



LAPORTE COUNTY BOARD OF ZONING APPEALS

Government Complex 5th Level
809 State Street, Suite 503 A
LaPorte, Indiana 46350-3391
(219) 326-6808 Ext. 2591, 2563 & 2221
Fax: (219) 326-5564
January 19, 2016

ANNEMARIE POLAN
Building Commissioner

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **January 19th, 2016, at 6:00 p.m.** in the Assembly Room of the County Complex.

MEMBERS PRESENT: Melissa Mullins Mischke Dwayne Hogan
 Wally Pritz Glen Minich
 Candice Nelson

PRESENT: Annemarie Polan, Recording Secretary, Attorney Doug Biege; Darlene Pavey, Secretary

The Pledge of Allegiance.

ELECTIONS

Dwayne Hogan said that he will entertain a Motion for President.

Candice Nelson said that Dwayne Hogan has helped her so much and she will make a Motion to nominate Dwayne Hogan as the La Porte County Board of Zoning President.

Wally Pritz seconded.

Dwayne Hogan thanked Candice and asked if there are any other nominations for President.

Hearing none. All approved. Motion carried 5-0.

Dwayne Hogan said that he will entertain a Motion for Vice President.

Glen Minich made a Motion to nominate Melissa Mullins Mischke as Vice President.

Candice Nelson and Dwayne Hogan seconded.

All approved. Motion carried 5-0.

APPROVAL OF MINUTES:

Dwayne Hogan asked for approval of the meeting minutes of December 15th, 2015.

Candice Nelson made a Motion to approve the meeting minutes of December 15th, 2015. Wally Pritz seconded.

All approved. Motion carried 5-0.

1. The Petition for County Information Services, LLC, a Delaware limited liability company (Lessee) for a Special Exception to erect two communications towers as one facility to conduct investigational research of high frequency signals within two miles of an existing tower and a **Use Variance** for the unique nature of this facility, there will not be the availability for other carriers to co-locate on this facility. This property is located at 8388 W. 1050 S., Wanatah, IN., Clinton Twp., zoned Agricultural on 160 acres of land.

Attorney Biege said Notice is still adequate since we continued this from a previous meeting. Attorney Biege said that we did ask County Information Services to provide two studies, one having to do with the interference in the surrounding area and they have been distributed to board members and one filed with Building Commissioner's Office indicating there would be no interference and secondly, they cooperated in funding a study with regards to any potential health hazards. Attorney Biege said that there is no indication of any health hazards.

Dwayne Hogan asked for name and address for the record.

Paul Neuner, 2141 Schnook Trail, Maitland, Florida.

Dwayne Hogan asked Mr. Neuner if there is anything else that he would like to add.

Mr. Neuner said that he has attorney Deahl here that is also going to help represent.

Dwayne Hogan asked for name and address for the record.

Richard Deahl said that he's an attorney with Barnes & Thornburg, with offices at 100 North Michigan Street in South Bend, Indiana.

Attorney Deahl said that he's pleased to appear on behalf of County Information Services, LLC. Attorney Deahl said that they appreciate the invitation to come back and he knows that the Board will recall there was a presentation made and a request made in the October meeting related to the request being made.

Attorney Deahl said that as the board is aware, there is to be a fenced perimeter a little over two acres within a 160 acre Ag. field owned by the Hagenows'.

Attorney Deahl said that he thinks Paul also mentioned, as far as County Information Services process, they needed to seek permission and receive a construction permit and operating license from the FCC in order to erect and operate a tower such as this. Attorney Deahl said that as the

board is aware under Federal Law, that has been adopted by the FCC and the FCC has to investigate whether any transmitting characteristics of a site could result in any public health or safety issues and when the FCC issues a license, that is a stamp of its conclusion, and based on its investigation according to maximum permissible exposure that there is no issue.

Attorney Deahl said that in addition to that, he thinks Paul mentioned as well, that there is another concern that was raised as related to interference. Attorney Deahl said that one of the rules under the regulations for licensure is if a company or transmitter operate is operating within a permitted frequency and that causes and interference with another established, they must cease. Attorney Deahl said that in this case if the CIS would be operating within one of the frequencies that was permitted, or licensed to use in that frequency, they would have to stop.

