



LAPORTE COUNTY PLAN COMMISSION

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Michael Polan
Building Commissioner

August 25th, 2026

Dear Members:

The regular meeting of the LaPorte County Plan Commission was held on **Tuesday, August 25th, 2026 at 6:00 p.m.** in the Assembly Room of the County Complex.

Members Present:	Rita Beaty	Jimmy Pressel
	John Matwyshyn	Andy Chlupacek
	Steve Holifield	John L.C. Carr
	Anthony Oss	Eric Pointon
Members: Absent	Joe Tuholski	

Present: Andrew Voeltz, Attorney, Michael Polan, Recording Secretary, Janet Cole, Administrative Specialist and Deanna Schweizer, Administrative Coordinator

Rita Beaty: Can I have a motion for the approval of the agenda for this evening?

Eric Pointon: I make a motion to approve the agenda.

Steve Hollifield: Second

Motion carried and approved 8-0.

Rita Beaty: I need a motion to approve the minutes for last month's meeting in July.

Steve Hollifield: I make a motion to approve the minutes.

Jimmy Pressel: I second.

Motion approved and carried 8-0.

Rita Beaty: We'll move forward with our one petition for this evening under new business.

1. The Amendment to the La Porte County Joint Zoning Ordinance. The proposed text amendment would create a new sub-district in the Kingsbury Industrial Park overlay district within the unincorporated area of LaPorte County, Indiana, to be known as the Kingsbury Industrial Park Technology Overlay Subdistrict. The text amendment then provides the permitted uses that will be allowed within the new subdistrict, including the high technology activities defined in the Indiana Code 36-7-32-7.

Attorney DiMartino, would you like to proceed or would you like me to pass it on to Mr. Reardon?

Andrew Voeltz: Madam President, notice is adequate pursuant to multiple sections of the Indiana Code. We're jumping back and forth between Indiana Code 36-7-4-600 series, which goes through 601, 602, 605, 608, back to 606 and then 604, which all references back to the Indiana Notice Statute, which provides for this type of what is being heard by this body is adequately served by public notice. Public notice did take place with regards to being printed in a local newspaper of general circulation, which once again is an anachronism, but it is what it is. Until the folks, downstate change that, that is a requirement.

But then the additional requirement is that it is noticed on the entity's website, which has occurred and what did occur ten (10) days prior to this hearing. So, for purposes of legal notice for this petition as an amendment to the Joint Zoning Ordinance, the LaPorte County Joint Zoning Ordinance notice is adequate.

Rita Beaty: All right. OK, Matt, the floor is yours.

Matt Reardon: Thank you, Madam Chairman, Matt Reardon, Office of Economic Development. Appreciate the time this evening. Mr. DiMartino is going to describe a little bit about the slight changes that occurred relative to this project, but I want to just reiterate a couple of key points.

Number one, the area that we're discussing is Kingsbury Industrial Park. Most of us who have been in this county or worked in this county for a long time know where it is and what it is. That property in its entirety is zoned M2 Heavy Industrial. M2 Heavy Industrial. Not light, not ag, not residential, not any of that. M2 heavy industrial.

The commission, a few, a while ago, passed an ordinance relative to data center. And that was for the entirety of the county. And it set forth a set of rules and standards that need to be adhered to, which included getting underlying zoning changed to at a minimum M1.

Again, the property here in Kingsbury, all of it is M2. Through the Office of Redevelopment, we started thinking about some of the commentary that we've heard from people, some of the commentary from businesses and some of the commentary from elected officials, which was, why aren't you putting things in Kingsbury Industrial Park? So, we sat down and looked at the statute around technology park designation and what does that do and how does it do it? So, our office having an understanding of the extreme economic benefits that digital infrastructure projects can bring to jurisdictions and with examples close to this area, Hobart and the city of La Porte. We have a very good idea what the property yields and benefits can be to the 110,000 people that live in the county.

Billions of dollars of investment in a form and fashion that is acceptable to the county with respect to things like water usage, noise, setback, and access. Kingsbury Industrial Park is an ideal location for a lot of things. It was an ideal location for the military to operate because it's isolated and it's an ideal location to have heavy industry, which it's currently zoned for.

A couple of things that we learned along the way from last month was there was some discussion about proximity of some of the residents out in the county. And in particular, so what I recommend, one of the recommended changes, and Mr. DiMartino will cover these, is after talking with the commissioners and Commissioner Haney in particular said, we think we should have a 500-foot setback. So, in that document now, it alludes to a 500-foot setback from property zone R1B. And there's one area that does everything else around Kingsbury Industrial Park outside of this agriculture. There's some nuances to zoning in the front of that that is commercial. The other thing I'd like to point out is the for the existing businesses at this location has no impact. It has no impact on those that would like to develop anything else

that's permissible under the statute, which is an extreme amount of opportunity for them.

