

Burns Harbor Advisory Plan Commission

Minutes of Wednesday, July 31, 2024

The Advisory Plan Commission of the Town of Burns Harbor, Porter County, Indiana met in a regular session on Wednesday, July 31, 2024, at the Burns Harbor Town Hall. The meeting was called to order by Advisory Plan Commission President, Jeremy McHargue at 6:00 pm.

The Pledge of Allegiance to the American Flag was recited.

Roll Call:

Jeremy McHargue	Present
Bernie Poparad	Present
Roseann Bozak	Absent
Travis Dunlap	Present
Gordon McCormick	Present
Michelle Watkins.....	Absent
Aaron Adcock	Present

Additional Officials Present

Secretary- Jill Sherrill

Also Present

Global Engineering- Shem Khalil, Jim Sata- Natron Corporation, Adam McAlpine- McAlpine Consulting, LLC.

Minutes

Nothing to report.

Communication, Bills, Expenditures

Town Code Updates

Nothing to report.

Report of Officers, Committee, Staff

Nothing to report.

New Business

Review: Bonds, Maintenance Guarantees, Letters of Credit

None

Old Business

Taco Bell: Site Plan Review

McAlpine stated I am Adam McAlpine and work for Mr. Sata as the civil engineer. Matt Ray who is the architect could not be here this evening. We have architectural plans and civil plans for your review this evening. This continues our discussion regarding the project from a few months ago. The site plan is in conformance with the Town of Burns Harbor requirements and we have contacted the State Department of Transportation regarding the entrance/exit. They asked for a

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connection to Old Porter Road and a right-in/right-out configuration to avoid a left turn out. So, I have been in coordination with INDOT and the application is about 80% complete. My client will be providing me with a bond which is needed to provide to the State of Indiana so that we can work towards getting a driveway permit. My understanding is my client intends to do something different with the property in the future about subdividing, so once we get past the construction of and opening of the restaurant, the property may be subdivided into two or three lots depending on what Mr. Sata wants to do. A detention pond will be situated on the southwest end of the proposed development so that we can tap into the two sewer taps for the training center and then separately for the restaurant. It's a low-pressure sewer, which means it's a duplex grinder pump station. It will discharge the sewage West at the car shop. There is a manhole in that driveway, so I have coordinated with the Town of Burns Harbor's utility staff to find the most appropriate location for discharge. McHargue asked the Town of Burns Harbor engineer, Shem Khalil, with Global Engineering, if anything was standing out them that needed to be brought to the board's attention. Khalil stated we have been in communication with the civil engineer and he has addressed all of our comments. Please keep in mind this is just a site plan, so it's mostly ministerial because the code is very defined about site plans. So, it is very set, per the code if you will, as far as the review process. They did meet all standards for the zone that they are in and the concern for the right in and right out has been addressed with INDOT. Dunlap stated in regards to the stormwater report that was submitted, I noticed that they covered roughly an acre and a half for that as opposed to the entire parcel. Is that common or acceptable practice for stormwater? Khalil stated the proposed development meets the standard for storm as the calculation works based on the disturbance and based on the proposed improvements on the land. McCormick asked when the culvert across from Lions Drive was replaced did that alleviate the drainage problem in that property? Khalil stated it's not on the registry. McCormick asked how are you going to address the right in/right out only? McAlpine stated you'll notice on the site plan there is a triangular shape that will help direct traffic. McCormick asked if the State of Indiana was going to put up yellow pole barriers in the middle of the highway to prevent a left-hand turn. McAlpine stated that there would be a curb to help steer traffic to the right. McCormick stated I am talking about the yellow poles to prevent people from turning left too close to the intersection. Will the State of Indiana put them up there? Or is that your responsibility to put those up? Khalil stated that the State of Indiana will be the main one to do anything in the safe right way. McCormick stated the State of Indiana's idea of making this safe is not safe and unless they put the yellow posts in the middle of the highway, I am absolutely against it. Sata stated at this time I have no one that wants to buy the rest of the land, but in the future, we might split the property into two parcels. A discussion was had regarding the property and the existing entrance. McAlpine stated in an earlier meeting there was a discussion about creating access directly across from Lions Drive. I didn't see that as the proper solution because there is already an existing deceleration lane and that can save my client significant costs just by utilizing that. McHargue stated there is no 100% compliance solution to anything. If the authority behind the State of Indiana highway tells them to do something a certain way, what are they supposed to do? Are they to defy what they say and do something different? McCormick stated two months ago it was discussed having the access directly across from Lions Drive so that way it would give them access to this property and the other part. The Taco Bell portion goes all the way to Lions Drive, so it should be accessed there so the other piece of property can be accessed at the same time. A discussion was had regarding the existing entrance. McHargue asked just for my clarification as drawn on the site plan INDOT has approved this entrance and exit in this traffic pattern. McAlpine stated yes, they have. McHargue stated then we as a town if we want to address additional traffic concerns and reach out to INDOT about requesting them to put the yellow cone barriers or whatever the case may be once the intersection improvement is completed, then we will. I think that is a good idea and I think that will help. Khalil stated unfortunately the State of Indiana works by warrant and especially the traffic is by Indiana code. McHargue asked if this property already has the deceleration lane and the State of Indiana is telling them that is sufficient,