Attorney Deahl said that in addition to the Federal Regulatory Structure, he knows that the board is aware that County Information Services agreed to pay of an independent study to be delivered directly to the County Board for consideration. Attorney Deahl said that he thinks the board received both of the studies from RSI, Inc., which is a safety study, as well as a study from Site-Safe, which is an interference study. Attorney Deahl said they would like those to be introduced into evidence as exhibits.

Dwayne Hogan said so entered.

Attorney Deahl said that they did however recommend that after this site, if we have a favorable recommendation from the board, they have recommended that RSI, or another safety related firm conduct further studies just to ensure as operated that the site also poses no public health or safety issues. Attorney Deahl said County Information Services are certainly willing to and intend to engage RSI to do a post operation study as well.

Attorney Deahl said like RSI, Site-Safe entity is a national very well-known firm in the industry that produced the study on the interference, and said that in their conclusion they indicate that based on their analysis and operating frequencies and powers of the proposed site, there was no indication that harmful interference with GPS, other communications systems, or household electronics will occur.

Attorney Deahl said that they would certainly invite any questions, or concerns.

Dwayne Hogan asked attorney Biege if he sees anything else in his site.

Attorney Biege stated no.

Dwayne Hogan asked if there are any questions, comments, or concerns of the board.

Melissa Mullins Mischke told attorney Deahl that he mentioned continued use of the site. Melissa asked if it's intended to go up for a period of time, have your testing, get the information

that you need, will it then return to Ag land, or are we going to continue to use this site for the rest of the property.

Attorney Deahl said that the license has been granted by the FCC as a five year license, so they would intend to utilize the site during the period of that license, after which time it would be contingent what the FCC would authorize continued use for a permanent license. Attorney Deahl said that ideally if the FCC were to issue a commercial license and the research prove beneficial, then there would be an intent to utilize it for more than five years, but it would be at a minimum through the five year licensure period.

Dwayne Hogan asked if there are any questions, or concerns.

Dwayne Hogan asked if there are any remonstrators here this evening.

REMONSTRATORS:

Kim Land, 9984 S. 700 W., Union Mills, Indiana.

Kristi Richards, 1002 S. 700 W., Union Mills, Indiana.

Kim Land said first of all she would like to thank the Board of Zoning Appeals for their consideration of the concerns expressed by the remonstrators at the October 20th, 2015 meeting and for the board's decision to hire a professional engineer.

Ms. Land said that she would briefly like to follow up on a question that was asked by one of the board members that she was unable to answer at that time.

Ms. Land said that the source of that article was the national association for amateur radio. Ms. Land said that first of all she has kind of changed gears from what she planned to say based on what she's just heard. Ms. Land said that she is a bit confused because when she called this morning to ask if the study was completed she was told that it was and the lady offered to send nine pages to her on the interference study, but tonight, it has been mentioned by the gentleman that there were actually two studies, one dealing with interference and the other health and they don't have that.

Ms. Land said based on the fact that they don't have this other study, she would like to use her time to focus on the concerns that have to do with the details of this project. Ms. Land said the very first being that the company and their clients have changed from a one to two year experiment research study to wanting to perhaps carry this on and make it a permanent tower, for five years and beyond.

Ms. Land said that she has no specific reason to assume that the company would not follow through by taking the facility down, however things have changed already before it's even approved. Ms. Land said that it would seem pertinent in the matter of assurance is the ten thousand dollar surety bond, which one local attorney has described as "pitifully low". Ms. Land

said that if this facility is going to take fifteen to eighteen months to construct, how could it possibly be taken down for ten thousand dollars.

Ms. Land said that it would seem pertinent to have a time limit on this process, as well as to specify what the usage will be limited to. Ms. Land said that on the same topic of construction and removal of the facility, it also should be clear on the terms that there will be no night work, no big lights at night and no use of the road for over loaded vehicles without additional bonds in place.

