



**LAPORTE COUNTY  
BOARD OF ZONING APPEALS**

Government Complex, 5th Level  
809 State Street, Suite 503 A  
LaPorte, Indiana 46350-3391  
(219) 326-6808, Ext. 2591, 2563 & 2221  
Fax: (219) 362-5561

**Michael Polan**  
**Building Commissioner**

December 16<sup>th</sup>, 2025

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **December 16<sup>th</sup>, 2025, at 6:00 p.m.** in the Assembly Room of the County Complex.

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

## The Pledge of Allegiance.

## **APPROVAL OF MINUTES:**

Melissa Mischke asked for approval of the meeting minutes of November 18<sup>th</sup>, 2025.

Eric Pointon made a motion to approve the meeting minutes as presented.

Jeff Baltes seconded.

All Approved. Motion carries 5-0.

Melissa Mischke stated before they get into the petitions this evening, she wants to remind everybody that the time for public comment in Board of Zoning Appeals Meetings is when they are remonstrating either for or against a petition. They will get three (3) minutes and that is their public comment time. They will put the time up on the clock and at three (3) minutes they will be asked to wrap up their thoughts and sit down. She wants to remind everybody to silent their cellphones before they get started. With that, Petition 2 is still going to be on the table. They are not going to hear it this evening. They have asked to stay on the agenda until the next meeting in January.

## Petitions:

**1. Petition for Special Exception for Milestone Environmental Services, LLC, MIS Kingsbury, LLC and Kingsbury Investments, LLC represented by counsel**

**David Ambers of David Ambers & Associates, P.C.** for a non-hazardous wastewater treatment and injection facility. This property is located at the southwest corner of 5<sup>th</sup> Line Rd. and Central Rd., LaPorte, IN., Washington Twp., zoned M2 on 30.855 acres. Parcel 46-15-10-200-001.000-066.

Attorney Biege stated notice is adequate.

David Ambers stated he is an attorney with an office at 601 State St., LaPorte, IN. He is here on behalf of Milestone Environmental Services, LLC and MIS Kingsbury, LLC for the Special Exception petition before them. He has with him Mike Lamb, Vice-President of Milestone Industrial and Zach Garrett, the Senior Project Developer. He is going to run over the petition real quick and then he will turn the presentation over to them because they know their business far better than he does and they can describe it to them in answering questions. Given the number of petitions on their agenda tonight, he is not going to read all eight of the requirements to them and how they feel that they meet those requirements. They'll incorporate their petition into the meeting so that they can help you move things along. Before he turns this over, he would note on item six (6), page three (3), they're requesting, if they approve this petition, a thirty-six (36) month time period in which to commence construction. This project takes a substantial amount of EPA permitting, and EPA has warned them that this permit could take twenty-four (24) months so it makes sense to kind of plan ahead. With that, he'll now turn over the podium to Mr. Lamb and Mr. Garrett so they can describe the business to them.

Mike Lamb stated his business address is 840 Gessner Rd., Houston, TX.

Zachary Garrett stated his business address is 840 Gessner Rd., Houston, TX.

Mike Lamb stated they're with Milestone Industrial, a subsidy of Milestone Environmental. They are looking to permit and construct a non-hazardous wastewater treatment facility in the Kingsbury Industrial Park. This would be for treating industrial wastewaters, not their typical residential and sewage wastewaters. The process would only receive non-hazardous wastewater via trucks; fifteen to twenty (15 – 20) truckloads a day. The water would be filtered and treated and then processed for injection. They've had a pretty extensive subsurface study completed throughout Indiana to determine where in the State this process will work best and this is how they've ended up in this area of the State. Milestone operates fourteen (14) of these facilities throughout Texas and New Mexico currently. They're looking to expand into other areas where they see the commercial need for this different treatment technology as more and more contaminants are harder to treat at a typical treatment facility.

Melissa Mischke asked what information did they receive that makes LaPorte perfect for this? LaPorte County.

Mike Lamb stated with the manufacturing in this area and the wastewaters that are generated, there's actually, he doesn't remember the exact number off the top of his head, but there are EPA reports that show where the waste is shipped from, where it's generated, and then where it ships to for disposal. So, there's a lot of wastewater that leaves LaPorte County that goes into Portage or all the way into Chicago or down closer to Indianapolis. Where they could put a localized

treatment facility here that would then save their companies, their manufacturers here in town, save on transportation costs to have a local disposal option.

Melissa Mischke stated so they're not talking about sewage per se.

Mike Lamb stated correct.

Melissa Mischke stated they're on wells and septic in the County. So, they're talking about gray water?

Mike Lamb stated this would be wastewaters from like manufacturing processes.

Zachary Garrett stated H5 is an example of some of the types of waste streams that they would be targeting.

Mike Lamb stated all non-hazardous waters, but like lime flushes, oily waters. There's the digester that's going in in that same park there. That digesting process generates a waste water that'll need to be shipped off site that they can't handle on their own. Landfill leachates, but no sewage, no septic; no dirty water like that. Like he said, no hazardous wastewaters.

Melissa Mischke asked where their landfill leachate is going to come from; their local area? How far out are they talking about?

Mike Lamb stated the point of putting it here is to serve the local facilities within LaPorte County and neighboring counties, but the permitting process would allow them to take wastewater from anywhere.

Melissa Mischke stated so they could be looking at people transporting their wastes to them here in LaPorte County.

Mike Lamb stated right, but wastewater is shipped by truck and typically only travels an hour or two (2). It doesn't travel real far, so they're still talking here in the Indiana area, northern Indiana.

Melissa Mischke stated okay.

Vern Schafer stated good question. How do they collect this? This can't go into municipal waste systems, correct?

Mike Lamb stated great question, yes.

Vern Schafer stated so they collect this and send it to this system, to this treatment.

Mike Lamb stated correct. Yes. So, most POTWs (*publicly owned treatment works*), municipal sewage districts, are set up to treat residential wastewater in their rainwaters, which are fairly clean. They're just simply filtering out solids and maybe trace amounts of metals and organics. The wastewaters that they're targeting are more heavily contaminated, typically from

manufacturing processes. Some cities have POTWs that can treat those types of wastes, but for the most part, most cities rely on a facility like theirs to pre-treat and manage that material so their facilities would run more efficiently just managing the wastewater it's set up for.

Vern Schafer stated so the contaminants that they treat and come out of this, what happens to those?

Mike Lamb stated solids that are filtered out would then be landfilled, but the rest of the waste is bound up and then part of the injectate.

Vern Schafer stated so they're just injecting. What they're injecting is the water that. . .

Melissa Mischke stated heavy metals. Sludge. Is sludge their end products? Dried-sludge, maybe.

Mike Lamb stated yes, it would be like a sludge.

Melissa Mischke stated so heavy metals. And they feel that they don't have the capability in the County to handle any of this waste currently?

Mike Lamb stated they may be able to take some of it, but in large volumes, he would expect not. No, most cities do not have the robust of a treatment system for industrial wastewaters.

Melissa Mischke stated okay.

