



LAPORTE COUNTY PLAN COMMISSION

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Michael Polan
Building Commissioner

LA PORTE COUNTY PLAN COMMISSION MINUTES November 26th, 2024

MEMBERS PRESENT: Anthony Hendricks Joe Haney
 Rita Beaty Eric Pointon
 Harold Parker John Watson
 Deb Vance John Carr
 Earl Cunningham

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

PLEDGE OF ALLEGIANCE

Joe Haney asked for a motion to approve the agenda.

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

Rita Beaty seconded.

All Approved. Motion carries 9-0.

Joe Haney asked for a motion to approve the August 27th minutes.

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

John Watson seconded.

All Approved. Motion carries 9-0.

Ashley Kazmucha stated she has spoken with Doug and he has indicated he is attempting to join the Zoom, but that notice is adequate for all Petitions.

Petitions:

- 1. Petitioners Lance M. Corley and Lula B. Corley represented by Counsel Anthony Novak of Newby, Lewis, Kaminski & Jones, LLP respectfully petition the Plan Commission to vacate two unimproved public ways located on Elm Lane and Cedar Lane, New Carlisle, IN. Hudson Twp. Parcels 46-04-28-185-024.000-050, 46-04-28-180-023.000-050 & 46-04-28-185-008.000-050. Exhibits attached hereto.**

Ashley Kazmucha stated notice is adequate.

Joe Haney asked if Anthony would be joining them on Zoom.

Lula Corley stated he said he felt like she could do this.

Joe Haney stated okay. Go ahead.

Lula Corley stated her address is 7640 N. Cedar Lane, New Carlisle, IN.

Lance Corley stated his address is 7685 N. Willow Lane, New Carlisle, IN.

Joe Haney stated they have this petition here before them tonight if they want to go right ahead and state what they would like to do here this evening.

Lula Corley stated they want to vacate the two (2) unimproved pieces of right-of-way that kind of cuts through. The one (1) that dead-ends on Cedar cuts through her property, and the one (1) that dead-ends on Willow cuts through his property, and they join.

Lance Corley stated it divides two of his parcels. Elm divides two (2) of his parcels and Cedar divides two (2) of her parcels.

Lula Corley stated they would like to get them vacated. She thinks Anthony sent all the information.

Joe Haney stated he did. They have it all before them this evening and they've had a chance to look at it. It looks pretty straightforward. Do they have questions from the Board?

Lula Corley stated everyone has signed off that is affected by it.

Joe Haney asked if there were any concerns here for right-of-ways for utilities or anything, right?

Ashley Kazmucha stated no.

Joe Haney stated okay. All right. Very good.

No remonstrators present.

Joe Haney asked if Earl has any questions on Zoom.

Earl Cunningham stated none.

Joe Haney stated all right, everything on here looks in order. If anybody has any questions or anything else, please let him know. Otherwise, obviously, more than willing to entertain any motions the Board may have here tonight.

John Watson made a motion to approve **Petitioners Lance M. Corley and Lula B. Corley represented by Counsel Anthony Novak of Newby, Lewis, Kaminski & Jones, LLP** to vacate two unimproved public ways located on Elm Lane and Cedar Lane, New Carlisle, IN. Hudson Twp. Parcels 46-04-28-185-024.000-050, 46-04-28-180-023.000-050 & 46-04-28-185-008.000-050. Exhibits attached hereto.

Eric Pointon seconded.

All Approved. Motion carries 9-0.

Harold Parker stated they make a great pair. Thanks for coming up.

Joe Haney stated Anthony was right.

- 2. Petitioner Andrew E. Skwiat represented by Counsel Anthony Novak of Newby, Lewis, Kaminski & Jones, LLP** respectfully petition the Plan Commission to rezone portions of property from R1A to Agriculture located at 1655 N. Shebel Rd., Michigan City, IN. Coolspring Twp. Parcel 46-05-27-300-002.000-046. Exhibits attached hereto.

Ashley Kazmucha stated notice is adequate.

