



# LAPORTE COUNTY PLAN COMMISSION

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Michael Polan  
Building Commissioner

## LA PORTE COUNTY PLAN COMMISSION MINUTES

August 26<sup>th</sup>, 2025

MEMBERS PRESENT: Rita Beaty  
Joe Tuholski  
Harold Parker  
Eric Pointon  
Andrew Chlupacek  
Steve Holifield  
James Pressel III  
John Matwysyn  
John Carr

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

### PLEDGE OF ALLEGIANCE

Rita Beaty asked for approval of the agenda for the August 26<sup>th</sup> meeting.

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

Steve Holifield seconded the approval of the agenda.

All Approved. Motion carries 9-0.

Rita Beaty asked for approval of the June 22<sup>nd</sup>, 2025 minutes.

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

Eric Pointon seconded.

All Approved. Motion carries 9-0.

### Petitions:

1. **Petitioner Joseph Peter Kolin, Jr. represented by counsel Anthony G. Novak and Katie L. Anderson of Newby, Lewis, Kaminsky & Jones, LLP** respectfully petition the Plan Commission to vacate an unimproved public way adjacent to the property he owns at 7466 N. Walker Rd., New Carlisle, IN. Hudson Twp. Parcel 46-04-28-403-004.000-050. Exhibits attached hereto.

Attorney Biege stated notice is adequate.

Anthony Novak stated he is an attorney with Newby, Lewis, Kaminsky, & Jones at 916 Lincolnway, LaPorte, IN. As Rita indicated, he is here tonight on behalf of Joseph Peter Kolin Jr. who goes by Jay seeking to vacate an unimproved platted way in LaPorte County. So, Jay owns property at 7466 N. Walker Rd. He has a slew of exhibits attached to this petition, but basically, they'll see on Exhibit 1 what's highlighted in blue is what he owns and it's kind of a unique shaped parcel along N. Walker Rd. Like a lot of properties out by Hudson Lake when it was platted, this one here being in 1947, it was platted with a lot of small lots and it was platted with a lot of roadways that were looked like they would go in and that never ultimately did. So, they'll see on like Exhibit 3, the plat from 1947. They'll see on Exhibit 4 like where all those lots line up. And then ultimately on Exhibit 5, it's highlighted in red specifically where what he is trying to vacate. It is a very small portion of what was going to be Grace Street. Over about the last three (3), four (4) years, whenever he is going to seek to vacate a piece of property, he always checks with Mitch Bishop to make sure that there are no plans of sewer expansion or anything in that area. He reached out to Mitch; he said that's not going to be involved and he has no issues with vacating this portion of the road. As with many vacations that he does, they're always unimproved. They're wooded or grassed, not part of the street system. Overall, they think they meet the elements of what's needed to vacate a public way. Specifically, it won't disrupt growth or development in the area. Not going to deny access to a public place, church. No one's going to be denied access to their property. And nothing else is really going to be materially affected. So, really in short, it's as simple as that. He's only trying to vacate that small portion so that his property will ultimately be connected. So, he is happy to answer any questions.

Steve Holifield stated the question he has; there's this East Lindstrom Lane, is that unimproved or is it an actual road? It's hard to see when they print it over that.

Anthony Novak stated East Lindstrom.

Steve Hollifield stated it'd be the parcel straight to west of his.

Anthony Novak stated to the West.

Steve Holifield stated across Alma Drive, which is an unincorporated road.

Anthony Novak stated yes. Maybe if he looks, maybe it will help him, on Exhibit 1 that's got an actual map overview.

Steve Holifield stated so that is a road then?

Anthony Novak stated yes, East Lindstrom. He sees his question. That is a road to the South.

Steve Holifield stated okay. That's the questions he had.

Anthony Novak stated it looks like it ends. They can see where it kind of hairpin turns. It stops and then it gets wooded back there, but there's access to all the property owners via Lindstrom as well.

No remonstrators present.

