and asked if anyone had violated our current ordinance, and he said no. Building Commissioner Lawson stated that we do not have an ordinance regarding lighting. The closest thing that we have is dynamic signs in the sign ordinance. So, there is no specific ordinance that I can enforce. CIT Trucks did adjust their lights to face downwards. Biancardi stated that, in the meantime, while we figure all of this out, it might be helpful to ask the car dealerships if they can adjust their lights. Dunlap stated that most times, it is just the direction of projection that has been the common offender. The newer installations haven't been as problematic. Biancardi stated that you can even let them know that we are coming up with some guidelines. If you can, send over what you have in terms of guidelines. Building Commissioner Lawson stated that I sent over a copy of a guideline for a municipal ordinance template to look at, which spells out how to put that together, so I think that would be a good starting point to try and look at and see if we could do that again. The question that comes to mind is who pays for it and who enforces it.

Announcements

None

Good of the Order

None

Adjournment

Bozak made a motion to adjourn at 6:54 pm. Watkins seconded the motion. Poparad- Aye, Bozak- Aye, Watkins- Aye, McCormick- Aye, Adcock- Aye, Dunlap- Aye, Biancardi- Aye. **Motion passed.**

Approved July 6, 2026

Toni Biancardi, President

Jill Sherrill, Secretary