Steve Holifield stated is a County Commissioner with an address at 6782 E. 100 S., Mill Creek, IN. These gentlemen were in his office earlier this year and the first proposal they were given, they were going to be on 1<sup>st</sup> Line. He sees now it's going down there to 5<sup>th</sup> Line and Central Road across from where the new Nexus plant is going in. Some questions that he has about this and they might have already been answered, why won't the other municipalities take this wastewater and treat it themselves if it's not contaminating everything else? Out there in KIP, there is going to be an issue with the roads for them to get a permit to have access in and out because the roads are owned privately right now, currently. The water table, during the landfill talks in the early 90s, mid, maybe '95 or '96, there was talk of a landfill going out there when they shut the landfill down on the south side of Michigan City. The main concern back then was the water table is only about thirty to thirty-five feet (30' – 35') deep. The people in KIP draw their water for drinking in this facility from that water table. He has a great concern about putting wastewater, as they're calling it, into the ground near their water table. Not to mention that fact that the issue out there also is they do not have a very sustainable water plant to start with. If they have to start adding filtration more to that it is going to be increasing their water supply more than anything else. The last thing that he would have is these seem to be non-contaminated. Well, if they're not contaminated, why do they have to filter it before they pump it back in the ground? Thank you.

Melissa Mischke stated thank you.

Carolyn Tole stated her address is 410 E. 650 S., LaPorte, IN. She is actually a resident who lives on the circle in the KOP. She has some great concerns about this, some of which Commissioner Holifield did bring up. They do have a problem with their water system out there as it is. The previous owner, Mr. Cotton, so let her just give them a little, if she may explain something first. She is dealing with a traumatic brain injury, so sometimes her speech and stuff will. . .

Melissa Mischke stated no problem. Take your time.

Carolyn Tole stated there's two (2). Sorry, she just needs to get to my notes because it's another thing she needs to be able, she is so sorry.

Melissa Mischke stated oh, you're fine.

Carolyn Tole stated they have two (2) well houses out on Central. Her understanding is this is proposed for 5<sup>th</sup> Line and Central. Those two (2) water houses on Central are on 3<sup>rd</sup> Line and 5<sup>th</sup> Line. This is where their water is drawn from. There are three (3) towers out there. One's on 1<sup>st</sup> Line, one is on 3<sup>rd</sup> Line, and one is on 5<sup>th</sup> Line. Those towers store their water. The previous owner would alternate which towers were being used at the time then that year, the one that wasn't being used would be serviced then the following year, it would just follow along like that. With the new owner for the past maybe ten (10) years that has had Kingsbury Utility Corporation, when he went before the State to get an increase on their rates, he did so saying that he needed to change out all the pipes in their mains on the circle. Well, they went from thirty-five dollars (\$35) a month to a hundred (\$100) for five thousand (5,000) gallons. Nothing's been touched since that went through eight (8) years ago. She has videos where her water sometimes is anywhere from dark brown to blood red. They're constantly having to come out and repair one (1) of the mains that continually burst instead of properly taking care of it. She has no faith that what they're going to be bringing in is going to be able to be handled by the system that they have out there currently. She had some concerns too, if other communities don't want it, what's being transported out of theirs, why should it be brought into ours? They have to drink that water. She has never drunk the water at her home. She doesn't let her dog drink it. They have water that they have delivered. She has a full filtration system in her house. Even her toilet water is filtered, but she would never drink it, but they still have to bathe in it. They still have to wash their clothes and their dishes so she is completely against this. The towers that she is speaking of, the pipes are so old. One (1) of them is right next to where they're talking about putting this in. Who's going to be responsible for any seepage? As Commissioner Holifield had stated, that area back there is on the Kankakee River aquifer. It has a very shallow clay base to filter the water. This is just going to be more than it can handle out there.

Melissa Mischke stated thank you so much. Any other remonstrators? Hearing and seeing none, would they like to come back up and maybe they could address some of the concerns about the drinking well quality. She believes that Carolyn is probably referring to lead water line replacement as part of that, but she wants them to focus on the wastewater aspect and what is going back into their groundwater.

Zachary Garrett stated sure. As Dave mentioned before, they have to get an EPA, a UIC, which stands for underground injection control, EPA permit for this and it's about a, it's about a twenty-four (24) month process from submittal of the application to approval. It's a very stringent robust process on their end to make sure that where they're going and they're locating this facility, this well in the right location, that has the right lithological components for it, and geological layers to support a well like this. Class I injection has been around since the 50s and there's never been one (1) instance of any kind of fluid migration outside of the confining unit, any kind of well leakage outside of the casing or the tubing. If he can show them some examples, if they look on page 10.

Melissa Mischke asked if they have any extras of these that they could give to the two (2) remonstrators? She would be happy to provide hers.

Zachary Garrett stated sure.

Melissa Mischke asked what page they are going to?

Zachary Garrett stated page 10. So, this well is going to be constructed with half inch to one inch ( $\frac{1}{2}$ " – 1") thick steel casing, which then has cement all the way from the bottom to the top, and then another layer of steel casing and inside that casing, he is trying to keep this as a high level as possible, but it is a very robust technology. Like he said, it's been around since the 50s and there's never been one (1) instance of one (1) of these things leaking anywhere. That's a fact, but there's also going to be consistent twenty-four-seven (24/7) monitoring of the well. Basically, they'll have a tubing inside the cemented casings and if that tubing has any kind of pressure loss or any kind of pressure differential, it'll alert them. That actually means it's still all contained within the casing. There's no way for that fluid to leak out anywhere. That just means that what the pipeline actually contains the waste has a leak or something, but it's still all being contained. They have multiple fail safes in place to ensure that this stuff doesn't leak. It never has and there's hundreds of these in the country. They had a consultant that did a very robust study for them on where the best locations are to geologically put one (1) of these in this region and this was a very good candidate because, if they look at page nine, they have a five hundred (500') thick confining unit above, a confining layer above the Mount Simon formation, which is where they're going to be most likely injecting the fluid into. Think of that layer like an impenetrable rock. It's impermeable. Anything that gets injected below it has no possibility of going back up. Right now, in the Mount Simon formation, which is about three thousand feet (3,000') below them, there's already an extremely salty brine water, like thirty thousand milligrams per liter (30,000 mg/L) which is not drinkable by any means. There's no way to treat that and reuse it for drinking water or any kind of agricultural use. So, what they would be injecting is already a lot less nasty than what's already down there. That fluid right now isn't migrating past where it is right now either. It's also kind of like what they inject into there is just going to commingle with this heavy, heavy brine fluid. It's going to get absorbed. Actually, they're going to be doing such a maybe lower volume than they are all are thinking. This fluid, actually, is not going to be as laterally expansive maybe as they're thinking. It's not really ever going to leave the property boundary over its' twenty to thirty (20 – 30) year span and if it did, that doesn't matter; it's three thousand feet (3,000') below them. It's nowhere near the water table. It's impossible for it to

migrate upwards towards the water table. The EPA is going to flush all this out when they review this permit application.

Melissa Mischke stated so this is the first step.

Zachary Garrett stated yes. This is the first step.

Melissa Mischke stated so, if they grant the variance, then they will go on to more rigorous applications. If they don't, it's dead in the water.

Zachary Garrett stated yes.

Vern Schafer stated he guesses it seems like an oxymoron because what they're saying here is that they're trying to grant a petition here for non-hazardous wastewater, but if it's non-hazardous, why do they have to inject it like three thousand feet (3,000') feet into the ground? What is it about it that they don't want?

Melissa Mischke stated her experience with leachate is not that it is not hazardous.

Zachary Garrett stated but they probably wouldn't want leachate probably going to their POTW. It still does.

Melissa Mischke stated LaPorte Wastewater Plant takes leachate.

Zachary Garrett stated those POTWs typically are not equipped with the right treatment technologies to really handle leachate and other kinds of... He thinks leachate is a great example for probably the nastiest type of waste that would be taken there.

Melissa Mischke stated it definitely does not smell good.

