



LAPORTE COUNTY PLAN COMMISSION

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Michael Polan
Building Commissioner

LA PORTE COUNTY PLAN COMMISSION MINUTES May 24th, 2022

MEMBERS PRESENT: Adam Koronka Rita Beaty
Rich Mrozinski Glen Minich
John Carr Jeff Wright (Alternate)
Earl Cunningham Harold Parker

OTHERS PRESENT: Doug Biege, Attorney; Mike Polan, Recording Secretary; Ashley Kazmucha, Administrative Coordinator; Amanda Lahners, Director of LaPorte County Health Department; Anthony Hendricks, LaPorte County Surveyor.

PLEDGE OF ALLEGIANCE

Adam Koronka asked for approval of the meeting minutes for February 22nd, 2022.

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

Rita Beaty seconded.

All approved. Motion carries 8-0.

Adam Koronka asked for approval of the agenda for the May 24th meeting.

Rita Beaty made a motion to approve the agenda.

Earl Cunningham seconded.

All approved. Motion carries 8-0.

Petitions:

- Petitioners Hester Muller and Jack Allen (Hester JW Muller Trustee Trust) represented by Jim Keil of Keil and Associates** respectfully petitions the Plan Commission for a 19 Lot subdivision to be known as "Oak Ridge Estates" located between Severs Road, County Road 100 West, and Park Street, LaPorte, IN. Center Twp. Zoned R1B consisting of 28.492 acres. This subdivision will be developed with individual Septic Systems and there will be no new streets. Exhibits attached hereto. Parcel 46-06-25-126-006.000-042

Attorney Biege stated notice is adequate.

Chris Willoughby stated he wanted to start by saying Mr. Keil has much better hair than he does. He is an attorney with Braje, Nelson, and Janes. Mr. Keil has done much of the heavy lifting with the plans and the submission. He is here tonight on behalf of Dr. Hester Muller as the Trustee of the Trust that is the title holder of the subject property. As indicated, this is a petition seeking approval of a primary plat for this subdivision. This has turned out to be a labor of love as they are discussing and reminded that this is a concept going all the way back to 1982 that Dr. Hester Muller has thought about doing with this property and it has come to light. So, they have complied with the requirements; this is a check the box somewhat process. There is a lot to fill in here. There are a lot of obligations to have here that have to be fulfilled in order to be prepared to even get to this point. There is a concept plan review process where the plans are submitted and those are gone over with staff as well as relevant departments. They wouldn't be here placed on this agenda if things weren't in order and submitted as they should be. What they have before them is a plan for a nineteen (19) lot subdivision on a property that is currently zoned R1B. The intention is to have residential housing. Right now, there are not any restrictions or covenants, but otherwise it is pretty straight forward again with a lot of detail. He doesn't mean to minimize that and he knows that they have questions and he will defer on the technical questions to Mr. Keil and answer any of the legal or process questions that he may. After the initial submission, there were some oil borings and some results that came back to show that the lots will be able to sustain and have viable septic systems. He believes the Health Department has or will have something to say about that. Mr. Keil has some additional details as well. At this point, as they can see from this petition, they are also not requesting any modifications or waivers from any requirements of the code. Otherwise, they believe that they are in order and in compliance with the overall requirements and standards as submitted. At this point, he will yield to questions they may have of him or Mr. Keil in terms of the technical requirements.

Rich Mrozinski asked if City sewer runs out that way.

Chris Willoughby stated not that they are aware.

Jim Keil stated he is a surveyor with Keil and Associates in LaPorte, IN. There is no City sewer.

Michael Polan stated it stops short of the property. They did discuss this at the Plat Committee. The soil boring reports were submitted to the Health Department as well.

Amanda Lahniers stated she has reviewed all the soil reports to make sure those lots could take an in-ground system. There are a few that will need perimeter drains, but septic systems out there won't be an issue at all.

Chris Willoughby stated he doesn't want to ask Amanda to repeat, but he doesn't think everybody heard her. She did some other details in addition to the soils. The septic systems won't be a problem. He doesn't think everybody heard clearly her comment about the drains that might be required.

Amanda Lahners stated there is a handful of lots that will require a perimeter drain surrounding the septic system to limit the seasonal high-water table, but that is all gravity and all of those systems will work fine for septic. All of those lots will be fine with septic.

Harold Parker asked how much run off there will be.

Jim Keil stated they will have approximately ten percent (10%) more than they have now. That will include the house and the driveway. That whole area is all trees currently. They could build into the restrictions and covenants that there would only be a certain number of those trees removed mainly around the house, driveway, the septic area, and maybe a pool also.

Harold Parker asked where the run off goes after it leaves the subdivision.

Jim Keil stated along 100 W it all runs into the swale that is along there and down into that pond. On Park Road, he thought they could provide a little retention area on each lot near the house that would gather that run off which is about ten percent (10%) and they could hold that in that lot in a smaller retention area.

Jeff Wright asked if there aren't any ditches along 100 W now on the east side.

Jim Keil stated there is a drain along there now. It runs from about where the roads curves on the south end there all the way up to that pond. That is handling all that existing water that is coming down now.

Harold Parker asked what size houses are going to be put on there.

Jim Keil stated they haven't really talked about it, but they're looking at a minimum to be built today is four or five hundred thousand dollars (\$400,000 – \$500,000) which would probably be about a fifteen hundred to two thousand square foot (1,500² – 2,000²) house. He figures two hundred dollars (\$200) a foot then four thousand square feet (4,000²) would be eight hundred thousand dollars (\$800,000). They haven't really talked that much about that. He knows that they are planning on putting up some nice houses.

Harold Parker stated they would have to listen to some of the people that have concerns first.

Adam Koronka stated that makes the most sense to him. As they work through remonstrators through any of the petitions, they are going to limit to three (3) minutes as well as each remonstrator comes up provide new details or new concerns.

Remonstrators:

Jessica Sheeler stated her address is 1866 N. 100 W., LaPorte, IN. She is concerned that they are going to be pushing as family houses in the subdivision and the only house on Park Road currently houses a sex offender. She feels like a lot families are not going to want to live in a house that close. Another thing she has concerns about is the fact that the EPA says that each American household uses about three hundred (300) gallons of water per day. Time three-hundred and sixty-five (365) is

one hundred and nine thousand (109,000) gallons of water times nineteen (19) houses is over two million (2,000,000) gallons of water. Is that going to be pulled out of the pond that is there? Is it going to dry up that area? Is that also going to raise the taxes up around that area with half a million-dollar (\$500,000) houses? Park Street is not known for being the rich side of town so is that going to raise that or do anything with Park Street?

