



# LAPORTE COUNTY PLAN COMMISSION

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**Michael Polan**  
Building Commissioner

## LA PORTE COUNTY PLAN COMMISSION MINUTES November 28<sup>th</sup>, 2023

MEMBERS PRESENT: Rita Beaty  
John Carr  
Glen Minich  
Deb Vance  
Joe Haney  
Earl Cunningham  
Harold Parker  
Jeff Wright

OTHERS PRESENT: Doug Biege, Attorney; Michael Polan, Recording Secretary; Ashley Kazmucha, Administrative Coordinator

### **PLEDGE OF ALLEGIANCE**

Rita Beaty asked for approval of the agenda for the November 28<sup>th</sup> meeting.

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

Earl Cunningham seconded.

All Approved. Motion carries 7-0.

Rita Beaty asked for approval of the October 24<sup>th</sup> meeting minutes.

Earl Cunningham made a motion to approve the minutes as presented.

Harold Parker seconded.

All Approved. Motion carries 7-0.

*Anthony Hendricks not present as he has recused himself. His alternate Jeff Wright is present.*

### **Petitions:**

- Petitioner D&M Excavating Inc. represented by counsel Andrew Voeltz of Howes & Howes, LLP** respectfully petition the Plan Commission for a 39 Lot, with 1 outlot, Major Subdivision called "Sable Estates" located immediately south of 3786 N. 400 W., LaPorte, IN. Center Twp. Parcel 46-06-17-200-002.000-042. Exhibits attached hereto.

The subdivision will be developed with private septic and wells and is to be constructed in six phases. All roads will be constructed to County specifications.

Rita Beaty stated last month Petition 1 was tabled and it is first on the agenda this evening. From the Board they will need a motion to take it off the table.

Harold Parker made a motion to remove the Petition from the table.

Glen Minich seconded.

Rita Beaty asked for any discussion from the Board on Petition 1 which is D&M Excavating Inc. represented by counsel Andrew Voeltz of Howes & Howes, LLP respectfully petition the Plan Commission for a 39 Lot, with 1 outlot, Major Subdivision called "Sable Estates". Is there any discussion from the Board this evening regarding this Petition 1.

Attorney Biege stated they need a motion before there is discussion.

Rita Beaty stated a motion to remove it from the table.

Attorney Biege stated right, but a motion either way and then discussion is the ultimate topic.

Ashley Kazmucha called the roll.

Rita Beaty stated yes.

Earl Cunningham stated nay.

Harold Parker stated yes.

Deb Vance stated no.

Jeff Wright stated yes.

John Carr stated no.

Glen Minich stated yes.

Ashley Kazmucha stated that is 4-3.

Attorney Biege stated the statute is clear that they need a majority of the entire commission even if they are not present so they need five (5) votes for it to be removed.

Rita Beaty stated Mr. Haney is not available yet because he was in a meeting this evening in Indianapolis.

Attorney Biege stated it will remain on the table.

John Carr asked if he can make a motion to table it until April of next year.

Earl Cunningham seconded.

Attorney Biege stated he doesn't think they can because the motion to put it on the table was indefinite when it was made last month and the motion to take it off died for lack of majority tonight so it remains on the table. They can't vote on it until it is taken off the table.

Earl Cunningham seconded.

Rita Beaty stated they will leave it on the table and it will be heard again at the next meeting.

Attorney Biege stated it will remain on the agenda so long as it stays on the table.

Rita Beaty stated unfortunately, they do not have a meeting in December so this will put this on the agenda for January of 2024. At this point in time, Petition 1 for D&M Excavating will be held in January of 2024.

- 2. Petitioner Great Lakes Capital, LLC and Frank & Frances Zolvinski represented by Abonmarche** respectfully petition the Plan Commission to rezone from B3 to M2 the property located west of 9626 W. 400 N., Michigan City, IN. Coolspring Twp. Parcel 46-05-16-126-001.000-046. Exhibits attached hereto.

Attorney Biege stated notice is adequate.

Chris Godlewski stated he is with Abonmarche located at 315 W. Jefferson Blvd., South Bend, IN. He is accompanied by Isaac Hall who is an analyst for Great Lakes Capital, he is the developer, and Steve Ruby who is a landscape architect from Abonmarche. This petition, they are seeking to do a large industrial development and a large investment. It is in an area that is already developed commercially. It is on an east-west thoroughfare that connects with a major intersection just off 421 and 94. If they saw in their packet, the style of the building is going to be very aesthetically pleasing with landscaping so it may not look like the traditional industrial building. It will look more like the current development of what they see out there in that area. He also understands that even though there is no industrial in that area right now, to the south of this parcel the potential for that to develop industrial is pretty significant as well. This is an area with existing utilities and existing commercial traffic so even though it is not the commercial use, it fits the nature of that area quite well. To share a little on the technical side of things per the statute of why it might fit in that area, Isaac will give a little explanation on the type of use and the details of the structure itself.

