



LAPORTE COUNTY PLAN COMMISSION

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Michael Polan
Building Commissioner

LA PORTE COUNTY PLAN COMMISSION MINUTES July 26th, 2022

MEMBERS PRESENT: Anthony Hendricks Adam Koronka
Rich Mrozinski Glen Minich
John Carr Rita Beaty
Earl Cunningham Harold Parker

OTHERS PRESENT: Doug Biege, Attorney; Mike Polan, Recording Secretary; Ashley Kazmucha, Administrative Coordinator; Tony Rodriguez, Director of LaPorte County Community & Economic Development; Mitch Bishop, LaPorte County Planner.

PLEDGE OF ALLEGIANCE

Anthony Hendricks asked Attorney Biege since they are in the meetings of the State of Indiana, what are the rules about voting and members here present or on Zoom.

Attorney Biege stated they didn't enter into an Ordinance. He believes it is present members only.

Anthony Hendricks stated there are six (6) people. There are nine (9) members on the commission so there has to be a majority of nine (9). There has to be five (5) members one (1) way or the other. This is just a recommending body. Going forward, they would have to have five (5) members and the two (2) members on Zoom are not present so it has to be five (5) of the six (6).

Todd Leeth stated he believes as long as they vote by roll call and not by voice vote, it counts.

Attorney Biege stated they just had this issue come up and they didn't pass a resolution to authorize it.

John Carr stated Zoom should be a roll call. That's how they've done other public meetings.

Anthony Hendricks stated they're asking because it has changed in like a month.

Attorney Biege stated the rules keep changing this on the remote voting deal.

John Carr stated from what he understands, that if somebody is on Zoom they have to do a roll call vote, but their vote does count.

Attorney Biege stated if they pass the resolution authorizing it, his understanding was that a few months ago, they changed the rules and they had to pass a resolution, but they didn't have a

meeting. It doesn't hurt. There is no harm in them voting one (1) way or another because they have a quorum here.

Anthony Hendricks stated Commissioner Mrozinski might be able to answer that because that would've been the Commissioners passing a resolution for Boards.

Attorney Biege stated the way he understands it, each Board passes its own rule.

Rich Mrozinski stated the County Commissioners adopted an Ordinance that was designed and drafted by the Governor about Zoom meetings. You are allowed to Zoom two (2) meetings in a row. That's all. So, people who are on Zoom certainly have a right to vote.

Anthony Hendricks asked for approval of the agenda for the July 26th meeting.

John Carr made a motion to approve the agenda.

Adam Koronka seconded.

All approved. Motion carries 8-0.

Anthony Hendricks asked for approval of the meeting minutes for May 24th, 2022.

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

John Carr seconded.

All approved. Motion carries 8-0.

Petitions:

- 1. Petitioners Sloane Avenue Land Opportunities, LLC-S RP166 Series represented by Todd A. Leeth and Katie L. Kopf of Hoeppner, Wagner & Evans LLP** respectfully petitions the Plan Commission to rezone from A and R1B to all R1A the property located on the South side of E. State Road 2 between North 350 East and North 450 East, Rolling Prairie, IN. Kankakee Twp., zoned A/R1B. (Parcels 46-07-14-300-001.000-052, 46-07-14-300-003.000-052, 46-07-22-200-003.000-052, 46-07-22-200-004.000-052, 46-07-15-400-011.000-052, 46-07-15-400-012.000-052, 46-07-15-400.013.000-052, 46-07-15-400-016.000-052) Exhibits attached hereto.

Attorney Biege stated notice is adequate.

Todd Leeth stated he is here on behalf of the Petitioner in this matter, Sloane Avenue Land Opportunities. The request is as they discussed in the workshop, to rezone a one hundred and sixty-six (166) acre parcel of land on the south side of Highway 2 northeast of the City of LaPorte from it's Agriculture zoning classification to the R1A classification. As they discussed at the workshop, a part of those one hundred and sixty-six (166) acres is the subject of the petition tonight is not

Agriculture, it is R1B. It is a small portion, but nonetheless it would support a small subdivision, but that is not good planning on their part according to their thinking. They would like to have the entire development master planned under one (1) subdivision plat and that is the reason for the request tonight. As they know, they received a favorable recommendation from the Plan Commission for the R1B zoning classification in February. In March, the Board of Commissioners turned that down. The reason for that was density basically so they are now back before the Plan with a R1A zoning classification. R1A has fifteen thousand square foot (15,000²) minimum lot sizes; that's fifty percent (50%) larger than the R1B. Their concept plan which he understands the members have seen, calls for two hundred and thirty-seven (237) lots. They haven't engineered that, but an engineer prepared that concept plan. What does the engineer do when he prepares a concept plan? He looks at the dimensions of the property, the environmental features of the property, and the topography of the property and knows where the water is going to flow. He is not going to put a detention pond in the northeast if that is the high spot; he will locate it where the low spots are because it's easier to move the water around when he is asked to take that concept plan and turn it into a primary plat engineered so that the water moves efficiently. Detention ponds, when it is a primary plat, are sized appropriately to manage all of the stormwater from the roof tops, the driveways, sidewalks, throughout the entire development. They are not there yet. This is a zoning request. They are asking for a thirty-thousand-foot (30,000') view as to what the highest and best use of this property is. It is densely wooded. To his knowledge, it has never been farmed. There was a suggestion at the earlier meetings that timber is in fact a renewable crop and he doesn't disagree, but that's not what the farming community does in the adjacent areas. This property and certainly the current owner is not in the business of timber farming. The Ordinance that they are seeking does have for those larger lot sizes. It's a game changer in his opinion because of the proximity of the sanitary sewer. They talked about that during the workshop. They now have the availability of sanitary sewer to this property. What that does is it creates the availability to have the R1A zoning classification and have lots that are fifteen thousand square feet (15,000²) and not the acre plus that would be required to accommodate a septic system. He suggests to them that even if they had septic systems, he doesn't believe that the community would be accepting of a development that would still be required to take down trees to build the road, detention ponds, and the homes even if it were a residential septic system development. He believes that density is a good thing in the area that it is appropriate and sanitary sewer makes that the case here. They don't create the need for two hundred and thirty-seven home buyers. The scenario where build it and they will come isn't true. Buyers don't come because they build subdivisions. Buyers come because they are looking for a home. They're looking to upgrade. They're looking to move. They're looking for a home. Simply because Ford Motor Company builds a car or simply because his client builds a house doesn't mean there is a buyer. The market place dictates that. They are going to have a long period of absorption or sales for these two hundred and thirty-seven (237) homes. Maybe ten (10) years or more. If they reach that capacity the the market place is going to want two hundred and thirty-seven (237) more homes in ten (10) years or five (5) years or in fifteen (15) years. Where do they go? They go to the next farm. If he can put more homes on a limited number of acres then that's good for the farming community because the farms and farm lifestyle are protected because they have created the density where the utilities are and where it is appropriate to have that. They are in an area that is in transition. The sewers are new. There is a conflict between the expanding planned urban expansion areas and what was industrial agricultural uses in the past and currently, admittedly. He used the term, planned urban expansion areas, that comes from the LaPorte County Comprehensive Plan. Mr. Bishop commented on that. It is a very important document that the State law requires them to