Eric Wallenius stated his address is 1766 N. 100 W., LaPorte, IN. He is directly across the street. Where are these driveways going to be located? Are they on 100 or off Park Street? Where are they proposing to put the driveways? Each house is going to have its own driveway?

Adam Koronka stated the way the lots are drawn, each lot will dump out to Park Road, Severs Road, or 100 W. All the way around.

Eric Wallenius stated they were just talking about that run off. That drain and all that run off runs from that ditch into his property. What concerns does he have with the septic system overflowing and coming onto his property? Is there going to be anything to take care of that? Right now, all that drains is that ditch runs and it is pitched into his property. It goes underneath the street and then comes onto his property. If there's run off then he will be stuck with it.

Harold Parker asked where it goes after it leaves his property.

Eric Wallenius stated it goes into a pond that somebody built seventy (70) years ago. The pond is on his property.

Jeff Wright asked where his property was.

Eric Wallenius stated 1766 N. 100 W.

Harold Parker asked if the pond is big enough to hold water or not. Is there additional water like this or what?

Eric Wallenius stated yes, it is a pretty big pond. The water table has actually been going down. That's another concern of his. They are going to put all these houses on wells. He's on a well and his well is one hundred feet (100') and usually around July he starts having water problem; not enough water. That's one (1) of his concerns. They are going to put all these houses on wells and the number the previous woman supplied; is he going to have more problems with his well? He has two (2) separate wells on his property and they both have lack of water starting in the middle of July.

Jennifer Findley stated her address is 936 W. 200 N., LaPorte, IN. There are two (2) houses on the triangle. She is on one (1) end and then she has a neighbor on the far end. Her house is on what they would consider Severs Road. She has a lot of concerns. She bought her house twenty-six (26) years ago. It is private. She gets that somebody else owned behind her, but this subdivision is going to be in her backyard now. She also has an issue with water. Her acre yard slopes and then her house. What is going to happen? She has woods on all three (3) sides of her. What is going to happen when there are houses all around and what is going to be behind her? What is coming her way? She has

been there twenty-six (26) years and never did she think that somebody was going to put nineteen (19) houses behind her. She doesn't know if anybody knows this now, but there is tree cutting going on right now. They can hear the saws buzzing every single day even weekends. How far are these houses going to be from her property? Are they going to put a fence up while they are building for five (5) years? How long is this going to take to build all this? How long is her life going to be interrupted by this? The sewer system; are they going to be annexed? Is that corner going to be annexed where they have to tie in or the opportunity or the decisions to make in relation to what is being offered steps away from her back door. Not even to mention the wildlife. The turkey, deer, everything is back there and about four to five (4 – 5) years ago they cut so many hundreds and hundreds of year-old trees. What is going to happen to her property value? Her taxes? LaPorte is known for lower taxes. If she wanted to pay high taxes, she would have bought a house in Portage or Valpo. She has worked in Valpo and been an insurance agent for thirty-seven (37) years and she would have loved to live in Valpo, but because of taxes she could not afford it. That's why she came to LaPorte. Same thing with the retention pond and the drainage. She spent almost fifty thousand dollars (\$50,000) to remodel her basement. What happens when she wakes up one (1) morning and she has a foot of water? That's not covered by insurance. She knows that because she has been in insurance for thirty-seven (37) years; she knows that that isn't covered. The traffic already is horrible. Everybody knows the traffic going down to the industrial park so that will definitely increase. Not only with people that live there, but visitors as well. She didn't catch what construction company was doing this; do they know any of that?

Adam Koronka stated they would cover that when they have the petitioner come up to answer to all this remonstrance. So, she is aware, she is at the three (3) minute mark so if she has anything else make it quick.

Jennifer Findley stated that about covers it.

Brandon Williams stated his address is 805 W. 200 N., LaPorte, IN. He is directly across the street. Park Road/Park Street tees right into his house. His concern is that the original notice that was sent out says that the subdivision contains twenty-five-point-seven-zero-one (25.701) acres. Today's agenda says twenty-eight-point-four-nine-two (28.492). It's a difference of almost three (3) acres from what general public was told about to come to this meeting today. Like the wildlife concerns, he has fifteen to twenty (15 – 20) deer a day that walk through his yard into the woods across the street. Raccoons and turkeys are there too. Like Mr. Mrozinski asked, does City water run out there. What stops the gentleman from saying let's not do sewer and septic, let's run City water out there and annex it. What stops that? It's undeveloped property. That's the grab that the City wants right? They want undeveloped property. Why? Why boost their property taxes? He bought the house two (2) years ago from a couple that lived there for sixty (60) years. His house has been there since 1860, the original part. What happens when his well is contaminated? What happens when it dries up? There are no answers except for what's a dollar sign (\$) of this new home going in. What's the increased tax revenue? That's all that anybody worries about except for them little guys. What's to stop the City from saying, "Let's do that, we'll go ahead and annex that and proceed with the northern portion of the corridor and have that be the dividing line." There are thirty (30) acres behind him that is undeveloped behind him and a tree farm behind that that is undeveloped. Where does it stop?

Jennifer Findley asked when all of this is projected to start?

Chris Willoughby stated he appreciates the feedback and understand how important this is. It is rare to hear arguments on improvements because it improves everybody, but he understands. The points are well taken of how it affects their households. Many of those things he does not have answer to. He can't answer as to taxes and how it affects wildlife other than his client and Mr. Keil at their request have taken great efforts to check the boxes that are required from the Subdivision Ordinance. Many of the things that they have discussed are required and there is a lot of process left. He wants to emphasize that just because a subdivision is approved doesn't automatically make it happen. There is still the secondary step and building permits. They will have to demonstrate what the plans are and to answer, there is not a set builder. These are going to be lots that are sold and the intention to have quality homes, but there is a lot of process left. Many of these things, while they are very important and they're not to be overlooked by them, they will probably be answered at later dates when Mr. Polan and his office takes them to task on each of the requirements making sure they are met. As he represented at the outset, which doesn't necessarily mean anything to those that have spoken tonight, they are not asking for any exceptions or waivers which means that if it gets approved that way, the only way to change or to expand or to cut into setbacks or go all the way to property lines assuming that the BZA would even allow that is to either come back and redo this or amend it or get a variance. So, there is a lot of process and obviously they have to take what he says with a grain of salt. He wants to point out some other things. On this acreage here and the parcels that are subject to this petition by square footage they could probably double the amount of units there assuming everything else worked out with septic. They're not looking. Honestly, a lot of the developers he has represented turn out to not be that case. There is money to be made and this is not just a money-making endeavor or whatever the thoughts were. He has heard about the rich end of town or those kinds of things. It could be double. One (1) thing that is not to be lost is these lots are intentionally bigger trying to take into account the lay of the land, the water tables, the run off, but making sure that it all complies. Again, he takes seriously because he doesn't believe that the Health Department aren't going to cut him a break on the requirements like Mr. Keil or Mr. Polan's office may. Many of those concerns in his mind will be handled in the process days ahead. He encourages everybody to participate if they are approved tonight as there will be a secondary meeting. There is another level to this. He'd also like to point out that the zoning is R1B. Some of the things that they have discussed tonight, the homes that they don't want there, but it could be agriculture. That would be permitted and they don't have to ask permission for that. They could keep horses and live stock on that property and clear it all. They don't need to have permission. They could build recreational areas. They could build a school. They could build museums and civic buildings and public utilities. Those are the kinds of things that could be done, but don't fit the character of the neighborhood as they just heard. To the extent of any technical questions they would like to have answered, he will defer to Mr. Keil. Otherwise, he would respectfully request that they would approve their petition as submitted.