John Carr made a motion for a favorable recommendation for Petitioners Joseph Peter Kolin, Jr. represented by counsel Anthony G. Novak and Katie L. Anderson of Newby, Lewis, Kaminsky & Jones, LLP to vacate an unimproved public way adjacent to the property he owns at 7466 N. Walker Rd., New Carlisle, IN. Hudson Twp.

Steve Holifield seconded.

Rita Beaty asked for any further discussion.

Attorney Biege stated he wants to clarify on the motion, if they cavate a roadway that's platted, that is the final decision by the Plan Commission. That does not go to the Commissioners.

Steve Holified stated yes.

John Carr asked if he needs to change the motion?

Attorney Biege stated yes. He thinks it would be cleaner if he did.

John Carr amended his motion to approve Petitioner Joseph Peter Kolin, Jr. represented by counsel Anthony G. Novak and Katie L. Anderson of Newby, Lewis, Kaminsky & Jones, LLP to vacate an unimproved public way adjacent to the property he owns at 7466 N. Walker Rd., New Carlisle, IN. Hudson Twp.

Steve Holifield seconded.

All Approved. Motion carries 9-0.

## **Old Business:**

### **1. Discussion of an Updated Solar Ordinance Draft**

Rita Beaty stated moving on to Old Business. They have the discussion of an updated solar ordinance draft that they have in their possession. That was emailed and mailed from Ashley. Do they have anybody that would like to go ahead and get started on the discussion this evening?

Steve Holifield stated basically, the only thing they changed from last meeting was they allowed it in Industrial. Another question he had was on Page 8. The buffer must be a minimum of six feet (6') in height when installed. It must be designed to grow to a minimum of twelve feet (12') in height. There is nothing in there how close together they're going to be planted. If they use arbor vitae's, it takes them several years to grow close together. So, if they're the one (1) that he saw out there in New Carlisle, they're like twenty-five-foot (25') apart. They'll never grow together, so it's not much of a buffer.

John Carr asked if he is suggesting to add a different buffer?

Steve Holifield stated no, closer together. Put something how close they're going to plant them. He's planted hundreds of arbors on his place. Like he said, if they plant them twenty-five feet (25') apart, they're never going to grow together to be a screen.

John Carr asked where does it say how far apart they have to be?

Steve Holifield stated it doesn't. That's why he is questioning it. That's running on a question.

John Carr stated okay, so he wants to put something in there that says they have to be what?

Steve Holifield stated close. Closer together distance apart so they grow together. Can they do that this evening and move forward to next month or do they have to start all over again?

Attorney Biege stated no. They can make whatever changes. They don't have to start over. The Committee is just giving suggestions to the Plan Commission. It is up to the Plan Commission if they want to move forward. Rather than trying to figure out what the spacing should be, it might be cleaner to say shall be subject to the Building Commissioner's discretion.

Steve Holifield stated okay.

Attorney Biege stated they don't know what kind of trees they're going to put in or how big they're going to be or how small they're going to be, but the Building Commissioner can say no if it is insufficient to be a screen. He thinks that may be the cleanest way.

Steve Holifield stated let's do that. Have Mike in charge of it then.

Attorney Biege stated okay.

James Pressel III stated he thought there was a change also to Page 10 Section U. Property Value Guarantee Agreements.

Steve Holifield stated yes.

James Pressell III stated it's three (3) miles? Is that what he read in there?

Steve Holifield stated they used Madison County. Correct, Doug?

Attorney Biege stated he believes so.

Steve Holifield stated yes. There are at least eight (8) and several more. There's eight (8) in ordinances now and there are more coming. That way it doesn't destroy the value of the neighbors' property.

John Carr asked what exactly is he looking to accomplish with this?

Steve Holifield stated so they don't take a neighborhood and turn it into an Industrial zone and they can't sell their property and lose value on it. Other counties have already done this. This is a big thing they hear from a lot of people. St. Joe County just passed theirs last week he believes.

James Pressel III asked at three (3) miles?

Steve Holifield stated he doesn't know what theirs was. He didn't see it.

