



# LAPORTE COUNTY PLAN COMMISSION

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**ANNEMARIE POLAN**  
Building Commissioner

## LA PORTE COUNTY PLAN COMMISSION MINUTES

March 22<sup>nd</sup>, 2016

MEMBERS PRESENT: Anthony Hendricks Mike Bohacek  
Glen Minich John Carr  
Rita Beaty Kelly Harold Parker

OTHERS PRESENT: Annemarie Polan, Recording Secretary, Doug Biege, Attorney, Dar Pavey, Secretary.

### PLEDGE OF ALLEGIANCE

### ROLL CALL

Anthony Hendricks asked Dar Pavey for roll call.

### APPROVAL OF AGENDA

Anthony Hendricks asked for a motion to approve the agenda as presented. Rita Beaty Kelly made a motion to approve as presented. Glen Minich seconded. All approved. Motion carried 6-0.

### APPROVAL OF MINUTES

Anthony Hendricks asked for a motion to approve the meeting minutes as presented. Mike Bohacek made a motion to approve as presented. Rita Beaty Kelly seconded. Motion carried 6-0.

Anthony Hendricks asked for Petition No. 1 this evening.

**1. The undersigned, IU Health La Porte Hospital, Inc.,** by counsel hereby respectfully submits to the Plan Commission of La Porte County, Indiana, pursuant to Article 25 of the Joint Zoning Ordinance of La Porte County an amended Plan for a Planned Unit Development in Coolspring Twp., La Porte County, Indiana ( "the Amended PUD Plan"). Applicant previously filed an application for approval of a prior version of this PUD, which application was approved by the Plan Commission. Since that time, applicant has made modifications to its plan which has required it to file this amended application. Applicant is seeking preliminary and final approval of this Amended PUD Plan. This

Plan Commission 3-22-2016-1

property is located at 7007 W. Johnson Road, Michigan City, IN, Coolspring Twp., zoned B2. (This matter was tabled from the January 26<sup>th</sup>, 2016 meeting to February 23<sup>rd</sup>, 2016). (Again tabled from the February 23<sup>rd</sup>, 2016 meeting to March 22<sup>nd</sup>, 2016.)

Attorney Biege said notice is adequate.

Good evening Mr. Hendricks, Mr. Bohacek and members of the Plan Commission. My name is Anthony Novak and I'm an attorney at Newby, Lewis, Kaminski and Jones. Tonight I'm here in front of you on behalf of the petitioner, IU Health La Porte Hospital. Here as well with me is Attorney Jim Kaminski from Newby, Lewis, Kaminski and Jones, Fonda Owens on behalf of the Library and Andy Mitchell who is here on behalf of MKM Architecture. If you have any questions tonight beyond what I can answer, they're available for your questions as well.

Attorney Novak said that we're seeking preliminary and final approval of an Amended PUD Plan as presented. Everyone here is probably getting familiar with this project as it's now the third time we've been in front of the Plan Commission over the past eleven (11) months. We were here last April seeking a rezone and it was rezoned B2. We were then here in October, specifically October 27<sup>th</sup>, and at that time we were seeking the original PUD application that was on file, and if you remember at that time, it was seeking three (3) phases, so we were seeking preliminary and final approval of the overall PUD and then final approval of phase one (1).

Attorney Novak said since we got the favorable recommendation in October, we have since had a smaller scope on this project, and as a result of the ordinance, if the overall project changes five (5%) percent, we have to submit an amended application in front of the Plan Commission.

As I just stated before, there was a three (3) phase PUD and this time we're now having a single phase PUD. Tonight we're asking for preliminary and final approval of this PUD as presented and we also have five (5) deviations from the ordinance that we're requesting. As stated before, the purpose of the PUD is to have innovation and use, and it allows for a variety of ownership, designed type, and characters of buildings and structures. Its purpose is to achieve the economy and efficiency use of land, and finally, there's an effort to be used to preserve significant natural and historical, architectural features and integrity of the surrounding land. It's our belief that this PUD meets that.

Attorney Novak said while this project is a little smaller in scope, the overall theme is the same, general wellness in the community. Previously this is the PUD that we had presented. As you can see there are four (4) buildings on here; a medical office building, a library, which is known as the community building at that time, a fitness center and a convention center. Since that time we've amended the PUD; it's a little smaller in scope, still retaining the medical office building and the library. The medical office building here will have primary care physicians and providers, as well as after hour care for walk-in services and offering basic medical care.

As for the library that is going to be constructed, I made mention previously that was called the community center as there was a preliminary agreement between the hospital and the library at that time. That agreement has been finalized. Fonda Owens is here on behalf of the library and

she is happy to announce that the Coolspring Branch is now going to be relocated to the area of Physician's Village.

