



<b>City of La Porte Plan Commission Meeting Agenda</b>	
<b>Wednesday, October 11, 2023 at 6:00 PM</b>	
<b>City Hall Council Chambers, 801 Michigan Ave.</b>	
<a href="http://www.cityoflaporte.com">www.cityoflaporte.com</a>	<b>(219) 362-8260</b>

**MEETING NOTES:**

*Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the City of La Porte Office of Community Development & Planning at (219) 362-8260 by 10:00 am, Friday, preceding the meeting to make any necessary arrangements.*

**Regular Meeting Agenda Items**

*Members of the public should understand the Plan Commission members may be unable to thoroughly review and consider materials delivered by the day of the public hearing. The order of business shall be:*

- A. Applicant Presentation
- B. Staff Report Presentation
- C. Public Comment
- D. Applicant Response
- E. Board Discussion/Action

ITEM 1. Call Meeting to Order

ITEM 2. Roll Call & Determination of Quorum

ITEM 3. Approval of Minutes: September 12, 2023 Meeting Minutes

ITEM 4. **PRELIMINARY PLAT #23-02 PETITION**

Petitioner: Black River Bells, LLC  
Property Owner: J & K Commercial Rentals, LLC  
Location: 1403 East Lincolnway  
Staff Report: David Heinold

ITEM 5. **FINAL PLAT #23-02 PETITION**

Petitioner: Black River Bells, LLC  
Property Owner: J & K Commercial Rentals, LLC  
Location: 1403 East Lincolnway  
Staff Report: David Heinold

ITEM 6. **ZONING TEXT AMENDMENT #23-01 PETITION TO ADD DATA STORAGE FACILITY TO THE LIST OF PERMITTED USES IN THE M1 AND M2 ZONING DISTRICTS AND ADD A DEFINITION FOR DATA STORAGE FACILITY TO THE 2017 CITY OF LA PORTE REVISED JOINT ZONING ORDINANCE**

Petitioner: City of La Porte  
Staff Report: David Heinold

ITEM 7. Old Business

- a. Trails, Greenways, & Blueways Master Plan Adoption (*approval requested*)

- b. **ZONE MAP CHANGE #23-02 PETITION TO RE-ZONE FROM THE B1 NEIGHBORHOOD COMMERCIAL DISTRICT TO THE B2 GENERAL COMMERCIAL DISTRICT** *(withdrawal requested)*  
Petitioner: Great Development, LLC (Todd Leeth, Attorney Representative)  
Property Owner: same  
Location: 2435 and 2437 Monroe Street  
Staff Report: David Heinold

ITEM 8. New Business

ITEM 9. Other Business

- a. Public Comments on Non-Agenda Items

ITEM 1. Adjournment



<b>City of La Porte Plan Commission Meeting Minutes</b>	
<b>Tuesday, September 12, 2023 at 6:00 PM</b>	
<b>City Hall Council Chambers, 801 Michigan Ave.</b>	
<a href="http://www.cityoflaporte.com">www.cityoflaporte.com</a>	<b>(219) 362-8260</b>

A meeting of the City of La Porte Plan Commission was held at City Hall on Tuesday, August 8, 2023 at the hour of 6:00 PM, (“local time”), pursuant to notice duly given in accordance with the rules of the Commission and the Indiana Open Door Law.

**ITEM 1. Call Meeting to Order**

The meeting was called to order by President Jerry Jackson at 6:01 PM.

**ITEM 2. Roll Call & Determination of Quorum**

On a call of the roll, the members of the Plan Commission were shown to be present or absent as follows:

<b>Members Present:</b>	<b>Members Absent:</b>	<b>Staff Present:</b>
Jerry Jackson, President	Pete Saunders	Mark Worthley, BZA Attorney
Miles Fettinger	Councilman Paul Vincent	David Heinold, City Planner
Vickie Gushrowski		
Councilwoman Julie West		
Dr. David Porter (6:03 pm)		

**ITEM 3. Approval of Minutes: August 8, 2023 Meeting Minutes**

President Jerry Jackson called for any changes or corrections to the August 8, 2023 Meeting Minutes. There being no changes or corrections to the meeting minutes, Miles Fettinger made a motion to **approve the August 8, 2023 Meeting Minutes** and the motion was seconded by Julie West. The motion passed 5-0.

**ITEM 4. ZONE MAP CHANGE #23-02 PETITION TO RE-ZONE FROM THE B1 NEIGHBORHOOD COMMERCIAL DISTRICT TO THE B2 GENERAL COMMERCIAL DISTRICT**

Petitioner: Great Development, LLC (Todd Leeth, Attorney Representative)

Property Owner: same

Location: 2435 and 2437 Monroe Street

Staff Report: David Heinold

**Staff Presentation**

President Jerry Jackson called for staff to explain the request.

David Heinold, City Planning, explained that the petitioner is requesting and deferral until the October 11, 2023 Plan Commission to allow for the property owner to present the zone map change petition at the meeting.

David explained to the meeting attendees that Zone Map Change #23-01 Petition will be heard at the October 11<sup>th</sup>, 2023 Plan Commission meeting in City Hall Council Chambers at 6:00 pm.

#### ITEM 5. Old Business

David explained that the Plan Commission President will need to appoint a member to serve on the NewPorte Landing Architectural Review Committee. President Jerry Jackson will serve as the Plan Commission appointment to the NewPorte Landing Architectural Review Committee.

##### A. Trails, Greenways, and Blueways Master Plan Update

David explained that the Trails, Greenways, and Blueways Master Plan is moving along and will be back to the Plan Commission at the October 11<sup>th</sup> meeting for recommendation for adoption to the City Council as an amendment to the comprehensive plan. David will send out a draft plan for review to the members for review a few weeks prior to the meeting.

#### ITEM 6. New Business

There was no new business.

#### ITEM 7. Other Business

##### A. Public Comments on Non-Agenda Items

There was no public comments on non-agenda items.

#### ITEM 8. Adjournment

David Porter made a motion to **adjourn** and the motion was seconded by Vickie Gushrowski. The motion to **adjourn** passed 5-0. The meeting was **adjourned** at 6:08 pm.

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Jerry Jackson, President

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David Heinold, Secretary



**ITEM 4. Preliminary Plat # 23-02 Petition** to Allow Two (2) Lot Subdivision of Black River Bells

**Type of Request:** Preliminary Plat

**Staff Report:** David Heinold

**APPLICANT**

Name – Black River Bells, LLC

**PROPERTY OWNER**

Name – J & K Commercial Rentals, LLC

**PREMISES AFFECTED**

Parcel Number - 46-07-30-326-016.000-053				
Actual/approximate address or location from major streets – 1401 East Lincolnway				
Subdivision – Black River Bells Subdivision			Lot Number(s) – Lots 1 and 2	
Total Acreage – 1.61 acres		Flood Zone on Site? – no		
Zoning of Subject Property – B2		Use of Subject Property – Automobile Sales		
Proposed Zoning – same as existing		Proposed Land Use – New Drive Thru Restaurant and Existing Automobile Sales		
Zoning of Adjacent Properties	North: M2	South: B2	East: B2	West: M2 & B2
Land Use of Adjacent Properties	North: Manufacturing	South: Drive Thru Restaurants, Office, & Retail Uses	East: Automobile Sales	West: Manufacturing

**SUMMARY:** The petitioner proposes to subdivide the existing lot into two (2) lots that will allow the smaller lot to be split off and sold to another party for a proposed drive thru restaurant.

**CONCURRENCE:** Chapter 82, Article V, Subdivisions of the City of La Porte Municipal Code allows the subdivider to present a preliminary plat to the Plan Commission and to the Board of Public Works and Safety. The rules and regulations contained in this article are adopted to secure and provide for:

- (1) The proper arrangement of streets or highways in relation to existing or planned streets or highways;

- (2) Adequate and convenient open spaces for traffic, utilities and access for firefighting apparatus, recreation, light and air; and
- (3) The avoidance of congestion of population; and the establishment of standards for the construction of any and all improvements as required in this article.

The petitioner is seeking approval from the Board of Zoning Appeals to allow a special exception use for the proposed drive thru restaurant on Lot 2. Lot 1 will remain as the pre-existing use for automobile sales.