Ms. Land asked what guarantee do they have as neighbors that this facility will only operate in the high frequency band between fourteen and twenty-one megahertz as their 2015 FCC license provides and is the Site-Safe a RF interference study suggest. In other words, what if this companies' client would decide after the experiment is completed that they don't want to take the facility down.

Ms. Land said that her question to the BZA was can you educate her would that type of additional use down the road violate the BZA approval if they were to grant one. Ms. Land said that if the answer is no, and the BZA does plan on approving this, could it be made very clear in the approval that the usage for this facility is limited to the original proposal that was made to the county last year and to the 2015 FCC licensing.

Ms. Land said that it's their hope that if the BZA approves this it would have the following restrictions.

1. That the usage of the proposed Hagenow facility would be limited to that previously described by the LLC to the county and limited to a period of two years.
2. That the usage of the facility would be limited to the specs in the original 2015 FCC licensing including the fourteen to twenty-one megahertz frequency.
3. Additional bonding for removal of the facility as deemed appropriate by the BZA.
4. Additional bonding for protection for the county roads as deems appropriate by the BZA.
5. No overnight work and no huge bangs of light at night.

Dwayne Hogan asked if there are any other remonstrators here tonight for, or against, this petition.

Kristi Richards said that she would just echo what her sister said.

Attorney Deahl said that they can provide a few assurances. Attorney Deahl said that the FCC license is a five year license and without any FCC permitting, they cannot operate the site longer than five years.

Attorney Deahl said that the FCC has permitted the utilization of the frequency in the license only. Attorney Deahl said that they can't stray outside of those frequencies at any time and they will provide the board assurance that they will not.

Attorney Deahl said that he knows that with respect to the construction, we do have Paul who can speak on the construction, but there will be absolutely no evening or overnight construction activity on site. With respect to the bond that is in place, he knows that AW solutions and County Information Services followed the zoning ordinance and the ordinance in place with respect to bonding limits to ensure proper removal.

Attorney Deahl said that they appreciate the board's consideration and they will answer any specific questions the board may have.

Attorney Biege said that he can address a couple concerns of the remonstrators. Attorney Biege said that a Special Exception can be granted for a period of time, and we could give them a time period of five years and the board could require reapplication if there is a request that the facility would become permanent. Attorney Biege said that he would suggest if the board decides to go that way, track it with the FCC license and that way the time lines are consistent.

Attorney Biege said with regards to specifications whether or not they're going to follow the broadcast perimeter, that's an FCC issue not the BZA issue. Attorney Biege said that on the bonding, he doesn't know what lawyer Ms. Land talked to, but he does demolitions all the time and a ten thousand dollar is plenty. Attorney Biege said in regards to county roads, BZA doesn't have authority to pull a bond on county roads. Either they follow the law, or they don't and they will be ticketed and fined.

Attorney Biege said if the board choose to go that way they can impose limitations and requirements.

Glen Minich said that they're constructing two towers because of the nature of the facility. Glen said if the experiment works and it looks like this is going to be something that is going to be effective, it has to be on an independent tower, other than a cell tower. Glen said certainly after that point, you would only expect to have one tower.

Attorney Deahl said that per AW solutions he believes that it is a single facility composed of two towers for its use.

Dwayne Hogan asked if it is independent towers.

Mr. Neuner said that two towers are needed to hold the antennas.

Board members going over the site plan.

Glen Minich said that he wanted to say to the board and to the people that they weren't given the one study that was done by the safety company. Glen said that he thought that one thing that might be handy was to perhaps provide some informational signage at the facility because there

is still a chance for interference. Glen said he thought it would be a good idea putting signage up stating that fact so that if anybody ever had a problem with GPS or radio waves that are being blocked and this could be a cause, there is a way to eliminate that problem.

Attorney Deahl said that he knows County Information Services is a company that will be monitoring this on a day to day basis. Attorney Deahl said the QW solutions is happy to provide signage with contact information.

Dwayne Hogan asked if there are any other questions, or concerns from the board.

Dwayne Hogan asked the pleasure of the board.