Harold Parker asked if they have a Beacon on it or is it just the floor plans? Is there an overall Beacon or anything or an overall view from the sky.

Rita Beaty stated there is a colored one (1) in the stapled packet about the fourth page back.

Harold Parker stated it's still pretty narrow. It's more of a complexed area. He wanted to see more of a picture of how it was going to fit in.

Chris Godlewski stated okay.

Michael Polan stated they will see about getting something on the overhead.

Ashley Kazmucha stated to give her one (1) second.

Harold Parker stated all they see is the square.

Rita Beaty stated Ashley is going to get that for them.

Ashley Kazmucha stated it is right there on the screen.

Chris Godlewski stated as they can see, there is not much in the terms of residential development. He believes there is a house adjoining, but in the general vicinity, it is definitely trended commercial development over that time. Again, they think that the M2 use, the purpose of which is so they can have the most intensity of height and bulk and least amount of setbacks to make the most of the development of that property.

Harold Parker asked if there is going to be a lot of truck traffic with that.

Isaac Hall stated his address is 7410 Aspect Dr., Granger, IN. He is representing Great Lakes Capital. So, this would be a spec development so they would go ahead and start construction without any tenant in mind. So, that would really determine the truck traffic that would be used at this site. The larger building on the site plan would be more geared towards a logistics type user or a warehouse. The smaller building on the north side of the site plan would be more like for a contractor who needs an office in the front and then a warehouse in the back or like a lumber liquidator who have a showroom in the front and utilizes warehouse space in the back. Hopefully, that answers his question about traffic there.

Harold Parker stated truck traffic will have the main road too. They don't want to bust it right up. Is there a drain through the middle of the parcel. It looks like a ditch or drain or something.

Isaac Hall stated there is a ditch.

Harold Parker stated they are covering that too and taking that down the side of it or what.

Chris Godlewski stated yes. Obviously, when they get to the point of site development, any surface water existing would be handled whether it be incorporated into the existing storm detention or rerouted, but if the building is going to be on top of that, it can't be present in its way. It is not a regulated drain, but just surface water.

Earl Cunningham stated he does not know the specific address, but if they go north from there on Cleveland Avenue, on the west side, this kind of looks like from the picture, a similar development to that. Is that about the same size.

Isaac Hall stated that is correct. Holladay Development did that same type of building of precast concrete warehouse structure. It would be very similar to that type of design, yes.

Earl Cunningham stated thank you. That is approximately three-quarters ( $\frac{3}{4}$ ) of a mile north on the west side of Cleveland Avenue.

Isaac Hall stated yes. Correct.

Harold Parker stated this is a preliminary and goes through all the stuff yet, doesn't it? Does it every come back to them then?

Attorney Biege stated no, this is a rezone.

Harold Parker stated this is just a rezone then; that's all they're doing?

Attorney Biege stated yes. Whatever they vote will be a recommendation of the County Commissioners.

Ashley Kazmucha stated let the record show that Joe Haney has joined the meeting.

Joe Haney stated yes, thank you. He apologizes for his tardiness.

Earl Cunningham stated the third party that they have here, what is his area of expertise?

Isaac Hall stated civil engineering.

Steve Ruby stated he is a consultant with Abonmarche at 315 W. Jefferson Blvd., South Bend, IN. He is the project manager for the project. His responsibility is to oversee any site development pieces of this and the intimacy of the project itself as it develops. Are there any questions for him?

Rita Beaty asked if there are any other questions at this time.

Harold Parker asked what is to the left of the site. Is that a house or another business?

Steve Ruby stated the immediate left is open farm field currently. He is not sure what the business is.

Ashley Kazmucha stated that is a hotel.

Harold Parker stated a hotel.

Earl Cunningham stated it is just south of Walmart. There are a couple hotels there.

Rita Beaty stated thank you.

**Remonstrators:**

Jason Wood stated his address is 12216 S. 89<sup>th</sup> Avenue, Palos Park, IL. His family owns the land across the street and they are very concerned what this would do to the property value. He can show

them where they are located. They are the one (1) directly to the east of Walmart. They own sixteen (16) acres right there. They were trying to sell it pre-covid, but things just fell apart. They have relisted for sale just by owner as family land. Their only concern is what they are going to do there as it seemed very vague and would it hurt their property value. He doesn't know. Just bringing that up. They would like some more clarification on what they are going to use it for. Is it going to be a recycling center? It could be anything under that zoning, correct?

John Carr stated right now it is spec building so until they get a tenant they don't know.

Jason Wood stated that tenant could be anyone doing anything. That is the only concern they have.

Attorney Biege stated under the M2 directory, he can get online and look at it, and M2 tells them what is permitted and not permitted, or is a special exception is required.

Jason Wood stated it just seems pretty wide.

Attorney Biege stated it is pretty broad, he agrees. He is just letting him know where it is.

Jason Wood stated they just got the notification like two (2) weeks ago so it was just sort of last minute. They just wanted to voice that concern.

Rita Beaty stated thank you so much.

Jeff Wright asked if they are open for discussion here on that? They already did that?