**HISTORY OF SITE:** Per the site aerial image, the total area of the parcel is about 70,000 square feet and currently zoned within the B2 General Commercial District. Currently, the property is one lot operated as an automobile dealership.

**SITE REVIEW FINDINGS:** Site Review was held on October 4, 2023. The comments received from the site review meeting are attached for your review.

**STATEMENT OF COMPLIANCE:** Section 27.12 of the 2017 Revised Joint Zoning Ordinance states that the Plan Commission shall be guided by and give consideration to the general policy and pattern of development set out in the Countywide Land Development Plan.

**STAFF ANALYSIS:**

Black River Bells, LLC is presenting a Preliminary Plat for Plan Commission approval to allow a Two (2) Lot Subdivision in order to separate the existing lot into two lots to allow the smaller lot to be split off and sold to another party for a proposed drive thru restaurant. The two lots will have separate access from the adjacent public right of ways. The total square feet for Lot 1 is 53,172 square feet and Lot 2 is 17,293 square feet. The proposed subdivision is properly arranged for legal access to the two lots, which allows for adequate provisions for traffic safety and access for fire protection as well as public utility coordination. The petitioner will need to coordinate with the Indiana Department of Transportation for approval of the proposed driveway access to Lot 2 adjacent to State Road 2, or commonly known as East Lincolnway. The proposed lot size for Lot 2 meets the minimum lot size of 15,000 square feet and minimum lot width of 100 feet in the B2 General Commercial District.

**STAFF RECOMMENDATION:**

Staff finds that the proposed two lot subdivision conforms to the guidelines set forth in Chapter 82, Article V, Subdivisions of the City of La Porte Municipal Code. Staff recommends **approval** of Preliminary Plat #23-02 Petition to Allow a Two (2) Lot Subdivision.

Submitted to the City of La Porte Plan Commission on October 5<sup>th</sup>, 2023.



<b>City of La Porte Site Review Meeting Minutes</b>
<b>October 4, 2023 at 9:30 AM</b>
<b>City Hall Council Chambers, 801 Michigan Ave., La Porte, IN</b>

The Site Review Committee (“SRC”) meeting was held in the City Hall Council Chambers, in the City of La Porte (“City”), Indiana on Wednesday, October 4<sup>th</sup>, 2023 at the hour of 9:30 am, (“local time”).

David Heinold, City of La Porte City Planner provided an introduction of the Site Review Committee for all of the attendees. Jerry Jackson, Wastewater Director; Devon Hunsberger, MS4 Coordinator; Nick Minich, Director of Engineering & Building Services; Andy Snyder, Fire Chief; all introduced themselves and what they consider with site review applications.

**Presenters:**

Matt Mrochinski, Excel Engineers                      Reid Jahns                      Clint Lyders                      Lydia Greenfield

**Explanation of Project:**

Mr. Mrochinski explained the project site and utility plans for the proposed Taco Bell drive through restaurant at 1401 East Lincolnway. Reid Jahns explained that there will be an underground stormwater chambers system.

**Comments from Staff:**

David Heinold – Planning: David explained the zoning requirements for a drive through restaurant at this location. He mentioned the parking, landscaping, lighting, waste receptacle, and impervious surface coverage requirements for the proposed development.

Jerry Jackson – Wastewater: Jerry asked about the proposed elevation of the sewer main connection. He explained that the concrete pipe needs to be saddled. Jerry also mentioned the requirements for water tap and that they should coordinate with Tim Werner, Water Superintendent on connections to the water utility system. Jerry asked about the volume for the stormwater system. Jerry explained that the stormwater discharge needs to go west towards Boyd Boulevard. Jerry questioned where the grease trap will be located on the proposed restaurant.

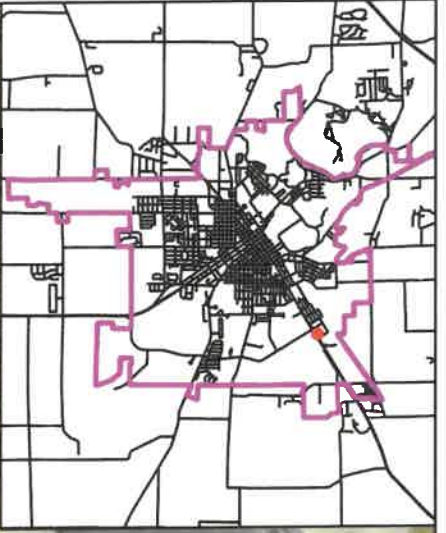
Reid Jahns explained that the elevation of the sewer main is adequate for the proposed connection. Mr. Jahns mentioned that he didn’t have the proposed volume of stormwater storage and that they are not allowed infiltration since the site is in a wellhead protection area. Reid explained that the grease trap is shown on the site utility plan and that he will send Jerry additional plans showing the capacity of the grease trap.

Matt Mrochinski requested the as built utilities and for the City to mark anticipated connections. Jerry will send Matt the as built utilities and mark the anticipated connections.

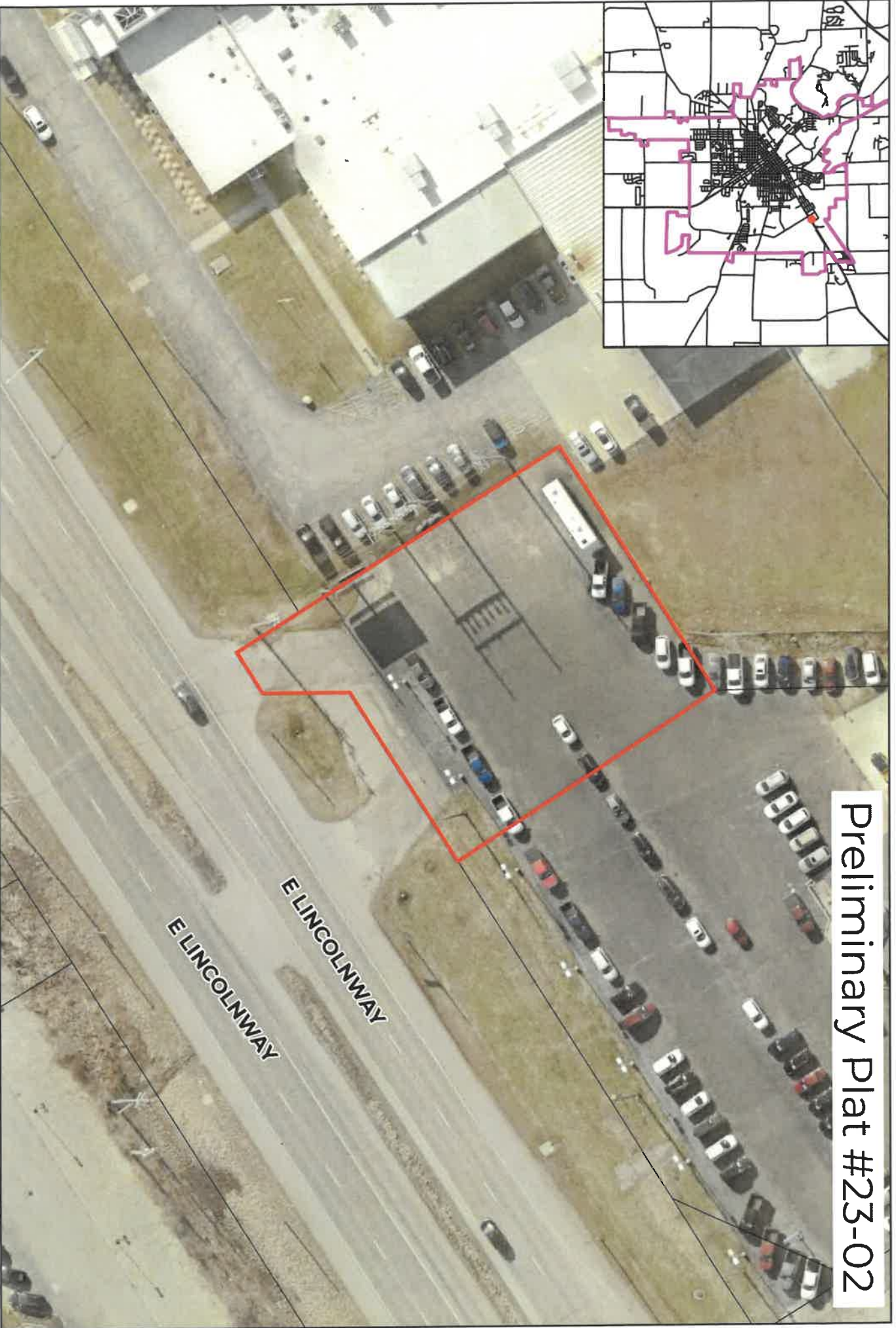
Nick Minich – Engineering: Nick explained that the local stormwater ordinance applies for all new and redevelopment projects. He mentioned that the wellhead protection area is a state requirement. There will need to be additional review between utilities to determine the best connection for the proposed development. Nick also mentioned for Fire Chief Andy Snyder that a nox box is required if there is an alarm system and it needs to be accessible somewhere near the front of the building. The will need to coordinate with Fire Chief Andy Snyder on further requirements for the site development.