Candice Nelson made a Motion that we approve the petition for County Information Services, LLS to construct two communications towers as one facility to conduct investigational research on the property located at 8399 W. 1050 South, Wanatah, IN, Clinton Twp., zoned Agricultural on one-hundred sixty acres of land with the stipulations if they are going to keep the tower after five years they have to come back and reapply with the FCC license tracking; no overnight work and information of signage regarding interference.

Wally Pritz seconded.

Dwayne Hogan asked if there are any questions, comments, or concerns.

Voting Aye: Dwayne Hogan, Wally Pritz, Candice Nelson and Glen Minich.

Voting Nay: Melissa Mullins Mischke

Motion carried 4-1.

2. The Petition for a Use Variance for Nikolas Barnhart to use a portion of an existing pole barn (25'x52') for an auto refinishing business on two (2) acres of land. This property is located at 4489 S. 300 E., La Porte, IN, Washington Twp., zoned Agriculture.

Dwayne Hogan asked for legal work for the attorney.

Mr. Barnhart said that he is just here to renew.

Dwayne Hogan asked for name and address for the record.

Nick Barnhart, 4489 S. 300 E., La Porte.

Dwayne Hogan asked Mr. Barnhart the reason why the board asked him to come back.

Mr. Barnhart said basically because it's a residential area and he runs a paint shop and also to see if there has been any complaints.

Dwayne Hogan asked if there are any remonstrators here for Petition #2.

Dwayne Hogan asked if there are any questions, or concerns from the board.

Candice Nelson asked Annemarie if there has been any complaints.

Annemarie Polan, Building Commissioner, said that there has not been any complaints and when she went out there it was as neat as a whistle.

Dwayne Hogan said he will entertain a motion.

Melissa Mullins Mischke said that she will make a motion for the use variance for Nicholas Barnhart to use the portion of his existing pole barn for an auto refinishing business on two acres of land be continued. The property is located at 4489 S. 300 E., La Porte, zoned Agriculture with the same hours of operation and signage that was approved previously.

Mr. Barnhart asked if that would be for another year like last time.

Melissa Mullins Mischke said she is just going to make the motion to grant it this time.

Candice Nelson seconded.

Dwayne Hogan asked for questions, comments, or concerns.

All approved. Motion carried 5-0.

3. The Petition from Developmental Standards for William E. Jr. & Beverly A. Martin for a rear setback and second story addition to the existing home. This property is located at 7634 N. Kankakee Trail, Rolling Prairie, IN, Galena Twp., zoned R1B.

Annemarie Polan, Building Commissioner, said before you hear this petition there are a few aspects of the case that the board needs to know.

Annemarie Polan said back in June of 2015, the architect for the project was e-mailing a person on staff asking questions about a possible variance process; they were e-mailing back and forth and at some point she came back and asked me --- they were remodeling the home and putting on an addition. Annemarie said it was on the property line and they were moving it six feet. Annemarie said that they could do that because they're lessening the non-conforming use. Annemarie said that was back in June and she didn't hear any more about it until December and she received a call from one of the neighbors complaining and asking why they didn't get a variance. Annemarie said that she explained about the non-conforming use and then he asked her about the second story.

Annemarie said she didn't know anything about the second story at that point. Annemarie said she just found out that day when he called. Annemarie said that he was under the impression this office person didn't know either and the plans that the petitioner's submitted must have been an error.

Annemarie said that she looked at the file and she looked at all the e-mails and the architect, the builders and the owners did everything they were supposed to do and submitted everything through the e-mails and it was known there was going to be a second story. Annemarie said she just didn't know about it. Annemarie said he was trying to get this taken care of back in June and to no fault of their own, they're here tonight.

Annemarie said she received a call from the other neighbor saying he didn't receive notice and there is another person by the same name that did get notice, his brother. Annemarie said in the real estate office she must have thought she had them all and missed him. Annemarie said that he did call and he is aware of what's going on, but he's asking for it to be postponed.

Annemarie told the board that she just wanted everyone to be aware they did everything they were supposed to do.

