



LAPORTE COUNTY PLAN COMMISSION

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Michael Polan
Building Commissioner

LA PORTE COUNTY PLAN COMMISSION MINUTES August 24th, 2021

MEMBERS PRESENT: Anthony Hendricks
Joe Haney
John Carr
Harold Parker
Rita Beaty
Azad Chahal
Earl Cunningham
Adam Koronka

OTHERS PRESENT: Doug Biege, Attorney; Mike Polan, Recording Secretary; Ashley Kazmucha, Secretary.

PLEDGE OF ALLEGIANCE

Anthony Hendricks asked for approval of the agenda for the August 24th meeting.

Harold Parker made a motion to approve the agenda as presented.

Joe Haney seconded.

All approved. Motion carries 7-0.

Anthony Hendricks asked for approval of the meeting minute June 22nd, 2021.

Joe Haney made a motion to approve the minutes as presented.

Earl Cunningham seconded.

All approved. Motion carries 7-0.

Petitions:

1. Petitioner, Love's Travel Shops & Country Stores, Inc (Love's) represented by CESO, Inc. (CESO) would like to present to the Plan Commission a proposed PUD with fueling stations, convenience store and restaurant, and a truck tire repair facility located at the intersection of US Route 421 and County Road W. 300 N., Michigan City, IN. Coolspring Twp. Zoned B3 consisting of 56.397. (46-05-17-400-005.000-046) This development will be known as Love's Travel Shop and will only utilize 21.4346 acres and will be known as Phase 1. The remaining acreage (35.3220 acres) will be used for future PUD developments (Phase 2). Exhibits attached hereto.

Attorney Biege stated notice is adequate.

Rita Beaty joins the meeting via Zoom.

David Teyber stated his address is 3601 Rigby Road, Miamisburg, OH. He is with CESO and they are the civil engineering surveyor for the project. Frank Ille with Love's may be present on Zoom later on should he need to answer any questions. This project has been three to four (3 – 4) years in the making. They had actually presented this project to the Board about a year ago with a PUD. They had some complications with the three (3) pipelines running through the property. They had some additional requests, so they made some modifications to their plan which is why they brought it back before them. The project is located just off of US 421 and CR W 300 N. They are proposing a PUD in two (2) phases. Phase One (1) would consist of just the Love's. All of the public infrastructure is a part of that phase. It would be accommodating for the second (2nd) phase of the PUD. There is a public road, public water, and sewer extension. Also, a part of this is the water and sewer extension by the County which has been mentioned in the past. They would actually extend that further into their site. In terms of Love's, some of the things they have on the site include the Love's convenient store, two (2) attached restaurants with one (1) having a drive-thru being a Taco John's. The smaller interior restaurant would either be a Subway or Chester's Chicken/Godfather's Pizza combo. The Love's store is more of a convenience store and gas station. It does have separate areas for auto fueling and parking and commercial diesel truck fueling and parking. There are some amenities for RV's to unload their holding tanks or refill water and propane. He is also available for any questions that anyone may have.

Frank Ille stated he is now present on Zoom.

Earl Cunningham thanked them for being so patient and working around the obstacles in the way because the County is welcoming to get something going out there on 300 N.

David Teyber stated they have had to start and stop at least twice mostly due to the pipelines.

Frank Ille stated they appreciate the County's patience as well because none of their issues have been generated from the County.

Joe Haney stated the packet they were presented with was very thorough and they have had plenty of time to review it.

Anthony Hendricks stated it was very thorough. The only thing he wants the public to know is that this is a Planned Unit of Development with different owners and different lots, but there would just be one (1) public road right now with a cul-de-sac.

David Teyber stated that is correct. Phase One (1) would be constructed most likely in 2022 and that would be just the Love's. The remaining land in the future development shown would be handled by the seller. He has proposed three (3) warehouses and a hotel in that area, but that is not what they are proposing today; they are only proposing the Love's and infrastructure for Love's and any Phase Two (2).