John Carr stated he doesn't know what theirs was.

Steve Holifield stated he didn't read the whole thing, no. The ones he did read were one to three (1 – 3). Madison was three (3) miles.

Rita Beaty stated she didn't get any emails regarding if it did. Did they end up having a second Committee meeting?

Steve Holifield stated yes, they did.

Rita Beaty stated where they actually met and went over them all together so this is a consensus of the Committee with the updated changes that they received?

Steve Holifield stated yes. Harold, he was there.

John Carr asked if there are minutes from that meeting.

Steve Holifield stated no. They're not required to take minutes for that.

Rita Beaty stated she was curious because she didn't receive anything other than the updates this evening.

Steve Holifield stated Doug, he was there.

Attorney Biege stated yes.

John Carr asked if all four (4) members were there.

Steve Holifield stated yes.

Rita Beaty stated her biggest concern with the changes are the fact that they have some issues that she is very concerned with because of the setbacks. She knows it was brought up in previous meetings and things of the de facto ban with the setbacks. The de facto bans are illegal and it worries her because every time they run into something like this, the County gets sued. That's money out of her pocket, money out of their pocket. Money out of everybody's pocket sitting up here. This is what they're here for. To prevent them being sued over things like this. She wrote a bunch of notes for herself to think about for this evening, but what they have in place right now has been legal. It has been defended. They can defend it. Their attorney has been able to defend it. She

would like to ask the attorney, with these new setbacks that they are creating in there, is that something that he, as legal counsel, can he actually defend them in court over it. Those are her concerns.

Attorney Biege stated when they talk about litigation, he's not going to tell them he can or cannot defend anything, okay, but if what they pass here is overturned, the court will simply send it back and say try again. That will be the result, but there will be litigation, briefing, and expense involved with that.

Steve Holifield stated the other counties he spoke with across the state have had no problem with theirs.

Attorney Biege stated Steve, once again, he doesn't care what other counties are doing. He doesn't represent them; he represents this Board. He predicts many of these will be overturned eventually.

Steve Holifield stated okay. He wants to take a chance for the people in the County so they can live here.

Attorney Biege stated well, they've also got people in the County with a Constitutional right to protect their property.

Steve Holifield stated he knows they do, but they don't have the right to destroy someone else's property either. That's the concern that they have been hearing.

Attorney Biege stated he understands his points. He may not disagree with his points, but he is elected and he is not.

Steve Holifield stated okay.

Attorney Biege stated he is telling him what the arguments will be when they get to court. Okay. The other side's arguments, the people trying to knock this, their argument will be that this is not Constitutional. It's an unlawful taking of property without due process.

Steve Holifield stated okay.

John Carr asked if that resonates with everybody on this Board what he just said?

James Pressel III stated as far as opening us up to litigation.

Steve Holifield stated he is willing to take a chance for the people of the County.

John Carr stated he just meant the unconstitutional part.

Harold Parker stated Trump's fighting that every day so he doesn't know what that means.

Steve Holifield stated okay.

Rita Beaty asked if this is something that the Board this evening would rather take under advisement and discuss this a little bit more?

Steve Holifield stated they did that last month.

Rita Beaty stated okay. Then the Property Value Guarantees. She just doesn't see how. He is always saying how other counties passed this. She just finds that. . .

James Pressel III asked how would that even work?

Rita Beaty asked how are they going to guarantee anything? To hear that is just amazing? She truly wishes that was true.

Steve Holifield stated it was laid out in Madison's, correct Doug?

Attorney Biege stated yes. He's pretty sure he used the same or very similar language.

Steve Holifield stated yes. It's basically just appraisers.

Attorney Biege stated Mr. Pressel, the question is who is going to administer it.

James Pressel III stated yes.

Rita Beaty stated yes, that is her concern. Okay, they will guarantee this so once again, it's one (1) of these things, it's going to end up back in court because this guarantees here so who is going to be in court over these guarantees.

John Carr stated and a three (3) mile radius, if it is in KIP. . .