pay reasonable regard to when they consider petitions such as this zone map amendments or rezonings. It talks about first and foremost the availability of public utilities and that is why the sanitary sewer is a game changer in his mind. There is a letter from the LaPorte utilities talking about the ability and capacity of the line to service this development. That letter is directed to Mr. Bishop and he will make it a part of the record, but as indicated, there is a need for flow in that line far more than they could be served by. The letter indicates that there is certainly capacity in the line for two hundred and thirty-seven (237) homes. They seek a favorable recommendation to the Board of Commissioners to rezone the property to the R1A classification.

Anthony Hendricks stated he will open the floor for remonstrance. They just had a workshop about this. They welcomed and heard for an hour. Try to be as succinct as they can. Name and address for the record as well.

Remonstrators:

Mike Ekovich stated he is a co-owner of Eko Dairy Farms at 1752 N. 350 E., Rolling Prairie, IN. They just built pretty much a whole new dairy farm in 2020 within a mile of this. Like Glen Minich said, there are thirty-five hundred (3,500) head of cattle and there are plans to expand in the future. It is the one of the most modern and largest dairy farms in the County. He is here for the future generation. The next generation of Ekovich's. There are fourteen (14) soon to be fifteen (15). If they have been to the County Fair and seen the open show, they all show cows so obviously there is a heavy interest in dairy farming. Rich Mrozinski said the smell of cow manure is money. Currently, a lot of people are connected to farming particularly dairy farming. In the past, they have milked cows, baled hay, and as they move on people are further connected to farming. They are getting more complaints and more push back. It's going to be harder for the future generations to farm, dairy farm especially. It's not a clean beautiful thing. There's manure; they do the best they can. They have wonderful neighbors in Sand Ridge and Mulligan Meadows down all the road of 350 E. There are minimal complaints from them; they accept who they are and what they do. If they are going to bring that many homes into the community the chance of them being connected to dairy farming and not giving them issues, he feels is very slim. Another thing Rich said was that the building in the County could possibly be Union. Union doesn't do residential; it's overpriced. They won't see that. He has a concrete business, Ekovich Concrete and he has been in business since 2006 with his brother. Currently, sons are added onto the business. All the homes in Sand Ridge and Mulligan Meadow, they have done two (2) basements in Mulligan Meadows and none in Sand Ridge. Most of the contractors comes from South Bend. So, St. Joe County, Porter County, Lake County, they have cheaper immigrant help. They can't compete with them. Saying that the contractors are from the County, he would say that probably fifty percent (50%) of them will be. That's all, thank you.

Jim Miller stated his address is 3934 E. 350 N., Rolling Prairie, IN. He has some questions. It was brought up during the workshop about the sewer system and that was kind of explained. What about water? That keeps being brought up. What are they going to do about that?

Anthony Hendricks stated he is sure there are wells, but they will ask them.

Jim Miller stated he has two (2) wells on his property and they are both over a hundred feet (100') deep. That's talking about a lot of wells going in if they are going to have two hundred and thirty-seven (237) residents. Secondly, in March it was denied by the Commissioners and they were not supposed to come back for a year. Why are they able to come back now?

Attorney Biege stated they are asking for something different now. The first request was for a more populated area so they would have had to wait the year if they asked for the same thing over again.

Jim Miller stated so there's a loophole in there somehow. Part of that property borders two (2) sides of his and he is not looking forward to it.

Luke Smith stated his address is 3974 E. 350 N., Rolling Prairie, IN. He prepared this ahead of time so he apologizes if some of it seems redundant. After going through the procedure previously, he had to educate himself on the processes and procedure set forth by the County and the State. First, he would like to bring to their attention that at the previous hearing he was notified from Sloane Avenue, but this time he was not. He is aware of the notice and requirements of public hearings set forth by the State and the Plan Commission. Outline in Article 27 Plan Commission Section 27.08 Public Hearings Part B states the petitioner shall prepare the legal advertisement of the public hearings for approval by the Plan Commission and shall bear the expenses of the advertising cost. In addition, the Petitioner will notify all person deemed by the State statute, which they did, and the Plan Commission to the interested parties at least ten (10) days before the day of the public hearing. Outlined in Section 27.09 Notice Requirements for Public Hearing Part D states for the purpose of this subchapter, the notice requirements contained in the previous sections are the bare minimum necessary for the presentation of the petition of any matter to be heard in front of the Plan Commission. This is where he is disappointed in the bare minimum set forth by the representatives. The petition requested by Sloane Avenue does and will affect everyone in the Rolling Prairie Community from the volunteer fire department, the elementary school, etc. Therefore, they elected officials that their powers were lent from the people here in this room and all of Rolling Prairie, the affected parties should include everyone in the Rolling Prairie community, not just the adjacent properties. He strongly urges this change be made not only for this situation, but for all situations and future ones. Unlike the Plan Commission and unlike Sloane Avenue, he spoke with dozens of Rolling Prairie members of the community. Unanimously, the consensus is against putting up a subdivision the size of their community. Outlined in the Ordinance, Article 30 Amendments and Rezoning Sections 30.06 Decision Criteria stated that in reviewing the rezoning application the Plan Commission shall pay reasonable regard to all of the following which Mr. Bishop explained earlier. Land County Development Plan, Current Conditions, Desirable Use, Property Values, Responsible Growth, Environmental Conditions, Spot Zoning, and Neighborhood Plan; several of the criteria requirements are in question. It does say all, not just some. Desirable use; the desirable use of the land has been classified since the 50's. The property has been home to wildlife and trees that the community has benefited for a long time. Desirable use from the County is more tax base. Desirable use from the investors is it is something they can make money on. Desirable use from the community is keeping the wildlife preservation. E. Reasonable Growth; Rolling Prairie's first settlement was in 1831 and has grown to five hundred and sixty-two (562) people in the 2020 US Census. This proposed subdivision is two hundred and thirty-seven (237) homes and has a potential to double or triple the size of the community in ten (10) years according to their business plan. This type of rapid growth is not acceptable to the members of this community. F. Environmental