Rita Beaty stated if he would like to discuss more, he is more than welcome to discuss more.

Jeff Wright stated Johnny Come Lately, he is sorry. That particular spot along that whole stretch between Franklin/421 and County Road 950/Cleveland Road extended is all very prime development area for business and it doesn't make sense to him to drop a manufacturing in there that they don't know what it is going to be right in the heart of some of the best business property on the south side of Michigan City.

John Carr stated it is still vacant.

Earl Cunningham stated he would counter that by saying that's why they asked them. They have almost an identical situation three-quarters ( $\frac{3}{4}$ ) of a mile north closer to the city itself on the west side of Cleveland Avenue. He presumes that they are building it as a spec building, but if they were going to put in a recycling center, they would still have to go to the Zoning Board. It's not like they are just approving anything they want to put in there, correct.

Michael Polan stated right. Depending on what it is, it could require a special exception or a variance. Like discussed, the table is pretty broad so they are speculating as to who might go in there, but he doesn't have any concern of spot zoning having checked the surrounding zoning and they are all familiar with the rendering of the facility that was provided to them.

Earl Cunningham stated he lives half way between LaPorte and Michigan City so he is pleased that someone from out of town is speculating to make investments in their County. That is a good sign as far as he is concerned.

Jeff Wright stated the other Commissioner is absolutely right. It is empty now, but across the other way was empty for forty-five (45) years, at least since he has been there and they ended up building a four hundred-million-dollar (\$400,000,000) hospital there. Just by virtue of being empty doesn't mean that someone in a short period of time come in and put another business in there. He isn't opposed to manufacturing. Jobs are great and wonderful if they can get them in.

Earl Cunningham stated this isn't necessarily manufacturing. Like they said, it could be a construction company that needs a front office and a back area for storage and minor assembly. Right? They pretty much don't have any control. If somebody is going to build a building and rent it out later then they have to go through those hoops as far as he is concerned.

Attorney Biege stated if he might add, if they look at the grid and the gentleman mentioned the concern about the activity, he will generalize this, but if it is messy, smelly, or contains chemicals, they all require special exceptions so they have to go in front of the BZA. Just so the Commission is aware of that.

Earl Cunningham made a motion for a favorable recommendation for Petitioner Great Lakes Capital, LLC and Frank & Frances Zolvinski represented by Abonmarche to rezone from B3 to M2 the property located west of 9626 W. 400 N., Michigan City, IN. Coolspring Twp.

John Carr seconded.

Approved. Motion carries 7-1.

John Carr stated he would like to make a comment. As this project goes further, he would like to stress the importance of working with local vendors and local contractors to build their facility. It is much of LaPorte County and the region area that they can utilize in the construction of this building and would be greatly appreciated. Thanks.

Chris Godlewski asked which Commissioners meeting this would go to. What is the date?

Ashley Kazmucha stated she will send him an email in the morning with the details.

Chris Godlewski stated okay. Thank you.

Earl Cunningham stated they have one (1) tomorrow so their next one (1) won't be until two weeks from then.

Chris Godlewski stated thank you.

Harold Parker stated to bring the jobs, they'll bring the workers. How's that?

Rita Beaty asked for any old business.

Michael Polan stated not from him.

Rita Beaty asked for any new business.

Rita Beaty stated the only thing that she has that was brought to their attention is back in 2008 there was a change in the Commission at the time for the Plan Commission for rule changes. They will be at the beginning of the year now so there will be a whole new venue here coming up that in the event of a Board member would miss two (2) consecutive meetings, then the appointing body would be notified by the Building Commissioner's Office that participants lack of participation, an action is then required. So, that was a motion for a rule change on there so next year they need to keep that in mind that if there are any issues with that then they need to take that into consideration.

Attorney Biege stated he will comment since he is not elected or appointed. That rule is real good, but when they were short in the Plan Commission, they couldn't get the entities to appoint a new person. It stalled them out for a few months as she can remember.

Rita Beaty stated they are struggling with that now with Purdue.

Attorney Biege stated yes.

Harold Parker stated they can't have a guy living in Indianapolis working at the Extension.

Rita Beaty asked for any other new business.

Michael Polan stated no.

Harold Parker stated he wanted to thank their Officer for keeping watch of it. Thank you, sir.

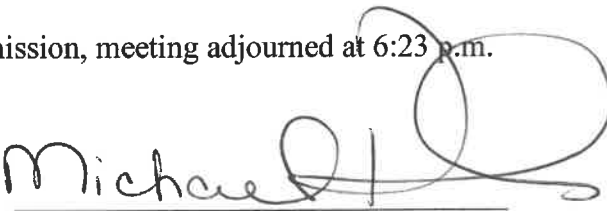
Rita Beaty stated yes, thank you very much. They appreciate that.

John Carr made a motion to adjourn.

Joe Haney seconded.

There being no further business before the Plan Commission, meeting adjourned at 6:23 p.m.

  
Anthony Hendricks, President

  
Michael Polan, Recording Sec.