Furthermore, the development aspects and what we have seen and heard, again, have the potential for billions of dollars of investment, that equate to millions of dollars in tax revenue to be utilized for the benefit of one hundred and ten thousand (110,000) people.

One of the other key items in this, and I would like to reiterate this, is that, this allowance or change in addition to the zoning requires the petitioner to not only come back before this body, of course, to do their layouts, to plat and plat map all those designs. They still have to coordinate with the surveyor's office and have to coordinate with MS4 and have to coordinate with our legal drain folks, but they also have to enter into a development agreement, with not only the redevelopment commission, but the council and the planning commission. Giving the elected officials the responsibility and the opportunity to work on and negotiate the best project for the residents of the county, period.

It's atypical to different types of zoning, and usually there's not that type of requirement, but because of their larger scale projects, it warrants it. It also leaves room in there for the county to where necessary to bring on board professionals that can help and assist with these types of projects. Nobody can know everything about anything, right? So there's opportunity for that as well. With that, I'll turn it over to Mr. DiMartino and he can cover the issues, but, essentially, with some additions and some flexibility to the language and some cooperation between MS4 and drainage board and the 500-foot setback, this is the same dock and with the same requirements. Thank you.

Guy DiMartino: Guy DiMartino, Council for the RDC. So just a couple of points. If you look at the document on page 6, you'll see the setback for R1B because in speaking with folks after we were here last month, that was brought to our attention. So, for the setback, it's 500-feet, so that was something that was changed.

The purpose, you know, there's been information that has been stated out there, this does not affect the AG designations that are out there. This does not affect the M1 zoning that's out there. This only affects the M2.

And so what we've done is we've put, like a few years ago, I used to have transparencies. Am I aging myself? Mimeograph paper was a little transparency. So,

what we've done is we've just put a transparency over the M2 area, we're just saying this is a subject district. And if you have this type of business, we are giving you a roadmap to be able to come into the county. And we've set forth the roadmap. The only thing it short circuits is getting before the building commission, then coming back to the plan commission and getting together with the elected officials, so it takes one hurdle out of the way.

Like I stated last month, businesses, we have stringent regulations in here and businesses are okay with stringent regulations, if they know the playing field. So we are giving these businesses the playing field. If a business comes before you after meeting with the building commission and meeting with TAC and it's not something that meets your use as the planning commission, you do not have to approve it. If it goes before the commission, the commission does not have to approve it. If it goes before the council and there is funding issues or they're looking for something, they don't have to approve. But that becomes the elected official's decision and not an appointed board because we see everything that's going on in the county with some of the appointed boards and people, you know, raising the hammer of litigation.

The third point, which I discussed last month, this also has a protective mechanism for the folks who are living in the county, if a big business wants to come in and do a high-tech venture, it's a lot easier if you already know the rules, than trying to go out and prospect areas, try to get ten (10) landowners next to each other to come together, pay them an ungodly amount of money in order to sell their property, then they can super voluntary annex the area, and there's nothing that we can do as a county. But if the businesses know that they're not going to have to go into the city, they're not going to have to pay a 3% tax they're only going to pay a 1.7% tax. When you're talking about that kind of money, that's something that they know and they can measure their risk. So that is the purpose of this.

The commissioners, said in a resolution earlier this year, if there's going to be any type of this building, let's go into KIP. We have the railroad there, it might help our roadways, if they come in for construction, they can bring things in on a rail, or they can tear up our roads.

That's what I want you all to consider, if anybody has any specific questions regarding any type of change that was made to this, feel more than free to ask me. The only other thing that we did is there was some concern last month that some of the language regarding MS4 and the drainage board might have been a little too

confusing. So, we've said that there's going to be cooperation between all the stakeholders. So this agreement is a cooperative agreement, everybody in the county who comes in with specialties needs to work in order to get these things done. Any questions?

Steve Holifield: They're still going to have to follow all the rules we tell them to follow, or they just leave, correct?

Attorney DiMartino: All the rules. And not only that, there's going to be a contract, so you're as strong as the contract and the negotiation with these folks that are coming into town.

Steve Holifield: And to alleviate the confusion battling around the county, the elected are in charge of final say on this, correct?

Attorney DiMartino: The elected will be in charge of the final say, you all make recommendations, but the recommendation has to be adopted.

Rita Beaty: All right. Any other questions from the board at this time for the attorney? Mister Oss.

Anthony Oss: I developed a reputation already. This one's for council first. Do we need to do anything pursuant to the previous recommendation that was sent to the commissioners.

Attorney Voeltz: This is a loaded question, Mr. DeMartino. You may want to sit down for this because it's going to take a few minutes.