Conditions; the first chance they got was to take the forest out of classified forest. After speaking with the District 19 Forester, James Potthoff, Sloane Avenue did not request them to survey the property for any endangered protected wildlife. This is another example how the interests of the community is not in mind, but the interest of financial gain is more important. In closing, it was clear to him and everyone he spoke with that the interest has not been of the people of Rolling Prairie Community, but the interest of the County, the parties that stand to make a lot of money, the property owners which is listed in Chesterton and Chicago, a law firm which is listed in Valparaiso, the developer which is listed in Chicago, and the engineering surveyor which is listed in Chesterton all stand to make a lot of money at the backs of the Rolling Prairie Community. He opposed the petition for the rezoning of the proposed property from Ag to Residential.

Richard Stradtner stated his address is 2367 N. 350 E., Rolling Prairie, IN. He wants to be on record that he is completely against this for the things they mentioned in the workshop. Mainly, they have way too many children to go to one (1) school now. They can't afford another three hundred (300) plus. They don't have any need in their farming community to have more people. It's dangerous enough. They have tractors, heavy equipment, and machinery. They have things that they don't need a densely populated thing in their farm fields. Keep the densely populated things closer to town. They have plenty of open spots and open field in subdivisions right now that are not being built. Please don't make another eye sore where they're going to put roads down and build one (1) house that sits there. They have them in Kingsbury already.

Susan Taylor stated her address is 2191 N 350 E, Rolling Prairie, IN. As she mentioned earlier, the utilities in this area are crap. What is the County going to do to fix the utilities before they add two hundred and thirty-seven (237) more homes? Their electricity and cable go out at least once a week. This needs to be fixed.

Jennifer Wright stated her address is 3139 N. Fairway Ave., Rolling Prairie, IN. It was mentioned earlier by the attorney that the developers are doing this for the people of Rolling Prairie. That was an outright lie. This isn't for the people of Rolling Prairie. There are plenty of lots available if people in Rolling Prairie want to build a nice home right across the street in Sand Ridge. Scipio is in LaPorte, but it's not far. This is for the attorney and his developer to make a ton of money at the expense of the people who have already invested in the community. It will bring in residents from out of state. They can check out Wagner Estates off of Fail Road and that will show that people in the surrounding area aren't looking to build homes as much as the people in Illinois wanting to come here. She wanted to make sure that she caveated that falseness that was stated earlier.

Jim Paarlberg stated his address is 4701 E. 300 N., Rolling Prairie, IN. He has been here before. He was at all of the Commissioners meetings. A lot of this may seem repetitious, it does to himself, and maybe to them too. They farm. He is all across the southern border of the whole subdivision. He owns all that and partly up the east side. They deal with the public all the time in Agriculture. Many of them know that and he has stated that before. He isn't sure if they listened to the Commissioners' meetings, but he spoke about the heavy industrialized farming that they do and all the equipment that is going in and out of the fields and in the fields themselves. Things happen and they are going to put a dense population of a lot of people in a smaller area. He quickly circled Rolling Prairie and saw how many acres were involved in Rolling Prairie and what this acreage is and Rolling Prairie itself, as a town, has more acreage available around the town per home, per household. This will be

denser than Rolling Prairie to be clear. This is not just a subdivision; they are going to decide on putting in a city and all that entails. Post Office and all the things involved in a city. This is not a subdivision. Commissioner Mrozinski had opposed saying the lot size was like a trailer park. They went from a trailer park to a double wide. They are still very small lots. He gets that people don't all want large yards. He understands that. People want to live in the country, but most of the people in here already knew that it was Agriculture and those woods were Agriculture and they bought and invested already. Rolling Prairie, the whole sewer line, Mitch Bishop shared that it was part of the development plan. No, it's part of the bailout plan of Rolling Prairie that didn't have proper septic systems and LaPorte sewer had capacity. It was a bailout plan. It was not a development plan. They are coming to them for a bailout plan. They bought the property knowing it was zoned Agriculture; it's a bailout plan. How many more bailout plans can they afford? That's what it is. It was zoned Agriculture and that's what everyone that bought around there bought and had already invested. Now they're picking a winner and a loser. Everybody already here and voting members of the County, they are picking who is going to win and lose in this one (1). There are other places. It makes more sense to be right around all of the utilities around their cities. Let's develop those first. Let's not encroach into the Agriculture and highly industrial land. Let's not encroach on them until maybe they have to. Maybe there is no other option at that point, but let that be the last option of taking that. They have industrial parks that are not being utilized. Why don't they zone that Residential? They would never think of it because of the dangers presented to the children. Think about all the people that they don't see that can't vote that they are endangering by putting them in a highly dense area. It's not bad parenting or bad children if they end up in a farm field; they're exploring. What they do, they have lots of traffic. He could go through all of those they could see from Paarlberg Farms, YouTube, or whatever; they can see the dangers that that poses. Lord help him when that child or something happens and they are going to put a city right next to him. They invested good money at the time into that farmland themselves. They had to pay market price. They didn't ask anyone to bail them out. They're paying taxes. It seems crazy to him why they want to develop and want to make their plan to grow from the cities on out and not from the Agriculture on in. Highest and best uses, according to the attorney, they are looking at the highest and best use and that depends on which side of the fence you are on. It depends on what view they have. They all want to tell their story; he's trying to tell his. They all have a story to tell. They are going to have to pick a side on going forward and pick it for generations. They are a generational family. His dad and uncle moved to LaCrosse, Indiana in 1972. They had opportunity to buy farm land in Rolling Prairie and diversify their agriculture land and they have grown since then. He now has sons in the business that are working full time as farmers that are also investing in LaPorte County for themselves. He asks and plead with them to keep it Agriculture. They don't need another bailout. Save their farms. They have a chance. They want to talk green and everything; those woods have lots of value. It might not just be to someone's wallet, but it has lots of value to the community.