Zachary Garrett stated no, no. He's been around. He worked for Republic Services for years and he was around leachate a lot and it's pretty nasty, but the EPA would much rather have leachate go to a facility like this than their POTW, where it just gets lightly diluted and then released back into the biosphere, released to a bayou, a creek, a river. That's the process, really, is it just gets diluted. Some do have some treatment technologies, but most that can address some of the heavy pollutants, constituents in leachate, which is non-hazardous; they're not EPA-defined as hazardous constituents, but still. He thinks it's page eight, they're just kind of working backwards one page at a time. This was an Interim Guidance released by the EPA in April of last year, and April again of this year of 2025 reiterated this memo, which is that for PFOS removal, which is a forever chemical that can be found in leachate, not always, but depends on what landfill it's coming from and what was put in that landfill, but they continue to back non-hazardous Class 1 injection as the preferred method to permanently and most effectively remove PFOS from the environment.

Mike Lamb stated so as far as non-Haz, there's definitely non-Haz wastewaters that should be treated and reused and go back in their water cycle, but there's also non-Haz wastewaters that

they would not knowingly want to be drinking like if it was a pesticide rinse water, pharmaceutical rinse waters, leachate waters. So, their process, their facility, they're going to target more of those hard to manage waste streams. The cleaner wastewaters they would rather see go to a POTW and that's going to be much more cost effective for the generator of that waste stream. One (1) other thing to clarify too is they're not injecting into the water table; they're going thousands and thousands of feet below that, so this will have no effect on their current water issue out there. That's demonstrated in the diagrams there.

Melissa Mischke asked what facilitated the move, if there was one (1), from 1<sup>st</sup> Line to 5<sup>th</sup> Line?

Mike Lamb stated the guidance they received in that meeting to be further east of where they were initially looking at.

Melissa Mischke stated okay.

Mike Lamb stated the property on 1<sup>st</sup> Line was just the first property that was publicly listed for sale. Then once they were working with a realtor for that, they were made aware of other properties in the industrial park, and that's how they ended up over on the other side. This property also requires way less development; the previous property was that motocross track. That was way bigger than they need. They don't need, what was it, eighty to ninety (80 – 90) acres.

Zachary Garrett stated yes. It would have been quite the civil undertaking to redo that property.

Melissa Mischke stated okay, let's see what kind of questions the Board has.

Eric Pointon asked how much water will they use? Is this just a big while and they dump this stuff down it or do they flush it down there? How does that work?

Mike Lamb stated great question. As far as water use that they'll need as a supply-wise, minimal. Bathrooms, drinking water, garden hose for rinsing stuff down, that's it. Washing equipment, that's it.

Eric Pointon stated so this stuff just free flows down? They're not going to use a bunch of electric and pump it down or flush it down or?

Mike Lamb stated they use a pump to pump the water down the well, yes.

Eric Pointon stated okay.

Mike Lamb stated as far as his question about the water supply, they don't need a lot of water. Even for pumping it, it's pretty low.

Jeff Baltes asked what kind of pressure is it at when it is getting pumped down?

Zachary Garrett stated pretty low. They don't know yet exactly; that's something that'll be determined EPA, whatever pressure and flow rate they assign them in the permitting process, but he could tell them it'll be less, way less than a thousand (1,000). Probably less than five hundred (500). So not a lot of pressure at the surface. Just the normal centrifugal pump pressure output pretty much.

Vern Schafer stated they've already made those determinations that down there in that deep zone, that that's very permeable down there and it would go into that area then easily.

Mike Lamb stated correct.

Zach Garrett stated yes. Like he pointed out earlier, what makes this formation so unique to Mount Simon that they touch on, on Page 9, is that actually it has a really thick confining layer above it, the Eau Claire formation. It's like a five hundred (500') thick bedrock that nothing can pass through. So, this stuff will get injected down there. Never to make it. . .

Vern Schafer asked how far can it move laterally.

Zachary Garrett stated not as far as they might think either, because the Mount Simon formation is also about seven hundred (700') feet thick right there. It's going to make like an egg shape around the bottom, below the packer of the injection tubing. They actually have to do a calculation in the EPA permit application where they have to be able to demonstrate what the total plume coverage is, which is how far is the waste expanding three thousand feet (3,000') below the surface. Some initial preliminary calculations they did, it really should never leave the property over like a twenty (20) year span. If it starts to leave the property boundaries over a twenty to thirty (20 – 30) year span, it's not going to branch out much further than that. And there's nothing. . .

Vern Schafer asked if this has a limit? After a certain amount of time. Does the formation get filled?

Zachary Garrett stated no. This formation actually extends from Kentucky to Michigan to Illinois to Nebraska, all of Indiana so no.

Vern Schafer stated he said it doesn't move laterally, so if it doesn't. . .

Mike Lambs stated no, he is talking about the formation.

Zachary Garrett stated the reservoir that it is going into exists in like five (5) stated.

Vern Schafer stated he's not a chemist so the EPA will handle that stuff, but they have to. . .

Eric Pointon asked if they have an annual EPA or how does that get monitored, to ease the mind of the people? How does the EPA monitor them on their basis?

Mike Lamb stated great question. Like Zach said earlier, the facility itself, the well itself, along with other equipment in the facility will be monitored twenty-four-seven (24/7) and the EPA does require annual MIT testing, a mechanical integrity test, which is a battery of tests that is required for them to continue operating.

Eric Pointon stated they go through all those reports of whatever readings.

Mike Lamb stated correct. Yes.

Eric Pointon stated the make sure they've been inspected or whatever through the whole year and all these.

Mike Lamb stated yes. A representative actually from the EPA would come out to the site to witness all of the tests being run.

Eric Pointon stated just once a year.

Mike Lamb stated right.

Zach Garrett stated they're going to be constantly, they'll have several transmitters, probes located throughout the service facility that they're going to be able to see, have twenty-four-seven (24/7) visibility to and there's going to be continuous monitoring for all aspects of the process. Like he said, most importantly is that there's what's called an annulus monitoring system on this well, and it'll let them know if there's any kind of pressure disparity that's going on within the tubing, which is located inside all these casings and that will let them know if there's some kind of issue, but it's still all contained. It's still completely impossible for the fluid to migrate out. It's impossible. Like he said, it's never happened before. The technology has been around since the 50s. There's never been an instance where they're injecting, their injected fluid is somehow leaking outside the multiple strings of casing or going migrating past their confining unit. It's never happened. EPA is not going to give them this permit unless they're one hundred percent (100%) positive that, that is not a possibility.

Eric Pointon stated he understands getting the permit. So, in agriculture per se, like there's meters and there's checks and balances and a milk inspector comes monthly and checks all that meter and makes sure that they're in spec all month, but if they just give them a permit one (1) time and they can do whatever the heck they want, that's what he doesn't want to see.

Mike Lamb stated no, so besides the annual MIT testing, the permit is for a ten (10) year cycle and then they have to basically reapply to renew it every ten (10) years. It's not as intense because now they're just updating the data, but that initial permit application is roughly two hundred (200) pages for them to draft that and that's why it takes the EPA years to review and test all of their theories and calculations and everything that's put into this application. So, they would apply and then after they've reviewed everything, the EPA would provide feedback and ask additional questions, and then they would respond again. If they've gone through permitting, they've probably provided something similar.

Eric Pointon stated so the well itself would be in like the center of the property, so that way when it does do whatever it doesn't . . .

Zachary Garrett stated they could put it anywhere.

Melissa Mischke stated she thinks they're going to need graphs and charts.

Eric Pointon stated right. The EPA will probably tell them where to put it.

Mike Lamb stated yes and that's part of it, too, during the survey is where to put it. One (1) other thing to point out, he knows it's in the slides, too, but just for everyone here listening, the whole receiving and processing is all indoors. There's no odor. There's no noise. That's the question they get all the time about the injection pump. It's no louder than any other pump they've used.

