

Burns Harbor Advisory Plan Commission

Minutes of Monday, May 4, 2026

The Advisory Plan Commission of the Town of Burns Harbor, Porter County, Indiana, met in a regular session on Monday, May 4, 2026, at the Burns Harbor Fire Department. 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	Absent
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, Luke Fricke with Lennar Homes, Andre Hatami with Lennar Homes, Brad Moore with Atwell Engineering, Leann Perrine with Shadyside, and residents of the Town of Burns Harbor.

Minutes

McCormick made a motion to approve the minutes of April 2, 2026. Watkins seconded the motion. Poparad-Aye, Watkins-Aye, McCormick-Aye, Adcock-Aye, Bozak-Aye, Dunlap- Absent, 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.

Public Hearing

Lennar Homes- PUD Ordinance

Biancardi opened the Public Hearing at 6:02 pm.

Attorney Leeth stated that my name is Todd Leeth, and I am an attorney from Valparaiso, and I am privileged tonight to represent Lennar Homes of Indiana. We are presenting a planned unit development, which is a residential subdivision, but because it is a PUD, it is a rezoning under

Indiana Law and your ordinance as well. The land we are talking about is 27 ½ acres and is probably one of the more interesting parcels because it is bounded on three sides by significant rights-of-way. There are a couple of homes on the south side that are carve-outs or exceptions to our rectangular square. Only two lots on the south side of Parkwood Estates touch us. There is a large vacant parcel with no homes for the balance of that east property line. When Parkwood Estates was planted, I believe the intent was for the southern road to extend westward into this property. The cul-de-sac right away extends all the way to the property line, and there is no home on the very end of the cul-de-sac that you would normally see. The property is zoned residential, and we are asking that it be changed to a PUD. We are asking for that to accommodate the homes that we have laid out. Lennar Homes is very familiar with the market and this type of home. Luke Fricke is going to explain that in greater detail. These homes are attractive to the marketplace. The layout of the subdivision is a concept plan in the proposed ordinance. The process for a PUD is that this is essentially the first step. The Plan Commission is the first step, and then you will give your advisory to the Town Council. The ordinance is a form that we filled out, but it's an extensive document, and you have a copy of that. There are several exhibits, including home locations, legal descriptions, and a very detailed description of what your ordinance calls variances, or deviations from the residential zoning. Once we have a decision from the Planning Commission, it goes to the Town Council, and they will then consider the ordinance and may or may not hear public comment; that's at their discretion, and then, if the ordinance is passed, we will have zoning consistent with that concept plan. We would then have to come back to the Plan Commission for another public hearing to plat the subdivision, consistent with the concept plan and consistent with the ordinance. Brad Moore with Atwell Engineering is here this evening, and he has been in contact with the Town of Burns Harbor's engineer, and we are far along in the engineering of this, from what this step requires.

Fricke stated that since our last visit here, there have been some things that have transpired, which is the lot number, which went from 84 to 86 lots. We are set to be in front of the Park Board tomorrow and the Porter County Drainage Board, at which we already had a meeting with our advisory staff. It was a productive meeting, and we landed on two options: a reduction of that easement or a total vacate of it. They do not know what route they want to take, so we would ask to be conditioned on that, and then the next step would be for us to fully design said project, because they won't approve or disapprove a partially designed project. The fourth item was the sanitary, with Brad Moore having been in contact with your engineer as well.

Attorney Leeth stated my thought is that those are details that would be more appropriate for the second step, the primary plat. When we come back, those are engineering details. This is for the zoning. The reason why the Porter County Drainage Board and the Stormwater Management Department can't give us an answer is that they have never been asked to completely vacate a right of way, or at least the current staff. So, they are checking with their council to determine whether they want to vacate the entire section within our 27 ½ acres, or whether they simply want to reduce the easement to allow for the development as we have and make it a much narrower drainage rather than 160 ft wide.