The Site Review Committee meeting ended at 10:05 am.





Preliminary Plat #23-02



E LINCOLNWAY  
E LINCOLNWAY

-  Subject Property
-  City Limits

0 20 40 80  
Feet









# Plan Commission Application PRELIMINARY PLAT

City Planner  
David Heinold, AICP  
[dheinold@cityoflaportein.gov](mailto:dheinold@cityoflaportein.gov)  
[www.cityoflaporte.com](http://www.cityoflaporte.com)

City Hall  
801 Michigan Ave.  
La Porte, IN 46350  
(219) 362-8260

<b>For Office Use Only</b>	
Fee: <u>320<sup>00</sup></u>	Receipt: <u>Pd online 9/27/2023</u>
File Date: <u>9/11/2023</u>	File #: <u>2023-PP-02</u>
Site Review: <u>10/4/2023</u>	
Date of PC mtg: <u>10/11/2023</u>	
Decision: _____	
Date of BOPW mtg: _____	
Decision: _____	

This application is being submitted for a Preliminary Plat

### Applicant

Name <b>Black River Bells LLC</b>	
Street Address <b>7915 Kensington Ct.</b>	
City, State, Zip <b>Brighton, MI, 48116</b>	
Primary Contact regarding this petition <b>Clint Lyders</b>	
Phone <b>248-444-4725</b>	Email <b>clint.lyders@teamlyders.com</b>
Engineer Preparing Plans <b>Excel Engineering, Inc.</b>	Email <b>jason.daye@excelengineer.com</b>
Others to be Notified <b>Reid Jahns</b>	Email <b>reid.jahns@excelengineer.com</b>
<b>Lisa Van Handel</b>	Email <b>lisa.vanhandel@excelengineer.com</b>
Applicant is (check one): <input type="checkbox"/> Sole Owner <input type="checkbox"/> Joint Owner <input type="checkbox"/> Tenant <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Other <b>Purchaser</b>	

### Property Owner (if different than above)

Name <b>J &amp; K Commercial Rentals LLC</b>	
Street Address <b>1403 E Lincolnway</b>	Phone
City, State, Zip <b>La Porte, IN, 46350</b>	Email

### Premises Affected

Parcel ID Number <b>460730326016000053</b>	
Address or General Location <b>1403 E Lincolnway, La Porte, IN</b>	
Legal Description <b>See attached legal description</b>	
Total Acreage <b>1.632</b>	Flood Zone? <b>No</b>
Current Zoning <b>B-2</b>	Land Use <b>Parking/display lot for auto dealer</b>

**JOB NUMBER: 2302783**  
**LOCATION: LAPORTE, IN**  
**PREPARED BY: HR GREEN, INC.**

LEGAL DESCRIPTION

PARCEL 1

A PARCEL OF LAND LYING NORTHERLY OF STATE ROAD NO. 2 AND SITUATED IN THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 2 WEST, LAPORTE COUNTY, INDIANA, DESCRIBED AS FOLLOWS:  
COMMENCING AT AN AXLE MARKING THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 37 NORTH, RANGE, 2 WEST, LAPORTE COUNTY, INDIANA; THENCE NORTH, A DISTANCE OF 80.05 FEET; THENCE NORTH 56 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 689.05 FEET; THENCE NORTH 34 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 50.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 2; THENCE NORTH 56 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 1013.95 FEET TO AN IRON PIN MARKING THE SOUTHEAST CORNER OF A PARCEL OF LAND CONVEYED TO HENRY L. AND HELEN H. HACKER AS DESCRIBED IN MICROFILM RECORD NO. 81-7941, IN THE OFFICE OF THE LAPORTE COUNTY RECORDER, AND TO THE POINT OF BEGINNING; THENCE NORTH 27 DEGREES 01 MINUTE 00 SECONDS WEST, ALONG EASTERLY LINE OF SAID PARCEL, A DISTANCE OF 219.22 FEET TO AN IRON PIPE MARKING THE NORTHEASTERLY CORNER THEREOF ON THE WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 30; THENCE NORTH 02 DEGREES 13 MINUTES 29 SECONDS WEST, ALONG SAID WEST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER, A DISTANCE OF 39.00 FEET TO AN IRON PIN; THENCE NORTH 73 DEGREES 32 MINUTES 31 SECONDS EAST, A DISTANCE OF 199.45 FEET TO AN IRON PIPE ON THE WESTERLY LINE OF PUBLIC STREET; THENCE SOUTH 34 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG THE WESTERLY LINE OF SAID STREET, A DISTANCE OF 190.54 FEET TO AN IRON PIN ON THE NORTHERLY LINE OF STATE ROAD NO. 2; THENCE SOUTH 56 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 2, A DISTANCE OF 237.37 FEET TO THE POINT OF BEGINNING, CONTAINING 1.140 ACRES, MORE OR LESS.

EXCEPTING THEREFROM:

THAT PART OF THE ABOVE DESCRIBED PROPERTY CONVEYED TO STATE OF INDIANA, BY WARRANTY DEED, RECORDED OCTOBER 1, 1984, AS INSTRUMENT NUMBER 84-9254, IN THE OFFICE OF THE RECORDER OF LAPORTE COUNTY, INDIANA, DESCRIBED AS FOLLOWS: A PART OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 2 WEST, LAPORTE COUNTY, INDIANA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 1 DEGREE 15 MINUTES 00 SECONDS WEST 850.90 FEET ALONG THE EAST LINE OF SAID QUARTER SECTION TO THE NORTHWESTERN BOUNDARY OF 2; THENCE SOUTH 59 DEGREES 07 MINUTES 09 SECONDS WEST 884.73 FEET ALONG THE BOUNDARY OF SAID 2 TO THE EAST LINE OF THE OWNER'S LAND; THENCE SOUTH 58 DEGREES 53 MINUTES 04 SECONDS WEST 320.04 FEET ALONG SAID BOUNDARY AND SAID BOUNDARY PROLONGED TO THE POINT OF BEGINNING OF THIS DESCRIPTION, WHICH POINT IS THE INTERSECTION OF THE SOUTHWESTERN BOUNDARY OF DARLINGTON STREET AND THE NORTHWESTERN BOUNDARY OF S.R. 2; THENCE SOUTH 58 DEGREES 53 MINUTES 04 SECONDS WEST 20.00 FEET ALONG THE BOUNDARY OF SAID S.R. 2; THENCE NORTH 13 DEGREES 25 MINUTES 02 SECONDS EAST 28.05 FEET TO THE SOUTHWESTERN BOUNDARY OF DARLINGTON STREET; THENCE SOUTH 32 DEGREES 03 MINUTES 00 SECONDS EAST 20.00 FEET ALONG THE BOUNDARY OF SAID DARLINGTON STREET TO THE POINT OF BEGINNING AND CONTAINING 0.005 ACRES, MORE OR LESS.