Jeff Wright asked if he can still ask questions.

Adam Koronka stated absolutely.

Jeff Wright asked if drainage calculations were provided at the department head meeting.

Michael Polan stated yes, they did discuss drainage at Plat Committee and like Mr. Keil stated he estimated ten percent (10%) additional run off. With the increased lot size, there is less density and there will be a lot of yard space and a lot of clear ground and trees for water to percolate into the ground. There is also a drainage easement on the set of plans, they are on the rear where there could be swales for water to go into to be stored temporarily until it percolates down. There are also retention areas listed as well.

Jeff Wright stated somebody presented the math on these twenty-five (25) acres that says there is this much drainage there now and after they build it out there will be this much drainage. It has been quantified?

Michael Polan stated that was discussed at Plat Review and if there have been any changes to those calculations or exactly what those numbers were when they went over them then he would allude to Mr. Keil, but they did spend a great deal of time going over that.

Jeff Wright stated that it has been engineered per se that they have a handle on where the drain is at, where they want to put it, how much is there now, and how much will be developed.

Michael Polan stated correct.

Jeff Wright asked at what point in the process can limiting the amount of tree cutting be done? There's a lot of trees out there.

Chris Willoughby stated he would defer to their counsel. As this petition was submitted, it represents that no covenants or restrictions are going to be included. However, he would submit that they have the ability when they apply for the secondary approval, if approved tonight, that they include those because of the nature and price tag contemplated so it makes sense to potentially have. Going further, there are some building code requirements and some of the standards set forth in the County that will account for whether there is a limit or not, but there is nothing contemplated and nothing before them. He thinks they still have another opportunity to do that if they should so choose or if the Plan Commission mandates that. He doesn't know how it could be quantified at this meeting.

Jeff Wright stated the last sentence in under R1B in the JZO states "The district is intended for areas where community sewer is available or scheduled in the near future." He understands that sewer is not available so they are going septic. Is it scheduled in the near future for water?

Chris Willoughby stated not that they are aware of and they don't control that. The zoning is what this property was tagged with.

Jeff Wright stated it's not readily available and they don't know if it's scheduled in the near future.

Michael Polan stated these lots were set up for septic and soil boring tests are done.

Attorney Biege stated he wanted to clarify the categories. R1B is intended to be more dense than the subdivision they are proposing. It would probably fit into R1A with lots size and density. So R1B,

they could conceivably put more houses more in there. That is what that phrase is intended, but with this density it doesn't really apply to this project. The code is overly inclusive if that makes sense.

Jeff Wright stated the density is about point-eight (0.8).

Attorney Biege stated yes, but R1B takes into consideration a higher density. When looking though the schedule of uses, just because that sentence is in there doesn't mean that it necessarily applies here because they don't have the density that normal R1B would have.

Glen Minich stated this subdivision has its own individual uniqueness because if this was out on any other County road, each one of these lots would have to be two hundred feet (200') of frontage and he has lots that are less than a hundred feet (100').

Attorney Biege stated that is the nature of a subdivision.

Glen Minich stated it is, but most subdivisions provide their own roads with their own entrance. They don't provide a County road as the inventory for the road so they're going to have a lot of driveways; more dense driveways. He's not saying it's right or wrong, he's just saying on Park Street they do have that kind of density when they come towards LaPorte, but on Severs Road that's a lot more driveways that people are going to see cars coming and going. Typically, there would be an internal road. He likes how it's done with the external road because of the erosion problems on this whole property, but they should at least think about whether they should give this many lots to this subdivision or not or whether they should have to conform a little more to the road frontage requirement that the County has. That's the only question. It would also quiet the neighborhood because it would be shrinking it. There won't be a lot of expense with this because they're not putting roads in. The developer still wins even if there's a few less lots. Just a thought.

Harold Parker stated isn't that the area up there that they are calling for 39 District on that water shortage they have up there for fires and stuff. This doesn't have anything to do with this project, that water and up 39?

Glen Minich stated no.

Attorney Biege stated nothing at all.

Harold Parker stated okay.

Rich Mrozinski asked if there would be a homeowner's association with covenants and such things?

Chris Willoughby stated that gets to his point on the covenants and restrictions. As submitted, there are not. As contemplated since that initial submission, he would anticipate that if they were inclined to approve it, it is not required, but because the nature of the homes as discussed by the price tag alone, it is going to make sense. It is contemplated so that the ability to have those submitted and be considered as part of this can be done at the secondary stage. Unless Mr. Keil says otherwise, they don't have the authority to commit to those, but it is contemplated.

Rita Beaty stated she had a question she wanted to ask Attorney Biege. She appreciates all the work that does go into these subdivisions and she knows that it's a lot of expense and time to create any of them and LaPorte desperately needs this housing development for sure, but her thought process goes to a couple months ago. They had another subdivision before them that they turned away that they thought met all the criteria. They are under the chapters where if it meets all of their criteria, they should give a favorable recommendation versus non favorably, but her questions is how do they decipher that they are meeting all the criteria possibly here this evening versus meeting the criteria two (2) months ago? See where she is going with that.

Attorney Biege stated yes. So, the Plan Commission is advisory. Their criteria for making a decision is more limited than the County Commissioners. At this stage, a primary approval, some of the concerns and the concerns of the public have are going to get worked through during Plat Committee. That's when the engineering gets more specific, construction plans are drawn, and the drawings are much more specific, but again their authority on which to base their decision is a lot more restrictive than the County Commissioners have once it gets to them. For example, in the last one (1), without getting in the political end of it, that's kind of the point of having an advisory Plan Commission to try and keep the politics and pressure out so they are just looking at land view and just looking at code. When it gets to the County Commissioners there is no code.