Moore stated my name is Brad Moore, and I am from Atwell Engineering. The easement that they are talking about is the regulated drain easement that the county currently has over what is a small wetland ditch section in the middle of the property. That and our concept plan are being 100% preserved. There are two wetlands on the site, for which we've got a full, diverse report. The corridor of that easement is maintained; we are just trying to get it reduced to what's needed for maintenance of that waterway. There have been some improvements to the storm sewers along Haglund Rd, and that has provided relief on some of the flow that went that way. We make sure to look at the engineering far enough so that the concept plan in front of you and the ordinance that is in front of you can be delivered and engineered without having to come back and change it. I filled out the EPA application. I was told that the capacity is there, and along with

the final engineering plans, would show the support of the Sanitary District that the capacity is there. Just a clarification on the cul-de-sac, the right of way goes right up to that, and we are planning on making that connection to have a road there. It was never meant to be a full cul-de-sac; it was meant to be a temporary turnaround. So, that connection will be made. Attorney Leeth stated that I think we have kind of walked you through the big points. We are here to answer any questions that the public may have during the hearing or later, following the hearing.

Biancardi asked for any comments in favor. There were no comments in favor.

Biancardi asked for any comments in opposition.

McPhearson stated my name is Ryan McPhearson- 272 Lake Park Rd.- We did not receive any of these plans. At this point in the design, we have essentially three separate subdivisions, right? Is there any way that we can keep them all separate if you keep our cul-de-sac? You have an established community right there. McPhearson raised concerns about his children being able to play outside safely.

McPhearson stated my name is Jacquelyn McPhearson- 272 Park Rd.- We did not receive a letter, and no certified letter was delivered to our door. Are there any plans to make the retention pond not still water? This brings a concern of mosquitoes.

Attorney Leeth stated that our obligation is to correctly mail and post them through the USPS as certified return receipt requested. We are not obliged to deliver them. That is the USPS's responsibility.

Weaver stated my name is Justin Weaver- 275 Lake Park Rd.- This is a full-blown cul-de-sac. Our houses wouldn't be set all the way back just for a future road to go through; this doesn't make sense. We paid an additional \$5,000 for a premium cul-de-sac lot. So, I want to know who is going to pay me back for that. Poparad asked who did you pay the \$5,000 to? Weaver stated that we paid Olthoff Homes. There is also an easement on the left side of my property with a row of oak trees. When I first moved into the house, the Town of Burns Harbor said that there is a 15 or 20-foot easement from my fence up to that field. I just want to make sure that isn't getting approached if it is. Do I get the same opportunity to purchase that easement?

Cassidy stated my name is Lindsey Cassidy- 276 Lake Park Rd. – I know this is no one's responsibility here, but Olthoff Homes did lead us to believe that they were going to finish the cul-de-sac. How about Lennar Homes finish the cul-de-sac for us, and build two more houses? Then, you can build your separate communities on the other side, and we will not have any problems. That sounds very fair and reasonable to me.

Attorney Leeth stated that this is a challenging site for a couple of reasons. 27 ½ acres is generally a small site and doesn't provide a lot of flexibility, but the open space and that little drain Mr. Moore talked about is probably the most significant feature of the acres. It does divide the property, but we have integrated pedestrian networks. There is a walking bridge over the creek. The stormwater is all integrated and managed in a master drainage plan, but the road connections are not simply because we built and can't cross that legal drain if it's vacated. It still provides a drainage way that we must maintain, and providing a road over that creates stormwater problems. So, that is why we designed the subdivision with two sides, if you will, an east and west side. Moore stated that the final details of the detention pond have yet to be determined, whether it will be a wet bottom or a naturalized bottom. Attorney Leeth stated that I am going to stand by my original statement that I believe that the cul-de-sac was designed to extend to the west. There is an opening exactly the width for the right of way to extend that way. We cannot go in and build lots there, because there are not lots there. They are owned by either the property owner's

association or the lot owners. Regarding the two owners at the end paying the premium, they do have a premium. They have had the premium since they purchased the property, and now we come along and take away the privacy of the cul-de-sac. That is not our doing; we are simply making good planning suggestions and picking it up from its intended purpose from when it was originally planned. I am not sure what easement Mr. Weaver is referring to, but I will be happy to investigate that.