Ryan Paarlberg stated his address is 4606 E. 300 N., Rolling Prairie, IN. He is completely against this. Obviously, he is the next generation. He is raising a generation. The biggest fear for him as a farmer is tragedy. He has three (3) little girls and recently in Elkhart County a two (2) year old went missing in a corn field. Bringing all these households in is putting him at risk at hurting or injuring someone and he is so afraid of that. Even for his own children. He goes over and over farm safety, but accidents happen. Bringing this many people into the community is putting them at risk. It's putting him at risk of the potential of something happening. Most people outside of the community doesn't know corn has one (1) ear on it. He has been blessed to get to operate a combine. When

they are picking corn, they can't see but fifteen feet (15') in front of them. It's dangerous. People get killed each year and this is just bringing more potential for someone to get hurt. He doesn't want to see that. He loves the community; he lives there. He wants more people to enjoy it, but responsibly and know what they are getting themselves into. He is against.

Jennifer Scanlin stated her address is 3182 N. Fairway Ave., Rolling Prairie, IN. She wanted to add that she recently moved into Mulligan Meadows with the understanding that it was all protected behind her and it was one (1) of the alluring points of moving there. The wildlife matters to her. She also thinks that some of them are forgetting that the farmers are the ones that put food on their tables. They are overworked and underpaid. They should remember that because it's important. What is best for them is also best for them. She has been an educator in the school system for twenty (20) years; several of her kids are ag kids. It is a big thing out there. It's something she loves about living there. They would be very saddened to know that they are going to parcel it out and make it into a subdivision rather than keep it and protect for the farmers and what's best for farming. This community to her is a farming community not a small city. She is against it.

Kayleigh Stradtner stated her address is 2367 N. 350 E., Rolling Prairie, IN. She has lived in Rolling Prairie for twelve (12) years. She is second (2nd) generation. She has a little one (1) and one (1) on the way. She wants to think of her family going forward and be on record stating that she is against the rezoning.

Jerry Rogers stated his address is 2443 N. 350 E., Rolling Prairie, IN. As he stated in the first (1st) meeting, he is concerned about safety. He was on the fire department for many years. His question is then, down the road, they are asking school bussed to cross four (4) lanes of a highway to get to a school in Rolling Prairie? They need to think of the future. Yes, it is a long process, but they need to do their homework before they say yes to something. What is the State going to do? Highway 2 is a limited access highway. They need to think of the kids.

Tony Albertson stated his address is 3992 E. 350 N., Rolling Prairie, IN. They have been here before. Over time, they kicked the can down the road to the Commissioners and it gave them a little hope so they said let's try again. Some of the plans are pretty vague. Maybe it's on purpose or maybe it's not; he doesn't really know. He does know that it was Agriculture first before it was residential. All of the community showed up on short notice. A lot of people weren't even given proper notice about it. On short notice, they can see all the folks that gathered to show what they want in their community. Agriculture first. It was Agriculture not Residential. If it's Residential then they have the right to do that, but it's Agriculture. Seven hundred and fifty thousand (750,000) acres in the last fifteen (15) years Indiana has lost. It is gone. There is a lot of movements to preserve beaches, fields, woodlands, and forests. It wouldn't be any different if he had come to LaPorte, won the lottery, and said hey, let's put a landfill here, they need new garbage service. The people would be in an uproar. This land, even though it is private access, people enjoy looking at it just like somebody does driving by the beach or open fields. It was Agriculture first, but these guys have tremendous pressure as farmers. They produce more per acre. It's amazing over the last thirty (30) years what they have done. It can't be applauded enough, but with all the foot shortages and pressure. . . He knows the Commission has a difficult position. The investors are the community. They vote; they are voting here and they want them to represent their views and they have a strong outpouring of people here to tell them are not in favor of this. It's not the growth, but everybody

sounds like a broken record. Put it where it needs to be. This is zoned Agriculture; it's a large chunk of forest. They won't get that back and taking out the trees and leaving trees is an issue. He has walked the woods plenty of times. There is cherry, very few oaks, and maples; they are shallow rooted trees. If they start going in and digging basements, they won't save many of those trees. Right now, it's a big wind buffer. If they start taking them out, they will fall over; they aren't going to save many. He is opposed. Please vote accordingly.

Chad Beadles stated his address is 3052 N. 450 E., Rolling Prairie, IN. Many years ago, he had the opportunity to work for one (1) of the largest agricultural supply companies in LaPorte County and as a custom applicator in several thousand acres worth of fields, he can attest to the children coming out of the houses from neighborhoods that they would call pop-up houses. There are two (2) acre parcels along the road frontage. They are people coming from the cities and their children come out and stand feet from the side of the field as he and himself were running massive application equipment along the fields to try and help the farmers out. He can't begin to tell them how many times he came within a few inches of having an issue to where it could have been a detrimental result. He believes that if they begin to allow this subdivision to take shape around the agricultural land, they will see problems. They will see accidents because children are children and they are curious. He prays that they don't see a tragedy, but if they allow this development to happen, the chances of those tragedies expand exponentially.

