



LAPORTE COUNTY PLAN COMMISSION

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ANNEMARIE POLAN
Building Commissioner

LA PORTE COUNTY PLAN COMMISSION MINUTES March 27, 2012

MEMBERS PRESENT: TONY HENDRICKS BARBARA HUSTON
 GENE JONAS GLEN MINICH
 JIM PRESSEL RITA BEATY KELLY
 GENE MATZAT

OTHERS PRESENT: Annemarie Polan, Recording Secretary, Doug Biege, attorney, Darlene Pavey, Secretary.

PLEDGE OF ALLEGIANCE

Barbara Huston asked if there were any additions or deletions to tonight's agenda.

Jim Pressel made a Motion to approve the agenda. Gene Matzat seconded.
All approved. Motion carried 7-0.

Barbara Huston asked for a Motion on the approval of the minutes of February 28, 2012.

Jim Pressel made a Motion to accept the minutes of February 28, 2012. Rita Beaty Kelly seconded.

All approved. Motion carried 7-0.

PETITIONS:

- 1. The Owner/Developer Holladay Properties** is requesting a primary approval for a Planned Unit Development to be known as Life Works Business Park and also to show the Plan commission the proposed exit road off this property. The proposed development will be located on approximately forty (40) acre parcel of land at the northeast corner of the intersection of Interstate 94 and US Highway 421 and Frontage Road, Michigan City, Indiana, Coolspring Twp. The development would consist of approximately twelve (12) develop uses; professional office, medical office, fitness and wellness establishments, restaurants and hotel.

Barbara Huston said that this evening we have a Petition and she has been informed by our new director that Holladay Properties is unable to join us this evening and she would like to entertain a Motion to table until next month.

Gene Jonas made a Motion to table Holladay Properties until next month. Jim Pressel seconded. All approved. Motion carried 7-0.

Barbara Huston told attorney Biege that she did have an e-mail from LouAnn Troxel today regarding her Petition she brought forward at the last meeting and she wanted to know what was being done. Barbara asked attorney Biege if he was going to check into that.

Attorney Biege said that he took a look at their notice and made some changes to it to make sure it was in compliance with Indiana Code and he e-mailed that to her. Attorney Biege said that she might not have received it or maybe it went through her trash. Attorney Biege said that he will make another attempt to send that to her. Attorney Biege said that he sent that to her approximately two weeks ago.

Attorney Biege said that the Commission also asked for suggestions as to how we proceed and frankly attorney Biege said that he doesn't have glowing ideas without encumbering county employees to a significant extent. Attorney Biege said that he knows Mitch Bishop called a couple of the county planners and Porter County hands this notice out to applicants when they are issued a building permit. Attorney Biege said that seems to be the trend. Attorney Biege said that there was some discussion about deed restrictions and those types of things and he absolutely doesn't think that is the way to go. Attorney Biege said that in his opinion he thinks that's going to create an imposition on private property rights and could perhaps open the county up to litigation. Attorney Biege said that goes more to a constitutional question.

Attorney Biege said that as far as suggestions for himself as to how it's distributed, attorney Biege said that he thinks that it ultimately the Commission's decision.

Barbara Huston told attorney Biege that in her e-mail to her today, she did not make mention of that so Barb said that she will e-mail her e-mail to tomorrow when she comes to work. Barb told attorney Biege that he also might have the wrong e-mail address.

Barbara Huston asked if there was any other new business that anyone wants to discuss.

Gene Matzat said that he might have mentioned that on March 5th they hosted an update that was done through Purdue Extension in cooperation with the Indiana Chapter of the American Plan Commission and basically they gave legislative updates from the State Legislature this year and not too much affects planning and zoning, as well as KK Gearhart & Fritz gave a good overview and history of planning and zoning in Indiana. Gene said that he has the URL for watching an archive version of that along with the handouts that are available for anybody to go to. Gene said that also at that website people can look at past topics that were discussed and information presented. Gene said that they will continue to have quarterly updates.