Rita Beaty stated she wanted to clarify it.

Harold Parker stated Glen brought up a vital point of traffic. Severs is getting so busy now. On the other side, they are trying to limit it. They should think about having common driveways instead of single driveways especially on Severs Road. It's going to be a lot of snow problems and highway problems and everything if everybody has their own outlet and inlet.

Adam Koronka asked if they would alternatively be concerned if they replated lots fifteen through nineteen (15 – 19) to where they expanded the frontage.

Glen Minich stated that's certainly the spot where the frontage is compromised the most.

Attorney Biege stated he wants to make sure the Board is clear; they can put whatever conditions on their approvals they want. They aren't wide open on the criteria on which they make the decision, but they are pretty wide open on conditions.

Jim Keil stated as he said before, he passed out a handout tonight which was a portion of the subdivision control ordinance and it listed all the different requirements, particularly R1B. R1B minimum lot size is twenty-four thousand square feet (24,000²) and the lots in this subdivision are anywhere from thirty-three thousand square feet (33,000²) to almost eighty thousand square feet (80,000²) so they are much larger than what the basic requirement would be. As far as driveways are concerned, that could be incorporated. Mr. Parker might be referring to one (1) driveway for two (2) lots. That could be done. They could just build the driveway and split it off. That's really not a problem.

Glen Minich stated when they limit it to that two hundred foot (200') of frontage it is keeping its feel as it is right now. When they start shrinking it up, that's where they will have more pressure

from wildlife and everything else. They're all close except for that whole set on Severs Road. Otherwise, they're pretty close to conforming to the two hundred feet (200').

Adam Koronka stated for the essence of scale, if they take the five (5) lots and split them into four (4) that's one hundred and forty-eight feet (148') of frontage. If it's split to three (3) it is one hundred and ninety-seven feet (197'). If they start talking scale there, both of them become very similar to what is on Park Road and on 100 W.

Jim Keil stated he is saying increase the size of the lots along Severs Road.

Adam Koronka stated increase the width of those lots.

Jim Keil stated that is doable. They'd probably end up losing a lot.

Glen Minich stated or two (2).

Jim Keil stated that's the chance you take.

Glen Minich stated this is all on a preliminary basis. As they start really diving into these lots, they may find that they need a little more width because of the slope there along 100 W. They don't know until they get in a little deeper on the project.

Chris Willoughby stated to that point, that shifts it back to them as they are before them. They believe that they have met the requirements and calculations. Again, they are the decision makers and they have to abide by that. But as they said until they get in there and there are some soil borings and some different things done and there is some engineering done. They are also potentially blindly committing to losing some as well when they all could be viable and there could be alternatives such as Mr. Keil suggested with the shared driveway. Does that alleviate overall because he doesn't want to be lost are the requirements of the code in general. There can be other requirements and conditions that they have to do in making sure that they shield off the neighbors. They are right to look out for their properties, but that is assuming that they are here to be selfish and not do something that fits in the plan and that is not the case. They haven't asked for waivers or exceptions or tried to get variances or do a PUD where they can get a bit more wild. He cautions that he doesn't want his client to blindly commit. They are the decision maker and they yield to that and respect that, but again there is still a lot of process left to dole some of these out, but this is the decision that they need made to decide if they can invest more money and really get serious with plans.

John Carr stated Michel Polan heard the people here with concerns in regards to water and whatever. Can he give his opinion on this development and what he thinks? He read the Plat minutes and they talked at great length about a lot of the drainage issues. In his opinion, is this something that he would recommend and be able to work through some of the changes in the Plat Committee.

Michael Polan stated as far as drainage, yes. He was satisfied with the calculations and the drainage plan as presented by Mr. Keil. The other comments that came up as far as wells and water supply,

he does not have a comment on that part because he doesn't know. As far as the stormwater calculations and the run off and drainage plan, he is satisfied.

John Carr stated thanks.

Jeff Wright asked if there are wetlands on this in the low areas?

Jim Keil stated on the drawing the northwest corner says not included and that's where the wetland is.

Chris Willoughby stated nothing that is going to be developed or touched outside of regulations or other requirements for wetlands. That is the reason those properties were intentionally excluded from these plans. They aren't being aloof when they say there aren't wetlands. There aren't wetlands that are part of the development in the lots that are shown.

Jim Keil stated there was no way that they could build a house where that retention area is. It's just too low. The idea they used would be for a retention area as it is right now.

Michael Polan stated if he recalls correctly, they met some time ago in Plat Committee and during the discussion Mr. Keil was deciding whether or not that corner with the wetland was going to be included or not. That is probably where the acreage of discrepancy comes in is that corner where the wetlands are.

Chris Willoughby stated to point out, the notice is the intention is to make the stakeholders in and around the area aware that this happening and that acreage is over inclusive which is better than under inclusive. No shift to try to be aloof or to pull a fast one (1). In fact, what will be developed or built on for a house is less for those reasons.

Harold Parker asked who will be taking care of that corner if they are taking it out.

Jim Keil stated it is currently Dr. Muller.

Harold Parker stated he will still have that ownership.

Jim Keil stated he thought they could do with it what they did at Legacy Hills. There are four (4) easements for retention areas out there that are off of the subdivision property itself and that's what this would be. There would be an easement for retention which would be off of the subdivision, but it would still be subject to storing the stormwater once that plat is recorded.

Harold Parker stated the subdivision itself would not be taking care of that.

Jim Keil stated no.

Harold Parker stated he thinks they should okay it, but he would like to limit the size on Severs Road access.

Adam Koronka asked what would be the motion. What would he like to see?

Harold Parker asked if they wanted to get rid of lots or have shared driveways.

Glen Minich stated they could simply limit it to fifteen through nineteen (15 – 19) becoming three (3) lots or when they come up with the final plat that there are only two (2) entrances. They can come up with their own concept and create a shared drive as long as there were only two (2) entrances otherwise it should be shrunk to three (3) lots.

John Carr stated lot fifteen (15) can use Park Street too.

Glen Minich stated it could.

Rita Beaty stated the other thing with a shared driveway to keep in mind is that does cause conflict with lenders so shared driveways become issued later on down the road. So just a thought to process there.

Harold Parker stated he just knows that when they have country roads and too many entrances, they have too many problems and everybody has their own mailbox. That's going to be a speed way there. There's no hiding that. It's commercial drive right now to get into the commercial area of the town.