Tony Rodriguez, Director of LaPorte County Community and Economic Development, stated he would like to point out a piece of information that is very relevant to this evening's discussion and both sides of this entire presentation and argument. In approximately of August of 2021, the results came in of a study which was executed by a very diverse and broad coalition of all of the communities both large and small throughout LaPorte County, the Unity Foundation, the LaPorte County Association of Realtors, Michigan City, City of LaPorte, LaCrosse, Hanna, Westville, Fish Lake, Wanatah and as a result of the coalition the objective was to try to identify exactly where LaPorte County is at in its single-family housing and overall housing demand. The results of that study are posted online still today accessible. It is something they are paying very close attention to. He wanted to bring this to the Board's attention and it basically boils down to one important number that is relevant this evening and that is that the study found that as they sit today, they are approximately forty-three hundred (4,300) housing units short of what their market needs to sustain the activity of supporting the manufacturers that are currently in LaPorte County that are adding jobs to their very important payrolls. Then those people that retaking those new positions and being able to have a reasonable commute to their employers. It is also available online if they enter "housing market study" into the county website search bar. It will pop right up.

Todd Leeth stated he wanted to address some of the comments that were made and concerns and answer any questions perhaps. They have talked a long time this evening both at the hearing and at the workshop about the conflict perceived or real between single-family homes and the agricultural uses surrounding. What he wanted to talk about was some of the things and questions that really came up. They will never come to a consensus tonight that single-family homes and agricultural uses are compatible or they're not compatible. What he can do is talk about some of the facts. The sewer system is there. He believes that that is a game changer. He believes that it protects the future of the farming community because as he indicated he believes higher density creates and preserves farm land longer. They don't create the need for homes; the market does. Whether they build this

subdivision or somebody comes along in fifteen years and needs to build another subdivision, that will be dependent upon the market place and not whether they have a two hundred and thirty-seven lot subdivision in 2022, as they go through the process 2024 is more likely. The sanitary sewer system is there. The potable or drinking water is not so they will be individual wells on the homes on the lots; that was one (1) of the questions. With regard to the issue of notice, he is not sure. He has the notice list and he would be happy to refer to that, but he can say that under state law that if that gentleman was missed, but he knew about the hearing and appeared at the hearing, that corrects any failure to give notice to that individual. It was certainly not intended to do that. They take great pride in making sure that their notice lists are accurate. It's not a classified forest today. There has been a discussion about the fact that it was and how long it has been that way. It's been zoned Agricultural for a long time too, but the reason why the State process has the ability for them to come and ask them to change the zoning map is so they can take their request, look at the requirements of the State law and their zoning ordinance, and see if there are changed circumstances that dictate a change in the zoning map. They talked about that as it was mentioned by Mr. Bishop and all the things that were there, but he keeps coming back to the sanitary sewer is the real game changer there. The comprehensive plan talks about this area being in a planned urban expansion area and when read down to zoning, it talks about areas tied to public utilities services; that is the game changer. There was a suggestion that density should be closer to towns and he would suggest that this is what that is. It's on a State Highway. It's on a sanitary sewer. Those things make, in his opinion, the rezoning request most appropriate. He was called out for saying that they were doing this for Rolling Prairie. He doesn't believe that is what his words were, but it certainly was not his intention. His client is here tonight and he is an investor. He is doing it for the money. Nobody is trying to sugar coat that or change that, but what they have to do is follow the codes that the community has been told about. They have to follow all of those rules and an investor has to take and follow those rules in order to create two hundred and thirty-seven (237) homes. Those two hundred and thirty-seven (237) homes are going to be LaPorte County residents. That was his intent and statements; that's what he means. When the development is complete, if they are allowed to proceed, if they go through the primary plat process and they have two hundred and thirty thirty-seven (237) homes or they have two hundred and seven (207) homes, those homeowners will be LaPorte County residents. He suggests they will be accepted into the community, the people behind him, in twenty (20) years, in ten (10) years, in five (5) years just as though the people who are sitting there today were accepted when they moved into their communities. There was a suggestion that their plans were vague. He has been doing this a long time and concept plans can be as simple as a sketch on a napkin or they can be lined blueprint drawings. He believes that they are some of the best concept plans at this point in a proceeding that they've probable seen and certainly that he has seen. Mr. Ray and Duneland Group do a fine job and they are going to do a fine job when they have, hopefully, the Plan Commission's blessing and the County Commissioners' approval for the zoning change. They will do a fine job with the primary plat and they will see all the detail that is needed. If they don't, then their staff will tell them so and they will have to get it right before the Plan Commission is going to be asked to vote on the approval of that primary plat. They are months down the road in making sure that happens. Once they have the zoning to turn Mr. Ray and his company loose to design the stormwater, to design the road system, to work on the sanitary sewer, the crossings, work with INDOT and get the driveway permits; all of those things. They are a long way away and this is the first step. Give them the ability to look at the zoning code and know what their standards are and with that his client and

Mr. Ray can turn that into a primary plat. At the end of the day, they think that it will meet their code and they will ask for their approval at that time. He is happy to answer any questions.

Rita Beaty stated she doesn't have a question, but she wants to address some issues if she may. They go through this it seems every time they have someone before them wanting to bring in a subdivision so she sympathizes and understands everyone sitting out there that they do not want this in their back yard. That happens every time. She can't tell them that there has been a subdivision that has come in LaPorte County that they haven't had remonstrators basically saying they don't want it in their back yard. She has an industrial park in her backyard. Did she choose to live there? Absolutely. Would she still do it tomorrow? Absolutely. Does she think that's where industrial should stay? Yes. Subdivisions are the future. Unfortunately, that's the way it happens. Farming is the future also. Did she spend a week at the LaPorte County Fair with the Ekovichs? She sure did. She slung the horse poop and everything else along with everybody else that was out there. She gets farming and she understands it. She has horses so she understands it completely. But they have to remember when the petitioners come before them, as a Plan Commission they are only allowed to do so much. The State, the County has put before them the provisions. If the petitioners meet the provisions, they have to make a decision to make a favorable recommendation or they have a choice to not make a favorable recommendation. If they are in the right and they turn them down, she couldn't tell them how many times they have had lawsuits come to the County which is costing herself and the tax payers dollars that they have to fight because they turned something down for no good reason. She understands there's a good reason with all the folks here tonight and she appreciates all of them being here tonight, but she wants them to truly understand that their hands are tied when it comes to certain things. The biggest problem she has with what she has heard is everyone that has come out here, they have come to move to the County, they love the County, love there area, love the reason they bought in that subdivision, but now they are saying they don't want another subdivision. That is her biggest problem that she is hearing tonight is that the folks here, many live in a subdivision, bought in a subdivision surrounding this area, but they don't want another subdivision. There are city sewers coming which they have begged for in this area. There may be many subdivisions in that area out there and another subdivision will contribute much more traffic and other things out there, but please listen to them that there are things that they have to abide by. She has a real issue with the fact that there are subdivisions out there and now they don't want another. She gets it and she completely understands.