Attorney DiMartino: I can go back to this. I don't think it's going to take a few minutes. I don't believe there's proper notice.

Attorney Voeltz: There is an issue with notice, number one, even if notice was not adequate, which there is a debate about, that could, I mean, it could be challenged, somebody can bring a challenge to it that notice was not adequate. If notice was not adequate, it's dead on the vine. So that is number one (1).

I am proceeding as if notice was adequate, because again, it's a gray area, because we're talking about a PUD and an overlay and a transparency, to use the example of an Elmo machine or something like that, that we may or may not have had in grade school if we're all old enough. The issue is here is that I believe notice was adequate.

However, there were some questions raised as to whether or not notice was adequate. In order to cut that off, whereas there may be a challenge in the future that notice wasn't adequate. This, what is being proposed today, and again, directly as related to what this is entitled as, a proposed text amendment that would create a new sub-district in the Kingsbury Industrial Park Overlay District. So now we've got basically three different things going on in one document and notice for this proposal is adequate. I will take that to the Supreme Court.

Attorney Voeltz: What I'm saying, and so I'm going to get to your question then. So you're asking what needs to be done with the previous ordinance. It is either dead because notice wasn't adequate, or it is still for the commissioners to consider, or and this is my recommendation, is that this proposal here subsumes anything that was created in that previous recommendation. Meaning that this, again, to use the transparency analogy, this overlays over the top of it to whereas everything that was incorporated into that previous petition that was voted on by a 9-0 vote for a favorable recommendation is contained in this. This cleans it up in a manner in which this plan commission directed the petitioner to do to clean it up. It has been cleaned up, so this, for purposes of tonight's discussion and vote, should be considered new 100%. Does that answer your question?

Anothony Oss: Kind of.

Attorney DiMartino: And if you feel comfortable, Mr. Oss, you can always make a motion to rescind your prior adoption.

Anthony Oss: That's my only concern is if there were any provisions in state, if there were any provisions that upon a record, I know there are certain provisions that say if we make a zoning map change, if it's not acted on, it is then assumed to be.

Attorney Voeltz: There are different lengths of time depending upon which subsection you're talking about, whether it's 602, 603, jumping to 607, back to 608, et cetera, et cetera. What I'm saying is that the recommendation is there to go to the

commissioners, the commissioners can reject it, or as Mr. DeMartino indicated, if you would so choose after discussion upon this presentation that you would include in your motion that any previous ordinance that had been recommended for approval is now deemed rejected. That would be acceptable.

Attorney DiMartino: Okay, belt and suspenders.

Anthony Oss: Just want to make sure we got everything. Just to clarify the area, this obviously for you, Mr. DiMartino, so, the wait.

Attorney DeMartino: I didn't know that. Which one? That it was for me. The next one. The second question here, is just clarifying the area, I think I understand the way it's written, you're using the 12.07 overlay district, which currently exists and then overlaying the M2. It's the M2 that is currently described in the JZO in 12.07.

Attorney DiMartino: Correct. Okay. Only the M2.

Anthony Oss: Only the M2. It does specify that. 12.07 and 12.08 still exist and still work together, so the provisions in 12.07 still apply, which are somewhat limited, but they don't do near this, but it's already there. 12.07 is still there, it's not being rescinded, it's a clarification, really.

Attorney DiMartino: Correct, yes, OK.

Anthony Oss: The next one's probably a little more of a, I don't know if it's going to be a tougher one to get around. The one concern I have is with the previously passed data center ordinance that we passed, because this is a modification to the JZO, the data center ordinance specifically said that if there are any, says in the event of a conflict between this ordinance and the joint zoning ordinance, the more restrictive provisions shall apply. That seems to me, even though we have timing issues, the fact that this ordinance is silent on anything regarding that, we're going to have to, someone, somewhere we have to do some cleanup, it seems, on one side or the other at some point.

Attorney DiMartino: Don't you think that this ordinance is more specific than that?

Anthony Oss: And I defer to those who obviously understand how this, the legal ramifications of this are going to work, but I just want to make sure because the JZO is in a, I forget how we describe it, it's not a part, because the data center ordinance is not a part necessarily the JZO, we didn't modify the JZO and that was done at the sort of preference of previous council.

Rita Beaty: Correct

Anthony Oss: We didn't modify the JZO. We are now modifying JZO, which I appreciate, and I think it's the right way to do this, but we may end up at some point down the road having someone point to both of these things. I just want to make sure whether we make a, whether there's a recommendation as it goes to the commissioners or whether we as a planning commission need to adapt the data center ordinance to accommodate this overlay district.