Melissa Mischke asked how many employees they will have there or is it monitored with SCADA remotely.

Mike Lamb stated no, it will be monitored remotely, but they'll have employees there. When they are ramped up, he figured fifteen to twenty (15 – 20) employees directly there, plus trucking jobs, sale jobs, and other related.

Jeff Baltes stated he has one more question.

Mike Lamb stated sure.

Jeff Baltes stated so the material that they're injecting now, what's the monitoring system on what is actually going down there? And what are the specs of what can go down there? And if it's not hazardous, but . . .

Mike Lamb stated yes, he knows where he's going and it's a great question. So, before waste can even come the facility, they have to have a sample and a waste profile that lists what the customer believes is in the waste in the sample, and then they run analytical on that. Then that has to meet their permitted approved parameters.

Jeff Baltes asked per load?

Mike Lamb stated this is before the waste is even shipped. Then their load shows up at their facility, same thing happens again. They take a sample, they run it in our lab, they will have a lab on site, they'll check all those same parameters. And yes, say he is shipping them three (3) loads in a row, every single load has to be checked. That'll be part of the permit requirements. If a load were to arrive at our facility and they check and it does not meet the permitted parameters, then they would reject the waste back to the customer before they unload. All this is checked by opening the top of the tanker trough and check down the tanker before they unload it because they don't want to have waste in their tanks that they can't process.

Vern Schafer stated obviously, they have to bring in certain chemicals to do this treatment of this product. Then, of course, that comes in and it gets treated, and then whatever comes out of it, it gets shipped back out. Is that a liquid or a solid that leaves?

Mike Lamb stated what would leave would be solids.

Vern Schafer stated okay. The solids get refined out and the liquid gets injected.

Mike Lamb stated correct.

Zachary Garrett stated it is similar to their POTWs. So, their POTW generates solids that eventually, he is assuming are getting land farmed or going back to a landfill. Every treatment process is going to generate solids.

Melissa Mischke stated okay. Do they have any additional questions?

Zachary Garrett asked if there are any other questions on the technology itself? This is a technology that they truly believe in.

Melissa Mischke stated she is inclined to table this so that she can do a little bit more research into this technology, but it's going to be a decision of them as a group.

Mike Lamb stated they're looking to do a commercial facility so they can take waste from a variety of customers in the area. There are facilities in this area just fifteen to twenty (15 – 20) miles straight west of here that have these exact wells at their facility right now for their waste only. As Zach mentioned earlier, there's just under one-thousand (1,000) Class 1 wells in the US, and there is a good chunk of those here in the Midwest. So, it's not a new technology.

Melissa Mischke stated if the Board doesn't have any more questions she will entertain a motion.

Vern Schafer stated the inclination is to table this so they can do a little bit more research on this because it all kind of got sprung on them at one (1) time here. He doesn't know what he can do to change the. . . He is worried a little bit about how the neighbors in the ordinance plant feel about this because of the transportation and the infrastructure there that is obviously privately owned.

Mike Lamb stated right.

Vern Schafer stated the roads and stuff. This gets to be kind of a slippery slope. He thinks that there's a possibility that they maybe need to do a little bit more research on this, so he's going to move that they table this, at least give them some time to mull this over and talk about it. Come back again in a month and maybe they'll make a move, if they have any more questions that pop up they'll ask the Building Commissioner and to reach out and then they'll revisit this again.

Vern Schafer made a motion to table the Petition for Special Exception for Milestone Environmental Services, LLC, MIS Kingsbury, LLC and Kingsbury Investments, LLC

represented by counsel David Ambers of David Ambers & Associates, P.C. for a non-hazardous wastewater treatment and injection facility. This property is located at the southwest corner of 5<sup>th</sup> Line Rd. and Central Rd., LaPorte, IN., Washington Twp., zoned M2 on 30.855 acres.

Ernie Schmidt seconded.

Melissa Mischke asked if they have a time frame. Does he want to say thirty (30) days?

Vern Schafer stated yes.

Melissa Mischke stated she feels like thirty (30) days should work.

All Approved. Motion carries 5-0.

Melissa Mischke stated unfortunately when they drop a bunch of information on them at the meeting, it's hard to get through all of it.

**2. Petition for Variance of Developmental Standards for Gary S Meloun & Brianna Renay Shaw JTWROS & Christopher McGrew** to split a parcel in two. Parent parcel will retain 287' of frontage and 4.63 acres; New parcel will have 60' of frontage and 6.94 acres and for construction of a home on the new parcel. The property is located at 0119 N. 600 E., Mill Creek, IN., Wills Twp., zoned A on 11.57 acres. Parcel 46-08-31-300-019.000-068. **TABLED FROM NOVEMBER**

Melissa Mischke stated Petition 2 is still on the table, and they're going to move on to Petition 3.

**3. Petition for Variance of Developmental Standards for Michael A & Jill E Maremont Rev Trust dated 3/10/2023** for construction of a second accessory pool house with living quarters. This property is located at 202 Hoosier Dr., Michigan City, IN., Springfield Twp., zoned R1B. Parcel 46-02-07-328-024.000-062.

Attorney Biege stated notice is adequate.

Linc Thelen stated he is with Linc Thelen Design. He is a residential builders located at 2845 N. Sacramento, Chicago, IL. He is here on behalf of Jill and Michael Maremont, who are also here. They are looking to build a pool house with residential space for living quarters. The clients had purchased the property behind them a couple years ago with the intent of building a pool house. The reason why they combined the two (2) properties together is so that they could have the pool house closer to the house.

Melissa Mischke asked how large is the pool house?

Linc Thelen stated it is about eight hundred and fifty square feet (850<sup>2</sup>) for the footprints so it's about eight and a half percent (8½%) of the lot. The lot is one hundred and five by ninety-six (105' x 96') so roughly a little over ten thousand square feet (10,000<sup>2</sup>).

No remonstrators present.

Eric Pointon stated he wants to have a living quarter.

Linc Thelen stated there will be a kitchen so the kitchen is considered living quarters and then there is a bedroom. Their parents come out here for the summer so for the course of the summer if they could stay there.

Eric Pointon stated so it wouldn't be for a rental or an Airbnb?

Linc Thelen stated no.

Melissa Mischke stated that sounds a little bit more like a rental or something than a pool house.

Linc Thelen stated yes, but the intent was not to rent it. If they wanted to rent it, then they would just separate the two (2) properties together. And the lots much bigger than what they would be building and they would be able to just build it as a regular house. It's just the fact that they'd like to have the pool house close to the main residence and they have a twenty-five-foot (25') setback if they build it regularly. So, this way they get to have the pool house about ten feet (10') away from the house.

Jeff Baltes asked how close is it to the pool?

Linc Thelen stated they have it perpendicular with the property lengthways and then the pool itself runs parallel with the house, the actual house.

Melissa Mischke stated it's not for mechanicals from the pool?

Linc Thelen stated no. It's specifically for people. Correct and the reason they combined the lots is so they can have the pool house closer. People don't want to walk fifty feet (50') to the pool house.

Eric Pointon stated he doesn't imagine that they way people living right behind there house as an Airbnb or something.

Linc Thelen stated right.

Eric Pointon stated these people live in the house there.

Linc Thelen stated yes, they live in the house. Their parents are from North Carolina, right? South Carolina so it's very warm there in the summer.

Vern Schafer stated they don't want to be there now? Question, are they septic or sewer?

Linc Thelen stated it's going to be septic field.