Adam Koronka asked Attorney Biege that while a lot of the material will still go to the Plat Committee if it were to get a favorable recommendation and goes past the Commissioners, but is there a way that they can ask for in a motion and if it were passed, that the phases be reordered to change the order of which they start to impinge their flow towards the boundaries between what is currently agriculture and this proposed subdivision.

Attorney Biege stated that would happen if and when they get to preliminary plat submission. They have to come back with the plat design. They can make modifications to the plat design.

Adam Koronka stated they can't do it here.

Attorney Biege stated no because it isn't designed yet.

Adam Koronka stated that's what he thought. He just wanted to be clear.

Anthony Hendricks asked what the pleasure of the Commission is. This is a recommending body. They have three (3) choices. They can have a favorable recommendation to the Commissioners. They can have an unfavorable recommendation to the Commissioners. They can have no recommendation to the Commissioners.

Rita Beaty asked Attorney Biege if the Petitioner has met every criterion that they need to make a recommendation this evening. Have they met everything with their hands being tied with what is out there?

Attorney Biege stated he doesn't want to be rude, but that's their decision.

Rita Beaty stated as they've seen here and one (1) of the gentlemen brought up their decision criteria in Section 30.07 for them to look at, reading through them, and reading what their blue book has shown them through all the years, the Petitioner has met the criteria and the decision criteria on the steps.

Attorney Biege stated they are bound by that criterion that they have there. That's what they base their decision on, but ultimately, the Commission has to decide if they've met the criteria or not.

John Carr made a motion for a favorable recommendation for the Petitioners Sloane Avenue Land Opportunities, LLC-S RP166 Series represented by Todd A. Leeth and Katie L. Kopf of Hoeppner, Wagner & Evans LLP to rezone from A and R1B to all R1A the property located on the South side of E. State Road 2 between North 350 East and North 450 East, Rolling Prairie, IN. Kankakee Twp., zoned A/R1B.

Rich Mrozinski seconded.

Ashley Kazmucha read the roll.

Anthony Hendricks stated nay.

John Carr stated aye.

Harold Parker stated nay.

Adam Koronka stated nay.

Earl Cunningham stated nay.

Rita Beaty stated aye.

Glen Minich state nay.

Failed. Motion dies 5-2.

Anthony Hendricks stated there was a motion for a favorable recommendation that was not passed. What do they do?

Attorney Biege stated nothing. He will enter findings saying there was an unfavorable recommendation and certify that to the Commissioners.

Rich Mrozinski was mistakenly not called for a vote, but it was later determined that members via zoom were not permitted to vote until an Ordinance is passed allowing such. Considering that fact, actual vote is 4-2 as Glen Minich was also on Zoom.

- 2. Petitioner Eric L. Derucki represented by Anthony Novak of Newby Lewis, Kaminski, and Jones, LLP** respectfully petitions the Plan Commission to vacate a public way located adjacent to 5383 E. Saugana Trl., Rolling Prairie, IN. Galena Twp. Zoned R1B. (Parcel 46-03-25-136-026.000-048) Exhibits attached hereto.

Attorney Biege stated notice is adequate.

Anthony Novak stated he is an attorney with Newby, Lewis, Kaminsky, and Jones. He has a petition to vacate with consents of all of the adjoining land owners including the owner that abuts the alleyway that will be vacated. His petition lays it out in order, but quite simply the Petitioner and owner is Eric Derucki. He owns property at 5383 E. Saugana Trl., Rolling Prairie. Exhibit 1 outlines his property in blue. Exhibit 2 is the original plat which he won't make them strain their eyes, but his shown on the plat on Exhibit 2. Just north of the lots that he owns at 5383 is a platted, but unimproved alleyway. Exhibit 3 is a survey of his property and they'll see that on the north portion the rectangular piece that is marked Parcel B is plus or minus point-zero-nine ($\pm .09$) acres. That is the portion of the alleyway that they are seeking to be vacated and that is particularly described on that exhibit. There is a specific legal description that he is seeking to vacate. As he indicated, the adjoining land owners to that portion of the alleyway, there are three (3): Tim and Karen Shields, the Mary P Hynes Trust, and Donald and Noreen Moran. Each of them have consented to the petition and specifically the Shields, who by law would get one-half ($\frac{1}{2}$) of the alley have actually consented to the entirety of the alley going to Mr. Derucki. At the time he filed this application and the beginning of the month, he did not have those consents. They did ultimately receive them and they emailed them over to Ashley, Mike, and Doug today. They would ask that a favorable recommendation to the Commissioners be given. He did speak to Doug today and he indicated that there may have been a change in law where maybe the Plan Commission can maybe adopt an Ordinance vacating it. Regardless, whether it be them adopting it or it being a favorable recommendation, they are seeking that. They just want to make sure that title is clean for this owner down the road. He is certainly willing to answer any questions they may have.

Attorney Biege stated Anthony and him can clear that issue up, but it will not affect their vote tonight.

Remonstrators:

Louis Ori stated he and his wife own a home and a cottage. The address of the home is 5305 E. Saugana Trl., Rolling Prairie. The cottage address is 5304 E. Iroquois Trl., Rolling Prairie. He believes this Iroquois that is being vacated. They are not adjoining landowners so they weren't given notification, but their homeowners association had given them notification and that's how he found out about it. The reason he came tonight was because he didn't know the extent of the vacancy of that road, but his concern is that their cottage is the property that is closest to East Iroquois and it is not developed right now. The road ends to the west of them. His concern is, would this affect the potential to get a sewer. Their hope is to someday get sewers in Saugany Lake in that area and most likely for his cottage which is off East Iroquois, it would have to come through that road which is paved to a certain point and then stops just west of his property. He wanted to express his concern that if someday there are sewers that they would still have the capability of running a sewer line to their cottage in the future should that come to pass. He doesn't know the extent of the vacancy and what that means as far as utilities, but he just wanted to come tonight and mention that.