As required under the PUD ordinance, we have to check with five (5) agencies to see if they approve the PUD. That was MS4, the Fire Department, County Engineer, Highway and Health Department. We have checked with all five (5) agencies and all five (5) agencies have approved of their plan as presented.

Finally as I stated, we're seeking five (5) variances from the PUD, four (4) are the same as last time and one is a new addition. I will go through these briefly.

1. There is a required green belt, which requires that there should be a twenty (20') foot space between the roadway, and that trees should be planted. The ordinance requires that we plant new trees; there are current trees that are already planted there. To keep the intent of the PUD, we're asking to leave those trees, rather than plant new trees.

2. There should be a twenty (20') foot buffer zone between any residential lot line and that twenty (20') foot buffer should have trees planted. Again, there are trees currently there and it's our intent to keep the natural layout of the land intact. If in the future ever those trees are removed, we do have a twenty (20') foot green space open that we've already reserved so that we can plant trees in the future if that would need be.

3. The third variance that we're seeking is a minimum setback from the stream (Wolf Creek), it's supposed to be at least seventy-five (75') feet away. At one point we get within forty-five (45') feet and we ask for a variance only in that specific area.

4. The fourth variance that we seek is the planting of bushes. The ordinance requires bushes to be planted from a roadway within about twenty (20') feet. The parking lot is a little farther than twenty (20') feet and we would like to have the plants planted closer to the parking lot.

5. The fifth additional variance that we're requesting tonight, is a building setback. In B2 zoning, buildings should be setback at least twenty-five (25') feet from the front yard and the rear yard. The setbacks that we're requesting here is for the library. Pursuant to the contract between the hospital and the library, the library will be getting fee simple to the footprint, plus an additional five (5') feet, so we're obviously seeking a variance for that five (5') feet. It's not planned to build a building right next to it, but because of that contract that is the final variance that we're requesting in addition to the four (4) we requested back in October.

In conclusion we're here tonight asking for preliminary and final approval of this Amended PUD Plan. In addition to preliminary and final approval, we do ask for approval of the five (5) variances that we've requested and a seek a favorable recommendation so that we can go in front of the County Commissioners.

Anthony Hendricks asked if there are any questions from the board.

Harold Parker asked attorney Novak if they're not building by that stream, why can't you set it back.

Attorney Novak said that there is a minimum setback from where you can build and then you have to be at least seventy-five (75') feet away from the stream.

Harold Parker told Attorney Novak that they aren't going to build there.

Attorney Novak said that he's sorry that he didn't clarify this earlier. We're also building a walking path that goes all around the property. That walking path is also in line with promoting general wellness. It's that walking path that gets within seventy-five (75') feet at one point.

Mike Bohacek asked attorney Novak on his map he sees one spot, which gets kind of close. How much of that walking path is encroaching on that seventy-five (75') feet?

Attorney Novak said that it would be his understanding that --- from his talks with the engineer, I think it's towards the outer aspect of it -- he thinks it's that forty-five (45') feet, so it's about thirty (30') feet in from that high water mark, but he doesn't know for sure.

Mike Bohacek asked if the walking path is asphalt, concrete, or gravel. What is it?

Attorney Novak said that it's six (6') foot asphalt.

Mike Bohacek asked if there is any way to move just the outside of that seventy-five (75') feet?

Attorney Novak said that is how it's currently designed. If it needed to be moved, we could speak with the engineers and see if it could be done, but that is how it's presented and that's how it was approved at least in October. We haven't changed it since then.

Mike Bohacek told attorney Novak that it may be kind of a question that gets asked at the Commission meeting, so you maybe want to be prepared for that.

Attorney Novak said certainly.

Anthony Hendricks asked if there are any other questions from the board.

Rita Beaty Kelly asked attorney Novak if there is any anticipated growth on the other side where you moved the PUD over.

Attorney Novak said that growth is certainly possible. I can at least tell you as it's presented, this is what the plans are, going forward, but as we've seen before, there is change that happens. So at least as what is presented and what the ordinance allows us to do to commence construction within the appropriate time, this is what we know for certain.

Anthony Hendricks asked if there are any other questions.

Harold Parker said that he's wondering about that library stuff. What's that?

Attorney Novak said that buildings within a B2 zoning require minimum setbacks from lot lines. The ones here I believe are twenty-five (25') feet from the rear and from the side. Pursuant to the agreement between the hospital and the library, since it's the hospital's property, they're conveying fee simple – they're actually giving that piece of property to the library. The footprint of that building, plus five (5') feet around there. We're asking for a setback since they only get five (5') feet and that the building setback is only five (5') feet from that property line, as opposed to twenty-five (25') feet.

Anthony Hendricks said that it's kind of a lot by itself, which won't meet the twenty (20') foot setback.