Andrew Skwiat stated his address is 1655 N. Shebel Rd., Michigan City, IN. He is petitioning to rezone the parcel that's partially residential to entirely Ag. Mr. Novak was not able to make it tonight, but he did email him a few notes that he asked if he could read those to the Board. So, he said, number one (1) was the property is currently split zone, meaning there are two (2) different zoning classifications for the same parcel. The southern ninety (90) or so acres are zoned Agricultural. The northern two hundred (200) acres or so are zoned R1A. The main objective for him is to have the property zoned in a manner that's consistent with its agricultural use. As a result of going from R1A to Ag, the property will be down zoning meaning the zoning will be changed to a less intensive use. Rezones are normally the other way, that is asking that a more intensive use be permitted. By down zoning, his belief is that it will protect the agricultural nature of the land. And number four (4), that he said that it would not be spot zoning given that the property is adjacent to other agricultural parcels.

Joe Haney stated cool. Yeah, it looks like they've got Doug who joined them. All right, excellent. Very good. Before he asks the Board any questions, are there any remonstrators here against the petition this evening?

Remonstrators:

Andrew Voeltz stated he is an attorney here in town at 601 State Street, Suite B, LaPorte, IN. He is in full support of this petition, one hundred percent (100%) and he lives in the area. What Mr. Skwiat has done with it is phenomenal and what he will continue to do with it will go on for generations. Any of this nonsense that they see on Facebook about some conspiracy or whatever else because of Novak and Novak and Novak third century farms is a joke. He sees no reason, at least in his mind, both as a neighbor and as an attorney, that this petition should be denied.

Mike Schultz stated he is the LaPorte County Assessor. He too has read some of the Facebook articles and some of the articles and the non-truths in it about Ag land and rezoning to get it cheaper. Well, he already assesses it as Agriculture, even though it's residential, but they in Indiana don't do highest and best use. They do value in use. It's being farmed now, so he gets the Ag rate now, whether they rezone it or not. From that standpoint, he's not gaining tax-wise. So those that are thinking that he's just doing to cut his taxes, his taxes are already Ag. The only way he could get any lower is if he put it in wildlife or forestry. So, it doesn't matter to them how they assess it. Down at KIP, they have a lot of industrial land, but most of it's farmed. It gets the Ag rate instead of industrial rate. Again, it's value in use how they're using it so he's not benefiting at all tax-wise by having it changed.

Joe Haney asked if they have questions from the Board.

John Watson asked what's the reason of rezoning it?

Andrew Skwiat stated because he wants it agricultural. He has some agricultural ideas to use the property for in its agricultural nature that under the residential guideline some of those ideas can't be carried out with more flexibility in a residential zoning. He could carry out those ideas to use the property in its intended nature.

Eric Pointon stated such as buildings and things of that nature?

Andrew Skwiat stated yes, buildings.

Harold Parker stated he's not putting a petting zoo out there, is he?

Andrew Skwiat stated not exactly, but maybe. He might want to raise some reindeer for Santa.

Joe Haney stated very good.

John Carr made a motion for a favorable recommendation for Petitioner Andrew E. Skwiat represented by Counsel Anthony Novak of Newby, Lewis, Kaminski & Jones, LLP to rezone portions of property from R1A to Agriculture located at 1655 N. Shebel Rd., Michigan City, IN. Coolspring Twp.

Deb Vance seconded.

Joe Haney stated Mr, Skwiat recently donated to his campaign so he is going to recuse himself from this vote just to remove an appearance of impropriety so he won't be voting on this, but he will call the vote for everyone else.

All Approved. Motion carries 8-0.

