



PLAN COMMISSION STAFF REPORT

To: Members of the Board of Zoning Appeals

From: Sergio Mendoza, Planning Director

Meeting Date: October 10, 2023

Agenda Item: PC Docket No. 23-024

Application Type: Subdivision

Hearing: Preliminary

Summary: Attorney Scott Yahne, representing FLOYDS CONCERNS LLC, is seeking to replat 4 lots of records into a 2-Lot Subdivision for the purpose of supporting Three Floyds Taproom expansion project.

Applicant: Attorney Scott Yahne representing Three Floyds Taproom

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: Review of proposed 2-Lot Subdivision, 3 FLOYDS SECOND CONSOLIDATION

Additional Actions Required: Public Hearing, Findings of Fact Approval, Improvements Surety Review

Staff Recommendation: Motion for a Public Hearing on November 14, 2023

Exhibit A Attachments:

1. Alta Survey, pages 9, 10
2. Proposed Final Plat of Subdivision, pages 12, 13
3. Engineer Plans, pages 14 - 18
4. Stormwater Management Report, pages 19 - 41
5. Taproom Expansion Images, pages 42 - 49

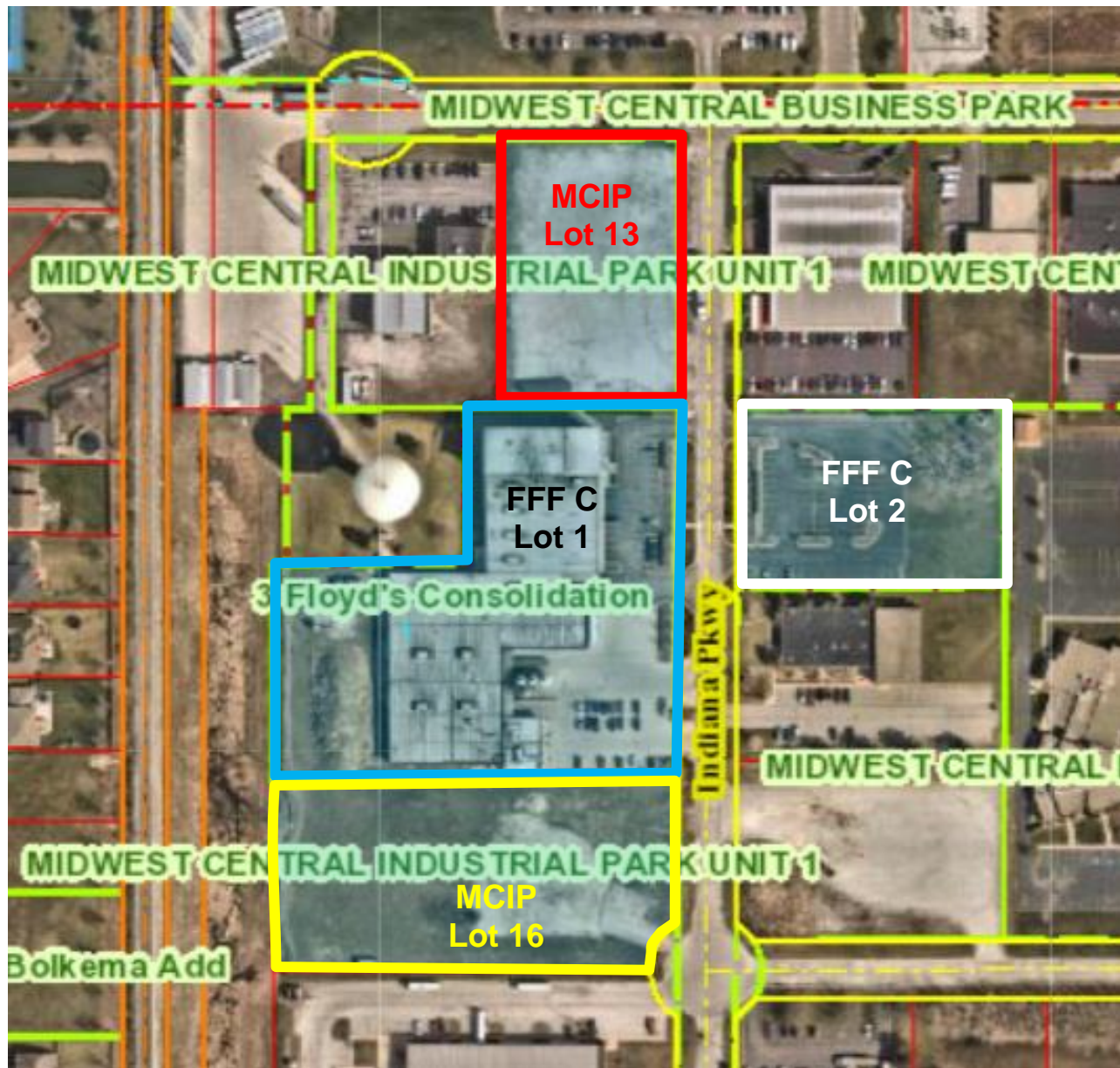


Figure 1 Subject Property.

PROJECT BRIEFING

Attorney Scott Yahne, representing Floyds Concerns LLC, properties (see figure 1) is seeking to combine four lots of records into two lots of records through a replat process to create 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 are to be replated and proposed to be recorded as: LOT 1 of 3 FLOYDS SECOND CONSOLIDATION

3 Floyd's Consolidation, Lot 2 is to be replated as: LOT 2 of 3 FLOYDS SECOND CONSOLIDATION

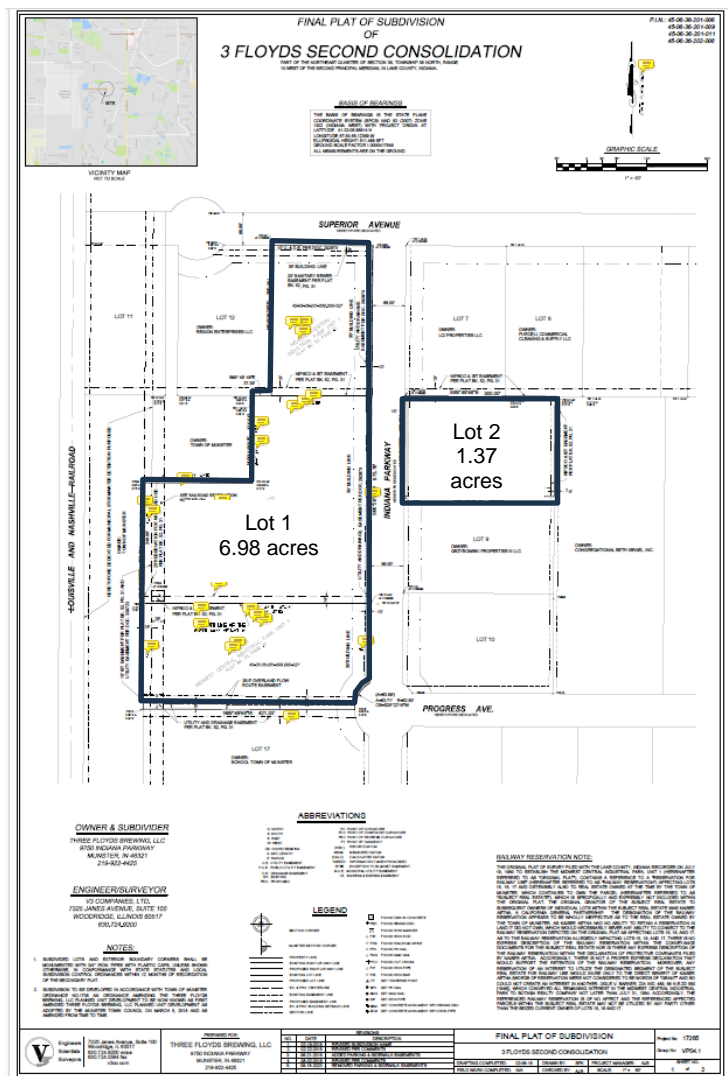


Figure 2 Proposed Final Subdivision Plat of 3 FLOYDS SECOND CONSOLIDATION

The purpose of the subdivision is to create a contiguous 6.98 acre lot of record to expand an existing Taproom and construct a 2,300 sq.ft. building addition for additional bathrooms, game room, kitchen support area, entry vestibule, and outdoor bar, along with a new 3,200 sq.ft. canopy to provide cover for a Biergarten surrounded by landscaped berms.