Attorney Biege asked Annemarie what day he called the office to request a continuance.

Annemarie Polan said he called on January 14th, but he also stated in one of his e-mails he was aware of the variance on January 13th.

Attorney Biege said he received a copy of the e-mail he sent on Friday requesting a continuance since he did not receive notice.

Annemarie Polan said that she did tell him that he could send something to her and it could be read into the minutes if he had objections and he didn't want to do that. Annemarie said that she asked him what his biggest objection was and he said that he thought the house was too big for the lot. Annmarie said she did a little bit of checking and she came up with quite a few, including his own, that's quite substantial out there. Annemarie said this would not be out of character for the neighborhood at all.

Dwayne Hogan thanked Annemarie for enlightening them.

Attorney Biege said he thinks the threshold issue is if that was adequate notice or not with this gentleman and it is less than ten days.

Remonstrators were present for and against.

Attorney Biege said it could be challenged and overturned on a challenge.

Glen Minich made a motion to continue Petition # 3 (Martin) until February 2, 2016, requesting a Special Meeting. Melissa Mullins Mischke seconded.

All approved. Motion carried 5-0.

4. The Petition for a Variance for Aaron and Angeline Miersma to raise three hens on their property for eggs and as pets. This property is located at 7655 Dorothy Lane, Michigan City, IN., Coolspring Twp., zoned R1B.

Attorney Biege said that notice is adequate.

Dwayne Hogan asked for name and address for the record.

Angeline Miersma, 7655 Dorothy Lane, Michigan City.

Dwayne Hogan asked Ms. Miersma what she would like to do this evening.

Ms. Miersma said that she is just requesting a variance so that she can own three hens that would be in a coup in a fenced in back yard.

Dwayne Hogan asked Ms. Miersma why she is going to raise these.

Ms. Miersma said for fresh eggs and also for pets for her children to learn the responsibility of taking care of something that provides food.

Dwayne Hogan asked if they would be cooped the whole time.

Ms. Miersma said that the only time they would let them out is when they're out in the yard with them, unless that would be an issue. Ms. Miersma said that the coup has the run underneath it.

Dwayne Hogan asked for the size of the coup.

Ms. Miersma said that she would say that its 10'x 4' and it's actually in the pictures that you're looking at.

Dwayne asked Ms. Miersma what kind of hens she wants to get.

Ms. Miersma said that there are about three hundred different breeds. Ms. Miersma said that she has some friends that are very knowledgeable because they raise hens, chickens and roosters and they will be helping her if she is allowed to have them.

Dwayne Hogan asked if there are any questions, or comments from the board.

Candice Nelson asked Ms. Miersma if she has talked to someone about the homeowners association.

Ms. Miersma said that they don't have a homeowners association and she will address that when she comes up for rebuttal, unless you want her to address it now.

Attorney Biege said address it now.

Ms. Miersma said that when the coup was delivered she received the CC R's from Sadowski and she went to her house and talked to her about it. Ms. Miersma said that the neighbors weren't aware of the theses covenants. Ms. Miersma said that these were written in 1976 by the original landowner who owned the property and then created a subdivision. Ms. Miersma said that she has been told by another neighbor that when he passed away he did not establish any type of homeowners association, so we only follow the county ordinance now.

Ms. Miersma said that she also doesn't think it's enforceable because many of the other neighbors do not follow these rules, including Mariane Sadowski.

Candice Nelson asked attorney Biege if it can be enforced.

Attorney Biege said that it can be enforced. Attorney Biege said that there is no waivers when it comes to covenants and restrictions. Attorney Biege told Ms. Miersma since she doesn't have a homeowners association she would be in the position where the homeowner many have the right, or the opportunity to enforce against another homeowner.

Attorney Biege said that the board isn't bound to follow CC & R's, however you can take it into consideration. Attorney Biege said whether the neighbors know about them or not, they're recorded. Attorney Biege said that they're still effective until changed.

Melissa Mullins Mischke said it also states no breeding or keeping of animals for commercial reasons.