Old Business

1. Comprehensive Plan Update

Mitch Bishop stated he believes roughly six (6) months ago, they received an award letter from the Federal Highway and NIRPC. One hundred and eighty thousand dollars (\$180,000) was given to the County for a new Comprehensive Land Development Plan. Their twenty (20) year policy plan, basically displaying and recommendations how they and where they should grow in the County. However, that was six (6) months ago and they were having issues with the federal improvement plan. Transportation to tip they call it, Transportation Improvement Plan, and money was delayed. It wasn't anything on their end; it's the feds. They have a problem passing their money and getting into the locals unfortunately, but that problem as of two (2) weeks ago is no longer a problem. So that delay, they should be starting this project, he guesses, long story short, at the end of January, beginning of February. A grant agreement was assigned two (2) weeks ago. So, what they're waiting on is for a purchase order. Those roughly take six to eight (6 – 8) weeks to receive those. Then they'll have the money in hand and the consultant can start working. One (1) of the first things they'll do, of course, is set up a steering committee. He knows some people were on the Planning Commission and started this process for their last comp plan. He believes Rita was there in 2000. He doesn't want to date her, but it might've been 2009 or so. Tony too by the way. But there's usually six (6) or seven (7) meetings throughout the County. Last time they went through this plan, they had them in Michigan City and Westville, PNW, Kingsford Heights, Senior Center in Michigan City. He remembers it was probably two (2) or three (3) in LaPorte because it is more centralized. He thinks in Wanatah as well. It's exciting. It's going to take fourteen to eighteen (14 – 18) months. Again, this is a policy plan and its twenty-thousand-foot (20,000') level, but everything is based on this twenty (20) year plan and their recommendations that are zoning ordinance, all those come based on the recommendations of this plan so feedback is important the first steps, they would be collecting a lot of data in the County, a lot of empirical data. With their steering committee and many of the members of the steering committee would be from the Plan Commission. But last time they did this, it was a joint collaboration with Michigan City and LaPorte. That's no longer the case now. They want their own. So, this is solely LaPorte County and it's covering all unincorporated LaPorte County. But they are finally getting the ball moving. It shouldn't have taken this long, but unfortunately it did. Usually by the time they get a grant announcement that they won, it usually takes about two (2) months to get that P.O. after that. This is going to be more like eight (8) months, unfortunately, but that's the cards they were dealt. So, he looks forward to working with them. In the beginning of the year, the consultant will come on Board and they'll talk about next steps and they'll have an outline on how it's all going to work out. He just wanted to keep them all abreast of what is going on and the schedule. So, that's all he has. Thanks.

Joe Haney stated thank you.

Rita Beaty stated thanks Mitch.

Guy Dimartino stated his address is 1000 Washington St., Michigan City, IN. Last week, they went to final hearing on the Planning Commission matter. Mr. Allen did not appear. They got a verdict. Now, the enforcement part is going to come to see if he stops his operation on the land. So, the order should be coming through this week and then they'll go from there. It's only been two (2) years, so they'll keep working on it.

Joe Haney stated thank you, Mr. Dimartino. He appreciates it.

Harold Parker asked what this is for?

Anthony Hendricks stated Highway 2 east of town.

Guy Dimartino stated Highway 2 east of town. He came before them two (2) years ago to ask for a rezone. They didn't give him a rezone. He kept running a commercial business out there.

Michael Polan stated just to piggyback on that. So, this was a petition that appeared before the Plan Commission and it was denied. Then it went to the Board of Commissioners and it was denied. They had some trouble with them still continuing to operate there even after the denial. So, he was forced to pursue legal action and seek injunctive relief. Their other attorneys had recused themselves. They got Dimartino and they were successful last week at finally getting a judgment. So, the next order will be from the court and they will continue those enforcement efforts. So, if they have any other further questions for me offline, he'll be happy to answer that.

Harold Parker stated he didn't know all this was going on behind the scenes. he comes up here and says we made a judgment. He would have just liked a little bit more background before they start telling them about judges and stuff.

Michael Polan stated Absolutely. So, it was a two (2) year old case. He knows they don't remember every case that comes before them. They had some trouble getting in front of the court. Had their day in court and thanks to Mr. Dimartino, they were successful at obtaining a judgment. To add, also on to what Mitch was talking about, this is a Comp Plan and a master plan and going to update the JZO so it's the whole ball of wax, right?

Mitch Bishop stated the Comp Plan is separate. A lot of people synonymous Master Plan and Zoning Ordinance, they use it, they're the same. Comp Plan's a twenty (20) year plan. It's a policy plan that makes recommendations on where they should grow, looks at land use, zoning, housing, transportation systems, recreation, etc. They base the recommendations in their twenty (20) year plan and make changes to their Zoning Ordinance. That's the regulatory document.

Michael Polan stated so that is the first in the chain.