PARCEL 2

THAT PART OF THE WEST HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 2 WEST, LAPORTE COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF THE CHICAGO ROAD (NOW CALLED STATE ROAD NO. 2) AND THE NORTH AND SOUTH LINE DIVIDING SAID SOUTHWEST QUARTER INTO EAST AND WEST HALVES; THENCE SOUTH 56 DEGREES WEST ALONG THE CENTER LINE OF THE CHICAGO ROAD A DISTANCE OF 12.19 FEET; THENCE NORTH 33 DEGREES 58 MINUTES 30 SECONDS WEST, A DISTANCE OF 33 FEET TO THE NORTHERLY SIDE OF SAID CHICAGO ROAD FOR A PLACE OF BEGINNING; THENCE CONTINUING SAME COURSE PARALLEL TO BURSON AVENUE IN THE CITY OF LAPORTE A DISTANCE OF 134 FEET; THENCE NORTH 56 DEGREES EAST A DISTANCE OF 115.32 FEET TO THE NORTH AND SOUTH CENTER LINE OF THE SOUTHWEST QUARTER OF AFORESAID SECTION 30; THENCE SOUTH 02 DEGREES 15 MINUTES EAST ALONG SAID LINE A DISTANCE OF 157.57 FEET TO THE NORTHERLY SIDE OF THE CHICAGO ROAD; THENCE SOUTH 56 DEGREES WEST ALONG THE NORTHERLY SIDE OF SAID ROAD A DISTANCE OF 32.57 FEET TO THE PLACE OF BEGINNING, CONTAINING 0.218 ACRES, MORE OR LESS.

#### PARCEL 3

A TRIANGULAR PIECE OF LAND OFF OF THE SOUTHWEST CORNER OF THE 20 ACRES OFF THE WEST SIDE OF THAT PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 2 WEST, IN LAPORTE COUNTY, INDIANA, THAT LIES NORTH OF THE HIGHWAY COMMONLY KNOWN AS THE CHICAGO ROAD, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE ABOVE DESCRIBED 20 ACRE TRACT; THENCE RUNNING NORTH 57 DEGREES 32 MINUTES EAST ALONG THE CENTER LINE OF THE CHICAGO ROAD, 78.8 FEET; THENCE ANGLE LEFT 82 DEGREES 12 MINUTES BEARING NORTH 24 DEGREES 40 MINUTES WEST, 173.6 FEET TO THE WEST LINE OF THE AFOREMENTIONED 20 ACRE TRACT; THENCE ANGLE LEFT 157 DEGREES 11 MINUTES BEARING SOUTH 01 DEGREE 51 MINUTES EAST, 200.2 FEET TO THE CENTER LINE OF THE CHICAGO ROAD AND PLACE OF BEGINNING, CONTAINING 0.16 ACRES, MORE OR LESS.

#### PARCEL 4

A PARCEL OF LAND SITUATE IN THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 2 WEST, LAPORTE COUNTY, INDIANA, NORTH OF STATE ROAD NO. 2, DESCRIBED AS FOLLOWS: STARTING AT AN AXLE MARKING THE SOUTHWEST CORNER OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 2 WEST, LAPORTE COUNTY, INDIANA; THENCE NORTH ALONG THE WEST LINE OF SAID SECTION, A DISTANCE OF 80.05 FEET TO A SPIKE ON THE CENTER LINE OF EAST LINCOLNWAY, ALSO KNOWN AS STATE ROAD NO. 2; THENCE NORTH 56 DEGREES 00 MINUTES EAST ALONG SAID CENTER LINE, A DISTANCE OF 1,149.05 FEET TO THE EASTERLY SIDE OF A PUBLIC STREET, EXTENDED; THENCE NORTH 34 DEGREES 00 MINUTES WEST ALONG SAID EASTERLY LINE, A DISTANCE OF 50 FEET TO THE NORTH RIGHT-OF-WAY LINE OF EAST LINCOLNWAY, ALSO KNOWN AS STATE ROAD NO. 2, SAID POINT BEING THE POINT OF BEGINNING OF A PARCEL OF LAND AS DESCRIBED IN DEED RECORD 340 PAGE 599; THENCE NORTH 56 DEGREES 00 MINUTES EAST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 503.95 FEET TO A BOLT FOR A POINT OF BEGINNING; THENCE NORTH 27 DEGREES 01 MINUTE WEST ALONG SAID EASTERLY LINE, A DISTANCE OF 117.86 FEET TO THE EAST SIDE OF THE WEST HALF OF THE SOUTHWEST QUARTER; THENCE NORTH 02 DEGREES 13 MINUTES 23 SECONDS WEST ALONG SAID LINE, A DISTANCE OF 118.35 FEET TO AN IRON PIN; THENCE SOUTH 27 DEGREES 01 MINUTE EAST A DISTANCE OF 219.22 FEET TO AN IRON PIN ON THE NORTH RIGHT-OF-WAY LINE OF EAST LINCOLNWAY, ALSO KNOWN AS STATE ROAD NO. 2; THENCE SOUTH 56 DEGREES 00 MINUTES WEST A DISTANCE OF 50 FEET ALONG SAID RIGHT OF WAY TO THE POINT OF BEGINNING, CONTAINING 0.192 ACRES, MORE OR LESS.



<b>ITEM 5. Final Plat # 23-02 Petition</b> to Allow Two (2) Lot Subdivision of Black River Bells
<b>Type of Request:</b> Final Plat
Staff Report: David Heinold

**APPLICANT**

Name – Black River Bells, LLC
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**PROPERTY OWNER**

Name – J & K Commercial Rentals, LLC
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**PREMISES AFFECTED**

Parcel Number - 46-07-30-326-016.000-053				
Actual/approximate address or location from major streets – 1401 East Lincolnway				
Subdivision – Black River Bells Subdivision			Lot Number(s) – Lots 1 and 2	
Total Acreage – 1.61 acres		Flood Zone on Site? – no		
Zoning of Subject Property – B2		Use of Subject Property – Automobile Sales		
Proposed Zoning – same as existing		Proposed Land Use – New Drive Thru Restaurant and Existing Automobile Sales		
Zoning of Adjacent Properties	North: M2	South: B2	East: B2	West: M2 & B2
Land Use of Adjacent Properties	North: Manufacturing	South: Drive Thru Restaurants, Office, & Retail Uses	East: Automobile Sales	West: Manufacturing

**SUMMARY:** The petitioner proposes to subdivide the existing lot into two (2) lots that will allow the smaller lot to be split off and sold to another party for a proposed drive thru restaurant.

**CONCURRENCE:** Chapter 82, Article V, Subdivisions of the City of La Porte Municipal Code allows the subdivider to present a final plat to the Plan Commission and to the Board of Public Works and Safety. The rules and regulations contained in this article are adopted to secure and provide for:

- (1) The proper arrangement of streets or highways in relation to existing or planned streets or highways;

- (2) Adequate and convenient open spaces for traffic, utilities and access for firefighting apparatus, recreation, light and air; and
- (3) The avoidance of congestion of population; and the establishment of standards for the construction of any and all improvements as required in this article.

The petitioner is seeking approval from the Board of Zoning Appeals to allow a special exception use for the proposed drive thru restaurant on Lot 2. Lot 1 will remain as the pre-existing use for automobile sales.

**HISTORY OF SITE:** Per the site aerial image, the total area of the parcel is about 70,000 square feet and currently zoned within the B2 General Commercial District. Currently, the property is one lot operated as an automobile dealership.

**SITE REVIEW FINDINGS:** Site Review was held on October 4, 2023. The comments received from the site review meeting are attached for your review.

**STATEMENT OF COMPLIANCE:** Section 27.12 of the 2017 Revised Joint Zoning Ordinance states that the Plan Commission shall be guided by and give consideration to the general policy and pattern of development set out in the Countywide Land Development Plan.