There are provisions and specifics. It just concerns me that we specifically say in the data center ordinance that anything that's in the JZO, if it's more, if this is more restrictive, this applies, and you're modifying the JZO.

Attorney DiMartino: I'm not going to give legal advice to you all, but that's an easy fix with an amendment to the data center ordinance where you just accept out this ordinance. But that's between you and your council.

Anthony Oss: This would have to be something else we would need to consider.

Attorney Voeltz: And if I may, with regards to that, that's the reason why the data center ordinance was created the way that it was, to allow for an easier methodology and a more streamlined methodology for this plan commission to amend the ordinance, because this is talking about an amendment to the JZO, not the data center ordinance as a standalone ordinance, as a companion ordinance to the JZO.

Attorney DiMartino: Right, so the way that I would envision it is that if somebody's going to go and do a data center, outside of this and some other area of the county, they're going to have to comply with both. They're going to have to comply with your ordinance and your data center. They're going to have to comply with both.

Steve Holifield: And this ordinance is only pertaining to Kingsbury M2 only.

Attorney Martino: M2 only, they would have to comply with.

Anthony Oss: So for example, sounds like a law school question.

Attorney Voeltz: It depends.

Attorney DiMartino: Mr. Oss

Anthony Oss: I'm an engineer, so, if the data center were at some point modified to say, exclude the requirement for a special exception in the Kingsbury Technology Overlay District, that would remedy this problem.

Attorney DiMartino: It would.

Anthony Oss: It would just a hypothetical at this point.

Attorney DiMartino: It would remedy a potential problem. This is just not a problem.

Anthony Oss: Yeah, and then my last question.

Attorney DiMartino: To who, Mr. Voeltz or me?

Anthony Oss: No, I'm done with him.

Attorney Voeltz: Thank you.

Anthony Oss: Sorry. I just want to make sure you've mentioned a couple of times that, the development agreements have to go through everyone. How is that? It's not really defined and that process isn't defined in here, but that process is a county defined process. I want to make it clear to sort of myself and to everyone here that there's a county defined process that those development agreements would go through redevelopment, planning commission, and then the commissioners.

Attorney Guy DiMartino: Yes.

Anthony Oss: And we would act as a advisory body in that role. With final approval going through the commission.

Attorney DiMartino: You typically are an advisory body.

Anthony Oss: Right, which is, I just want to make sure we all understand what the intent is and that it's defined as part of that process, not necessarily defined as a process in here, but it's the development process that's defined elsewhere.

Attorney DiMartino: Yes.

Steve Holifield: OK, has to follow the rules, come through us and make a recommendation. Either we recommend the commissioners approve or disapprove.

Attorney DiMartino: And then they got to go through Vacari.

Steve Holifield: Yeah, because there's MS4 in there.

Attorney DiMartino: Any other questions? No, Mr. Oss, you sure?

Anthony Oss: Thank you, Mr. DiMartino. I appreciate you indulging my questions.

John Matwyshyn: I would like to add before, no, this is regarding technical corrections to the to the bill we have here, the ordinance. There is an error on page 1, page 12 and 13 have errors. And before the start of the meeting, it was mentioned that technical corrections will be made.

Attorney DiMartino: Some numbering corrections that were in there that the numbers were off, those have been corrected. So; I don't know what other errors there were, but circle them and before it comes to you all for if you choose to adopt it for before it comes to you, we'll get the corrections done.

John Matwyshyn: And my packet has it says 25 pages for the document. I only have 24 pages here. So.

Attorney DiMartino: You have the map?

John Matwyshyn: Yes, it concludes with the map, which does not have a number on it. But the page before that says page 23 of 25.

Rita Beaty: 24 was left blank intentionally.

John Matwyshyn: Other than that, it looks good to me.

Attorney DiMartino: Just circle those, we can get those done. Thank you.

Rita Beaty: Anything else from the board?

Steve Holifield: I just want to say that for sixty (60) plus years, that development industrial park has been begging for industry to move out there. We have the potential with this to invite a whole lot of industrial development, which if anybody watched the council meeting last night about the possibility of a wheel tax, we are in desperate need of tax base in this county, period after SCA1 went through. And this will provide the tax base for any development, no one says anything about what development is there, but there's a whole list of what it could be. No one's come forward yet, applied for anything or anything else. So the rumors and trash that you see on Facebook, no one's come forward yet. So, but yes, we are in desperate need of tax base as in the whole entire counties and all the state are. So I think this is a stepping point in the right direction.

Rita Beaty: Okay, we will open the floor for any remonstrators against or for or against the petition this evening. We will have a three-minute limit that Janet's going to make sure that we abide by. So please come forward and state your name and address, please, for the record.