Glen Minich told Ms. Miersma that she probably wasn't aware of the CC & R's when she purchased her home.

Dwayne Hogan asked if there are any remonstrators here this evening for this petition.

Ms. Miersma said that through this process it has become aware to her that Mrs. Sadowski has been calling neighbors and placing notes in their mailboxes. Ms. Miersma said that she feels like she has mislead the neighbors as to what this meeting is about tonight. Ms. Miersma said that she just wants to clarify again that she is simply requesting permission to have three hens on her property. Ms. Miersma said that she's not trying to change the neighborhood into farmland.

Remonstrator:

Mariane Sadowski, 3366 Mason Drive. Ms. Sadowski said that her husband is here with her this evening.

Ms. Sadowski said that when they listed their house last year it was the first thing the real estate gave her ----- the bi-laws, covenants and restrictions. Ms. Sadowski said that every time somebody came to her house she had to leave these out for viewing. Ms. Sadowski said she has all of the papers from Meridian that states these are still bi-laws, covenants and restrictions in the Plat book. Ms. Shadowski said she has been there thirty eight years and that's how she wants it kept. Ms. Shadowski said she doesn't live on a farm ---- she lives in a small subdivision.

Attorney Biege told Ms. Sadowski that the board doesn't have the power or authority to revoke those bi-laws and CC & R's. Attorney Biege said that they're only making a decision as to whether they will make an exception for this particular property.

Candice Nelson told Ms. Sadowski that she is only asking for three chickens. Candice asked if she's afraid she would go beyond three.

Ms. Sadowski said that they have a lot of property for sale on Happy Landing Lane. Ms. Sadowski said nobody can build on it because it is swamp land, but they have had people out there requiring about bringing in fill for farm animals. Ms. Sadowski said she doesn't want to see that happen.

Glen Minich said do you think three chickens in somebody's backyard as a hobby is going to start something.

Ms. Sadowski said that they have had foxes out there and chickens draw those kinds of things. Ms. Sadowski said Ms. Miersma has five kids.

Dwayne Hogan asked the pleasure of the board.

Melissa Mullins Mischke made a motion that a petition for a variance for Aaron & Angeline Miersma to raise three (3) hens on their property for eggs and as pets for the property located at 7655 Dorothy Lane, Michigan City, zoned R1B be granted for a period of one year.

Dwayne Hogan asked if everyone was clear.

Voting Aye: Dwayne Hogan, Wally Pritz, Melissa Mullins Mischke and Glen Minich.

Voting Nay: Candice Nelson.

Motion carried 4-1.

5. The Petition for a Use Variance for Franciscan St. Anthony Health to allow this property to be used as OS (Office Service) under the existing ordinance for construction of a new hospital and ambulatory care center. This property is located on the Northwest

Corner of the Intersection at US 421 and I-94, Coolspring Twp., zoned B-3 on 70.612 acres of land.

Attorney Biege said that he doesn't see anything on Walter & Susan Bukva.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Nate Groff with Kimley – Horn Associates, 2125 Jackson Drive, Woodridge, Illinois.

Dwayne Hogan asked Mr. Groff what he would like to do this evening.

Mr. Groff said that they're excited to be here today in front of you for this Use Variance for Franciscan St. Anthony Health Hospital. Mr. Groff said that this will be a new hospital located at the northwest corner of I-94 and 421.

Mr. Groff said that it's approximately eighty-six acres that is owned by Franciscan and this is essentially a replacement hospital. Mr. Groff said that he is here as a civil engineer and they did the site plans and lay out. Mr. Groff said that David Hehemann is here this evening from Tonn & Blank if there are any specific questions regarding the hospital.

Mr. Groff said that main access for the property will be at the extension of Ohio Street and Keifer Road that will line up with Ohio Street. Mr. Groff said that the blue areas on the site plan that you're looking at are all wetland areas. It has been thought out so they can minimize their impact to the wetland areas. They have been in conversation with Army Corp and other agencies involved.

Mr. Groff said that he will open this up with any questions that you might have.

Dwayne Hogan asked if there are any questions, or concerns from the board.