**STAFF ANALYSIS:**

Black River Bells, LLC is presenting a Final Plat for Plan Commission approval to allow a Two (2) Lot Subdivision in order to separate the existing lot into two lots to allow the smaller lot to be split off and sold to another party for a proposed drive thru restaurant. The two lots will have separate access from the adjacent public right of ways. The total square feet for Lot 1 53,172 square feet and Lot 2 is 17,293 square feet. The proposed subdivision is properly arranged for legal access to the two lots, which allows for adequate provisions for traffic safety and access for fire protection as well as public utility coordination. The petitioner will need to coordinate with the Indiana Department of Transportation for approval of the proposed driveway access to Lot 2 adjacent to State Road 2, or commonly known as East Lincolnway. The proposed lot size for Lot 2 meets the minimum lot size of 15,000 square feet and minimum lot width of 100 feet in the B2 General Commercial District.

**STAFF RECOMMENDATION:**

Staff finds that the proposed two lot subdivision conforms to the guidelines set forth in Chapter 82, Article V, Subdivisions of the City of La Porte Municipal Code. Staff recommends **approval** of Final Plat #23-02 Petition to Allow a Two (2) Lot Subdivision.

Submitted to the City of La Porte Plan Commission on October 5<sup>th</sup>, 2023.





<b>City of La Porte Site Review Meeting Minutes</b>
<b>October 4, 2023 at 9:30 AM</b>
<b>City Hall Council Chambers, 801 Michigan Ave., La Porte, IN</b>

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**Presenters:**

Matt Mrochinski, Excel Engineers                      Reid Jahns                      Clint Lyders                      Lydia Greenfield

**Explanation of Project:**

Mr. Mrochinski explained the project site and utility plans for the proposed Taco Bell drive through restaurant at 1401 East Lincolnway. Reid Jahns explained that there will be an underground stormwater chambers system.

**Comments from Staff:**

David Heinold – Planning: David explained the zoning requirements for a drive through restaurant at this location. He mentioned the parking, landscaping, lighting, waste receptacle, and impervious surface coverage requirements for the proposed development.

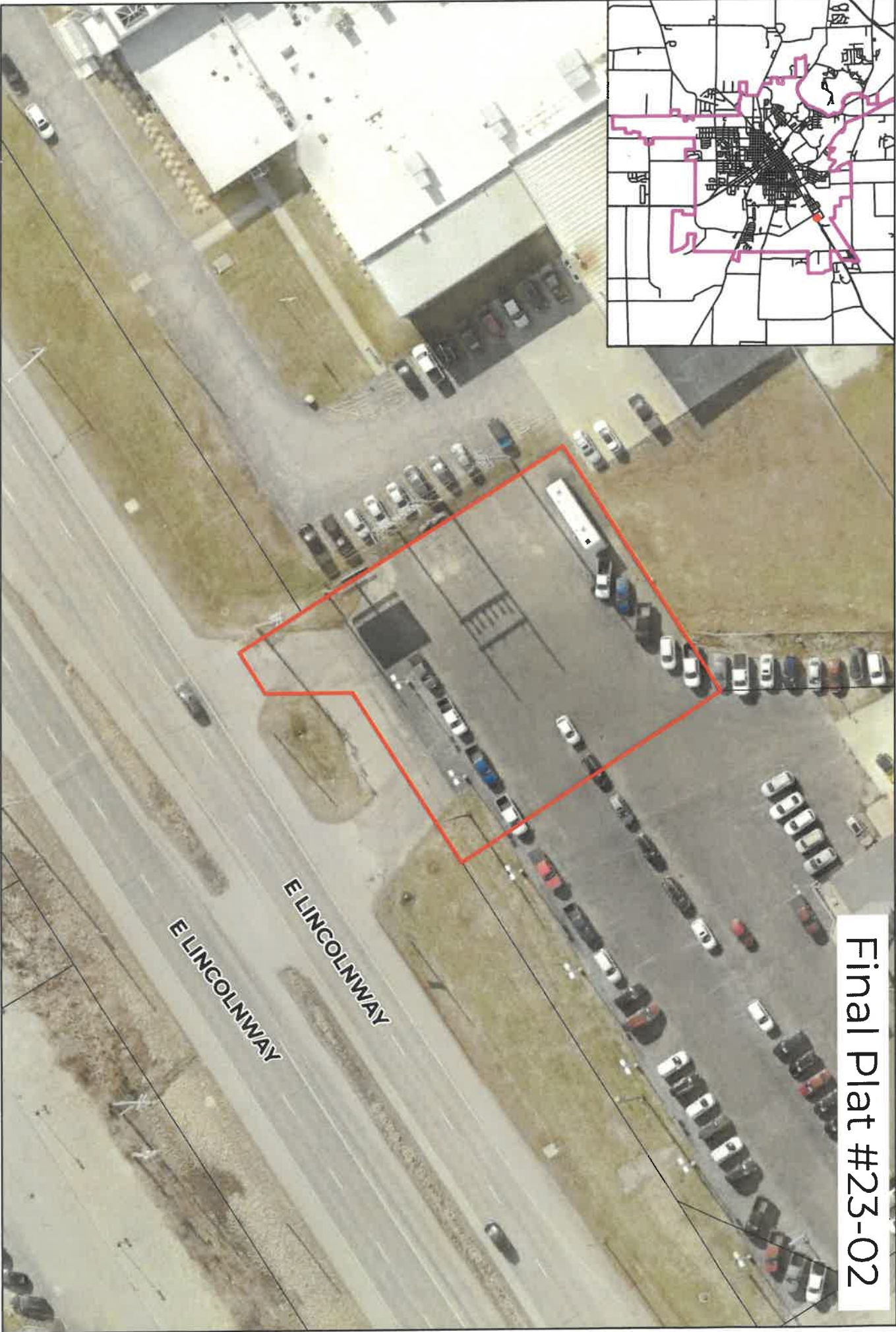
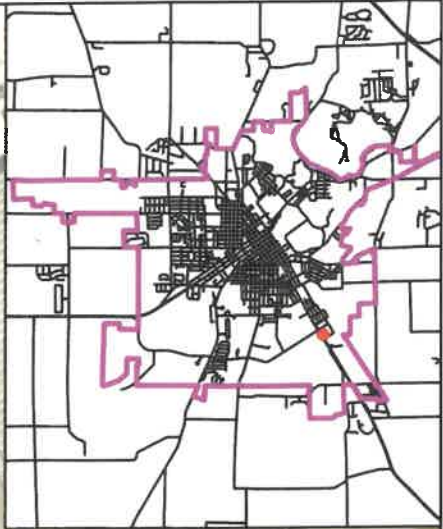
Jerry Jackson – Wastewater: Jerry asked about the proposed elevation of the sewer main connection. He explained that the concrete pipe needs to be saddled. Jerry also mentioned the requirements for water tap and that they should coordinate with Tim Werner, Water Superintendent on connections to the water utility system. Jerry asked about the volume for the stormwater system. Jerry explained that the stormwater discharge needs to go west towards Boyd Boulevard. Jerry questioned where the grease trap will be located on the proposed restaurant.

Reid Jahns explained that the elevation of the sewer main is adequate for the proposed connection. Mr. Jahns mentioned that he didn’t have the proposed volume of stormwater storage and that they are not allowed infiltration since the site is in a wellhead protection area. Reid explained that the grease trap is shown on the site utility plan and that he will send Jerry additional plans showing the capacity of the grease trap.

Matt Mrochinski requested the as built utilities and for the City to mark anticipated connections. Jerry will send Matt the as built utilities and mark the anticipated connections.

Nick Minich – Engineering: Nick explained that the local stormwater ordinance applies for all new and redevelopment projects. He mentioned that the wellhead protection area is a state requirement. There will need to be additional review between utilities to determine the best connection for the proposed development. Nick also mentioned for Fire Chief Andy Snyder that a nox box is required if there is an alarm system and it needs to be accessible somewhere near the front of the building. The will need to coordinate with Fire Chief Andy Snyder on further requirements for the site development.

The Site Review Committee meeting ended at 10:05 am.