Rita Beaty stated she would rather see some of the lots a little bit larger and concise them down to three (3) lots rather than the five (5) with shared driveways.

Adam Koronka stated amongst the three (3) of them what do they want.

Attorney Biege stated they should establish the frontage number instead of telling them how many lots to build. Say on Severs Road frontage no less than what the calculation was.

Adam Koronka stated he has one hundred and ninety-seven feet (197') for three (3) lots.

Harold Parker stated that's fine.

Attorney Biege stated it is easier for him to draft and everybody follow.

Harold Parker state one hundred and ninety-seven feet (197') would get three driveways.

Adam Koronka stated yes.

Harold Parker asked Rita Beaty if that would work with the lenders.

Rita Beaty stated yes as long as they all have their own separate driveways.

Earl Cunningham stated they could still limit that to two (2) because part of lot fifteen (15) can go out on Park Street. They could still limit it to two (2) on Severs Road.

Harold Parker stated that's just public safety. He travels that road and it gets traveled pretty heavy. It's a thoroughfare to Michigan City or to LaPorte's industrial area.

Glen Minich stated that's all the better if they say they are going to limit fifteen through nineteen (15 – 19) to three (3) lots and if they chose to make the entrance to the lot that is on Severs and Park Street a Park Street entrance so the better it is, but not a requirement.

Adam Koronka stated all of that said, there has been a lot of discussion he wants an exact motion.

Harold Parker asked Attorney Biege if he had anything good over there and he's legal to do all this paperwork.

Attorney Biege stated he's lost track of what they're doing at this point.

Adam Koronka stated that's where he's at.

Rita Beaty stated one hundred and ninety-seven feet (197') of frontage and down to three (3) lots.

Attorney Biege asked if they included the driveway for lot fifteen (15) on Park Street.

Harold Parker stated they could do that.

Earl Cunningham stated that if possible, it would help the situation.

Harold Parker asked if anybody has seen Amazon deliver to a driveway. That is the scariest thing in the world; they back right out in the middle of the roads and stuff. They want to limit some of that.

Harold Parker made a motion for a favorable recommendation for the Petitioners Hester Muller and Jack Allen (Hester JW Muller Trustee Trust) represented by Jim Keil of Keil and Associates for a 19 Lot subdivision to be known as "Oak Ridge Estates" located between Severs Road, County Road 100 West, and Park Street, LaPorte, IN. Center Twp. Zoned R1B consisting of 28.492 acres. This subdivision will be developed with individual Septic Systems and there will be no new streets. Lots 15 – 19 will be reduced to a total of 3 lots with one hundred and ninety-seven feet of frontage along Severs Road. Lot 15 will have access to Park Street preferred.

John Carr seconded.

Approved. Motion carries 7-1.

- 2. Petitioners Love's Travel Shops & Country Stores, Inc (Love's) (aka Roserock Holdings) represented by CESO, Inc. (CESO)** respectfully petitions the Plan Commission 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. This development will be known as Love's Travel Shop and will only utilize 21.8821 acres and will be known as

Phase 1. The remaining acreage (37.8746) will be used for future PUD developments (Phase 2). Exhibits attached hereto. Parcels 46-05-17-400-005.000-046 & 46-05-17-400-008.000-046

Earl Cunningham asked the acting President to please instruct the Building Commissioner that anytime there is a revision to put the time and date in the top right corner so they are not operating from two (2) different agendas.

Michael Polan stated that is an excellent idea. He has the same problem.

Attorney Biege stated notice is adequate.

Frank Ille stated his address is 10601 N. Pennsylvania, Oklahoma City, OK. He is here on behalf of Love's Travel Stops. His civil engineer Dave Teyber is on the Zoom. He is with CESO. They are here for a preliminary and final approval of a PUD for their future Love's Travel Center at I94 and Highway 421. It will be a full-service travel center. It was about a twelve thousand square foot (12,000²) building. They increased the size of the building and it is now fifteen thousand square feet (15,000²). The maintenance and tire shop and a couple of fast-food restaurants will also be there. It will be about a twenty-to-twenty-two-million-dollar (\$20,000,000 - \$22,000,000) investment. They have been working on this for about five (5) years. There is a pipeline easement running through that they all are probably aware of. They have met with the pipeline company TC Energy. They gave them an amount that they think their development would increase their intermittent cost of incremental costs of repair and maintenance for the future. They have agreed to that amount and paid that amount earlier this month. Now, TC Energy is working on their plans and permitting for upgrading their pipeline to have a commercial development above it. Also, he is sure they are all aware that water and sewer is being brought to this intersection and that process has taken a long time too. That's why they have been working on this thing for so long. They are hopefully at a place now where they can see the finish line. They have been committed to this project for this entire time. They have changed their site plan pretty drastically and that was for the pipeline to decrease the amount of paving over the actual pipeline which would lower the cost that they gave them for incremental increases of R & M. He has been with Love's twenty-seven (27) years. He will try to answer any questions they may have. Dave Teyber can answer the technical questions. He can try to answer some operational questions if they have those. They are excited about this project. They have run into a problem with the pylon sign, but that has nothing to do with the County; that is a State issue. They are trying to work through that, but that isn't going to change their commitment to the project. This would employ about seventy (70) people.

Rich Mrozinski stated besides being a County Commissioner, he is on the Redevelopment Commission and he knows they have been working on it for five (5) years. The folks from Love's have been extremely, extremely patient through all of the bumps in the road that they have had to come over. They are already in the process of running sewer and water out there. That is active as we speak. They just opened a new Love's on Highway 46 and I95 in Florida; he goes passed it on the way to his condo. It's beautiful and lights up the area. This will put a lot of people to work and add to future development in that area. It's already grown from what they first started with. He doesn't see a lot of negativity here; he sees a lot of positive things.

Frank Ille stated he also wants to commend Vladimir Ganz and his group, the seller and developer. They have been great to work with. They have been patient. They had to do a lot of things to get a wetlands permit so it's been a collaborative effort for sure.

John Carr stated Frank Ille mentioned he is with Love's.

Frank Ille stated yes.

John Carr stated he is not with Route 421 Partners.

Frank Ille stated no.

Harold Parker asked if they are going to make this as every other Love's in the country aren't they. Or better.

Frank Ille stated yes. It will be better. That is why they increased the size of the building. It will be one of their Tier Zero buildings. The closest one (1) to here might be Springfield, Ohio which isn't very close. It is a new building that they are doing now. This will be their twelfth (12th) Tier Zero in the entire country and they will hit six hundred (600) stores later this year. Being in the top twelve (12) of six hundred (600) is pretty special. They like this location.