MUNSTER SUBDIVISION REQUIREMENTS (CHAPTER 26, ARTICLE V, SUBDIVISIONS):**Sec. 26-280. Findings of fact by plan commission.**

The plan commission shall adopt written findings of fact setting forth its reasons for approval or denial of the preliminary plat, and provide such findings to the applicant.

Sec. 26-278. Action by plan commission.

After the public hearing provided for in section 26-277, the commission may, if it finds the preliminary plat meets all the requirements, take the following action:

- (1) Grant primary approval as to the general acceptability of the layout as submitted.
- (2) Introduce such changes or revisions as are deemed necessary to the interests and needs of the community.

Sec. 26-277. Public hearing.

- (a) The plan commission shall consider the application for a subdivision and preliminary plat not later than the second regular monthly meeting following its proper submission. If the commission is satisfied that all conditions have been satisfactorily met by the subdivider, it shall set a date for a public hearing on the proposed plat, giving a written notification to the subdivider. The commission shall then publish a notice of the hearing at least ten days prior to the date set for the hearing. The cost of publishing such notice of the hearing shall be paid by the subdivider to the publisher at the time of inserting the notice.
- (b) The applicant for subdivision approval shall provide notice of the public hearing on subdivision approval to all property owners who own property within 200 feet of the proposed subdivision at least ten days prior to the hearing. Additionally, the applicant shall cause a notice of the public hearing on the subdivision to be posted prominently on the property for at least ten days prior to the public hearing using a form and sign provided by the town for this purpose.

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.
- (c) Guarantee of improvements. In addition, the subdivider shall agree in writing to warrant and guarantee all of the improvements and installations to the subdivision against any defects or imperfections, at his own expense and cost, for a period of two years following acceptance thereof by the town council. The subdivider shall covenant and agree that any defects or imperfections either in workmanship, materials or equipment which may exist, develop or become apparent within the two-year period will be repaired or replaced as may be necessary to the satisfaction of the town, without any expense to the town, and shall accompany the written agreement with a bond which shall:
- (1) Run to the town council.
 - (2) Be in an amount determined by the town council to equal 15 percent of the cost of all improvements and installations to the subdivision.
 - (3) Be with surety satisfactory to the town council and 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 town council and the commission; or
 - c. A deposit of money to a special account controlled by the town.
 - (4) Be conditioned upon the satisfaction of the warranty and guaranty by the subdivider of all the improvements and installations to the subdivision for a period of two years following acceptance thereof by the town council in accordance with requirements of town ordinances. Acceptance shall be conditioned upon an accurate set of as-built engineering drawings being submitted and approved. The drawings shall contain the exact location of all underground utilities, including sewer and water taps, manhole and catch basin invert elevations, and the location and elevations of elevation benchmarks required as identified in subsection 26-362(d). Said as-built plans shall be submitted in paper/hard copy format and a digital format compatible with the town's software.

Sec. 26-294. Action by plan commission.

Within a reasonable time after application for secondary approval of the plat, the commission shall approve or disapprove the plat. If the commission approves the plat, it shall date it and affix the commission's seal upon the plat, together with the certifying signatures of its president and secretary. If the commission disapproves the plat, it shall set forth the reasons therefor in its records and provide the applicant with a copy of such findings. Recording of the plat with the county auditor is required prior to the town accepting the final plat as a legally executed plat.

STAFF FINDINGS and RECOMMENDATION

Staff finds that the preliminary plat meets the Town of Munster subdivision requirements and supports preliminary/primary approval as to the general acceptability of the layout as submitted and that written findings of fact be drafted along with any determination or guarantee of surety for any public improvements be presented as part of the public hearing process.

MOTION

The Plan Commission may wish to consider the following motions:

Motion to grant preliminary/primary plat approval, including all discussion and findings and to set PC 23-024 for a November 14, 2023 Public Hearing.

EXHIBIT A

49 page application and supporting documents