Wayne Wilzesk: I live at 2222 E 500 S, which is directly north of the, what's not, I don't think it's considered a Kingsbury yet. It's part of the DNR land, which is going to be enveloped into the KIPS, it looks like, so right now, there's A 90-foot railway, it's on the back of our lot over towards Hupp Road, it's 90-feet wide, it's full of trees. You know, it's a nice little area back there. My wife and I walk it every now and then, there's a little path that heads towards Hupp Road from behind our house, so we walk it and our neighbors do it as well. I know that one neighbor next to me does it, we used to do it a lot more, but we just want to see that stay there. Right now, I

don't know who owns it, I'm sure the railroad still owns it, I'm almost positive they do. So why, you know, is that going to be part of this new development plan or is that just something that's going to be different? It'd be great if it stayed there, because there would be a natural barrier. Knock the sound down and we wouldn't see all the buildings. And also, my wife just pointed out that our house is probably agriculture. So that means 50-feet is all we get? I'm not sure what they're saying that what agriculture is. Does anybody know here?

Steve Holifield: All of those two-acre lots are zoned ag, correct?

Michael Polan: Some are zoned ag, yeah.

Wayne Wilzesk: Okay. So if we're ag, that means we don't get any protections at all. So we would definitely need that 90-feet with the trees and everything to just stay there to help us out. Or if we could get, you know, if we can get zoned as a residential, that'd be great as well. But that 90-feet is something that we really need. And also if it stays there, extend the path, make it a public area where people can walk their dogs and whatnot. You know, right now there's a nice little path there, it's overgrown like crazy, but there's still a nice little path. And why can't we turn that into something positive for the people in the neighborhood? and other people as well. So well, that's what I have to say, thank you.

Rita Beaty: Thank you.

Steve Holifield: That plot's been abandoned for quite, as when I was learning to drive, I remember the train, the gates down there at 500 South by the Kingsbury Locker Plant, so it's been abandoned for quite some time, but I believe the railroad still owns it.

Wayne Wilzesk: Let's leave it that way.

Rita Beaty: Okay. Any other? Please state your name and address.

Rhett Eric : Hi, my name is Rhett Eric. I live at 2228 East 500 South. I live right next door to Wayne. I've lived there 17 years. The area he's talking about is Area 8 in the Kingsbury Wildlife Area. They've spent a long time since they acquired it working due

diligently to manage the habitat, we got more quail out there, they've done an excellent job with the wildlife.

When I talk to the different people, some of them are up there about the data centers that was going in, you know, up there near La Porte, they would say, well, we want to push for everything that's involved with the data centers to stay within the Kingsbury Industrial Park, totally agree with that, that's what it's there for. I don't know what happened, that Area 8 got pulled in here. I called the administrators down in Indianapolis, talked to some of the higher people in, and I was instructed to get any information, I would have to call the Kingsbury place down there. the Ranger Station, which when I found out about this a week ago about Area 8, they had just found out about it. There's no communication.

That property, I talked to Jim Pressel about it last week, and he told me that's between the state and NIPSCO. And I said, well, I voted for you being a state representative. That kind of is like, you're a state, you should know a little bit about this. And he said he'd look into it, I haven't heard from him, he said he's on vacation. But there's a lot of crosstalk, a lot of when you try to find out, they give you a number that you've already talked to and those people don't know anything. And you guys have at it with the area or with the Kingsbury Industrial Park and bring in as much as you can.

But in my opinion, if you go into a state park somewhere and you pick up a log or a stick, you're not allowed to take that, that belongs to the people, that has been well managed, those animals aren't going to know when them trucks come rolling in there. What are they supposed to do? And the DNR has done a fabulous job of managing that, and now it's going to be torn up and given to NIPSCO for a power plant. Go across the road, leave the animals in Area 8. If you go into area or the Kingsbury Wildlife Area, there's a sign that welcomes you there, and they say that it's paid for by hunters, trappers, and fishermen and sportsmen. And I would say... more people use it for taking out their kids and stuff and walking their dogs than hunting, so it's not just hunting and fishing, it's everybody.

Rita Beaty: Thank you very much. We appreciate it. Okay, any others for or against the petition? Looks like it's you.

Erica Arnold: My name is Erica Arnold. I am a resident of LaPorte County, lifelong, part owner of Bella Largo Senior Assisted Living Facility that just opened off of 39. My address is 4155 North State Road 39 for the purpose of this meeting.

I am very much against the development of this data center, and to speak to this gentleman's point that was just up here, there is a reason why there is such a rush to implement this infrastructure.

Steve Holifield: Address the board, please.

Erica Arnold: I can't turn around and speak to my community?

Rita Beaty: We need to address the board. So thank you.