Final Plat #23-02

-  Subject Property
-  City Limits







## Plan Commission Application FINAL PLAT

City Planner  
David Heinold, AICP  
[dheinold@cityoflaportein.gov](mailto:dheinold@cityoflaportein.gov)  
[www.cityoflaporte.com](http://www.cityoflaporte.com)

City Hall  
801 Michigan Ave.  
La Porte, IN 46350  
(219) 362-8260

<b>For Office Use Only</b>	
Fee: _____	Receipt: _____
File Date: <u>9/19/2023</u>	File #: <u>2023-FP-02</u>
Site Review: <u>10/4/2023</u>	Date of PC mtg: <u>10/11/2023</u>
Decision: _____	Date of BOPW mtg: _____
Decision: _____	Decision: _____

This application is being submitted for a Final Plat

### Applicant

Name <b>Black River Bells LLC</b>	
Street Address <b>7915 Kensington Ct.</b>	
City, State, Zip <b>Brighton, MI, 48116</b>	
Primary Contact regarding this petition <b>Clint Lyders</b>	
Phone <b>248-444-4725</b>	Email <b>clint.lyders@teamlyders.com</b>
Engineer Preparing Plans <b>Excel Engineering, Inc.</b>	Email <b>jason.daye@excelengineer.com</b>
Others to be Notified <b>Reid Jahns</b>	Email <b>reid.jahns@excelengineer.com</b>
<b>Lisa Van Handel</b>	Email <b>lisa.vanhandel@excelengineer.com</b>
Applicant is (check one): <input type="checkbox"/> Sole Owner <input type="checkbox"/> Joint Owner <input type="checkbox"/> Tenant <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Other <u>Purchaser</u>	

### Property Owner (if different than above)

Name <b>J &amp; K Commercial Rentals LLC</b>	
Street Address <b>1403 E Lincolnway</b>	Phone _____
City, State, Zip <b>La Porte, IN 46350</b>	Email _____

### Premises Affected

Parcel ID Number <b>460730326016000053</b>	
Address or General Location <b>1403 E Lincolnway, La Porte, IN</b>	
Legal Description <b>See attached legal description</b>	
Total Acreage <b>1.632</b>	Flood Zone? <b>No</b>
Current Zoning <b>B-2</b>	Land Use <b>Parking/display lot for auto dealer</b>



**JOB NUMBER: 2302783**  
**LOCATION: LAPORTE, IN**  
**PREPARED BY: HR GREEN, INC.**

LEGAL DESCRIPTION

PARCEL 1

A PARCEL OF LAND LYING NORTHERLY OF STATE ROAD NO. 2 AND SITUATED IN THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 2 WEST, LAPORTE COUNTY, INDIANA, DESCRIBED AS FOLLOWS:  
COMMENCING AT AN AXLE MARKING THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 37 NORTH, RANGE, 2 WEST, LAPORTE COUNTY, INDIANA; THENCE NORTH, A DISTANCE OF 80.05 FEET; THENCE NORTH 56 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 689.05 FEET; THENCE NORTH 34 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 50.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 2; THENCE NORTH 56 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 1013.95 FEET TO AN IRON PIN MARKING THE SOUTHEAST CORNER OF A PARCEL OF LAND CONVEYED TO HENRY L. AND HELEN H. HACKER AS DESCRIBED IN MICROFILM RECORD NO. 81-7941, IN THE OFFICE OF THE LAPORTE COUNTY RECORDER, AND TO THE POINT OF BEGINNING; THENCE NORTH 27 DEGREES 01 MINUTE 00 SECONDS WEST, ALONG EASTERLY LINE OF SAID PARCEL, A DISTANCE OF 219.22 FEET TO AN IRON PIPE MARKING THE NORTHEASTERLY CORNER THEREOF ON THE WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 30; THENCE NORTH 02 DEGREES 13 MINUTES 29 SECONDS WEST, ALONG SAID WEST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER, A DISTANCE OF 39.00 FEET TO AN IRON PIN; THENCE NORTH 73 DEGREES 32 MINUTES 31 SECONDS EAST, A DISTANCE OF 199.45 FEET TO AN IRON PIPE ON THE WESTERLY LINE OF PUBLIC STREET; THENCE SOUTH 34 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG THE WESTERLY LINE OF SAID STREET, A DISTANCE OF 190.54 FEET TO AN IRON PIN ON THE NORTHERLY LINE OF STATE ROAD NO. 2; THENCE SOUTH 56 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 2, A DISTANCE OF 237.37 FEET TO THE POINT OF BEGINNING, CONTAINING 1.140 ACRES, MORE OR LESS.

EXCEPTING THEREFROM:

THAT PART OF THE ABOVE DESCRIBED PROPERTY CONVEYED TO STATE OF INDIANA, BY WARRANTY DEED, RECORDED OCTOBER 1, 1984, AS INSTRUMENT NUMBER 84-9254, IN THE OFFICE OF THE RECORDER OF LAPORTE COUNTY, INDIANA, DESCRIBED AS FOLLOWS: A PART OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 2 WEST, LAPORTE COUNTY, INDIANA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 1 DEGREE 15 MINUTES 00 SECONDS WEST 850.90 FEET ALONG THE EAST LINE OF SAID QUARTER SECTION TO THE NORTHWESTERN BOUNDARY OF 2; THENCE SOUTH 59 DEGREES 07 MINUTES 09 SECONDS WEST 884.73 FEET ALONG THE BOUNDARY OF SAID 2 TO THE EAST LINE OF THE OWNER'S LAND; THENCE SOUTH 58 DEGREES 53 MINUTES 04 SECONDS WEST 320.04 FEET ALONG SAID BOUNDARY AND SAID BOUNDARY PROLONGED TO THE POINT OF BEGINNING OF THIS DESCRIPTION, WHICH POINT IS THE INTERSECTION OF THE SOUTHWESTERN BOUNDARY OF DARLINGTON STREET AND THE NORTHWESTERN BOUNDARY OF S.R. 2; THENCE SOUTH 58 DEGREES 53 MINUTES 04 SECONDS WEST 20.00 FEET ALONG THE BOUNDARY OF SAID S.R. 2; THENCE NORTH 13 DEGREES 25 MINUTES 02 SECONDS EAST 28.05 FEET TO THE SOUTHWESTERN BOUNDARY OF DARLINGTON STREET; THENCE SOUTH 32 DEGREES 03 MINUTES 00 SECONDS EAST 20.00 FEET ALONG THE BOUNDARY OF SAID DARLINGTON STREET TO THE POINT OF BEGINNING AND CONTAINING 0.005 ACRES, MORE OR LESS.

PARCEL 2

THAT PART OF THE WEST HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 2 WEST, LAPORTE COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF THE CHICAGO ROAD (NOW CALLED STATE ROAD NO. 2) AND THE NORTH AND SOUTH LINE DIVIDING SAID SOUTHWEST QUARTER INTO EAST AND WEST HALVES; THENCE SOUTH 56 DEGREES WEST ALONG THE CENTER LINE OF THE CHICAGO ROAD A DISTANCE OF 12.19 FEET; THENCE NORTH 33 DEGREES 58 MINUTES 30 SECONDS WEST, A DISTANCE OF 33 FEET TO THE NORTHERLY SIDE OF SAID CHICAGO ROAD FOR A PLACE OF BEGINNING; THENCE CONTINUING SAME COURSE PARALLEL TO BURSON AVENUE IN THE CITY OF LAPORTE A DISTANCE OF 134 FEET; THENCE NORTH 56 DEGREES EAST A DISTANCE OF 115.32 FEET TO THE NORTH AND SOUTH CENTER LINE OF THE SOUTHWEST QUARTER OF AFORESAID SECTION 30; THENCE SOUTH 02 DEGREES 15 MINUTES EAST ALONG SAID LINE A DISTANCE OF 157.57 FEET TO THE NORTHERLY SIDE OF THE CHICAGO ROAD; THENCE SOUTH 56 DEGREES WEST ALONG THE NORTHERLY SIDE OF SAID ROAD A DISTANCE OF 32.57 FEET TO THE PLACE OF BEGINNING, CONTAINING 0.218 ACRES, MORE OR LESS.

