



<b>City of La Porte Plan Commission Meeting Minutes</b>	
<b>Tuesday, July 9, 2024 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, July 9, 2024 at the hour of 6:00 PM, (“local time”) immediately upon conclusion of the City of La Porte Board of Zoning Appeals, 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 Jerry Jackson, President, at 6:00 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, Vice President	Mark Worthley, BZA Attorney
Councilman Drew Buchanan	Councilwoman Julie West	David Heinold, City Planner
Vickie Gushrowski		Craig Phillips, CDP Director
Miles Fettinger		Josette Schoof, Eng. Coord.

ITEM 3. Approval of Minutes: May 14, 2024 Meeting Minutes

Jerry Jackson called for any changes or corrections to the May 14, 2024 Meeting Minutes. There being no changes or corrections to the meeting minutes, Councilman Drew Buchanan made a motion to **approve the May 14, 2024 Meeting Minutes** and the motion was seconded by Miles Fettinger. The motion passed 4-0.

ITEM 4. **ZONING TEXT AMENDMENT #24-01 PETITION TO ADD TOBACCO STORE AND SMOKE SHOP & VAPE SHOP TO LIST OF PERMITTED USES AS A SPECIAL EXCEPTION USE IN THE B1 NEIGHBORHOOD COMMERCIAL DISTRICT, B2 GENERAL COMMERCIAL DISTRICT, CBD1 DOWNTOWN DISTRICT, AND CBD2 HAMLET DISTRICT; AND ADD DEFINITIONS FOR SMOKE SHOP, TOBACCO STORE, AND VAPE & SMOKE SHOP TO THE 2017 CITY OF LA PORTE REVISED JOINT ZONING ORDINANCE**

Petitioner: City of La Porte  
 Staff Report: David Heinold



**ITEM 4. Zoning Text Amendment #24-01 Petition**

to Add Tobacco Store and Smoke Shop & Vape Shop to List of Permitted Uses as a Special Exception Use in the B1 Neighborhood Commercial District, B2 General Commercial District, CBD1 Downtown District, and CBD2 Hamlet District; and Add Definitions for Smoke Shop, Tobacco Store, and Vape & Smoke Shop 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 Tobacco Store and Smoke Shop & Vape Shop to List of Permitted Uses as a Special Exception Use in the B1 Neighborhood Commercial District, B2 General Commercial District, CBD1 Downtown District, and CBD2 Hamlet District; and add Definitions for Smoke Shop, Tobacco Store, and Vape & Smoke Shop 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 Tobacco Store and Smoke Shop & Vape Shop as a special exception use in the B1, B2, CBD1, and CBD2 Zoning Districts. Currently, tobacco stores, smoke shops, and vape shops are permitted uses under Retail trade in each of the aforementioned zoning districts. Staff finds that the proposed Zoning Text Amendment Petition to add a special exception use for tobacco store and smoke shop & vape shop is compatible with the existing list of special exception uses in the B1, B2, CBD1, and CBD2 Zoning Districts. Indiana Code § 35-46-1-11.4 prohibits the operation of a tobacco or vaping business within 1,000 feet of a public or private elementary or secondary school. This measurement is taken between the nearest point of the business and the nearest point of a school building used for instruction. The law has applied to new businesses since July 1, 2020.

The proposed zoning text amendment to add Tobacco Store and Smoke Shop & Vape Shop as a special exception allows the City of La Porte Board of Zoning Appeals to review new business locations under Article 24 Special Exception Review Requirements and Procedures. The Special Exception Review by the City of La Porte Board of Zoning Appeals is an important process to identify and mitigate any

possible conflicts between sensitive land uses such as residential, educational institutions, and other similar uses where children regularly gather. City staff has provided analysis maps with the 1,000 foot buffer setback for sensitive land uses as regulated within the Indiana Code § 35-46-1-11.4 from the B1, B2, CBD1, and CBD2 Zoning Districts.