Erica Arnold: I think when you look at the larger federal picture of what has happened and the agencies that have been cut for environmental protections on water quality, air quality, all of these have been rolled back, repealed, or agencies have been eliminated. That is why the miscommunication is happening. And let's be very clear, there are certain bills which I have an informational packet I can provide the board. I've done 12 hours of research today. 6 a.m., I woke up because I am this concerned about it.

One of the bills of interest has to do with the allocation of land use, which is what this meeting is about. But when you consider that we don't have the appropriate oversight agencies long term to keep an eye on this project, timelines are very short.

What I read about the data center that's in New Carlisle, according to their operating permit, five years they keep records. They're only required to keep them for five years. Further on in the state code that has just been amended and repealed and changed, those five years, two of them are kept on site, and that development can consider information confidential that they won't by law have to include in their reporting.

So, any reporting that we're going to get is going to be cherry picked and with such a short timeline of five years, maybe that's when all of the environmental impacts, the devastation on what is a nature preserve are going to become apparent. This is not a decision that we should rush, this is a client with very deep pockets, a Goliath that due to our precarious tax situation could bankrupt our county, just throwing paper at us, Erin Brockovich is a good example of that. They have the ability to do that, and it's important that we consider putting a moratorium for at least a year on development. Getting the appropriate local agencies together to really put a close eye on it. I would love to provide some printouts to you guys, local Senate, house

bills, on water consumption, usage, permit numbers that I've reviewed myself, as well as...

Steve Holifield: You've used your time, ma'am.

Rita Beaty: Thank you I am providing that

Erica Arnold: Well, I would like to pass this out to anybody that wants it, and pass the picture around.

Rita Beaty: Okay. All right. Did you leave any of your stuff up here up front at the podium? No, is that your stuff up there? Didn't want you to forget it, thank you. All right. Any other for or against the petition?

Carla Wilzeski: Carla Wilzeski, 2222 East 500 South. I see everything that's happening. I kind of see a picture, a data center, an electrical, natural gas, electric plant, data center, kind of in a line, just about 300-feet from our house this way, maybe less. There's electrical markers on the road at 200 East, past the data center towards 500 South. I'm just asking, we just built a new house, it's kind of in the back of our lot, close to the section 8.

I have 4 grandkids that come over every day from the age of eight (8) months to five (5), and I'm concerned for their health, I know it's Section 8, and I don't know if that land is going to be DNR and part of this technology campus, or if it's going to be state land. But if it's going to be part of the technology center, maybe it should be addressed now. Residents live in agricultural zoned areas, and maybe it should say, the setback from a residence, not residential zoned areas. Thank you.

Steve Holifield: That ground is still under contamination since the Fisher Calo. If you drive around there on the north side, you'll see rusty steel pipes and there's a well there. I've been on that farmland a couple of times over the years, the wells are out there too. So that entire area is contaminated. It's not pristine by any means.

Carla Wilzeski: Well, it's a little different when it's shooting down at you from a electric power plant.

Rita Beaty: And the distance from the residential, as you're discussing are agricultural, you really don't want it from your house because your lot line might be at this, so it's from there rather than just the house.

Carla Wilzeski: Yeah. Maybe it should be land plot that has a residence on it.

Rita Beaty: Well, it's, I mean, it's distance from that particular zoning. So your house might be, you know what I mean? So your land might be further out than what your house is. So you want it from that other zoning, right?

Carla Wilzeski: Because we're in an agriculturally zoned area.

Steve Holifield: You're outside the KOP.

Rita Beaty: So you're outside the area anyway, so yeah, the distance will be.

Steve Holifield: This ordinance only applies to the KOP.

Carla Wilzeski: So how does that apply if that zone 8 is brought in?

Steve Holifield: Matt, Guy, you guys want to answer that?

Rita Beaty: You mean the zone brought into the industrial park?

Carla Wilzeski: Yes.

Rita Beaty: Well, the industrial park is the M2 that we're discussing. This overlay is only, as they've indicated, only for the M2 zoning within that KIP.

Carla Wilzeski: Will there be a new meeting?

Steve Holifield: That DNR grounds section 8, is also classified as M2 in that area.

Rita Beaty: Correct. It's already M2.

Steve Holifield: It already is M2.

Carla Wilzeski: And would it just be brought right in to the technology center? What's the plan?

Steve Holifield: It's part of the M2 in that industrial park, they're within the industrial park.

Carla Wilzeski: So what would the setback be from the end of my property line?

Steve Holifield: That's outside the outside the industrial park, if it was inside to be 500 feet.

Carla Wilzeski: There's no residences inside that.

Steve Holifield: That's why we chose this for an industrial development. That's why there's also federal help. There's also federal help with these and the state. There's also federal laws that have been passed to help us use these old former ammunition bases to try to develop them for better because they're contaminated from day one (1). This has been like this for over eighty (80) years. 1940 is when the government came through and took this ground, or didn't take it, they bought it. So, this has been taken like that.