John Carr asked if they have a general contractor that they normally work with.

Frank Ille stated they have about ten (10) of them that travel around the country and bid on their projects. They have not bid this one (1) out yet. Obviously, they need to get their approvals first. Because of the pipeline and the timeline it will take them to get permits and then do the actual upgrade of the pipes, they will try to start this construction in April of 2023.

John Carr asked they reach out to local contractors and get plenty of bids from them.

Frank Ille stated seventy percent (70%) of the actual work is done by local contractors. The GC always bids out things locally. Mill work and something else are done by a couple companies that travel around the country and follow them, but everything else is bid out locally. All the dirt work and fuel work.

Harold Parker asked what they are asking from them.

Michael Polan stated this is their third (3rd) time before them and the reason that they are coming back this time because after the prior approval from this Board, there was a change in the plan that increases the floor space by twenty percent (20%). In our JZO, the Building Commissioner only has discretion up to five percent (5%). Since it was a twenty percent (20%) change it exceeded the discretionary authority of his office and required them to come back here. That's why they are here tonight.

Frank Ille stated that's the twelve thousand square foot (12,000²) building to fifteen thousand square feet (15,000²) that he talked about; the Tier Zero.

John Carr stated Love's is going to develop all of that? The restaurant and everything?

Frank Ille stated yes.

No remonstrators present.

Rich Mrozinski made a motion to for favorable recommendation for the Petitioners Love's Travel Shops & Country Stores, Inc (Love's) (aka Roserock Holdings) 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. This development will be known as Love's Travel Shop and will only utilize 21.8821 acres and will be known as Phase 1. The remaining acreage (37.8746) will be used for future PUD developments (Phase 2).

Harold Parker seconded.

All approved. Motion carries 8-0.

- 3. Petitioner Route 421 Partners LLC represented by Matt Garritano of Charles Hendricks & Associates P.C.** respectfully petitions the Plan Commission for a 4 Lot subdivision to be known as "US421/300N Northwest Subdivision" located near the Northwest corner of the intersection of US 421 and County Road 300 N, Michigan City, IN. Coolspring Twp. Zoned B3 consisting of 35.5149 acres. This subdivision will be developed with city sewer and water. Exhibits attached hereto. Parcel 46-05-17-400-005.000-046

Attorney Biege stated notice is adequate.

Matt Garritano stated he is from Charles Hendricks and Associates Surveying and Engineering here in LaPorte. Their offices are at 512 Lincolnway, LaPorte, IN. What they have before them is a four (4) lot major subdivision at the northwest corner of County Road 300 N and US 421. This four (4) lot subdivision would be served by dedicated roads, public roads built to county specs. It would be served from City sewer and water which is being developed as they speak. That's basically it. It is the continuation or back side of Love's at a four (4) lot major.

Adam Koronka stated it would be serviced off of 300 N. and off of the cul-de-sac or roundabout into the Love's property and around the west side of the lot up towards the rounded corner cloverleaf lot.

Matt Garritano stated that is correct. That is a sixty-foot (60') publicly dedicated right-of-way. With County specs, everything would be under the criteria for LaPorte County.

Harold Parker asked if they are just going to develop or do they have any buyers yet?

Matt Garritano stated he doesn't have any knowledge or information as far as any potential buyers. Obviously, they are still in the planning phases. After this phase would be the construction plans for the road so they are not at the step of the process yet.

Rich Mrozinski stated one (1) of the selling points of when they first started talking about Love's is that once that goes there, it will bring a lot more development to that area which means it will put a lot more people to work. It will be a lot more assessed value for the County. This is spawning from Love's. This is what they had predicted and were hoping for.

Matt Garritano stated right. It's short and sweet, but basically what they are respectively requesting is a four (4) lot major. What this is currently zoned is B3. In addition to the four (4) lot major, they are requesting some use variances within the JZO. Those use variances are as shown on the packet submitted on the back side. That is what they are respectfully asking for.

Remonstrators:

Dan Irk stated his address is 10144 W. 300 N., Michigan City, IN. He lives right across from this subdivision they are speaking of. They aren't very clear on what is going in there as far as what kind of housing it will be.

Adam Koronka stated this is commercial. This is entirely commercial.

Rich Mrozinski stated warehouses not houses.

Dan Irk stated it won't be like a subdivision.

John Carr stated no.

Adam Koronka stated it is a piece of property being subdivided, but to four (4) separate plots for business purposes.

Dan Irk stated business purposes, not housing.

Adam Koronka stated that is correct.

John Carr stated he has three (3) one hundred thousand square feet (100,000²) warehouses and a fifty thousand square foot (50,000) warehouse.

Dan Irk stated okay. He wasn't handing those out to the people out there.

Earl Cunningham stated he understands the confusion based on subdividing. He didn't have a copy of the plan.

Rich Mrozinski made a motion for a favorable recommendation for the Petitioner Route 421 Partners LLC represented by Matt Garritano of Charles Hendricks & Associates P.C. for a 4 Lot subdivision to be known as "US421/300N Northwest Subdivision" located near the Northwest

corner of the intersection of US 421 and County Road 300 N, Michigan City, IN. Coolspring Twp. Zoned B3 consisting of 35.5149 acres. This subdivision will be developed with city sewer and water.

John Carr seconded.

All Approved. Motion carries 8-0.

Attorney Biege stated he would recommend a motion on the use variance request also.

Adam Koronka asked as an amendment or a second motion.

Attorney Biege stated a second motion is fine.

John Carr made a motion to approve the Use Variances for Petitioner Route 421 Partners LLC represented by Matt Garritano of Charles Hendricks & Associates P.C. for a 4 Lot subdivision to be known as "US421/300N Northwest Subdivision" located near the Northwest corner of the intersection of US 421 and County Road 300 N, Michigan City, IN. Coolspring Twp. Zoned B3 consisting of 35.5149 acres. This subdivision will be developed with city sewer and water.

Rich Mrozinski seconded.

All approved. Motion carries 8-0.

Vladimir Ganz stated he is with Route 421 Partners and his address is 436 Sand Creek Dr., Chesterton, IN. He wanted to say thank you to LaPorte County. This has been a four (4) or five (5) year process that has been a complete pain and they have been side by side with Love's and Route 421. They really appreciate it. They have been right there with them and they couldn't have done it without the support of this whole community and they really appreciate it a great deal.