Attorney Novak said that's correct.

Harold Parker asked Anthony Hendricks if that's okay.

Anthony Hendricks stated yes. It's like a condominium kind of thing that they have to fee simple own so they can take care of financial arrangements on the ground.

Anthony Hendricks asked if there are any other questions.

Mike Bohacek asked what the expectations are for phase 2 or 3, or is this a single phase and then back before us for 2, 3 and 4.

Attorney Kaminski said if he could speak to that. The CHS was acquired in La Porte Hospital. There are a variety of different properties involved in the transaction and CHS had a commitment right-a-way; it made sense to them to first of allow the library project to still go forward, as well as build the medical office building. Frankly just out of transparency sake, they want to have a longer plex-strategic plan for La Porte Hospital's real estate projects in the future, analyze it before it makes a decision on future building on the site. So that's why the project was scaled back some on this PUD with respect to the fitness center and convention center. Could it happen in the future where we might be coming in front on an amended PUD Plan, possibly.

Mike Bohacek said that in the event that some additional development is proposed later on, you would amend to this PUD so you would be back before us again if there are any other disruptions or building in the other remaining parts of the property.

Attorney Kaminski said that's correct. Attorney Kaminski said that there were slight movements on these buildings, which also lead to this site plan that looked a little different when they first ---

Mike Bohacek said that it scaled back significantly since the last time he saw it.

Attorney Kaminski said and that's why just to be honest with you.

Mike Bohacek said that as long as we know that if there is going to be any modification or additional development, you would be back before the board.

Anthony Hendricks asked if there are any other questions from the board.

Anthony Hendricks asked attorney Biege if the board so chooses to grant the variance for the twenty (20') foot with the walking path, that doesn't open us up for approval putting a building in that area. What we see now is what we get. It's a walking path with twenty (20') foot.

Attorney Biege said that would remain a walking path only.

Mike Bohacek said that in the event that they would want to put a building in that space, we could always ask for a modification of that walking path, or whatever else that we felt was necessary to protect the area around the stream.

Attorney Biege said yes.

Anthony Hendricks asked if there are any other questions of the board.

Glen Minich said to him it makes sense with the walking path. The walking path isn't going to be flood damaged. It's not going to hurt anything and it leaves them more room for future expansion.

Anthony Hendricks said that this is just a creek right now with no regulations or control on it from the drainage board.

Anthony Hendricks said with that we'll leave the floor open for any remonstrators for or against the petition.

Anthony Hendricks asked if there are any other questions from the board.

Anthony Hendricks asked if there is motion for favorable – non- favorable.

Mike Bohacek said that he will make a motion that we grant the favorable opinion based on the Amended PUD Application.

Rita Beaty Kelly seconded.

Anthony Hendricks asked if that includes all variances asked for.

Mike Bohacek stated yes.

Anthony Hendricks asked if there are any questions on the motion.

Anthony Hendricks said that it's a favorable recommendation to the Commissioners for the Plan Unit Development revision with all the variances set forth.

All approved. Motion carried 6-0.

**2. Comes Now Trace Ostergren and Laura Ostergren** to submit to the La Porte County Plan Commission their Request for rezoning of Parcel Number 46606176002000062. This

Plan Commission 3-22-2016-6



property is currently zoned R1B and requesting that it be rezoned to B3. The adjacent parcel to the north is currently zoned B3 and the hospitality business operation conducted at the location operated on both of these two parcels, which are both owned by Laura Ostergren. Said property is commonly referred to as 5888 N. HWY 35, Michigan City, Springfield Twp., zoned R1B on 40.141 acres. Furthermore, this parcel is included with the Countywide Land Development Plan to be rezoned B3 and implemented in May, 2016.

Attorney Biege said notice is adequate.

Attorney Biege said that he wants to remind the board that this is a parcel that we had already planned on changing what they're requesting with the zoning map changes. The County independently made this decision that the zoning would be better. They're asking for a quicker time line because obviously we've been reviewing this for quite a while.

Anthony Hendricks asked for name and address.

Trace Ostergren, 15 Oak Drive, La Porte, Indiana.

Mr. Ostergren said that he's here today just as you read from the notice that I'm asking to rezone the parcel number listed from what is currently R1B to B3. Much of that based on the fact that it's part of the countywide land development plan to be rezoned to B3. Mr. Ostergren said that he doesn't feel that there is much for me to say due to you already planning on this being rezoned. I'm just asking to do it now due to a time table he's on with projects.

Anthony Hendricks asked if there are any questions from the board.

Mike Bohacek asked Mitch Bishop, County Planner to give us some direction on this.