#### PARCEL 3

A TRIANGULAR PIECE OF LAND OFF OF THE SOUTHWEST CORNER OF THE 20 ACRES OFF THE WEST SIDE OF THAT PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 2 WEST, IN LAPORTE COUNTY, INDIANA, THAT LIES NORTH OF THE HIGHWAY COMMONLY KNOWN AS THE CHICAGO ROAD, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE ABOVE DESCRIBED 20 ACRE TRACT; THENCE RUNNING NORTH 57 DEGREES 32 MINUTES EAST ALONG THE CENTER LINE OF THE CHICAGO ROAD, 78.8 FEET; THENCE ANGLE LEFT 82 DEGREES 12 MINUTES BEARING NORTH 24 DEGREES 40 MINUTES WEST, 173.6 FEET TO THE WEST LINE OF THE AFOREMENTIONED 20 ACRE TRACT; THENCE ANGLE LEFT 157 DEGREES 11 MINUTES BEARING SOUTH 01 DEGREE 51 MINUTES EAST, 200.2 FEET TO THE CENTER LINE OF THE CHICAGO ROAD AND PLACE OF BEGINNING, CONTAINING 0.16 ACRES, MORE OR LESS.

#### PARCEL 4

A PARCEL OF LAND SITUATE IN THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 2 WEST, LAPORTE COUNTY, INDIANA, NORTH OF STATE ROAD NO. 2, DESCRIBED AS FOLLOWS: STARTING AT AN AXLE MARKING THE SOUTHWEST CORNER OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 2 WEST, LAPORTE COUNTY, INDIANA; THENCE NORTH ALONG THE WEST LINE OF SAID SECTION, A DISTANCE OF 80.05 FEET TO A SPIKE ON THE CENTER LINE OF EAST LINCOLNWAY, ALSO KNOWN AS STATE ROAD NO. 2; THENCE NORTH 56 DEGREES 00 MINUTES EAST ALONG SAID CENTER LINE, A DISTANCE OF 1,149.05 FEET TO THE EASTERLY SIDE OF A PUBLIC STREET, EXTENDED; THENCE NORTH 34 DEGREES 00 MINUTES WEST ALONG SAID EASTERLY LINE, A DISTANCE OF 50 FEET TO THE NORTH RIGHT-OF-WAY LINE OF EAST LINCOLNWAY, ALSO KNOWN AS STATE ROAD NO. 2, SAID POINT BEING THE POINT OF BEGINNING OF A PARCEL OF LAND AS DESCRIBED IN DEED RECORD 340 PAGE 599; THENCE NORTH 56 DEGREES 00 MINUTES EAST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 503.95 FEET TO A BOLT FOR A POINT OF BEGINNING; THENCE NORTH 27 DEGREES 01 MINUTE WEST ALONG SAID EASTERLY LINE, A DISTANCE OF 117.86 FEET TO THE EAST SIDE OF THE WEST HALF OF THE SOUTHWEST QUARTER; THENCE NORTH 02 DEGREES 13 MINUTES 23 SECONDS WEST ALONG SAID LINE, A DISTANCE OF 118.35 FEET TO AN IRON PIN; THENCE SOUTH 27 DEGREES 01 MINUTE EAST A DISTANCE OF 219.22 FEET TO AN IRON PIN ON THE NORTH RIGHT-OF-WAY LINE OF EAST LINCOLNWAY, ALSO KNOWN AS STATE ROAD NO. 2; THENCE SOUTH 56 DEGREES 00 MINUTES WEST A DISTANCE OF 50 FEET ALONG SAID RIGHT OF WAY TO THE POINT OF BEGINNING, CONTAINING 0.192 ACRES, MORE OR LESS.





**ITEM 6. Zoning Text Amendment #23-01 Petition**

to Add Data Storage Facility to the List of Permitted Uses in the M1 and M2 Zoning Districts under Utilities and Add a Definition for Data Storage Facility to the 2017 City of La Porte Revised Joint Zoning Ordinance

**Type of Request:** Zoning Text Amendment

**Staff Report:** David Heinold

**APPLICANT**

Name – City of La Porte

**SUMMARY:** The City of La Porte is recommending to add Data Storage Facility to the list of permitted uses in the M1 Light Industrial and M2 Heavy Industrial Zoning Districts as well as a corresponding definition for Data Storage Facility to the 2017 City of La Porte Revised Joint Zoning Ordinance.

**CONCURRENCE:** The Zoning Ordinance allows for zoning text amendments following a public hearing, Plan Commission review and recommendation, and adoption by the City Common Council.

**STATEMENT OF COMPLIANCE:** Section 27.03 (c) of the 2017 City of La Porte Revised Joint Zoning Ordinance states that the Plan Commission has the authority to conduct hearings regarding changes to the zoning ordinance and the zoning maps upon its own or upon request of the City Common Council or other landowner petitioners; and to make recommendations to the City Common Council.

**STAFF ANALYSIS:**

The proposed zoning text amendment would allow Data Storage Facility as a permitted use in the M1 and M2 Zoning Districts. Data Storage Facilities involve similar activities and processes of many permitted land uses in the utilities category of both the M1 and M2 Zoning Districts. Staff finds that the proposed Zoning Text Amendment Petition to allow Data Storage Facility in the M1 and M2 Zoning Districts and to add a corresponding definition for Data Storage Facility is compatible with the list of permitted uses in the two industrial zoning districts within the City.

**STAFF RECOMMENDATION:**

Staff finds that the proposed zoning text amendment to add Data Storage Facility to the list of permitted uses in the M1 and M2 Zoning Districts under Utilities is consistent with the Countywide Comprehensive Land Development Plan. Staff recommends **approval** of the Zoning Text Amendment Petition #23-01 to amend Section 9.02 Uses to add Data Storage Facility to the list of permitted uses in the M1 Light Industrial and M2 Heavy Industrial Zoning Districts under Utilities and amend Section 31.05 to add a definition for Data Storage Facility.

**RESOLUTION NO. 2-2023**

La Porte City Plan Commission favorably recommends to the Common Council of the City of La Porte that a proposed Zoning Text Amendment that would add Data Storage Facility to the list of permitted uses under Utilities in the M1 Light Industrial District and M2 Heavy Industrial District; and add a definition for Data Storage Facility; and which would be an zoning text amendment as contained within the 2017 City of La Porte Revised Joint Zoning Ordinance as enacted August 21, 2017, which is part of Chapter 82 of the Municipal Code of the City of La Porte, which ordinance was prepared, and now approved, by the City of La Porte Plan Commission, be enacted by the Common Council.

The Plan Commission attorney is directed to certify the Plan Commission's recommendation to the Common Council of the City of La Porte and to furnish the Common Council with a copy of the proposed Ordinance amending the 2017 City of La Porte Revised Joint Zoning Ordinance as considered and approved by the Plan Commission.

Adopted this 11<sup>th</sup> day of October 2023.

CITY OF LAPORTE PLAN COMMISSION

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Miles Fettinger, Member

ATTEST:

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David Heinold, Assistant City Planner

PUBLIC NOTICE IS HEREBY GIVEN, that the City Plan Commission of the City of La Porte, Indiana, will conduct a public hearing on Wednesday, October 11, 2023, at 6:00 pm, central daylight time, in the City Council Chambers in the La Porte City Hall on a proposed amendment to The Zoning Ordinance of the City of La Porte, Indiana, as enacted August 21, 2017 and which is a part of Chapter 82 of the Municipal Code of the City of La Porte. The La Porte City Plan Commission is giving this notice pursuant to I.C. 36-7-4-604 (b) since these proposed amendments, if adopted would be amendment to the text of the Zoning Ordinance of the City of La Porte to be adopted pursuant to I.C. 36-7-4-607.

A summary of the proposed amendments are as follows:

1. **Amend Section 9.02 Uses – Add Data Storage Facility** to Section 9.02 Uses and in Table 9.02 Schedule of Permitted Uses as a Permitted Use in the M1 Light Industrial and M2 Heavy Industrial Zoning Districts under Utilities.

2. **Amend Section 31.05 Definitions “D” – Add Data Storage Facility.** *Facilities used primarily for the storage, generation, distribution, management, processing, and/or transmission of digital data, which contain computer, technological, or network equipment, systems, servers, appliances, and/or associated components related to such digital data storage, generation, distribution, management, processing and/or transmission, together with associated office, utility, and storage uses and together with any indoor and outdoor related infrastructure, including but not limited to substations, generators, antennas, utility poles and towers.*

Copies of this notice, which describes the proposed amendment, and also the proposed amendment, are on file with the Secretary of the La Porte City Plan Commission in the Engineering Department office on the lower level of the La Porte City Hall at 801 Michigan Avenue, La Porte, Indiana. Members of the general public may examine a copy of this notice and the proposed amendment during regular business hours on any weekday prior to the hearing.