Vern Schafer asked if they have to put in another septic field for this?

Linc Thelen stated correct, yes. So, they already had the soil test done and working on that.

Vern Schafer stated he didn't know if they were going to tie into an existing field.

Linc Thelen stated no. The existing field is too small.

Eric Pointon made a motion to approve the Petition for Variance of Developmental Standards for Michael A & Jill E Maremont Rev Trust dated 3/10/2023 for construction of a second accessory pool house with living quarters. This property is located at 202 Hoosier Dr., Michigan City, IN., Springfield Twp., zoned R1B.

Vern Schafer seconded.

Approved. Motion carries 4-1.

**4. Petition for Variance of Developmental Standards for David F and Sally C**

**Swan** for construction of a third accessory structure placed to the side of the home instead of the rear with a 3' setback from the garage instead of the 10' minimum. This property is located at 2963 S. County Line Rd., Westville, IN., New Durham Twp., zoned R1A on 2.02 acres. Parcel 46-09-18-300-046.000-027.

Attorney Biege stated notice is adequate.

David and Sally Swan stated their address is 2963 S. County Line Rd., Westville, IN.

Melissa Mischke asked what is it that is bringing them to them for an additional structure?

David Swan stated he moved to this property three (3) years ago with just a pole barn that was already on the property; no homes. They put up a home on the property. He is just looking for more room. He is retired now. He'd like to restore an old classic car and he just doesn't have the room, so he'd like to put up another steel building or a steel building next to his garage there to have easy access to the tools and stuff and everything he needs in the garage to work on the car.

Melissa Mischke asked if there is a structure there currently next to the garage?

David Swan stated no. There's just concrete and he wants to put it there. He would have moved it to the back, but he didn't. . .

Melissa Mischke stated run over a septic.

David Swan stated his septic is in the back plus he didn't want to look out the back window and look at a large building.

Sally Swan stated the dogs have a fenced area back there too so they can't really do a lot with that.

Melissa Mischke asked if they have talked with they neighbor that is going to look out and look at it.

David Swan stated yes. They've asked all the neighbors and he's had the paper signed and turned it back in.

Melissa Mischke stated so he doesn't want to look at his big building, but his neighbors can? They're good with that?

David Swan stated yes. None of his neighbors had an issue. He talked with everyone of them that was on the list.

No remonstrators present.

Vern Schafer stated he jotted a couple things down on the map here. One (1) is, how far are they from the property line with this building?

David Swan stated it's going to be on the north side of his property line, but he is still like twenty feet (20') from his north neighbor.

Eric Pointon stated he's just trying to utilize this existing pad.

David Swan stated yes. That area right there to put up a steel building.

Vern Schafer stated he mentioned that the building is twenty-four by thirty-one (24' x 31'). What kind of roof height are they talking about?

David Swan stated eleven feet (11'). The building that is there now, the pole barn, is ten (10'). He is trying to match it with colors and everything as close as he can to the house to make it not stand out.

Jeff Baltes made a motion to approve the Petition for Variance of Developmental Standards for David F and Sally C Swan for construction of a third accessory structure placed to the side of the home instead of the rear with a 3' setback from the garage instead of the 10' minimum. This property is located at 2963 S. County Line Rd., Westville, IN., New Durham Twp., zoned R1A on 2.02 acres.

Eric Pointon seconded.

All Approved. Motion carries 5-0.

Eric Pointon stated to enjoy his retirement.

David Swan stated thank you.

**5. Petition for Variance of Developmental Standards for Tracy A Friend** for construction of a second home. This property is located at 10852 W. 2100 S., LaCrosse, IN., Dewey Twp., zoned A on 5.31 acres. Parcel 46-20-20-100-001.000-011.

Attorney Biege stated notice is adequate.

Tracy Friend stated her address is 10852 W. 2100 S., LaCrosse, IN.

Jerri Friend stated her address is 4017 Oak Ave., Brookfield, IL.

Melissa Mischke stated tell her what is unique to the property that they need to construct a second home.

Tracy Friend stated when she bought the property in 1999, it had a huge barn. In fact, that's one of the reasons she bought it. And probably about twelve (12) or thirteen (13) years ago, a huge gust of wind came through and knocked the barn down. So, it's just a vacant piece of property and her sister recently just lost her husband, so she wants to move out of Illinois. She's tired of the taxes. She's tired of the high prices. She wants to move back to Indiana because that's where they were raised. She thought why doesn't she put a secondary home on the back of her property? So, they went and looked and she found a twelve-hundred square foot (1,200<sup>2</sup>) home with an attached garage that would fit perfectly. It's a modular home.

Jeff Baltes asked where exactly is it; do they have a plan for where it will go?

Tracy Friend asked if he has a map? Did they give him a map? Okay.

Eric Pointon asked if that building is gone?

Tracy Friend stated Melissa is holding the better drawing. It's the one (1) she drew. It's going to be where the barn used to be. It's going to be on the back west corner of her property.

*The Board deliberates the drawing.*

Vern Schafer stated she currently lives in the house.

Tracy Friend stated yes. She has a house and a garage.

Vern Schafer stated they'll put a modular back there so she has a place to live. So, they can be nice and close to each other.

Tracy Friend stated she won't be able to see her house, thankfully, from her house.

Vern Schafer stated the idea here is obviously, this is a second dwelling on a property and that's why they're here for this.

Tracy Friend stated exactly.

Vern Schafer stated he personally doesn't have any problem with this, but they have to know that in the future, with two (2) homes there, they don't want it to be a rental property obviously.

Tracy Friend stated no. It's not going to be a rental.

Melissa Mischke stated either home. So, if one (1) of them passes before the other then. . .

Tracy Friend stated she just had a new will drawn up and now she found out she has to do a trust that if something happens to her everything will be left to her sister and when something happens to her sister, her property will go to three (3) charities. That will happen when she passes. She has to do a trust.

No remonstrators present.

Vern Schafer made a motion to approve the Petition for Variance of Developmental Standards for Tracy A Friend for construction of a second home. This property is located at 10852 W. 2100 S., LaCrosse, IN., Dewey Twp., zoned A on 5.31 acres.

Jeff Baltes seconded.

All Approved. Motion carries 5-0.

Tracy Friend stated she has a question. Will she get a separate address?

Melissa Mischke stated she will work with the Building Commissioner's Office with that. They will issue addresses.

**6. Petition for Variance of Developmental Standards for Chase L & Ashley R Rinker** to live in a camper trailer while the primary home is being built. Home construction began in March. This property is located at 15426 S. 100 W., Hamlet, IN., Hanna Twp., zoned A on 1.63 acres. Parcel 46-18-23-200-005.000-049.

Attorney Biege stated notice is adequate

Chase Rinker stated his address is 15426 S. 100 W., Hamlet, IN.

Melissa Mischke stated Chase, he already has a camper there.

Chase Rinker stated yes.

Melissa Mischke asked how long does he think construction is going to continue?

Chase Rinker stated a couple months.

Melissa Mischke asked if he has started on it already.

Chase Rinker stated yes. They are getting ready to hang drywall.

Melissa Mischke stated okay.

Vern Schafer stated this is forgiveness, not permission.

Melissa Mischke stated right.

Chase Rinker stated he knew nothing. He knew nothing about it.

Melissa Mischke stated that better be one (1) hell of a camper. It is so cold right now.

Chase Rinker stated yes. It stays warm in there. There are a couple electric heaters. It's 68° in there so yes.

Jeff Baltes stated it sounds like a good time.

Chase Rinker stated it's not. He has four (4) kids so it's not a good time.

Melissa Mischke stated he thinks he will be wrapping it up here sprint time?