Biancardi stated that we can refer to the minutes from the meeting when Parkwood was established, and I believe there is a conversation about the intention of the cul-de-sac. Attorney Leeth stated that my client and the Town of Burns Harbor did not create the situation that Mr. Weaver brings here. Biancardi stated that at this time, we cannot answer about the cul-de-sac. There is more information that we need to look at before we can answer.

Andre Hatami with Lennar Homes stated that I completely understand the concern, and when looking at the GIS, I can see the parcels. My position at Lennar Homes is with our land acquisition, but what I'd be willing to do is share my number and then work with you all, because I understand it's a very frustrating situation. I can try and maybe put you into contact with the right people over at Olthoff Homes, so that you can bring up any discrepancies you might have. As we move forward in this development process, in any way that we can accommodate, sometimes communication is key, and that goes a long way. This is creating a valuable development that is going to help bring new families into the community.

Biancardi stated that I have a question about green cards. Attorney Patton stated that under state and town code, all they have to do is mail within 300 feet of their border of what they are developing. If someone wasn't mailed and should have been mailed, then that is an issue.

Attorney Patton stated that I just have a question for Attorney Leeth, just for clarification. I know that the concept plan is not the final version, but in your proposed PUD, it says 86 lots. But, on Exhibit C concept plan, it appears the highest number is 84. Attorney Leeth stated that after the concept plan was provided to me, Atwell Engineering was able to determine that there were additional opportunities, primarily because of the nearly seven acres in the center of the project, which is the legal drain. We were able to get two additional lots there. The ordinance says no more than 86 lots, and our concept plan shows 84 lots, so we can modify the concept plan to now show the additional two lots. We will come back with a final plan that has to be consistent with the ordinance. Attorney Patton stated that Attorney Leeth's office sent all the certified mailings within the distance. I can see that there was a certified mailing receipt for a letter being sent to Ryan and Jacqueline McPhearson at 273 Lake Park Rd. Attorney Leeth stated that all the certified mailings were sent out on April 22, 2026. Fricke stated regarding the 86-lot number, we had a meeting with the Porter County Staff Advisory Board regarding the reduction of that easement, which is also where that 86 number is coming from. Attorney Patton stated that I just don't want to create confusion since the exhibit you have here shows 84.

Khalil stated that our office does have the ordinance itself, but we didn't have a chance to review that entire ordinance. In essence, I guess there are a lot of loose terms in the ordinance in general, and it is very generalized. Keep in mind that the plans are not devised or developed yet. So, you may have an ordinance such as a minimum square foot of multiple floors. Residential units may be less than 1800 square feet, which is very vague. It needs to be an exact number based on an exact plan. It needs to be specific to the site. It needs to be beneficial because it is key to the public or the environment. As far as the connectivity, I think I hear the concerns, and this might be triggered by a recommendation that it needs to be connected for fire trucks, just because of the 86 lots. We will find that out once we take a detailed look at the plans.