Written objections to the proposed amendment that are filed with the Secretary of the La Porte City Plan Commission before the hearing will be considered. Oral comments concerning the same will be heard at the hearing. The hearing may be continued from time to time as may be found necessary.

At the conclusion of the public hearing the La Porte City Plan Commission will determine whether or not to recommend to the Common Council of the City of La Porte that the proposed amendment to the Zoning Ordinance of the City of La Porte, which is a part of Chapter 82 of the Municipal Code of the City of La Porte, be adopted. All interested persons are hereby given notice to attend this meeting.

LA PORTE CITY PLAN COMMISSION,  
La Porte, Indiana  
By: David Heinold, Secretary .

**ORDINANCE NO. 2 - 2023**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF  
THE CITY OF LA PORTE, INDIANA AS ENACTED AUGUST 21, 2017,  
WHICH IS A PART OF CHAPTER 82 OF THE MUNICIPAL CODE  
OF THE CITY OF LA PORTE BY AMENDING THE 2017 REVISED CITY OF LA  
PORTE JOINT ZONING ORDINANCE**

WHEREAS, the City Plan Commission of the City of La Porte has held a properly advertised public hearing on October 11, 2023 to determine whether or not it will recommend to the Common Council of the City of La Porte, Indiana that the zoning text amendment described below be adopted as an amendment to the 2017 City of La Porte Revised Joint Zoning Ordinance; and

WHEREAS, the City Plan Commission at this public hearing considered this matter required to be considered by I.C. 36-7-4-607; and

WHEREAS, it was the favorable recommendation of the City Plan Commission that The Zoning Ordinance of the City of La Porte, Indiana, as enacted August 21, 2017 and which is part of Chapter 82 of the Municipal Code of the City of La Porte should be amended as described below; and

WHEREAS, this Ordinance would be an amendment to the Zoning Ordinance of the City of La Porte as enacted August 21, 2017 and which is a part of Chapter 82 of the Municipal Code of the City of La Porte, Indiana.

NOW THEREFORE,

Be it, and it is hereby ordained by the Common Council of the City of La Porte, Indiana that the following described the City of La Porte, County of LaPorte, and State of Indiana, to-wit:

1. **Amend Section 9.02 Uses** – Add **Data Storage Facility** to Section 9.02 Uses and in Table 9.02 Schedule of Permitted Uses as a Permitted Use in the M1 Light Industrial and M2 Heavy Industrial Zoning Districts under Utilities.
2. **Amend Section 31.05 Definitions “D”** – Add **Data Storage Facility**. *Facilities used primarily for the storage, generation, distribution, management, processing, and/or transmission of digital data, which contain computer, technological, or network equipment, systems, servers, appliances, and/or associated components related to such digital data storage, generation, distribution, management, processing and/or transmission, together with associated office, utility, and storage uses and together with any indoor and outdoor related infrastructure, including but not limited to substations, generators, antennas, utility poles and towers.*

This Ordinance shall be in full force and effect from and after its passage, approval by Mayor and publication as required by law.

ADOPTED by the Common Council of the City of La Porte, Indiana, this 6<sup>th</sup> day of November, 2023.

\_\_\_\_\_  
Thomas Dermody, Mayor/Presiding Officer

ATTEST:

\_\_\_\_\_  
Courtney Parthun, Clerk/Treasurer

Presented by me to the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Courtney Parthun, Clerk/Treasurer

APPROVED by me this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Thomas Dermody, Mayor/ Presiding Officer

## David Heinold

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**From:** Nicholas Otis <ntotis@nlkj.com>  
**Sent:** Tuesday, September 19, 2023 4:55 PM  
**To:** Craig Phillips; David Heinold; Mark Worthley  
**Cc:** Bert Cook  
**Subject:** Addition to the Zoning Ordinance - Data Centers

**Caution:** This is an external email and has a suspicious subject or content. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department

Craig and/or David,

We are working on a potential project in the City that involves a data storage center. It would be located on land zoned M1. Right now our zoning ordinance doesn't have a definition for a data storage facility. As such, Nick Minich is writing a determination letter that it is an appropriate use in M1 based on existing uses. However, we would like to add data storage centers as an appropriate use for M1 and M2. Can this process be started at the next Plan Commission meeting? This would be the definition of a data storage facility:

**Data Storage Facility** – Facilities used primarily for the storage, generation, distribution, management, processing, and/or transmission of digital data, which contain computer, technological, or network equipment, systems, servers, appliances, and/or associated components related to such digital data storage, generation, distribution, management, processing and/or transmission, together with associated office, utility, and storage uses and together with any indoor and outdoor related infrastructure, including but not limited to substations, generators, antennas, utility poles and towers.

**Nicholas T. Otis**

Attorney



Newby Lewis Kaminski & Jones, LLP

916 Lincolnway  
La Porte, IN 46350  
T. (219) 362-1577  
F. (219) 362-2106  
[ntotis@nlkj.com](mailto:ntotis@nlkj.com)

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**RESOLUTION 3-2023**

WHEREAS, the members of The La Porte City Plan Commission have reviewed the Trails, Greenways, and Blueways Master Plan pursuant to I.C. 36-7-4-501, et seq; to determine whether the Trails, Greenways, and Blueways Master Plan should be adopted as an amendment to the Countywide Land Development Plan as adopted by the Common Council of the City of La Porte on May 5, 2008 as resolution R-07-2008 and recorded in the office of the La Porte County Recorder on May 22, 2008 as document no. 2008R-07-0642; and,

WHEREAS, the Plan Commission published notice in the La Porte Herald Dispatch on September 27, 2023, as required by I.C. 36-7-4-507(2), that the Plan Commission would conduct a public hearing on the Plan on October 11, 2023; and,

WHEREAS, the Plan Commission has now conducted a public hearing on the Trails, Greenways, and Blueways Master Plan and has determined to approve the Plan and to recommend to the Common Council of the City of La Porte that the Trails, Greenways, and Blueways Master Plan be adopted as an amendment to the Countywide Land Development Plan.

NOW, THEREFORE, BE IT RESOLVED that the Plan Commission of the City of La Porte, Indiana, does now approve the Trails, Greenways, and Blueways Master Plan and now certifies this plan to the Common Council and recommends that the Common Council of the City of La Porte adopt the Trails, Greenways, and Blueways Master Plan as an amendment to the Countywide Land Development Plan for La Porte County, Indiana as the Countywide Plan pertains to the City of La Porte.

BE IT FURTHER RESOLVED, that the attorney for the Plan Commission is now directed to forward a copy of this Resolution and a copy of the Trails, Greenways, and Blueways Master Plan to the Clerk/Treasurer of the City of La Porte for presentation to the Common Council of the City of La Porte for its consideration.

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

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Miles Fettinger, Member  
La Porte City Plan Commission

ATTEST:

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David Heinold, Secretary  
La Porte City Plan Commission

## David Heinold

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**From:** Todd Leeth <Todd@leeth.law>  
**Sent:** Friday, September 29, 2023 9:09 AM  
**To:** Craig Phillips; David Heinold; Bert Cook  
**Cc:** gregengstrom@hotmail.com; Kim Werner  
**Subject:** 2435 & 2437 Monroe Street  
**Attachments:** Additional Use + Conditions 2023-09-19 PD 2023-09-28.pdf

**Caution:** This is an external email and has a suspicious subject or content. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department

Here is a proposed list of variance uses and conditions to address concerns that we anticipated at our recent meeting. Please review and let me have your comments.

Also, on behalf of Great Development LLC, please treat Zone Map Change #23-02 Petition as withdrawn.

Thanks.



LEETH LAW LLC  
2700 Valparaiso St., #2412  
Valparaiso, Indiana 46384

**TODD A. LEETH**  
Attorney at Law

Phone: (219) 250-6501  
Email: todd@leeth.law

www.leeth.law