Mitch Bishop stated yes. They're supposed to build everything off their twenty (20) year plan.

Michael Polan stated alright. So, once they have that plan, it's good guidance for the Board members, for the enforcement officials, and everybody else to build off of that.

Mitch Bishop stated yes. One big thing is, they saw it today, in rezones, they have an existing land use map and they have a recommended future land use map as part of this project. So basically, when someone comes, and this is a twenty (20) year horizon, they could say an area is in their Comprehensive Plan and it's recommended for agricultural uses, residential uses, commercial, etc. whatever it might be. They use those to develop their Zoning Ordinance and when someone comes

for a rezone, they can say well what does their future land use map look like and if it says contrary to their twenty (20) year plan what they're proposing it's probably not the best thing for the County.

Michael Polan stated okay. He thinks that will be good to have for all of them and for some other County Departments. He thinks it's time and he very much welcomes it and throughout that process he thinks they can use that as an opportunity to clean up some language that they have and some of the Articles contained in the Zoning Ordinance that may prevent confusion and legal matters in the future. So, he looks forward to that as well. Something specific that he would be interested in taking a look at and making a decision on would be borrow pits. He's compared the prior Zoning Ordinance to the current one and there was a different language in the one (1) before than the one (1) that exists now and he thinks that it's worth taking a look at that with the full new Board having a discussion and deciding what language they want to use going forward so that if he does have an enforcement issue, that it's very clear on how he discharges those duties. He is very much looking forward to that. One (1) last thing under new business. Mr. Parker, Highway 30, does he want to take it away and talk about that.

New Business

Harold Parker stated they're having meetings right now, they've had them. This all started down in Warsaw probably fifteen to twenty (15 – 20) years ago. Warsaw's a mess down there on Highway 30. Now they're trying to make Highway 30 and 31 freeways all the way up to the 94, he thinks, and a toll road somewhere up in there. So, they're changing their ideas all the time. He doesn't think they're going to shut Wanatah down. They were going to go around Wanatah. He thinks they've changed their ideas in that. They have a lot of crossings, like 600 down there on 30 where South Central School is, thirty percent (30%) of those kids are out of district and they're coming in those roads. So, they have to have a safe deal. There's been a lot of money down on 31 going over that railroad tracks now just because of two (2) kids or three (3) there that got killed. So, he thinks there is, he knows there's a group of four (4) or five (5) people running around, they're called Propel US 30, from the government and they will come talk to them if they want to go ahead and he can make connections with them or Mike can make connections. It's not a big deal. It's right on the computer. They're giving talks all over the place.

Mitch Bishop stated there are eighty-one (81) drives on US 30 so obviously, if they make it limited access, there are eighty-one (81) drives that they have to work with.

Harold Parker stated they should have some say because they're probably the longest, biggest landmass they're going across, their southern border.

Joe Haney stated they definitely have the most curb cuts out of any other county they're going to.

Harold Parker stated they should watch those. It's a pretty important area there.

Joe Haney stated he thinks it would be great to have them come before them.

Harold Parker stated at least let them know they're alive and watching. Somebody is watching them. Would Mr. Polan do that? Would he talk to those people?

Michael Polan stated they'll reach out, see if they can get them to attend.

Harold Parker stated if he has any trouble, he has all the numbers and everything and he can assist him with that.

Michael Polan stated okay. Sounds good.

Harold Parker stated thank you.

Joe Haney stated excellent. Were there any questions from the Board about the Comprehensive Plan or anything else they just talked about. Any other new business?


Michael Polan stated nothing from him, Mr. President.

Joe Haney stated this is probably their last meeting of the year here tonight. So, he just wants to say thank you to everyone for the past year. They have all been great. Most everybody up here is here in a voluntary capacity because they want to put in work, time, and effort to try and make the community better. They really appreciate that. He hopes everybody both out there in the audience and up here has a Happy Thanksgiving and a Merry Christmas. Happy New Year, too. Look forward to next year. Thank you for everything.

John Watson made a motion to adjourn.

John Carr seconded.

There being no further business before the Plan Commission, meeting adjourned at 6:25 p.m.



Rita Beatty President



Michael Polan, Recording Sec.