Carla Wilzeski: Thank you.

Rita Beaty: All right. Any other for or against? Any others for or against?

Angie Hensman: Good evening, Angie Hensman, 237 Leo Avenue.

Every time that I've stood before a body this year and last year about data centers, I've had one question, and that is, how are you going to enforce this? You know, I went to LaPorte and said, you know, how are you going to enforce this? They say this is what they're going to do, but how are we going to enforce this?

Michigan City, how are you going to enforce this? This is how you enforce this. And I appreciate the work that you have done to really try to figure this out. A moratorium was mentioned. Something that I wasn't aware of until I started really looking into it is you the commissioners could pass a moratorium tomorrow, it doesn't stop

LaPorte, Michigan City, or any of the incorporated areas from having a data center. If this doesn't pass, it doesn't stop data centers from still locating, but it does keep us from having the control over them. And I think the intent behind this is recognition that this is a really good place. This is the place they're going to choose.

I love the nature preserve, I love going out there, right? I recognize it is an industrial park, I recognize that businesses can choose to go there. What makes this proposal so important is not where it is or what is coming in, it is the control that the county has over what happens there. It is going to be able to lay down those rules to protect the residents and the surrounding areas to make sure we have MS4 out there to protect our water.

I've went through this entire thing and I'm so impressed with all of the pieces, all of the people that will be brought to the table before any decisions are made. And I think it's also important that there is to recognize that there is no end user right now being considered. But what we are saying is if you're going to put something in the Kingsbury Industrial Park, you're going to follow our rules, you're going to follow our regulations. And what I love about this is you can say, you didn't follow them, you're out.

No other community that has a data center can say that. That lady was saying, you know, five years. That's not the case in this situation because it's tied to the land as the MS4 director had said. So their regulations, their requirements, when you're watching over this project and as it continues, it's not going to end, they're not going to be able to hide their information. I love that about this. And I have been begging people in all sorts of different groups to be like, what can you do? And I really feel like the economic development and the planning, that they really put a lot of thought into this, and how we can best control these entities. So I am for this. Thank you.

Rita Beaty: Thank you.

Steve Holifield: Currently, there's no one approached anybody about anything out there. No one has. It's all pure speculation. Second, I serve on the State Water Summit Board, we have two days again this year. They are people I've spoke to from different counties across the state that are interested in also the same thing with this, because it's an industrial, it's a set of rules for all industrials to follow. It's just not a

maybe this, maybe that, no, it's a set of rules they will follow. And the commissioners after the rest of the boards go through, will have the final stage say yes or no to this. So there will be a lot of rules for them to follow, and yes, they will be enforced. Mr. Vicari has got a lot of work inside this also, so that's how we'll take care of that.

Jody Slabaugh: Jody Slabaugh 222 West 9th, Michigan City, Indiana. A couple things, there's a lot of ambiguous language here. I know Tony's cleared up a lot of it for me. These people are talking about 500 South, this road right above the M2. You guys are saying that's not in Kingsbury Industrial Park, but yet this 2014 map has this boundary that goes all the way around here, that clearly shows 500 South is, it looks like inside. Have you guys looked at the map?

Steve Holifield: It's not.

Jody Slabaugh: I mean, maybe it's not.

Steve Holifield: I grew up a mile from there. 500 South was never was.

Andrew Voeltz: Madam President, Madam President, point of order. This is public comment and or remonstrance. This is not an engagement back and forth where seven people are talking at the same time. It makes keeping a record of this meeting impossible.

Rita Beaty: Thank you. Great. Thank you. And 500 South is north of the overlay district that we're discussing this evening.

Jody Slabaugh: This is this gray area, isn't that what we clarified is the M2 area? I think Tony brought that up, that all the M2 is the area. And 500 South is right above that?

Rita Beaty: Is north of it, yes.

Jody Slabaugh: Yeah, these people's backyard.

Rita Beaty: No, if they, no, there's the, as the one spoke earlier, there is some distance between where they are and where this is.

Jody Slabaugh: So, we have a 500 feet setback, is it 500 feet from this M2 to these people's backyard? Because you guys said they're outside the district, that doesn't matter. These people are concerned what's going in their backyards.

The other thing that I want to bring up, I don't want to belabor the point, you said that there's no plans for anything coming in here, but you testified in front of the IURC February 9th this year, talking about NIPSCO, you wanted to get a NIPSCO power plant in there.

Steve Holifield: In the county.

Jody Slabaugh: It says the KIP, well, as the general.

Andrew Voeltz: Mister Holifield, please. This is not a back and forth. This is not a cross-examination. This is remonstrance.