4. **Petitioner Meadow Creek Development LLC represented by Matt Garritano of Charles Hendricks & Associates P.C.** respectfully petitions the Plan Commission to rezone from B2 to R1A a parcel located East of Otis Road and approximately 1,500' North of County Road 200 S, Westville, IN. New Durham Twp. Zoned B2 consisting of 8.53 acres. Parcel 46-09-08-400-007.000-027
5. **Petitioner Meadow Creek Development LLC represented by Matt Garritano of Charles Hendricks & Associates P.C.** respectfully petitions the Plan Commission for a 4 Lot subdivision to be known as "Otis Road Sub" located East of Otis Road and approximately 1,500' North of County Road 200 S, Westville, IN. New Durham Twp. Zoned B2 consisting of 8.53 acres. This subdivision will be developed with private septs and wells. There will be no new streets. Exhibits attached hereto. Parcel 46-09-08-400-007.000-027

Adam Koronka stated Petitions 4 and 5 will be rolled together per counsel recommendation.

Attorney Biege stated notice is adequate.

Matt Garritano stated he is with Charles Hendricks and Associates. Their office is at 512 Lincolnway, LaPorte, IN. This subdivision is east of Otis Rd. This is a four (4) lot minor served from Otis Road. There will be no new roads being done. This is an agricultural field; the first petition being the rezoning. They want to rezone it to R1A as per what the petition states. It is currently zoned business. It is not presently attached to that parcel that is east of the Isaac Walton League property closer to 421 which is zoned business. They want to get this to residential which is more congruent with what the area is. All the lots are going to have two hundred feet (200') of frontage or more. The lots sizes are going to be double if not triple what is required for LaPorte County. The lots will be served by private septic and wells. They have the soil reports in to LaPorte County Health Department. It sounded like from Soil Solutions that they were going to be fine with septic systems and possibly some perimeter drains. There is plenty of fall on the property and they don't really see anything else. They are just trying to fill in what is an isolated agricultural tilled field to be more of what the area is.

Harold Parker asked where the water is going.

Matt Garritano stated with the lot sizes being double if not triple the size of what they are minimum required to put in, most of the water, once it becomes grass and developed, will be far less run off than the agricultural field. Behind this property, there is the very large gorge. They did a calculation this afternoon that if they were to make hard surface the entire project at one million (1,000,000) gallons, the gorge, if full, is twenty-five million (25,000,000) gallons. Even after the water comes off the developed sites and the driveways and everything and percolates through the soil for the lots, there isn't going to be any kind of a surface run off onto the other lots. The lots are massive.

Harold Parker asked if it is clay or sand based.

Matt Garritano asked if he would like to look at the soil report.

Harold Parker stated he knows the area so it's either yellow clay or sand.

Matt Garritano stated he doesn't know what specific type of soil is in there, but he can get the soil report if he would like to take a look at it. Like he said, it is acceptable for septic with some perimeter drains. They shouldn't have any issue with the seasonal high-water table.

Michael Polan stated he would recommend, if counsel agrees, to hear remonstrators separately on those two (2) last agenda items since they were listed separately.

No remonstrators present for the rezone.

Remonstrators for Otis Road Subdivision:

Karen Peters stated her address is 1202 S. Otis Road, Westville, IN. She owns property due west of Otis Road. She is concerned the area there is clay and not sand. There is a lot water ways through there and a lot of wetlands. Her concern is where does the water run because their connection to

Reynolds Creek runs through her property and then that subsequently goes under the Indiana Toll Road due north just west of Otis. She wants to know what would be happening with the waste water in the area. How soon would the project take place? She is also concerned about the wildlife in the area. There is a lot of wildlife out there; a lot of deer. One of her concerns has always been about maintaining her property west of that area. They have been pretty private there for a long time. They've had people trespassing and it can be anywhere from the neighbors to anybody who decides they want to get out and take a walk on the property. It is very disrespectful in the area. They have had things happen there with DNR that they had to call for deer hunters. They feel they can come out and hunt the property and it's not even theirs. They do contact DNR when it is necessary. One (1) of her concerns would be the water ways; it is wetland west of Otis Road and they have their property pretty well maintained there. She is not opposed to some housing going there. There is housing there nearby, but she is wanting to know about the drainage and that kind of thing.

Adam Koronka stated it seems the biggest concerns was with any water runoff from the properties. Where does that go?

Matt Garritano stated the runoff from these sites is going to stay contained on site. There isn't going to be any runoff that's going over Otis Road and west passed the abandoned railroad. The size of the lots is to mitigate that. With it being agriculturally farmed ground right now, once they get the grass and it gets seeded in and the property is developed, they will see considerably less runoff.

Jeff Wright stated the contours aren't labeled on the drawing. He can't tell if it's going up or down.

Matt Garritano stated he can show him.

Jeff Wright stated he is sure that there was a meeting with the Department Heads.

Matt Garritano stated yes.

Jeff Wright stated there are a lot of contours on the road and he was wondering about sight distance along the road for driveways and things. Was it discussed?

Matt Garritano stated yes. There is plenty of sight distance and it is congruent with the other existing residential homes there. It all goes downhill, but it is wide open. He respectfully requests that if they are granted a favorable recommendation, he does have a full-size print that he would like to get signatures today from the Plan Commission.

Adam Koronka asked Attorney Biege if it normally goes in front of the Commissioners first.

Matt Garritano stated yes, for the favorable recommendation portion, not for the entirety of the plat. They still have secondary plat. They have the Plan Commission portion. Is that not?

Attorney Biege stated he usually drafts findings and then he has the President sign the findings.

Matt Garritano stated that's fine.

Harold Parker stated they don't want to take Doug out of any work.

Adam Koronka stated no.

Rich Mrozinski stated it's called billable hours either way.

Rich Mrozinski made a motion for a favorable recommendation for the Petitioner Route 421 Partners LLC represented by Matt Garritano of Charles Hendricks & Associates P.C. to rezone from B2 to R1A and for a 4 Lot subdivision to be known as "Otis Road Sub" located East of Otis Road and approximately 1,500' North of County Road 200 S, Westville, IN. New Durham Twp. Zoned B2 consisting of 8.53 acres. This subdivision will be developed with private septic and wells. There will be no new streets.

John Carr seconded.

All approved. Motion carries 8-0.