Steve Holifield stated that's Industrial so it wouldn't matter.

John Carr stated if it goes into a town or a city, within three miles, that's a lot.

Steve Holifield stated the reason they added Industrial, correct Doug, was so that way they could have less restrictions out there being Industrial zoned.

Attorney Biege stated yes.

Rita Beaty asked if they have any more discussion from the Board? Anything anybody wants to bring up?

Steve Holifield made a motion to approve the Updated Solar Ordinance Draft.

Eric Pointon seconded.

Rita Beaty asked for any further discussion?

James Pressel III stated he can't. He doesn't think it is a good move on the Board's part to move forward with this. He thinks they are putting themselves into a bad spot here and opening themselves up to some litigation and Constitutional issues. They are taking away some property rights and they also have some issues on the Board with what could be some members having, he doesn't know what the term would be and perhaps Doug could help fill him in here, but some potential legal issues on that side also; some conflicts of interest.

Attorney Biege stated he is talking about conflict of interest.

John Carr stated this concerns him greatly. If there's a conflict of interest in this Board and somebody is trying to push changes to an Ordinance, it is just disgusting to him if that's accurate.

Steve Holifield stated he doesn't feel it is.

John Carr asked he doesn't feel?

Steve Holifield stated he doesn't feel it's accurate.

John Carr stated he thinks they need to do what's best for the citizens of LaPorte County and protect property rights for every citizen in the County, regardless of whether they lease farm from a farmer who's got to deal with the solar development or not. This is ridiculous, and that's his two cents.

Steve Holifield stated noted.

Rita Beaty asked for any more discussion.

Ashley Kazmucha read the roll.

Rita Beaty stated nay.

Steve Holifield stated aye.

Harold Parker stated aye.

Joe Tuholski stated aye.

John Carr stated nay.

James Pressel III stated nay.

Eric Pointon stated aye.

John Matwyshyn stated nay.



Andrew Chlupacek stated aye.

Approved. Motion carries 5-4.

Ashley Kazmucha stated they may proceed to a Public Hearing now.

Steve Holifield asked if Ashley has a date for that yet.

Ashley Kazmucha stated September 23<sup>rd</sup>.

Steve Holifield asked September 23<sup>rd</sup>?

Ashley Kazmucha stated yes. Make sure they're really nice. It's the day before her birthday.

Attorney Biege stated Madam President, he suggests to the public, it is only on the changes. They don't need an hour and a half lecture on whether they should have solar or not. They have already done that and he is not exaggerating when he says seven (7) times. He is about ready to lose his mind on this.

Rita Beaty stated yes. They are headed towards the eighth Public Hearing and it will only be on the changes so for those of them in attendance and tell all their friends.

Michael Polan stated Madam President, they will get this published in the news media outlets and they will have the changes published online for anybody to peruse and review at their leisure.

Rita Beaty stated if anybody needs a hard copy, they would be available also if they go up to the Building Commissioner's Office.

Michael Polan stated absolutely.

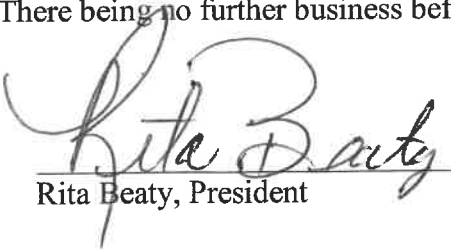
Rita Beaty stated thank you.

Rita Beaty asked for any new business.

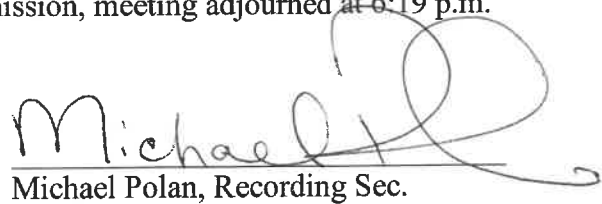
Eric Pointon made a motion to adjourn.

Steve Holifield seconded.

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



Rita Beaty, President



Michael Polan, Recording Sec.