Chase Rinker stated yes, a couple months.

Jeff Baltes stated as fast as possible.

Chase Rinker stated yes.

Melissa Mischke stated get everybody out of that camper.

Jeff Baltes stated if he has four (4) kids, and they're living in a camper, he thinks he going to move pretty fast on this house.

Melissa Mischke stated that's fair.

No remonstrators present.

Eric Pointon made a motion to approve the Petition for Variance of Developmental Standards for Chase L & Ashley R Rinker to live in a camper trailer while the primary home is being built. Home construction began in March. This property is located at 15426 S. 100 W., Hamlet, IN., Hanna Twp., zoned A on 1.63 acres.

Ernie Schmidt seconded.

Attorney Biege asked if they want to put any time limit on it?

Vern Schafer stated yes. When is he going to get done with the house?

Melissa Mischke stated he said spring.

Eric Pointon stated six (6) months.

Chase Rinker stated that is more than fair.

Eric Pointon amended his motion to approve the Petition for Variance of Developmental Standards for Chase L & Ashley R Rinker to live in a camper trailer for 6 months while the primary home is being built. Home construction began in March. This property is located at 15426 S. 100 W., Hamlet, IN., Hanna Twp., zoned A on 1.63 acres.

Ernie Schmidt seconded.

Vern Schafer stated then the camper, obviously it goes.

Jeff Baltes stated he can store it on the property.

Vern Schafer stated well he can store it on the property, but he shouldn't be living in it.

Chase Rinker stated right.

Eric Pointon stated he probably isn't going to want to go camping after this anywhere.

Chase Rinker stated well, he'll probably get rid of it. Yes.

Approved. Motion carries 4-1.

**7. Petition for Special Exception for MoJoe Holdings Indiana, LLC (buyer) and David L Demass Trust (owner)** for special land use. We are proposing the development of a gas service station. With a convenience store, 24 pump canopy, propane sales, and coffee shop with a drive-thru. This property is located at 10555 E. Hwy 12, Michigan City, IN., Springfield Twp., zoned B2 on a total 67.903 acres. Parcels 46-02-07-426-002.000-062 & 46-02-07-426-003.000-062.

Attorney Biege stated notice is adequate.

Curtis Hayman with Milmar Buildings stated his address is 324 N. Cleveland Ave., Bradley, IL.

Tyler Cravens with Mitten State Engineering stated his address is 422 E. Orchard St., Delton, MI.

Melissa Mischke asked out of curiosity, do they have the buyer or the owner here with them this evening.

Curtis Hayman stated yes.

Melissa Mischke stated okay. Very good. Alright, let's talk about this parcel and what makes it unique enough that they think this twenty-four (24) canopy gas station is needed. Is it going to be a Buc-ee's?

Curtis Hayman stated no. They wish. Wouldn't that be great? They have some great jerky, right? No, but it will have food, twenty-four (24) pumps, and area that can be used for some kind of a coffee shop. With the location and all the traffic that comes through this area already, it is a great location, especially in the summertime with the increase of traffic coming back and forth. It allows more pumps which will help alleviate some of that backed up traffic coming back and forth through the area. It gives people a place to fill up.

Melissa Mischke stated is she wrong, is it proposed to be next door to an existing gas station?

Tyler Cravens stated yes. There is a Shell station down the street. Correct.

Melissa Mischke stated this doesn't look like this is big enough for semi-trucks.

Tyler Cravens stated correct. This not a truck stop.

Melissa Mischke stated just automotives. Regular.

Tyler Cravens stated that is correct.

Melissa Mischke stated okay. She is sorry she interrupted him. Go ahead.

Tyler Cravens stated there will be diesel pumps, but it is only for like regular passenger trucks. So, no semis at all.

Eric Pointon asked what the hours of operation are? Twenty-four (24)?

Tyler Cravens stated yes, twenty-four (24).

Vern Schafer asked if they are affiliated with any fuel supplier?

Tyler Cravens stated negative. No.

Vern Schafer asked when does that come? He is just curious.

Tyler Cravens stated the buyer hasn't selected one (1) yet. He is currently interviewing some and determining which one (1) he wants to use.

Eric Pointon stated he likes the drawing. He knows there's a lot of concerned citizens and they got remonstrance emails than they have ever received about anything.

Melissa Mischke stated ever. She has been on this Board a long time and this was the most remonstrance.

Vern Schafer stated the biggest opposition appears to be the fact that they don't want a truck stop.

Tyler Cravens stated yes and that understandable, but it's not a truck stop.

Melissa Mischke stated they have determined it is not the facility for a truck stop.

Tyler Cravens stated correct and it won't be.

Vern Schafer stated so is this a convenience store also?

Tyler Cravens stated yes. It's normal like a Buc-ee's. If they go in they can get food, drinks, whatever; it is a typical larger gas station if they will.

Melissa Mischke stated she is going to ask them to have a seat. She is certain they have some remonstrators here this evening. So, with that, they do have a large amount of written remonstrance that will be available in the Building Department if they would like to see it. It really is the largest amount of remonstrance she has ever received on her time on the Board and they definitely took the time to read it. So, having said that it's not a truck stop, what do they have for remonstrators this evening?

Attorney Biege stated Madam President, if he may, he's been in this over fifteen (15) years and he's never seen this many remonstrances, but his comments is, if they listen to the previous remonstrances, please don't go up and repeat what the last person said or they'll be here all night. Make their point or if somebody else has made your point; they can see they are here to support that. Well, they have about fifty (50), don't they?

Melissa Mischke stated at least.

Eric Pointon stated everything they could think of got covered.

Attorney Biege stated they can see them at the Building Commissioner's Office.

Jeff Baltes stated he thought Doug was going to read them all to them tonight.

*Doug Biege laughed.*

Melissa Mischke stated she has to eat dinner soon.

**Remonstrators:**

Mike Laureys stated his address is 10505 US Highway 12, Michigan City, IN. He is part owner of the gas station which is one (1) of the gas stations right next door to it. There is actually a Shell and a Marathon right there. He is opposed to the rezoning of this location for numerous reasons. Reason one (1), when they purchased their location, they searched to see if there's any commercial property that could affect them. It was a failing business when they purchased it. There are two (2) gas stations obviously within a few hundred yards on the same side of the road. It's not a four (4) corner intersection that requires multiple C-stores. It is rural land. Reason two (2) is for public safety. They have complained numerous times about fireworks being set off in close proximity from the fireworks store next door to them. He knows that's the pot calling the kettle black, but they've literally have complained numerous times. Just this summer, they actually had to put out a fire in a dumpster from a firework being let off by a mortar. This isn't the first time it has happened; it's happened numerous times. Also, nine (9) months ago, the BZA held a violation hearing for the current fireworks place because of the cannabis sign in the back of a pick-up truck for the road that was causing a distraction and safety concern that he thinks there were seventeen (17) car accidents there between June and July. He's not sure how many got reported, but there a ton for that. There is a hill that goes on top of that. That is also an issue that they have for erosion and just safety of the people. The other thing is, Page 94 of the 2008 County Commissioner's Plan. Create compatible comparison zoning districts. They do not feel that it would fall into that category and then obviously having three C-stores on the same side of the road is simply not needed. That's it.

Melissa Mischke stated thank you. She just wants to make it clear that they are not rezoning this property. The zoning stays. This is for an exception to that zoning. So, it is not going to change from an Agricultural. . .

Eric Pointon stated is already zoned Commercial.

Vern Schafer stated it's zoned Commercial.

Melissa Mischke stated she just wants to make sure that everybody knows it's zoned B2 so they are not changing that designation. Okay.