Anthony Hendricks stated they can vacate roadways, but they cannot vacate utility easements. He doesn't have a crystal ball, but he would guess if they did sewers, they would come down Saugana Trail, up Winnebago, and around Iroquois. They wouldn't run a sewer down a vacated Iroquois.

Louis Ori stated okay. The home is closest to Iroquois and it would be a long stretch of pipe to have to bring the Saugana Trail and he was hoping to get an answer.

John Carr stated sewer is coming though.

Louis Ori stated he is hoping.

Anthony Hendricks stated they would probably feed him from Winnebago.

Rich Mrozinski stated he has been looking it over on Beacon and he had Mike Ordziejewski look it over as well as spoke to Mr. Polan about it. First question he has is does the petitioner still have his shed built on County property? That was pretty obvious.

Anthony Hendricks stated yes.

Rich Mrozinski stated it is still built on County property?

Anthony Hendricks stated yes.

Rich Mrozinski stated he thought that was supposed to be taken care of that he is on County property and then it was supposed to be moved.

Anthony Hendricks asked if he moved it.

Michael Polan stated no. He doesn't believe it's moved. In fact, the discovery of it being on County property came from his office when he showed up to get a permit for something else. At that time, the staff in the office instructed him that he had a structure on an undeveloped roadway that is County owned property that either needed removed or file a petition to vacate it.

Anthony Hendricks stated it is still there.

Rich Mrozinski stated this is not a new thing. This has happened out in Saugany Lake before. To address the question of the sewer line, they have probably read the news that the sewer line going to Saugany Lake is the number one (1) priority with the repayable grants from the State. It is a big deal. They are going to have sewer. He was looking when he discovered that the gentleman had a structure on County property, which they have made other people move them, which isn't a problem, but like the other gentleman said Iroquois runs passed a couple houses and then stops. There's a lot of undeveloped land on the north side of that County property. If somebody wanted to build a home there and they shut it off in the middle which is where they are requesting to vacate, they wouldn't be able to run the road all the way down out the other side which goes down towards the lake. He doesn't know that there is a plan right now to continue Iroquois right now, but if they vacate a spot in the middle of it, there sure wouldn't be. Two (2) years ago, there was a guy that built a shed like that on County property and they went out and looked at it, the inspector came out and looked at it, and they made them move it.

Anthony Hendricks stated yes.

Anthony Novak stated he certainly understands that Commissioner Mrozinski, but as Mr. Polan indicated, this isn't a situation where he was doing it maliciously. When he went in and discovered this, that is when he ultimately filed the petition. It goes back a little more historically too. He got the property back in 2008 and he is looking at the site and notes and he indicated that in 2014 he saw that there was an unimproved alleyway and then spoke to the County Highway Superintendent at that time and they said they would never put a roadway in there so don't worry about it. In 2014, he went to the Building Department and they suggested he file a petition to vacate. He took an old form that they had which was vacating an entire roadway and he just filed it. That was trying to vacate the entirety of that alleyway and there was a bunch of remonstrators that didn't want to do that he dismissed it and it was ultimately when he came back to Mr. Polan's office to get a permit on something else that he discovered it was still an issue and therefore, that is why he is here. He doesn't know what the future holds out there, but he knows currently there are no plans to develop that. He doesn't see how it would hinder the growth or orderly development of the area.

Rich Mrozinski stated it's not the first time that the now retired Highway Superintendent told people what they're going to do and what they're not going to do, which of course he had absolutely zero authority on. That would be the Plan Commission and the Commissioners, but the fact remains that Iroquois runs east to west there out to the lake and should it want to be developed and they have a big chunk taken right out of the middle of it that will stop it right there. And building on County property is not good either.

Anthony Hendricks asked if it vacated, half goes to the north owner, half goes to the south owner, so they don't, the Plan Commission nor Commissioners, would have any discussion in that half or half. That would be up to the two (2) owners to decide if the north owner wants to sell them their half. That's a different fee title company closing. It's not up to anyone's purview; they either vacate or they don't.

Anthony Novak stated he was in front of them last year where he had a consent. They approved it and the Ordinance vacated the entirety of the roadway to one (1) owner. It can be done; it does not have to be a two (2) part step.

Harold Parker asked if there is a possibility that they need that for sewer?

Anthony Hendricks stated that is a crystal ball.

Harold Parker stated not if they sell it, it isn't.

Anthony Hendricks stated yes, if they vacate they're not coming through there ever.

Harold Parker stated right. If that increases the work load for that sewer he does not know.

Anthony Hendricks stated he is looking at Beacon and yes, the road goes through, but the northwest piece is owned by Saugany Lake and it looks like it is forested wetland and he would presume no one would like to cut through a part of Iroquois that is forested wetland with protected species. They would definitely feed the front of all those houses, but he doubts they would feed all the way across Iroquois, but that's a crystal ball that no one has. Sewer lines aren't like water lines. They don't need to connect them; they just dead end.

Harold Parker stated they still need to have grade and everything. Pump or something

Anthony Hendricks stated and they need to have grade. If they are looking at the grade, he would presume the wetland would mean it's low.

Earl Cunningham asked Anthony Novak if his client is willing to give an easement through the parcel if they vacate it for sewer.

Anthony Novak stated he can't give a definitive answer, but it is something he can ask his client.

Earl Cunningham made a motion to table Petitioner Eric L. Derucki represented by Anthony Novak of Newby Lewis, Kaminski, and Jones, LLP to vacate a public way located adjacent to 5383 E. Saugana Trl., Rolling Prairie, IN. Galena Twp. Zoned R1B.

John Carr seconded.

Ashley Kazmucha read the roll.

Anthony Hendricks stated aye.

John Carr stated aye.

Harold Parker stated aye.

Adam Koronka stated aye.

Earl Cunningham stated aye.

Rita Beaty stated aye.

Rich Mrozinski stated aye

All Approved. Motion carries 7-0.

In person vote is 6-0.

Anthony Hendricks stated he wants to make sure he understands the homework here. There was really no discussion on what they need to do. Is there going to be an easement that could be granted? Do they need to work with the County Engineer?