Wally Pritz said looking at the site plan it seems like you're really trying to combat the wetland situation.

Mr. Groff said that they're pleased with the way the site is laid out and they want to be good stewards of the property. Mr. Groff said that they're happy with the road at that location. Mr. Groff said that there are no traffic concerns with that location.

Wally Pritz said being from that area, he sees better pieces of property for access ability and everything.

Mr. Groff said the site selection was exhaustive and there are several properties that Franciscan owns in that area, but they all had different encumbrances, whether additional wetlands in the

areas of those properties, and there is an oil line and one is very close to a competitor that doesn't make sense. Mr. Groff said that this particular piece of property worked well with all of their needs.

Melissa Mullins Mischke asked if Franciscan owns the property on the west side.

Mr. Groff said that is correct.

Melissa Mullins Mischke said that she can almost see where they have an access easement there. Melissa asked if that is an access easement for the subdivision.

Mr. Groff said that there is actually deeded access that is public property that lines up with Ohio Street and that was always there with the intent to extend Ohio Street.

Dwayne Hogan asked if there are any remonstrators here this evening for Petition #5.

Dwayne Hogan asked for name and address for the record.

Scott Ferrell, 836 Henry Street, Michigan City. Mr. Ferrell said that he's the property owner to the right where they want to come down Ohio Street and when they initially made him an offer on his land he told them no. Mr. Ferrell said that he asked them to send him blue prints, or information on the drainage.

Glen Minich asked Mr. Ferrell when he's speaking to the right, he is speaking east or west.

Dwayne Hogan asked for name and address for the record.

Robert Ferrell, Scotty's dad, 617 Warnke Road, Michigan City. Mr. Robert Ferrell said that he's walked that property since he was young.

Dwayne Hogan asked Mr. Ferrell how much property they own.

Scott Ferrell said that it's about thirteen and a half to fourteen acres.

Robert Ferrell said whatever they do, it's going to affect his son's property.

Melissa Mullins Mischke told Mr. Ferrell that they aren't the authority that determines wetland litigations. Melissa said that the county has an MS4 that they would have to apply with to make sure that drainage is being handled appropriately for the county and not going on to someone else's property.

Attorney Biege said that this petition is for zoning. Attorney Biege said MS4 is the department for drainage.

Robert Ferrell said that if you give them permission to rezone, and they start moving around in there with equipment and moving soil, it will disrupt the water table.

Attorney Biege said that the issue the board is going to decide is if they can build a hospital in a B-3 zoning. Attorney Biege said that before they move dirt, MS4 would be in charge. Attorney Biege told Mr. Ferrell that his name is Rick Brown and he's easy to talk too and he's sure he can alleviate any of your concerns. Attorney Biege said that this is in a B-3 zoning which is close to a B-2 zoning where it would be allowed anyway.

Glen Minich asked Mr. Ferrell to approach the bench and mark his property on the site plan so they could get a better view on how this is going to disrupt his property.

Mr. Ferrell is up at the bench going over the site plan with the board members.

Mr. Groff said that they will adhere to La Porte County Drainage requirements. Mr. Groff said that they have actually had conversations with Rick Brown and they're working with him on the storm water and that they also have had conversations with Army Corp, IDEM and the other permitting agencies associated with this.

Dwayne Hogan asked if the south side of the property is Coolspring Twp., or Incorporated Michigan City.

Melissa Mullins Mischke said Coolspring Twp.

Melissa Mullins Mischke asked about the construction phases, and what access they will be using, the Ohio Street entrance, or Frontage Road.

Mr. Groff said for construction specifically, they will be utilizing Frontage Road. Mr. Groff said that main reason for that being is the wetlands on the main entrance route.

Melissa Mullins Mischke asked if it's normal in a hospital like this to fence all the way around the property. Melissa said that was one of the concerns of an adjoining property owner.

Mr. Groff said not typically. Mr. Goff said that he doesn't know if there would be a need for that for this site.

Dwayne Hogan asked if there are any questions, or concerns from the Shrine.