Mitch Bishop said that we had a map committee probably a year and a half ago and at that time, we went through the entire zoning maps and made decisions on over two-hundred different parcels. Mr. Ostergren's parcel are a couple that we have and was recommended that it would be B3 when we make changes. Mitch said that this is exactly what we're going to change it too.

Anthony Hendricks asked if there are any more questions from the board.

Anthony Hendricks said that he will entertain a motion from the board.

Mike Bohacek made a motion to grant the petition. Rita Beaty Kelly seconded.

Anthony Hendricks asked if there are any other questions from the board.

All approved. Motion carried 6-0.

Anthony Hendricks asked for old business.

Attorney Biege said that he's happy to report we finally have what we believe is the final draft on the proposed zoning changes. Mitch was kind enough to put it on line for the public so the public can review. Attorney Biege said that he would hold a public hearing next month for any comments, or proposals from the public and we can take a vote and send it up to the Commissioners.

Mike Bohacek asked if that is before this meeting, after this meeting, or during the meeting?

Attorney Biege said board's pleasure. Attorney Biege said that he would suggest when we were in this before, we had a lot more interest in it because it was the initial passing, so we had a lot of people, so we set it for a separate night. I don't know if we're going to have that many people on these changes. Most of them are mostly administrative and not a lot of subsequent changes.

Anthony Hendricks asked if there is anything on the agenda so far for next month.

Dar Pavey stated no.

Mike Bohacek said that he will make a motion to schedule this concurrent with the regular meeting.

Attorney Biege said that we will advertise. Once again for the public, it's on line.

Mitch Bishop said it's on La Porte County Website Site [www.laportecounty.org](http://www.laportecounty.org). Mitch said it's on the home page of laportecounty.org. On the left side of the page under new business. Mitch said that there is actually a link to this on the left side of the page.

Anthony Hendricks said that Michigan City's was in the paper that they're doing revisions to theirs.

Mitch Bishop said that Michigan City was mostly signage – some of the business signs downtown they're looking at, but with those changes they're going to make us aware in La Porte County, himself and Annemarie of their changes so it all comes together in one book.

Mike Bohacek asked Mitch if he's been speaking with the cities as well, because the normal purpose of harmonizing the zoning with the cities was not to have these conflicting uses.

Mitch Bishop said that he sees a lot of those suggestions that are in that book was meetings he had with the other planners. Mitch said that we sat together and about thirty different suggestions and five different pages of suggestions. That's all reflected in the books and it's going to reflect in the cities as well, however the cities have since then tweaked some different areas of that and he thinks that one is related to signage.

Mike Bohacek said that it's a living document and it's supposed to change.

Mitch Bishop said that next Monday he has a meeting with Craig Phillips.

Attorney Biege asked Mitch if the maps are on line with this.

Mitch Bishop said the maps he didn't get on line, but he will this week.



Anthony Hendricks asked if the maps going are documents like the pds?

Mitch Bishop said pds.

Attorney Biege said that the public hearing is a time --- that's your opportunity after you review the code to make suggestions for changes or amendments to the code, with specificity please.

Anthony Hendricks said that you can e-mail Annemarie, or Mitch Bishop.

Attorney Biege said and himself.

Rita Beaty Kelly said that on the website it's under the updated La Porte County Joint Zoning Ordinance revisions for public hearing in 2016.

Anthony Hendricks said that after the meeting next month, what happens after that?

Attorney Biege said after that the board --- let's see how many suggestions we have, because again we have over one-hundred and forty changes here. Let's see what, if any suggestions, we have for changes, and then the Plan Commission itself can make changes, or vote to accept as it is. I think it's going to depend on how many suggestions we have, or proposed changes as to whether the Plan Commission is comfortable voting for it that night, or if we're going push it over to the next month for review for proposed additional changes.

Anthony Hendricks said after that, it goes to the Commissioners.

Attorney Biege said obviously we have put a lot of time into these changes and the Plan Commission reviews, but the final word is the Commissioners. When it goes to the Commissioners, they can make changes and that's it. That's what's going to pass.

Anthony Hendricks said that there is a meeting next month on April 26<sup>th</sup> at 6:00 here. The revisions and the changes are on line available and we accept any suggestions, changes, specific references. We will go over that at the public hearing and decide what, if any, changes, and forward to the Commissioners.

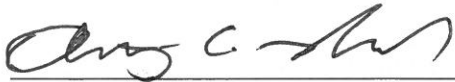
Anthony Hendricks asked if the board has any other comments on that issue.

Anthony Hendricks asked if there is any new business.

Rita Beaty Kelly made a motion to adjourn. Mike Bohacek seconded.

All approved. Motion carried 6-0.

There being no further business before the Plan Commission this evening, meeting adjourned at 6:25 p.m.



ANTHONY HENDRICKS, President



ANNEMARIE POLAN, Rec. Secretary