Joe Bernier stated his address is 418 Meadow Dr, Michiana Shores, IN. Two (2) concerns. He doesn't understand why twenty-four (24) pumps needs to go in when they already have two (2) gas stations within a half mile of the proposed gas station. The other one (1) is a concern about traffic. This time of year, traffic is not bad on 12. They get to May through October and it is hell trying to get out from the beach area.

Melissa Mischke stated they all have to go to Redamak's.

Joe Bernier stated they have to have priorities, right? There's no stoplights along Old Grand Beach that they can get across and traffic stops. It's just a big problem. He doesn't think it should be approved.

Melissa Mischke stated thank you.

Dick McGill stated his address is 3607 Powhatan Trail, Michiana Shores, IN. He is definitely against this monstrosity being built there. As was said, there are two (2) gas stations. There's an intersection of 212 and 12 that makes a bend and all the Chicago people residents that come up for the weekends that go all along the beach area and the rentals, it's very, very confusing for those people. He thinks twenty-five (25) years ago, they lost police, the Town Marshal from Michiana Shores, was killed in that area right by the entrance to Michiana Shores. That was twenty-five (25) years ago. The traffic, like it was said before, is unbelievable. Dwyer Product is right on the corner. There's a veterinary clinic right there. There's a big storage unit. There's a motel, an upscale motel. Peepers eyeglass place, they have a factory right there on 12. There are the two (2) gas stations as was stated. Then of course, the big one (1) right across the State line is what they call the strip. The casino strip like Vegas, but it's the marijuana, the weed, the weeds. There's at least ten (10) that go across that go right up 12 that are right across the State line. He knows they have no control over that, but the traffic from Chicago and Indiana is unbelievable in the summertime on Fridays, Saturdays, and Sundays. Some of the places even have security in the parking lots to make sure everything goes smoothly in the parking lots. This is an accident waiting to happen with this gas station. He knows some people might have said it was a truck stop, but he knows what they are referring to is a gas station that shouldn't be built. Thank you.

Melissa Mischke stated thank you.

Eric Thompson stated his address is 11 Grand Beach Road, Michiana Shores, IN. His property, his home is directly across from the street from where this is being proposed, this building would take place. Two (2) things. One (1), as has already been mentioned, the pot shops are what is driving this insane amount of traffic and unsafe area across 12. It's already like that today. Putting something else in this small space to basically just feed off the progress that the pot shops have brought, meaning they'll sell munchies because they've got twenty (20) pot shop right down the road; that's the real reason why this is being offered. It's not about fuel; the fuel is already there. These stations make their money through sales, drinks, chips, and so forth. That's number one (1). Number two (2), this property will very much impact the use and pleasure of his property today because he is now going to have a gas station directly across the street, twenty-four (24) hours a day with all of the traffic, all of the noise, and all of the lights that it would bring in. The residents, as they have seen and heard, are not only concerned. They don't think this is just a truck stop; this is twenty-four (24) pumps. It doesn't matter if they are trucks, if they're cars; cars are better than semis, but this is still something that, that area cannot sustain. Thank you.

Melissa Mischke stated thank you.

Roy Weiss stated his address is 106 Grand Beach Rd., Michiana Shores, IN. He lives across from the Shell station, which is a hideous source of light pollution and noise. In the winter, all of that just echoes and goes through all the woods. There's just no need for this. It's doesn't add to it. When they consider all the efforts and all the planning they put into putting that bike trail that goes through there, this just doesn't fit into the environment. He just doesn't see where it adds anything to the community.

Melissa Mischke stated thank you.

Beth Jobbe stated her address is 319 El Portal Dr., Michiana Shores, IN. Everything has already been said, she just wanted to report on a poll that was put on Nextdoor by a neighbor of hers. She knows it's not official, but it's interesting the result. Out of one hundred and twenty-one (121) respondents, one hundred (100) people strongly opposed this. Nine (9) were just against it. Nine (9) were strongly for and three (3) were for it, but with changes. So, she is just here representing for her neighbor that was unable to attend, but that was a poll that she had put out there. The numbers are interesting.

Eric Pointon stated a quick question on the poll. Was that under all the information that they were given now or was that people thinking that it was a truck stop?

Beth Jobbe stated probably thinking it's a truck stop.

Eric Pointon stated he would say those numbers would be drastically possibly skewed.

Beth Jobbe stated there is the issue of light pollution like people have mentioned.

Melissa Mischke stated she agrees.

Beth Jobbe stated thank you.

Melissa Mischke stated thank you. Any additional remonstrators? Last chance. Any remonstrators in favor or against? Hearing and seeing no further remonstrance, what kind of questions do they have as a Board? She just wants to say that she agrees, she doesn't feel like, as much as she wants a Buc-ee's, she doesn't think this fits that neighborhood at all. She doesn't think that it brings anything additional to the neighborhood that they don't already have.

Vern Schafer stated he doesn't know if it's their place to judge economic development obviously. What would they rather see there? That's the question. That's the question he has. This is zoned Commercial and he doesn't know what. . . He agrees there are plenty of places to go for gas, but is this really that hideous that it would be an eyesore to the area? That is going through his head right now. It's not a truck stop.

Melissa Mischke asked if they have any questions.

Ernie Schmidt asked if they will be doing repairs on vehicles there?

Tyler Cravens stated no.

Joseph Glusak stated his address is 457 Amherst Rd., Valparaiso, IN. The main thing too, there's no food in that whole area. There is one (1) gas station and they have chicken tenders and they're open four to five (4 – 5) hours a day, five (5) days a week. There's no food for anybody there. There's no coffee shops. The town's growing. It's going to be beautiful. If there's a problem

with the lighting, they address the lighting to address the housing problem. In the summertime, he goes to the Shell and there is a two (2) hour wait to get gas. There are two (2) bathrooms with in the gas station.

Melissa Mischke stated hold on a moment. Sir, the time for remonstrance is closed. They've already had remonstrance and that is the public comment time. So, unfortunately, they're not going to have any more interaction with the public before they make a decision.

Melissa Mischke stated so the twenty-four (24) pumps is for a summer need.

Joseph Glusak stated yes. A summer need and not a long line, but most importantly the food and coffee shop. There's a huge need for that over there.

Melissa Mischke stated is it going to more similar to a Gallop's without the semis? Is that really what they're looking at?

Joseph Glusak stated yes. It will be a higher end gas station. There will be eight to ten (8 – 10) restrooms. Right now, and it's a fact, there's two (2) bathrooms in the gas station in the summertime. It's overflowing the bathrooms. They can go in there on a summer day and there's nowhere to go to the bathroom and there's long lines.

Ernie Schmidt asked what they're going to have for food? Are they going to have a place to sit down and waitresses?

Joseph Glusak stated no, they'll have tables to sit down. They'll buy the food. There will be chicken, pizza, and sandwiches and the coffee shop will have donuts in the morning. They have been talking to a couple vendors like either a Dunkin or a Gloria Jean's Coffee, which fits the footprint of Michigan City. It's growing. It's a beautiful town. The gas stations that are there are outdated. They're going to put a five-million-dollar (\$5,000,000) investment in the City, create forty to fifty (40 – 50) jobs between the food and the gas station. They're willing to do whatever the Board wants them to do to make it friendly for the people. Put up a fence. Put whatever lighting they want and it's zoned. The seventy (70) acres is zoned for Commercial. There's going to be commercial there one (1) was or another, but to say there's not a need for it? There is.

Jeff Baltes stated he doesn't know, just his side, he doesn't think they need a twenty-four (24) hour station there though. Nothing good happens after midnight.