**STAFF RECOMMENDATION:**

Staff finds that the proposed zoning text amendment to add Tobacco Store and Smoke Shop & Vape Shop to Section 7.02 Uses and in Table 7.02 Schedule of Permitted Uses as a Special Exception Use in the B1 Neighborhood Commercial District and B2 General Commercial District under Retail trade; and to add Tobacco Store and Smoke Shop & Vape Shop to Section 8.02 Uses and in Table 8.02 Schedule of Permitted Uses as a Special Exception Use in the CBD1 Downtown District and CBD2 Hamlet District under Retail trade; and add Definitions for Smoke Shop, Tobacco Store, and Vape/Smoke Shop is consistent with the Countywide Comprehensive Land Development Plan. Staff recommends **approval** of the Zoning Text Amendment Petition #24-01 to amend the 2017 City of La Porte Revised Joint Zoning Ordinance to add Tobacco Store and Smoke Shop & Vape Shop to Section 7.02 Uses and in Table 7.02 Schedule of Permitted Uses as a Special Exception Use in the B1 Neighborhood Commercial District and B2 General Commercial District under Retail trade; and to add Tobacco Store and Smoke Shop & Vape Shop to Section 8.02 Uses and in Table 8.02 Schedule of Permitted Uses as a Special Exception Use in the CBD1 Downtown District and CBD2 Hamlet District under Retail trade; and amend Section 31.20, Section 31.21, and Section 31.23 to add a definition for Smoke Shop, Tobacco Store, and Vape/Smoke Shop.

**Applicant and Staff Presentation**

Jerry Jackson called for staff to explain the request.

David Heinold, City Planning, presented a brief summary of the staff report and recommendation for the zoning text amendment petition.

Jerry Jackson asked if the thousand-foot buffer was included in the zoning text amendment.

David Heinold explained that the current Indiana code 35-46-1-11.4 sets a thousand-foot buffer from mainly public facilities for smoke shops, vape shops, and tobacco stores.

Mark Worthley asked what the genesis of this request is.

David Heinold explained the City Council recommended to the City Planning Department for a zoning text amendment regarding smoke shops, vape shops, and tobacco shops. David explained the process to the Plan Commission to make a recommendation for changing the zoning ordinance.

**Public Testimony**

Jerry Jackson opened the meeting to public comment and called for public comments either for or against the zoning text amendment petition.

There being no further public comment, Jerry Jackson closed the floor to public comment.

**Board Discussion/Action**

Vickie Gushrowski made a motion for **favorable recommendation to approve the staff recommendation and findings of fact for Zoning Text Amendment #24-01 Petition to amend the 2017 City of La Porte Revised Joint Zoning Ordinance to add Tobacco Store and Smoke Shop & Vape Shop to Section 7.02 Uses and in Table 7.02 Schedule of Permitted Uses as a Special Exception Use in the B1 Neighborhood Commercial District and B2 General Commercial District under Retail trade; and to add Tobacco Store and Smoke Shop & Vape Shop to Section 8.02 Uses and in Table 8.02 Schedule of Permitted Uses as a Special Exception Use in the CBD1 Downtown District and CBD2 Hamlet District under Retail trade; and amend Section 31.20, Section 31.21, and Section 31.23 to add a definition for Smoke Shop, Tobacco Store, and Vape/Smoke Shop** and the motion was seconded by Miles Fettinger. The motion passed 4-0.

Yea Jerry Jackson      Yea Vickie Gushrowski      Absent Pete Saunders  
Yea Miles Fettinger      Yea Drew Buchanan      Absent Julie West

**Zoning Text Amendment #24-01 Petition – Favorable Recommendation**

**ITEM 5. PRELIMINARY PLAT #24-03 PETITION TO CREATE A TWENTY-SEVEN (27) LOT SUBDIVISION CALLED BAILEY PARK SUBDIVISION**

Petitioner: Steiner Homes Ltd.  
 Property Owner: same  
 Location: 400 West 18<sup>th</sup> Street  
 Staff Report: David Heinold



<b>ITEM 5. Preliminary Plat # 24-03 Petition</b> to Allow the Twenty-Seven (27) Lot Subdivision called Bailey Park Subdivision
<b>Type of Request:</b> Preliminary Plat
<b>Staff Report:</b> David Heinold

**APPLICANT**

Name – Steiner Homes Ltd.