Old Business

1. Zoning Clarification for Parcels 46-07-09-100-022.000-052, 46-07-09-100-015.000-052 & 46-07-09-100-008.000-052

Attorney Biege stated he doesn't know why he always gets to talk during Old Business, but here he is again. So, he mentioned to the Plan Commission a few months back that they noticed there were three (3) parcels without zoning. They went back to check to see if it had fallen off on GIS; it didn't. Or maybe it did right before they printed the maps off when Mitch and he were working on the maps. Either way, they have three (3) parcels that don't have any zoning. So, Ashley was good enough to contact the property owners and they all prefer Ag. There is no procedure in the code or zoning code as to how to handle this. He would recommend they pass a motion to be included in the minutes that that is what the designation would be. Then they will get that to GIS so it will show up on Beacon and the zoning maps as agricultural because right now it's just a white spot. It's basically clean up what this is.

Anthony Hendricks stated he is the LaPorte County Surveyor. He stated this threw him for loop when Doug told him about it because it didn't make any sense. They did a lot of work and they had every parcel zoned and Mitch Bishop did a great job. They double checked everything. It didn't make any sense. Then the petition that came before them for the Kesling property didn't have a zoning either; it was blank. He didn't understand why until he pulled up 2011 GIS shape file and every parcel had some zoning in it because he still had it from Mitch Bishop. He called Mike Ordziejewski, the GIS Director, and asked what was going on here; parcels are losing their zoning. As splits happen in the County, the shape file was indexed to the parcel ID number and it was a separate shape file. It wasn't in the parcel file for the zoning. He wants to give kudos to Mike Ordziejewski for doing that for them. He fixed it in a couple days. He indexed all the zoning in the shape files to the parcel shape file and now the parcel shape file holds the zoning as a key index field so when Donna Bell at the Real Estate Office, big thanks to her, now if something splits, she makes sure that the split holds the same zoning it was so they shouldn't be dropping off zoning

anymore. It was a strange technical thing. They finally realized it and Mike O. fixed it; it's awesome. The parcel that Kesling came in front of them was a B2, but didn't have a zoning and he had it fixed. Thanks to Mike Ordziejewski for all the work he does for them.

Earl Cunningham made a motion to approve the zoning to A for Parcels 46-07-09-100-022.000-052, 46-07-09-100-015.000-052 & 46-07-09-100-008.000-052.

Rita Beaty seconded.

All approved. Motion carries 8-0.

Attorney Biege stated if there are no objections, he doesn't think this needs to go to the County Commissioners because it is more or less administrative anyway.

Adam Koronka stated he agreed.

Adam Koronka asked for any new business.

Michael Polan stated let's briefly touch on lithium battery storage. Just to update the Plan members that were not aware of last week's meeting and the State Rep's report and where they are at with that. Was that tabled or denied at the BZA.

Adam Koronka stated it was postponed indefinitely based on a task force that has been assigned through State legislature and the Governor. They are meeting in September to potentially come up with some verbiage for a bill to be looked at during the session after the first of the year and potentially have something that is passed and active as early as July unless there is some emergency state that is tied to it which could make it as early as April. The motion was to postpone indefinitely.

Michael Polan stated they expect their task force to come up with something that the County can follow and emulate. Ahead of that, they were really scrambling like they did with the solar ordinance to get ahead of things before they just come here and they have to be reactionary. In fact, Rita and he as well as Jeff Hamilton from Hazmat, some fire and EMS people and other technical people, have all put a lot of time and effort into learning about lithium battery storage really quick to get prepared for what they had in front of them. Now, it seems like they will have even more time with State authorities weighing in on it as well. He is comfortable where they are at on that.

Adam Koronka stated the largest operating battery storage system that's in the State of Indiana right now is twenty (20) megawatts. The proposed system was over five hundred (500) at max capacity. It's definitely a trailblazing endeavor with a lot of questions associated with it. That's why they need to get some more experts involved and that made more sense to get the State involved and let them further define it for them.

Michael Polan stated in addition to that, they are going to be getting into EV charging stations; Tesla charging stations. Those are coming. If the Board has any brainstorming or ideas or anything they want to discuss to get ahead of that. There are similar uses in the JZO now, but if there is anything they need to do to tweak that up that may be something to consider for their next meeting.

Attorney Biege stated from what he can see so far, he doesn't think they need to modify or amend any of the code, but it's so new that he doesn't have a lot of information. If anybody has information from their individual organizations, please get it to him because this is brand new and there's not much out there. What is out there is very, very technical. He's got to meet somebody at his place to replace the battery in the fire alarm at his condo when they're done so they don't want to rely on his expertise. So far, he is not thinking they need to change anything, but there might be something out there that they're not aware of.

John Carr stated he thought he saw an article come across today that Kokomo is getting one (1) of these battery storage facilities costing like one-point-three billion dollars (\$1,300,000,000).

Michael Polan stated that would be an interesting read to share with the whole group. No matter who in the group would come across anything like that to share it and get more familiar with it.

Glen Minich stated the wisdom that Pressel brought before them was that they don't even know who would oversee these projects. They did a fantastic job of moving quickly to try and prepare. It was a one-hundred- and fifty-million-dollar (\$150,000,000) project these people were offering LaPorte, but when the State doesn't even know who is going to oversee something like this. They didn't include IDEM and they made a law that says IDEM would have oversight on a BESS location then what they did was all in vain anyway.

Adam Koronka agreed.

Attorney Biege stated he agrees with him completely with the caveat that they have a solar ordinance. The legislation promised them a solar ordinance a few years ago. He's keeping it in the back of his mind that they may end up having to handle it themselves because it may not get through the legislature. He respects Mr. Pressel and the process, but sometimes it doesn't get done in a year.

Glen Minich stated the other thing he brought to them was the fact that there are committees on energy. They are being reactive all the time. They have talked about not decommissioning plants that were set for decommission and making sure that this sort of thing is a necessary part of the grid. It's part of the picture that they don't see that they need to have oversight from somebody else because it wasn't a NIPSCO project. It was an individual company investor that was doing it.

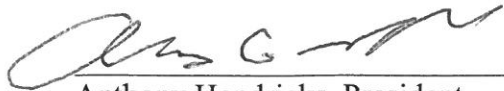
Adam Koronka asked for a motion to adjourn.

Rita Beaty made a motion to adjourn.

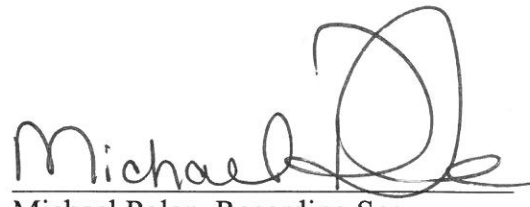
Harold Parker seconded.

All approved. Motion carries 8-0.

There being no further business before the Plan Commission, meeting adjourned at 7:35 p.m.



Anthony Hendricks, President



Michael Polan, Recording Sec.