Michael Polan stated he has some comments. Some of the members may remember that the project did receive preliminary approval from the Plan Commission. They're back not because

there has been some minor modification to the plan. They did have a Plat Committee to go over the project because he was not in office at the time when it was presented the last time. They went over everything again. They had some suggestions at that time and all of them have been addressed including a new lighting plan. They do need the sewer extension out there for this to work, but his understanding is that is in the works. If they wanted to make their approval contingent on that they could.

Anthony Hendricks stated he agrees with Commissioner Haney. They have done all their due diligence. It's 300 N and 421 INDOT intersection so they don't want to undo any of that, but they have done a good job. It has been very thorough.

Frank Ille stated TC Energy, the pipeline, has been good to work with. It's a long process, but once they changed their site plan and revised the disturbance that they will create above their pipeline, they were accommodating. He appreciates their willingness to work with them and to promote their development. They are also going to pay them some money too for any incremental increases in future repair and maintenance to the pipeline because they have some pavement over it, but again they were willing to work with them on that. The number they were originally told they were going to have to pay was going to kill the project. They revised the site plan, and they came back with a number that they could work with.

Anthony Hendricks stated that anyone who has dealt with pipelines, it is a very high bar and hurdle to cross.

No remonstrators present.

John Carr made a motion to make a favorable recommendation for the Petitioner, Love's Travel Shops & Country Stores, Inc (Love's) represented by CESO, Inc. (CESO) for a proposed PUD with fueling stations, convenience store and restaurant, and a truck tire repair facility located at the intersection of US Route 421 and County Road W. 300 N., Michigan City, IN. Coolspring Twp. Zoned B3 consisting of 56.397. (46-05-17-400-005.000-046) This development will be known as Love's Travel Shop and will only utilize 21.4346 acres and will be known as Phase 1. The remaining acreage (35.3220 acres) will be used for future PUD developments (Phase 2).

Joe Haney seconded.

Adam Koronka asked how firm the sewer extension is? Should they consider a contingency point on the PUD approval?

Mitch Bishop, County Planner, stated RDC has been working diligently to get sewer and water down 300 N and 421. It's in a TIF District and they bid out the project; it was roughly five-million-dollars (\$5,000,000). They have three-million-dollars (\$3,000,000) to currently bond. There is a two-million-dollar (\$2,000,000) gap. Right now, there are two (2) grants that they have applied for to fill that gap and they are also looking at the American Rescue Plan money as a possibility because that is one (1) of the low-lying fruit; it can be used for sewer and water projects and broadband. It's an easy one (1) if that's the issue. His understanding is that with the time frame, they have to break ground. The redevelopment will have their money and the

engineering has all been performed already. For the acquisition, they have all the appraisals taken care of, they just need to buy. They need to have shovels in the ground by March or April of 2022. They have to secure the other two-million-dollars (\$2,000,000). Everything he hears from the RDC is that they are going to figure it out and that they are all supportive of making it happen. He had a conversation with Frank Ille about this as well. He thinks they are fine and moving along. It will finally get done. There is also private money. Speedway has donated funds. Waste Management is donating up to two-hundred-thousand-dollars (\$200,000) to the project. They have not done so yet, but they do have it in writing. The car dealership has also put money in on the project as well as Harley-Davidson and Honda. It's like a private-public partnership. It's advantageous for the area. There are eighty thousand (80,000) cars that go through that intersection a day and they want them to stop and spend their money in LaPorte County. The quicker they get more development, the better. The quicker the sewer and water gets in, the better for LaPorte County as a whole. He is wholly supportive. He reviewed the site plan and Plat Committee had some suggestions that they complied with, so he approves.

Anthony Hendricks stated the sewer and water is not just for the Love's. That whole corner has been pumping and hauling and really, they need it more than the Love's.