Joseph Glusak asked what if they adjust the hours? They're willing to put up the right lighting and adjust the hours.

Melissa Mischke stated what she might suggest, because their job as a Board is not to help them negotiate.

Joseph Glusak stated okay.

Melissa Mischke stated right. They're going to say yes or no. So, if he wants them to make a vote tonight, they can. If he wants to go back and maybe meet with the homeowners in the Michiana Shores area and find out what their concerns are, or maybe contact the Building Department and get all of those remonstrance letters and what their concerns are specifically, and come back to them, that's certainly an option that he has. They, as a Board, are not going to be able to negotiate for him.

Joseph Glusak stated they understand. They would like to get a decision soon because they are going to be closing on the property. The biggest thing they heard is that they thought it was a truck stop. There won't be any semis. They can adjust the hours now. They can say it will be open until midnight.

Melissa Mischke stated again, they're not going to make that determination for them and have a back and forth.

Joseph Glusak stated he knows. So, their hours will be until midnight.

Melissa Mischke stated they can, as she said, they can table them for thirty (30) days which gives them an opportunity to maybe speak with the community and find out what kind of input they can get from them and come back to them.

Vern Schafer stated it would also be nice to know what kind of vendors he is talking about as far as food vendors. Whether it would be like a Subway or something like that or whether they're just going to do their own thing, but it being a little bit more specific on that might be helpful.

Joseph Glusak stated well, they have the food that's going to go in there. It will be like a Chester's Chicken. It will all be made in-house. It will be chicken, pizza, and subs. They're not going to be franchises.

Eric Pointon stated other than a possible coffee franchise.

Joseph Glusak stated a possible coffee franchise, correct. They can get coffee and donuts in the morning.

Melissa Mischke stated okay. Does he want them to make a vote right now? They can do that.

Joseph Glusak asked if there were any more questions as far as the Boards' concerns.

Melissa Mischke stated she will entertain a motion.

Jeff Batles made a motion to deny the Petition for Special Exception for MoJoe Holdings Indiana, LLC (buyer) and David L Demass Trust (owner) for special land use. We are proposing the development of a gas service station. With a convenience store, 24 pump canopy, propane sales, and coffee shop with a drive-thru. This property is located at 10555 E. Hwy 12, Michigan City, IN., Springfield Twp., zoned B2 on a total 67.903 acres.

Vern Schafer stated he will second it so they can get a vote.

Ashley Kazmucha read the roll.

Melissa Mischke stated nay. Yes for denying.

Jeff Baltes stated yes.

Eric Pointon stated nay.

Ernie Schmidt stated no.

Vern Schafer stated no.

Ashley Kazmucha stated the motion fails.

Jeff Baltes stated who seconded the motion.

Vern Schafer stated he did.

Ashley Kazmucha stated that doesn't matter. The motion fails.

Melissa Mischke stated so the motion failed.

Vern Schafer stated yes, so it has been accepted.

Melissa Mischke stated Attorney Biege, that doesn't de facto approve it, does it?

Attorney Biege stated he's not sure what the hell just happened here.

Melissa Mischke stated they voted no. They had a motion and a second to vote no and two of them said no.

Attorney Biege stated there has to be an affirmative motion for it to pass.

Melissa Mischke stated right, so in that motion, it's not a de facto approval.

Attorney Biege stated no.

Melissa Mischke stated there would be hours of operations and other constraints in a motion to approve.

Curtis Hayman stated if it's needed, they can table that way they can have some more time.

Melissa Mischke asked if there is a motion to table.

Tyler Cravens stated let's not do that. Let's finish it tonight.

Joseph Glusak stated the only reason they are pushing for that is because they have to close on the property and then they can work with any hours, any lighting, whatever they want, they are willing to work with it.

Melissa Mischke stated right. That's not the way this Board works for their Special Exception.

Joseph Glusak stated okay.

Attorney Biege stated if he may Madam President, they need to understand, if they vote against this, they're done. He doesn't think they're getting the hint that the Board President gave them. Have a community meeting and work through some of this resistance and they may be more willing to go forward. If they go for broke, they aren't getting back here for a year.

Eric Pointon stated quick question, since this is Commercial and it's technically accepted in this area. . .

Melissa Mischke stated not all of it is accepted in this area.

Eric Pointon stated they don't have to sign or anything of those things, correct? They come back with a business plan of. . .

Attorney Biege stated yes. It's in B2. The only reason they are here is they need a Special Exception on a gas station.

Melissa Mischke stated correct, the gasoline sales.

Eric Pointon stated correct, so they don't have to have a whole technical business plan. They just need to say it would be from five to midnight (5 a.m. – 12 a.m.) basically right now.

Joseph Glusak stated they want to be open six to midnight (6 a.m. – 12 a.m.).

Melissa Mischke stated she needs him to not speak while they are talking.

Vern Schafer made a motion to approve the Petition for Special Exception for MoJoe Holdings Indiana, LLC (buyer) and David L Demass Trust (owner) for special land use. We are proposing the development of a gas service station. With a convenience store, 24 pump canopy, propane sales, and coffee shop with a drive-thru. Hours of operation are 6 a.m. – 12 a.m. This property is located at 10555 E. Hwy 12, Michigan City, IN., Springfield Twp., zoned B2 on a total 67.903 acres.

Eric Pointon seconded.

Ashley Kazmucha read the roll.

Melissa Mischke stated nay.

Jeff Baltes stated nay.

Ernie Schmidt stated no.

Melissa Mischke stated so right there, their motion failed.

Denied. Motion denied after three (3) nay votes resulting in a final nay decision of the affirmative motion.

Melissa Mischke stated thank you guys. Have a good evening.

Melissa Mischke asked if there is any further business before the Board.

Attorney Biege stated no ma'am, but he would like to mention that he has seen a lot of crowds in here and these folks were polite. Thank you very much.

Melissa Mischke stated yes, they were.

Vern Schafer stated this fall under the order of business, but he is going to say that he has enjoyed working with this Board, but he thinks that as of this month, he is going to resign his position and pass on to someone else. He knows they have this wastewater thing sitting in front of them that they tabled, but he thinks this is going to be it for him. He is going to ask the Commissioners to replace him.

Eric Pointon stated they are still having a meeting. Can they quiet down?

Melissa Mischke stated they still have business in front of the Board so if they could move the to hallway, she would appreciate it and maybe pull the door if they're going to stand there and visit.

Vern Schafer stated like he said, he has enjoyed working with this group. It has been good. He put three (3) years in on it and he thinks it's time for him to step out and hopefully that they will get a replacement that is better than him. He is sure Doug will miss him a lot because he gives too much advice.

Attorney Biege stated besides his copious advice, he has enjoyed working with him. He really has.

Melissa Mischke asked if he can't tough it out the one (1) more year for his term.

Vern Schafer stated no, he doesn't think he's going to tough it out one (1) more year. He thinks this is going to be it.

Melissa Mischke stated okay.

Vern Schafer stated so she'll have to stay with them.

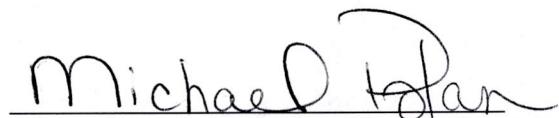
Jeff Baltes stated Vern was good until Pointon got on the Board and now all of a sudden, he wants to run away.

*Vern Schafer laughed.*

There being no further business, meeting adjourned at 7:18 p.m.



Melissa Mullins Mischke  
Melissa Mullins Mischke, President



Michael Polan  
Michael Polan, Recording Secretary