Candice Nelson asked how long they think it's going to take for construction beginning to end.

Dwayne Hogan asked for name and address for the record.

David Hehemann, Senior Program Manager for Tonn & Blank, representing the petitioner, Franciscan Alliance. Mr. Hehemann said his address is 1623 Greenwood Ave., the office of Tonn & Blank construction.

Mr. Hehemann said construction is expected to be completed by the end of 2017, beginning of 2018. Mr. Hehemann said that they have a very fast track construction that they're going to undertake.

Dwayne Hogan asked how many floors they anticipate that hospital to be.

Mr. Hehemann said that it would be five floors. Mr. Hehemann said that they're planning on having a heli-pad. Mr. Hehemann said the heli-pad would be used to transport patients out.

Dwayen Hogan asked if there are any other questions, or concerns from the board.

Dwayne Hogan asked for name and address for the record.

David Moss, 3445 E. South County Lane, Knox, Indiana. Mr. Moss said that he is on the Board of Directors of the Shrine and he's concerned --- the easement was granted for access to the hospital on Ohio Street. Mr. Moss said that now they're being told all construction traffic will take place on Frontage Road. Mr. Moss said that Frontage Road was never designed for that heavy semi, bulldozer --- that type of traffic. Mr. Moss said that is there only access to that property.

Mr. Moss said that road is torn up with pot holes and just totally destroyed. Mr. Moss said it's a concern.

Dwayne Hogan said that is a valid concern.

Dwayne Hogan asked Mr. Hehemann to address that.

Mr. Hehemann said they have had conversations with INDOT and the La Porte County Highway Division, which is one of the reasons why Ohio Street as an extension, and the entrance onto the property campus was selected because that was their desire.

Dwayne Hogan said something he wants to see and insist upon is that nothing will impede, or slow down, or take away from what the access is to get back and forth to that Shrine.

Mr. Hehemann said agreed.

Attorney Biege asked if you're sure Frontage Road is County.

Mr. Groff said that they sat down with a representative from INDOT and the county when they were talking about a traffic study for this hospital and specifically asked that question and INDOT confirmed that it was turned over to the county.

Mr. Hehemann said to discuss your concerns with Shrine, he's certain that they will have to provide a bond, or some other means to ensure that road remains the same.

Mr. Hehemann said at the beginning of the process, and also the end of the process, if there were repairs to be made after the construction traffic use on that road, they would have to repair it.

Dwayne Hogan asked if there are any other questions, or concerns from the remonstrators.

Dwayne Hogan asked the pleasure of the board.

Candice Nelson made a motion that we approve the petition for Franciscan St. Anthony Health to allow this property to be used for OS (Office Service) under the existing ordinance for construction of a new hospital and ambulatory care center on the property located on the Northwest Corner of the Intersection at US 421 and I-94, Coolspring Twp., zoned B-3 on seventy acres.

Melissa Mullins Mischke asked if this is actually 70.612, because she has heard them say eighty-six.

Mr. Groff said that it's approximately eighty-six acres.

Candice Nelson said eighty-six acres of land. Glen Minich seconded.

Dwayne Hogan asked for any questions, or clarifications.

Dwayne Hogan said as long as we're good friends with the Shrine and take care of things back there.

All approved. Motion carried 5-0.

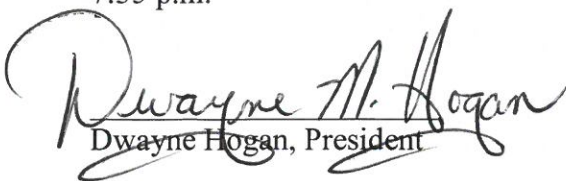
Dwayne Hogan asked if we have any public comment here tonight that needs to be addressed.

Dwayne Hogan asked for any new business.

Melissa Mullins Mischke made a motion for adjournment. Candice Nelson seconded.

All approved. Motion carried 5-0.

There being no further business before the Board of Zoning this evening, meeting adjourned at 7:35 p.m.


Dwayne Hogan, President


Annemarie Polan, Recording Secretary