Mitch Bishop stated Waste Management pumps and hauls. They pay roughly ninety to one-hundred-thousand-dollars (\$90,000 - \$100,000) a year. They're on board because they're going to be there for another twenty (20) years doing that as well.

Joe Haney stated that rather than make it contingent, as a private business, Love's is going to do their due diligence and accept the risk of whether they were to encumber them with pending sewer works. Let them shoulder their own risk and burden however fast they want to move without being contingent upon the sewer actually happening so they can keep trucking along knowing they have approval. He would assume it is going to happen; the sewer is out there. If for some unforeseen reason it doesn't, that is a part of the risk.

Anthony Hendricks stated there are remedies to get them through the interim if they had to and got delayed six (6) months.

Joe Haney agreed. He would hate to see the project held up just because they are still waiting on that last item before they can move on because they have tied it to that. That is his position.

Attorney Biege stated in the legality of a motion making, the contingency is not controlled by Love's. It is controlled by another entity. As counsel, he prefers that not be included because he can't tell them what the legal effect would be if the County fails, and Love's can't move forward, and they are making a contingency based on something they can't control.

Approved. Motion carries 8-0.

Anthony Hendricks asked if there is any old business.

Anthony Hendricks asked for any new business.

Attorney Biege stated there was a change in the Indiana Code which no longer requires a Petitioner to go to County Commissioners for approval on vacation of a roadway. He sent a letter out to everyone a month or two (2) ago recommending a code change. There is no rush to it. It wasn't on the agenda tonight, but they can do it next time or defer for a while to see if they have any other code changes because the next vacation that comes up, this Commission can simply vote to waive that requirement. LaPorte County's Board is now restricted by the State so they should have the power to waive that requirement and make their decision final. He just wanted to make sure that they are aware that it is out there. They need to get it done eventually.

Anthony Hendricks asked what that means when a Petitioner vacated a street. Typically, they go back to the Commissioners to approve that vacation and they have a document presented to them that actually vacates that road.

Attorney Biege stated he will draft some type of resolution and it will be considered as a final decision from the Plan Commission.

Earl Cunningham stated he believes the Commissioners are already aware of this. At a recent meeting, they expressed how happy they were to not have the people coming back; they were happy the Plan Commission was making that decision for them.

Anthony Hendricks stated they will come to them for a vacation and if it is approved through this Board, the ordinance or legal document will be adopted by them and then recorded to vacate the road officially.

Attorney Biege stated that is correct. It will be considered as final action.

Mitch Bishop stated he would like to extend an invite to a housing study that has been performed by the company Green Street. It is a housing study and marketing for LaPorte County. They are giving their executive summary Thursday between eleven-thirty and one (11:30 a.m. – 1:00 p.m.) at the Healthcare Foundation of LaPorte. It basically goes over all the statistics in the County, what has been going on for the last few years, how they can improve, and how they can support different styles and types of housing in their community. They lay it out in their executive summary, and they are going to introduce it to a lot of different people in the County. He figured the Plan Commission should probably be invited.

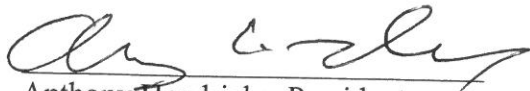
Anthony Hendricks asked for a motion to adjourn.

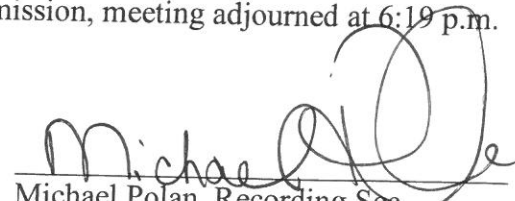
Adam Koronka made a motion to adjourn.

Joe Haney seconded.

All approved. Motion carries 8-0.

There being no further business before the Plan Commission, meeting adjourned at 6:19 p.m.


Anthony Hendricks, President


Michael Polan, Recording Sec.