Adcock stated that I have been on this commission for almost three years. No one ever comes to the meetings. I hear your voice and your concerns, and I agree with a lot of what you are saying back there. But no one comes to the meetings. You can all come to our monthly meetings to hear what we talk about. Attorney Patton stated that the agendas are on the Town of Burns Harbor's website. Biancardi stated that on page 2, you refer to the total acreage being 27 ½ acres, but your ordinance states 25.2, and your concept plan says it's 27.8. If this is an ordinance that we are going to pass, everything needs to be correct. I agree with Shem's comment on page 3, the minimum square feet may be less than 1800, which is too vague. It needs to be not less than. Some of this I think I understand, but it's too vague. Regarding the setbacks, you word it as saying maybe five feet or less than the setbacks, which are seven. I think we just need to be very clear. On page 4, open space, I realize you are not meeting with the Park Board until tomorrow. I am concerned that your concept plan is not reflected in the ordinance. I would like that to be updated to show those 86 lots and whatever you are planning to do, and the park, which is 4.8 acres here. But you haven't met with the Park Board yet, so you will need to meet with them because that may change your plan. Your cul-de-sac on page 4 may exceed 500 feet; we need a not to exceed. You need to say exactly what it is going to be. Our fire chief is concerned with the curvature of the road, so we need to look at that. Moore stated that we can offer to work with the fire chief and provide turning movement simulations. Biancardi stated that you have listed that building permits can be issued prior to all land development activities being completed. Model homes will be decorated and temporarily occupied with temporary power. I think for Building Commissioner Lawson, I would want some sort of plan to manage that. On page 5, you talk about minor deviations for individual specific lots. That is just too vague. Also, letter A at the top needs to be more specific. Letter D, you are talking about the Stormwater Management Board. If they vacate, what does that mean? Attorney Leeth stated that it means it becomes our property, and it will either be an easement or an open space. Biancardi asked what that means for drainage? If they vacate it, now it is their responsibility, and they change it. Khalil stated that I would like to see the plans. Attorney Leeth stated that the legal drain is there for drainage. If the Stormwater Department, which is the drainage board in Porter County, vacates that they no longer have any jurisdiction or obligation to maintain, the homeowner's association will assume all of them. Biancardi asked if the county would consider our input? If they vacate that, I am very concerned about drainage, where it is going, and the impact if the HOA were not to maintain that. Attorney Leeth stated that in Stormwater's long-standing policy, they would rarely vacate. They didn't even know this legal drain existed. It's only functioning from the last time it was improved, which was supposed to be 100 years ago. Biancardi stated that with the development, it is still there, and they are going to have to pay attention to it. Your ordinance states two construction phases. Remind me how those are going to happen. Fricke stated it was our initial attempt to have the cul-de-sac done first, the 25 homes. The other side would come next, then. Biancardi stated that section 9 refers to open and recreation space. You are meeting with the Park Board tomorrow, and that may change that. In terms of streets, since it is going to be a long cul-de-sac, are you intending that people would park on the street? Fricke stated we typically do. Biancardi stated that I think you would need to talk to all our services to make sure that everything is wide enough to get through because you have two car garages and small driveways. I know we talked about streetlights last time, and you said you were going to do the standard NIPSCO lights. Just to clarify, you want to hold the building permits as the infrastructure goes in? Fricke stated that once the curb and the road are in front, we would be allowed to pull building permits. Biancardi stated I heard you ask our engineer about the sanitary allocation letter. You will need that. Attorney Leeth stated you are saying zoning allows us to go to the next stage and try to plan. But, if Brad finds out that the stormwater doesn't work and we show 86 lots on the concept plan, we are not going to get 86 lots. We are going to go back down to 84 or 80, depending upon how much land we need. If it were zoned residential, as it is today, and we wanted to build a subdivision, can we force you to approve the plat without sanitary? Biancardi stated no, but I think this is a special circumstance as well, doing the ordinance for PUD.

Khalil stated, Mr. Leeth, I think you are referring to the plat itself, versus the utilities. There is a performance bond that will have to be posted at the time of the primary plat. So, that performance bond is for public utilities. If you post the performance bond, you can go for the secondary plat, and once you have the secondary plat, you can build. Before that, as far as the utility capacity certification, that plat doesn't have anything to do with capacity. It's at the time when you apply for the primary plat for construction. That is when the capacity allocation happens. Biancardi stated that from my role on the Plan Commission, we have an ordinance that we want to send to the Town Council to adopt. I just feel like it should be cleaned up to be almost exactly what you are going to get. Moore stated that we will have a color rendering that will match the 86 lots. Poparad brought up the topic of sidewalks and when they will be completed. I believe there should be a time limit on when they need to be finished. Biancardi stated that a subdivision cannot be finished if all the sidewalks aren't done. Khalil stated that sidewalks would be part of the performance bond certified estimate. The primary plat has two years expiration from the time it's approved for infrastructure. Attorney Patton stated, just to clarify, Attorney Leeth, it is not Lennar's intention to see off these lots to other builders, correct? Attorney Leeth stated that it is not their intention.

McPhearson asked if there was a Lennar subdivision nearby. Fricke stated that there are quite a few; the closest one would probably be Swanson Trails in Portage.

Biancardi closed the Public Hearing at 7:13 pm.