**PROPERTY OWNER**

Name – same

**PREMISES AFFECTED**

Parcel Number - 46-10-11-226-010.000-061				
Actual/approximate address or location from major streets – 400 West 18 <sup>th</sup> Street				
Subdivision – Bailey Park			Lot Number(s) – Lots 1 thru 27	
Total Acreage – 5 acres		Flood Zone on Site? – no		
Zoning of Subject Property – R2A		Use of Subject Property – Residential townhomes		
Proposed Zoning – same as existing		Proposed Land Use – Attached Residential townhomes		
Zoning of Adjacent Properties	North: R3A/R1B	South: R1B	East: R1B	West: R1B
Land Use of Adjacent Properties	North: Residential	South: Residential	East: Residential	West: Residential

**SUMMARY:** The petitioner proposes to re-subdivide the existing lots into twenty-seven (27) lots to allow for the proposed attached residential townhome units on the approximately 5 acres.

**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 before making formal presentation of the final plat. 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.

**HISTORY OF SITE:** Per the site aerial image, the total area of the combination of the three (3) parcels is 5 acres and currently zoned in the R2A Townhouse Residential District. Currently, the property is a vacant residential site with two residential townhomes under construction on each parcel according to the 2017 City of La Porte Revised Joint Zoning Ordinance.

**SITE REVIEW FINDINGS:** Site Review comments from City Departments are attached.

**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. The intent of the R2A Townhouse Residential District is established to allow development of attached single family dwellings with common side walls. Section 5.03 Lot Area and Width Requirements shall be met for all lots with frontage along a public road or street. Section 5.03 d) states that the lot width requirement shall not apply to individual units within a development that have access by a private road system that is internal to the development. Section 5.03 (h) also requires that lots created for the purpose of single family detached or two family attached dwellings meet the building dimensional requirements of the R1D Single Family Residential District. The twenty-seven (27) lots within the proposed subdivision are only accessible by a private road system inside the attached residential townhome development; therefore, each of lots is not required to meet the minimum lot width and frontage requirements as specified in Section 5.03 of the 2017 City of La Porte Revised Joint Zoning Ordinance.

**STAFF ANALYSIS:**

Steiner Homes Ltd. submitted a Preliminary Plat for Plan Commission approval to allow a twenty-seven (27) lot subdivision in order to allow the proposed development of attached residential townhomes on the approximately 5 acres. The preliminary plat shows the layout of public right-of-ways and private road access for each of the attached residential townhome dwelling units in the proposed residential development. According to Section 82-516 of the Subdivision Ordinance, the public right-of-ways within the proposed development meet the minimum width requirements. The utility, stormwater, and access easements are all adequate according to City standards along Lots 1 through 27. The proposed subdivision is properly arranged for legal access to all lots described in the Preliminary Plat drawings, which allows for adequate provisions for traffic safety and access for fire protection as well as public utility coordination. The proposed subdivision lots meet the minimum building dimensional requirements set forth in Section 4.04 for development of attached residential townhomes.

**STAFF RECOMMENDATION:**

Staff finds that the proposed 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 #24-03 Petition to Allow the 27-Lot Bailey Park Subdivision.

Submitted to the City of La Porte Plan Commission on July 3<sup>rd</sup>, 2024.

## **Applicant Presentation**

Jerry Jackson called for applicant to explain the request.

Alonzo Garcia, with Great Lakes Engineering, explained the location of the Baily Park Subdivision and the sizes of the two parcels. Alonzo Garcia explained that one parcel is three acres, the second parcel is two acres consisting of five acres in total size and the two parcels are connected by an easement located on the south side of the parcels. Alonzo Garcia explained the proposed construction of the subdivision that will loop back to 18<sup>th</sup> Street and that it will be served by a retention pond located southwest of the property known as Torino Pond.