would it be on the property owner if they moved the entrance and created a new deceleration lane? Khalil stated the State of Indiana might reject that and will say there is an existing one already on the property. They might say that they would have to close the other one or extend it as a lane. I do not know what the State of Indiana would say and I do not want to speak on their behalf. McCormick stated I am looking at the property going all the way to Lions Drive. If Mr. Sata develops the other piece of the property, then all the traffic will be going through the Taco Bell property. I do not care what the State of Indiana says, I am no engineer, but I will not be responsible for dead bodies. McAlpine stated at some point in time this commercial entrance was permitted by the State of Indiana and they asked them to build a deceleration lane. So, that has been there for several years and we intend on using that. Khalil stated I want to make sure you understand this board is not giving permission on the State Highway and are not building that permit. The current entrance is an INDOT jurisdiction and they can close it if they feel it is unsafe. It is not this board that is approving that. McCormick stated but we have the authority to say we do not like the entrance right there and we want it to be accessed at Lions Drive. McHargue stated we can't force the State Highway to allow that. McCormick stated, whatever, I have nothing else to say. Khalil stated I think a request from the Town of Burns Harbor to add in the yellow posts might go a long way and the State of Indiana would probably listen. McCormick stated we can request all day long, if it is a requirement then that is different, but we can't force them to do it. I do not want my name on any of this. McHargue stated, okay, so you don't even want to ask the State of Indiana for these polls? McCormick stated we can't force them to do it. Who is going to ask them? McHargue stated I will write the letter. McCormick stated Taco Bell is here tonight to get site approval, so they will start digging and assuming the existing entrance will stay. That is great that you want to address the State of Indiana, but there is nothing saying they are going to agree with putting the poles up. Especially if they are going to be re-doing the intersection and putting in a turn lane that will be 5 lanes of traffic wide. That may affect the existing entrance when they start working on the 5 lanes. McHargue asked if there were any other questions on the site plan. Dunlap asked is it determined how this property will be parceled in the future. Can you elaborate on what that plan may or may not be? Sata stated I have not asked anyone to see if they want to come there. Once Taco Bell is successful and working, I would want to look for either a doctor's office or something along that, and will not create a lot of traffic. I don't know what the right thing to put in there. Dunlap stated the particular reason I am asking is in regards to the landscaping, zoning, and occupancy permit. Khalil stated the zoning of the property dictates what the use of that property might be. Subdividing the land itself is a right because you have under those orders that you can subdivide. Once they subdivide, they are still in the same RC2 zoning. That zone has a very specific use and they can use anything in it and that zone. Dunlap asked so landscaping only applies to what is developed and not the entire parcel? Khalil stated yes, that is correct. Once the development happens, that zoning code, landscaping code, and site plan code will apply for that specific parcel. McHargue stated on that note I would entertain a motion if someone would like to make one. Adcock made a motion to approve the site plan with the right in/right out and access off of Old Porter based on previous discussions. Poparad seconded the motion. Poparad-Aye, Adcock-Aye, McHargue-Aye, Dunlap-Aye, McCormick-No, Watkins-Absent, Bozak-Absent. Motion passed.

McHargue stated we will need to draft up a letter and notify the Building Department, so if we can do that first thing tomorrow morning. McHargue stated just so everyone is clear, we are going to notify the Building Department, so at this point, all of your communications should be directed towards the Building Department as far as whatever you need to continue with the permitting process. Sata thanked the board for all of their help. McHargue stated as the President of the Planning Commission and Chief of Police in the Town of Burns Harbor I will reach out to INDOT requesting the yellow poles to be installed. It may go a little better if Taco Bell writes a letter as well requesting these for the safety of the customers coming and going. Would that be something you'd be willing to participate in? Sata said yes, I would be happy to do that if I can get contact

information. McHargue stated I will work with Secretary Sherrill to get you that information and we will work together on this issue. Dunlap stated I fully expect there to be pedestrian traffic across Highway 20, right? I assume that is INDOT as well, but I would expect that to become a gradual issue, so that needs to be addressed. Khalil stated I will be glad to send a letter to the traffic engineer.

Good of the Order and Any Other Business

Khalil stated today we did the testing for the proof roll cast in the Village and it failed quite a bit substantially today. We do this test for the sub-base of pavement before we even install the streets. There were multiple areas, so I just wanted to record what happened today. Now they must treat the sub-base and the base itself. It is a big item, so just to keep you informed.

Announcements

None

Adjournment

Poparad made a motion to adjourn at 6:43 p.m. Dunlap seconded the motion. Poparad-Aye. Adcock-Aye. McHargue-Aye. Dunlap-Aye. McCormick-Aye. Watkins- Absent. Bozak- Absent.
Motion passed.

Approved: October 7, 2024

Jeremy McHargue, President

Jill Sherrill, Secretary