Biancardi stated we have three options: we can give a favorable recommendation, an unfavorable recommendation, or we can continue the Public Hearing to get the rest of the information that we need. Bozak made a motion to continue the discussion of the PUD for Lennar Homes until the June meeting. Poparad seconded the motion. Watkins- Aye, McCormick- Aye, Poparad- Aye, Adcock- Aye, Bozak- Aye, Dunlap- Absent, Biancardi- Aye. Motion passed.

Attorney Leeth stated that everyone has been properly notified; if they are interested enough to hear the case, they are here tonight. They heard possible changes, and we will come back. You will have a new ordinance revised, and you can discuss that.

New Business

Rezoning Application- Parcel no. 64-06-05-402-005.000-024

Biancardi stated Mr. Aherton has completed the application, and he has paid the fee for the preliminary hearing tonight. We are looking at the application to potentially set it for a public hearing. I think the question tonight is whether it meets all the requirements and is ready to be set for a public hearing. Khalil stated that I just want to make sure that they have the legal description, which would be very helpful for the council to approve the legal description rather than the parcel. Attorney Patton stated that Mr. Aherton needs to have a new legal description created. It's not our job to create the legal description; it is the petitioner's job to have a new legal description created. Biancardi stated that since you sold a piece of the property, you just need a new legal description written for the remaining property that you own. If you can get a new legal description within the next week, two tops, we can set you up for a public hearing in June. Bozak made a motion to set the public hearing pending the legal description. Watkins seconded the motion. Watkins- Aye, McCormick- Aye, Poparad- Aye, Adcock- Aye, Bozak- Aye, Dunlap- Absent, Biancardi- Aye. Motion passed.

Permit Extension- 316 Maple Lane

Biancardi stated this is for Stonetown Shadyside mobile home community. Perrine stated that we have already done everything except the placement of the home. McCormick made a motion to extend permit #24-58 for 316 Maple Lane. Poparad seconded the motion. Watkins- Aye,

McCormick- Aye, Poparad- Aye, Adcock- Aye, Bozak- Aye, Dunlap- Absent, Biancardi- Aye.
Motion passed.

Old Business

Proposed Code Book Amendments

Biancardi stated we will have this on all agendas, just so we don't lose sight of it, because we have a whole spreadsheet of things we are working on. One specifically that Building Commissioner Lawson believes is good to go is just cleaning up the language for license fees and making it clearer. Sec. 6-1, the first paragraph would just be cleaning it up; instead of listing the specific fee there, it would refer to table 15-4, where we keep all our fees. The second paragraph addresses the contractor licenses. The rest of the ordinance that follows section 2 is not changing. I think this clarity will help the Building Commissioner make sure people are doing things properly. McCormick made a motion to set the license fees ordinance for a public hearing in June. Watkins seconded the motion. Poparad- Aye, Bozak- Aye, Watkins- Aye, McCormick- Aye, Adcock- Aye, Dunlap- Aye, Biancardi- Aye. **Motion passed.**

Biancardi stated that we have had some residents ask about trees. We have a list of trees that are recommended, or trees that are suitable for parkways or within 20 feet of a roadway. It was brought to our attention that some of those are now invasive species. Building Commissioner stated this list is listed in the town code, but late this afternoon, I saw that the US Department of Agriculture has updated this. I need to get in contact with them and find out if it's something that is specific to Indiana or our region. Biancardi stated that I will communicate with this resident to let her know that we do say in our ordinance that there is no invasive species. I will also recommend that if there is a tree they are unsure of, they can come to this board in the meantime, and we can assist with that. Our ordinance doesn't list anything specifically, but we do have a list. If you can, please follow up with the new list; that would be highly helpful.

McCormick started a discussion regarding lighting from the car dealerships. Biancardi stated that we will have to review our ordinance regarding this and can discuss it at June's meeting.

Good of the Order and Any Other Business

Announcements

None

Adjournment

Bozak made a motion to adjourn at 7:36 pm. Watkins seconded the motion. Poparad- Aye, Bozak- Aye, Watkins- Aye, McCormick- Aye, Adcock- Aye, Dunlap- Aye, Biancardi- Aye. **Motion passed.**

Approved June 1, 2026

Toni Biancardi, President

Jill Sherrill, Secretary