## **Public Testimony**

Jerry Jackson opened the meeting to public comment and called for public comments either for or against the preliminary plat.

There being no further public comment, Jerry Jackson closed the floor to public comment.

## **Staff Presentation**

David Heinold explained that R2A Residential District, Section 5.03 allows the development of attached single family dwellings with common sidewalks and that the lot width requirements shall be met for all lots with a front edge along a public road or street. David Heinold explained that Section 5.03D states that lot width requirement does not apply to individual units within a development that has a private road system that is internal to the development. David Heinold explained that Section 5.03H requires lots created for the purpose of single family detached or two family attached dwellings meet the building dimensional requirements of the R1D single family residential district. David explained the process to the Plan Commission to make a recommendation for approval of the preliminary plat.

## **Board Discussion/Action**

Jerry Jackson opened the meeting for Board Discussion.

Vickie Gushrowski asked where parking would be for the individuals who will live in the back units.

A gentleman representing Steiner Homes explained that there will be a horseshoe road all the way around and there will be front loaded garages, but they have not yet been designed.

Jerry Jackson if the city is going to be responsible for maintaining the horseshoe road.

Craig Philps explained that the access road will be dedicated to the city for maintenance.

Jerry Jackson asked if it would meet city standards.

Craig Phillips explained that utilities and roadways are designed to meet city specifications.

Miles Fettinger asked if the walkway would have interference with the construction.

Craig Phillips explained that it wouldn't because the development will fall behind the property lines.

Vickie Gushrowski asked how much yard space there will be between each unit.

Alonzo Garcia explained there will be a fifteen-foot setback for each unit, whether it's ten on one side and five on the other or seven in half on one side and seven in a half on the other side.

Councilman Drew Buchanan asked if the plan is to build several of them as spec or build as sold.

The Steiner Homes Representative explained that their plan is to start out with two or more upon approval and if they were to sell then he would be involved in the utility process.

Jerry Jackson mentioned that he has been involved in the utility process and he does not have any concerns regarding the sanitary sewars, water & storm drainage.

Vickie Gushrowski asked if the units will have basements.

The Steiner Homes Representative explained there will be crawlspaces and slabs, and they are considering basements. He explained that the first ones they have right now are crawlspaces.

Jerry Jackson asked when the first one was built and if there were any signs of water during excavation.

The Steiner Homes Representative explained that they did a couple of test digs and there was no water.

Drew Buchanan made a motion for **favorable recommendation to approve the staff recommendation and findings of fact for Preliminary Plat #24-03 Petition** and the motion was seconded by Vickie Gushrowski. The motion passed 4-0.

<u>Yea</u>	Jerry Jackson	<u>Yea</u>	Vickie Gushrowski	<u>Absent</u>	Pete Saunders
<u>Yea</u>	Miles Fettinger	<u>Yea</u>	Drew Buchanan	<u>Absent</u>	Julie West

### **Preliminary Plat #24-03 Petition – Favorable Recommendation**

#### ITEM 6. Old Business

There was no old business.

#### ITEM 7. New Business

A. Comprehensive and Transportation Plan Update - Craig reported that the City met with the consultant team made up of Rundell Ernsberger & Associates, Lochmueller Group, and Compass Point Solutions for a kickoff site tour. Craig explained that the consultant team will work on a schedule for public input in the coming months. He mentioned that the Plan will take approximately a year and a half to complete.

#### ITEM 8. Other Business

A. Public Comments on Non-Agenda Items

There was no public comment on non-agenda items.

#### ITEM 9. Adjournment

Vickie Gushrowski made a motion to **adjourn** and the motion was seconded by Councilman Drew Buchanan. A roll call vote was taken and the motion to **adjourn** passed 4-0. The meeting was **adjourned** at 6:20 pm.

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Jerry Jackson, President

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David Heinold, Secretary