Barbara Huston asked if anyone else has anything they would like to discuss.

Old Business:

Attorney Biege said that he's meeting with the attorneys from the City of La Porte and the City of Michigan City this Friday afternoon and they're going to continue forward as we have been with our additions. Attorney Biege said that they have found some other problems with language that is not in compliance with Indiana Code. Attorney Biege said that they are moving forward on that.

Attorney Biege said that they are tentatively scheduling an executive session with the County Commissioners, Plan Commission and the Board of Zoning to discuss the Adult Entertainment issues in the county, specifically the first part of it will be a discussion of litigation and a challenge to the BZA's denial of the Petition for the Gentlemen's Club. Attorney Biege said that he suspects that will end and transition into a work shop type of discussion with regard to drafting and enacting a new statute having to do with adult entertainment businesses. Attorney Biege said that the tentative date is April 11th at 5:00 p.m. Attorney Biege said the reason he thinks it would be useful to have all three entities is because the Plan Commission needs to understand the process that we're going to have to go through if the Commission chooses to pass a new ordinance. Attorney Biege said that he thinks that we should pass a new ordinance because he questions what we have now. Attorney Biege said that he thinks there may be some constitutional challenges in the current code.

Attorney Biege said we talk about ordinances concerning sexually orientated businesses and you cannot restrict what it is they do necessarily, they have to address a time, place, manner and conduct. Attorney Biege said that is the four things we can talk about. Attorney Biege said that we can't talk about taste, or whether we want adult entertainment or not, because these are constitutional issues and first amendment issues. Attorney Biege said that when these ordinances are passed, generally the governmental entity has to look at negative secondary effects to adult orientated businesses as to crime, prostitution, drugs and those types of things. Attorney Biege said that you can't say "I don't like strip clubs", attorney Biege said that is not a valid reason under the first amendment.

Attorney Biege said that part of this process he expects will be if the elected officials are so inclined, will be to present evidence to the Plan Commission for the negative secondary affects. Attorney Biege said that the attorneys that are defending the first case were kind enough to send him "a box" of evidence that we will probably present. Attorney Biege said that these are mostly studies from other municipalities that have conducted studies, police department reports and studies and judicial opinions. Attorney Biege said that they are also exploring an expert witness to testify to the Plan Commission because there has to be some record to back up the passage of a new statute. Attorney Biege said that it is a lot more complicated than the past regular ordinance.

Attorney Biege said that he wanted to give the Plan Commission some reasoning as to why we think it would useful to have a joint work shop because he expects that if recommendations made to entertain a new statute, that evidence will come into here.

Rita Beaty Kelly asked attorney Biege if the executive session is going to be held here.

Attorney Biege said that it is tentative. Attorney Biege said that we've got a date and he thinks Reathel has cleared it with the County Commissioners and we will give official notification when we're good on everything.

Barbara Huston asked if there was any other business to come before the board this evening.

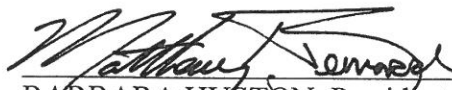
Annemarie Polan, Building Commissioner told the board that we have a permit fee schedule, which we don't usually change until the first meeting in January with the Plan Commission and since it's a joint ordinance, we're going to have to coincide with this, but we are really under on some of the things we have. Annemarie said that she has compared this with Starke County and Porter County. Annemarie said that on one we don't even have a category for an opened porch. Annemarie said this is something that is going to be coming down the line.

Barbara Huston asked if there were any comments from Board members.

Barbara Huston entertains a Motion to adjourn.

Jim Pressel made a Motion to Adjourn. Gene Jonas seconded. All approved. Motion carried 7-0.

There being no further business, meeting adjourned at 6:15 p.m.


~~BARBARA HUSTON, President~~
Matthew Bernacchi, Vice President


ANNEMARIE POLAN, Rec. Secretary