Earl Cunningham stated he asked for the delay so he could consult with his client because without the potential for an easement it is his belief that he will get an unfavorable vote this evening. If they were to give an easement, then they would have a chance of getting five (5) votes. That is why he is asking for a delay.

Anthony Hendricks stated he isn't an attorney, but he thinks they are looking for an agreement of some sort that if there is a sewer line, they won't be building foundations across it. If not and it never comes to fruition. . . he doesn't know how they do that.

Earl Cunningham stated that's why he is saying an easement for a sewer line should a sewer line necessitate it being there.

Anthony Novak stated he understands and asked Attorney Biege if he would presume to avoid trying to execute some sort of agreement with some other party, it would just be a condition of the recommendation.

Attorney Biege stated yes. They would just make it a condition, but they want to know if your client agrees with it.

- 3. Petitioner Carol A. Grott represented by James Kaminski and Anthony Novak of Newby, Lewis, Kaminski, and Jones, LLP** respectfully petitions the Plan Commission to vacate an unimproved public way located adjacent to 4304 N. 400 E., Rolling Prairie, IN. Kankakee Twp. Zoned R1B. (Parcel 46-07-10-428-008.000-052) Exhibits attached hereto.

Attorney Biege stated notice is adequate.

Anthony Novak stated he is an attorney for Newby, Lewis, Kaminski, and Jones. This owner for this petition is Carol A Grott. She owns property at 4304 N. 400 E., Rolling Prairie. Her property is shown on Exhibit 1. She owns Lots 1 through 15 in Wanbaugh Cass Subdivision in the town of Rolling Prairie. The portion that she is trying to vacate is known as Rose Street and that is outlined in green on Exhibit 2. There is also a portion of Rose Street on Exhibit 2 highlighted in purple. That

portion was vacated by the VFW Rolling Prairie Memorial Post a couple decades ago. She is ultimately seeking to have the rest of Rose Street going out to 400 vacated. There were three (3) adjoining land owners that she notified and the landowner directly across the street from what would be vacated, across the alleyway, the Churches have consented to the petition. So they would ask for a favorable recommendation or approval of the vacation.

No remonstrators present.

Anthony Hendricks asked Commissioner Mrozinski about the VFW Post.

Rich Mrozinski stated he has only been a member there for thirty-two (32) years so he doesn't know if he can speak for them. He can tell them that they don't have a problem with that. It does border the VFW property, but it doesn't infringe on their property in any way, shape, or form. Personally, he doesn't have a problem with it at all.

Anthony Hendricks stated they understand he can't speak for the VFW, but his input is appreciated.

John Carr made a motion for a favorable recommendation for Petitioner Carol A. Grott represented by James Kaminski and Anthony Novak of Newby, Lewis, Kaminski, and Jones, LLP to vacate an unimproved public way located adjacent to 4304 N. 400 E., Rolling Prairie, IN. Kankakee Twp. Zoned R1B.

Rich Mrozinski seconded.

Ashley Kazmucha read the roll.

Anthony Hendricks stated aye.

John Carr stated aye.

Harold Parker stated aye.

Adam Koronka stated aye.

Earl Cunningham stated aye.

Rita Beaty stated aye.

Rich Mrozinski stated aye

All Approved. Motion carries 7-0.

Anthony Hendricks asked for any old business.

Anthony Hendricks asked for any new business.

Michael Polan asked Earl Cunningham if there was anything he wanted to bring up today from Council this morning or would he like to save it? This morning at budget hearings, the Council had requested that the Plan Commission discuss the issuance of building permits for Meadowview and other subdivision lots that the County has knowledge of subterranean water issues. He has discussed this with legal counsel and they have gone over it, but this morning at budget hearings it was brought and they specifically wanted it discussed at Plan Commission.

Harold Parker asked him to define what he is talking about on the water issue.

Anthony Hendricks stated lots of homes in subdivisions have people building in high water tables whether there are sump-pumps or not. Flooded basements whether they are seeing water or not and this goes back years and years on this. He would hope they could put this on their agenda for next meeting and people bring any information because there are so many tentacles to this one.

Attorney Biege stated it is almost a question that is too broad to answer. Are they talking about new subdivisions or existing subdivisions? If they are existing subdivision, no; the Plan Commission doesn't have authority to do anything. This is a statutory animal. If they are talking about new subdivisions that would go with their engineering requirements.

Earl Cunningham asked if they go to Meadowview right now to an empty lot and a home on both sides of it have water issues, are they going to let them put a basement in today if they came in for a building permit today. Would they let them put in a basement?

Attorney Biege stated he doesn't have an answer to that question.

Earl Cunningham stated that is why they need to discuss it because that is the dilemma Michael Polan has right now. They have given permission to Lot 1 and Lot 3 to have basements and they are flooding. If somebody buys Lot 2 and they want to put in a basement, are they going to continue to let them make the problem worse for the County.

Attorney Biege stated he agrees it is something to discuss because does the County have the right to restrict what somebody is going to build.

Earl Cunningham stated correct.

Attorney Biege stated that affects the value of that lot.

Anthony Hendricks stated that could be a taking under the Constitution.

Attorney Biege stated correct.

Earl Cunningham stated the question is if they give them the permission to build and they build and turn around and want the County to fix their water problems because we gave them the permit. They aren't going to solve it tonight, but it should be on the agenda for discussion at a future meeting.

Michael Polan stated he is satisfied with this just being brought up because they brought it up specifically and discussed it with Earl.

Earl Cunningham made a motion to add the Meadowview Discussion to the next agenda.

Harold Parker seconded.

All Approved. Motion carries 7-0.

Anthony Hendricks asked for a motion to adjourn.

Earl Cunningham made a motion to adjourn.

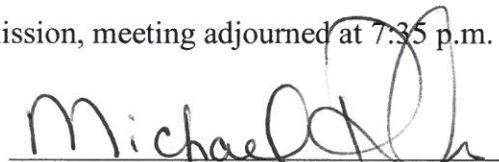
Adam Koronka seconded.

All approved. Motion carries 7-0.

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



Anthony Hendricks, President



Michael Polan, Recording Sec.