



PLAN COMMISSION STAFF REPORT

To: Members of the Plan Commission

From: Sergio Mendoza, Planning Director

Meeting Date: December 12, 2023

Agenda Item: PC 23-027

Application Type: Performance Surety for Final Plat

Hearing: Other Items/Continued Discussion

Summary: Attorney Scott Yahne, representing FLOYDS CONCERNS LLC, is seeking a favorable recommendation to the Town Council to accept a Performance Surety Bond for 3 FLOYDS SECOND CONSOLIDATION FINAL PLAT for the public improvement of a sidewalk.

Applicant: Attorney Scott Yahne representing Three Floyds

Property Address: 9750 Indiana Parkway

Current Zoning: CD-4B - General Urban - B Character District

Adjacent Zoning: North: CD-4B - General Urban - B Character District
South: SD-4A General Urban-A Character District
East: CD-4B - General Urban - B Character District
West: CD-3.R2 - Neighborhood - 60' Lot One Family Residence District

Action Requested: Favorable recommendation to accept Performance Surety Bond

Actions Required: Surety Review and recommendation to Town Council

Staff Recommendation: Forward a favorable recommendation to the Town Council

Attachments: 1. Performance Surety Bond, Exhibit A (pg 5)
2. Final Plat of 3 FLOYDS SECOND CONSOLIDATION, Exhibit B (pg 8)



Figure 1 Subject Property.

PROJECT BRIEFING

Attorney Scott Yahne, representing Floyds Concerns LLC, properties (see figure 1) received approval to replat four lots of records into two lots of records through a subdivision process and record: 3 FLOYDS SECOND CONSOLIDATION, Lot 1 and Lot 2 (see figure 2). The four lots of record to be replated are:

- MIDWEST CENTRAL INDUSTRIAL PARK UNIT 1 LOT 13
- MIDWEST CENTRAL INDUSTRIAL PARK UNIT 1 LOT 16
- 3 FLOYD'S CONSOLIDATION LOT 1
- 3 FLOYD'S CONSOLIDATION LOT 2

Midwest Central Industrial Park Unit 1, Lot 13 and Lot 16, along with 3 Floyd's Consolidation, Lot 1
were replated and recorded as:

LOT 1 of 3 FLOYDS SECOND CONSOLIDATION

3 Floyd's Consolidation, Lot 2 was replated as:

LOT 2 of 3 FLOYDS SECOND CONSOLIDATION

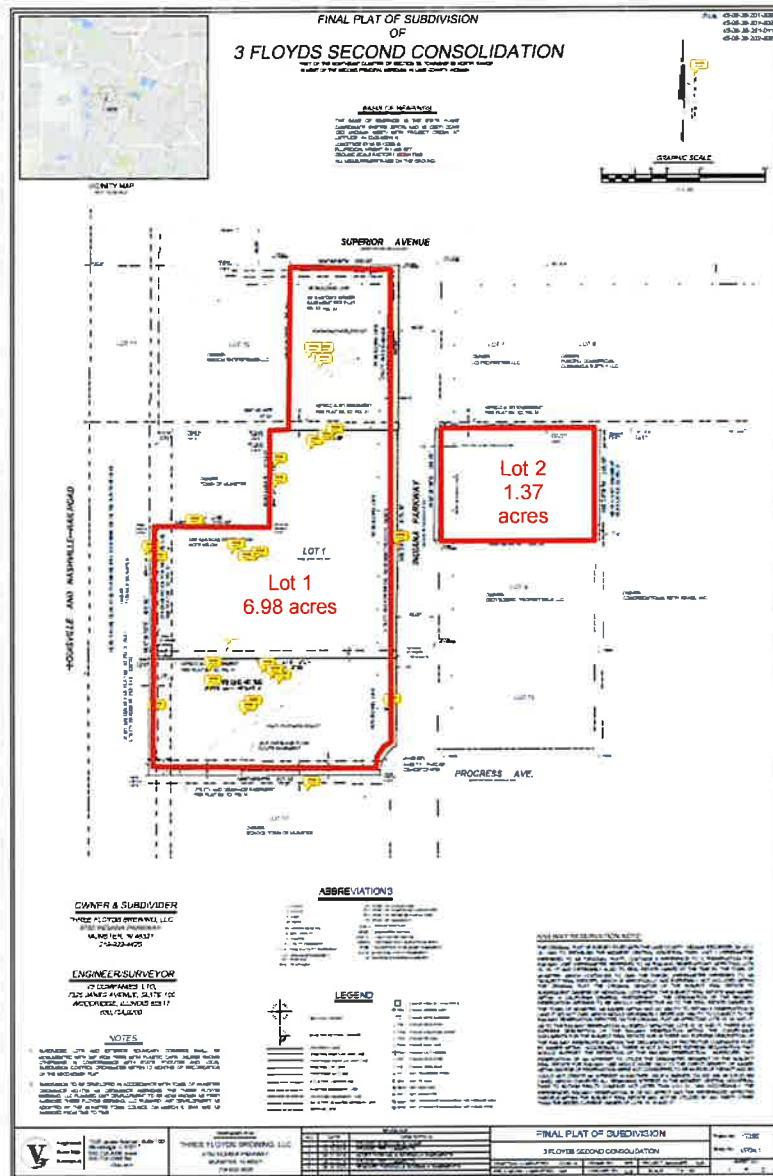


Figure 2 Proposed Final Subdivision Plat of 3 FLOYDS SECOND CONSOLIDATION

MUNSTER SUBDIVISION REQUIREMENTS (CHAPTER 26, ARTICLE V, SUBDIVISIONS):**Sec. 26-293. Completion of improvements; guarantee of improvements.**

(a) Verification of completion of improvements. When the final plat is submitted to the plan commission for approval, it shall be accompanied by written advice from the town council stating that all improvements and installations to the subdivision for its approval have been made or completed in accordance with ordinances and specifications, in which event the commission may approve the plat.

(b) Bond in lieu of completion of improvements. If the improvements and installations are not completed as required by the ordinances and specifications, the commission may approve the plat if the applicant provides a bond which:

(1) Is in an amount determined by the board and commission to be sufficient to complete the improvements and installations in compliance with the ordinances and specifications.

(2) Runs to the town council and town plan commission.

(3) Is with surety satisfactory to the town council and town plan commission, which may include:

a. A surety company entered and licensed to do business in the state;

b. An unqualified irrevocable standby letter of credit issued by a national bank, an Indiana state bank or other financial institution acceptable to the council and the commission; or

c. A deposit of money to a special account controlled by the town.

(4) Specifies the time for completion of the improvements and installations.

STAFF FINDINGS and RECOMMENDATION

Staff finds the Performance Surety Bond meets the Town of Munster subdivision requirements and supports the Plan Commission November 14, 2023 motion to grant Final Plat Approval contingent upon a performance surety be secured for the public improvement of a sidewalk. A Performance Surety Bond in the amount of \$20,000.00 has been secured in the Office of the Clerk-Treasurer.

MOTION

The Plan Commission may consider the following motion:

Motion to send a favorable recommendation to the Town Council to accept a Performance Surety Bond in the amount of Twenty Thousand Dollars and Zero Cents for 3 FLOYDS SECOND CONSOLIDATION FINAL PLAT for the public improvement of a sidewalk.