Jody Slabaugh: Can I have some of my time back? Yeah, so you testify.

Andrew Voeltz: Mister Slabaugh, this isn't a Senate hearing either.

Jody Slabaugh: Can I speak or not?

Andrew Voeltz: You are more than welcome to speak, but you don't need to...

Jody Slabaugh: Quit interrupting me when it's my time to speak.

Rita Beaty: Excuse me. Excuse me. Excuse me. I would just like to say this is for remonstrators against or for or against the petition. Please give us your information regarding the petition that you would like. You probably have what, 2 minutes left maybe, Janet?

Jody Slabaugh: I'm responding to the comments from this board that there's nothing coming into KIP, that there's no plans and nothing has happened. and there's testimony otherwise. So let's get past that.

The other thing that we have, so we have established the M2 as the actual area because that isn't clear here. It says, Mr. Polan says the route, the route that the petitioner at the petitioner's request changed from the PUD to this. I think we clarify it. Tony did a good job clarifying that part of it.

The 9.1 says that there's a development agreement with the county. Who exactly is the authority? Now, I know you guys went through the process of, it's our normal process that all the boards are involved. But if you read section 9, it clearly says the development plan to the administrator for review and approval. If you go down to H, it actually goes into the what has to be there. But nothing here says that all the boards are going to be involved in this. Now, maybe that's the routine, but should we in an ordinance, have the actual people who are going to be involved and not say the administrator is going to review this, then the applicant will have to agree or the administrator will have to agree to that. It seems like there's something missing here if all the boards are going to be involved and they're not mentioned.

The other thing, let's get back to this, because I only I got about a minute left. Cover letter of this here, which isn't here, so there's going to be a PLA agreement involved here. It has to be a it has to be agreed to. Where is the PLA agreement in this ordinance? It's not in 9.1 section H, that's where it probably should be. It's not there. It's in the cover ordinance, or the cover letter of this ordinance. It's not there. I'm looking for the PLA that says that we're going to hire these people and we're going to pay them from local staff, local unions. I don't see it in here. With that out, I'll end, thank you for your time.

Rita Beaty: Thanks.

Steve Holifield: All done individually, case by case.

Rita Beaty: Any other remonstrators for or against the petition? Any other remonstrators? Okay. Public comment is now closed.

I'm going to reference our attorney or Mr. Polan. Is there anything you guys would like to add this evening to any of the remonstrates or the board?

Mike Polan: Madam President, I've had a couple of inquiries from the public on receiving the documents of the previous PUD that was proposed. And I don't have an updated document that was ever executed, so I would just like to clear up on the

record and open forum today that, that is that those copies can be made available to the people that are asking for them, or it's been rescinded and it's dead and they're not available. Whatever it is, I would just like to have that cleared up.

Rita Beaty: Thank you.

Steve Holifield: Thanks, Mike.

Rita Beaty: Mr. Attorney, is there anything you'd like to add?

Attorney Voeltz: No, Madam President.

Rita Beaty: Thank you. OK.

Steve Holifield: You got anything Mitch?

Mitch Bishop: There's not many changes between the PUD that was that came before you last month and this. I mean, there's three or four changes and they're all minor, So I really don't have no comments at this point.

Rita Beaty: Thank you. What is the pleasure of the board this evening? Any other discussion up here?

Steve Holifield: I think it's a perfect opportunity to use ground that's been sitting idle for over sixty (60) years. It's been contaminated probably since 1940. Lord knows what we're going to find out there, and these companies, if they find something, they'll have to go through the cleanup and everything else, because they'll be following rules, yes, they will, whether you believe it or not. So, and the administrator, from what I understand, or speaking with some people stay off, the county commissioners are the administrator. They're the administrator, the county. So there is elected people in there, so I just think it's a good idea for this.

Rita Beaty: Any other discussion? Somebody would like to make a motion. And just remember, this is either a favorable recommendation or a non-favorable recommendation. And then it will go to the commissioners and it will be up to the

commissioners to sign it. So we are just a favorable or non-favorable board advisory board at this particular time.

Anthony Oss: Mr. DiMartino, could I ask one quick question?

In reference to some of the comments that were made, I want to clarify so that I'm sure that I understand correctly. Section 9 talks about two different things, it talks about a development plan, which is under review by the administrator and could be approved by the administrator. But it also talks about a development agreement, which must be entered into by the county, capital C county, which would be the two (2) separate things. Correct. Two separate approval processes. There's the plan gets approved through the administrative process through Mr. Polan's office, but the development agreement is review is approved through the regular process we discussed earlier.

Attorney DiMartino: Correct

Anthony Oss: So, there's so that process would happen for any project that comes in under this overlay district for these uses that are prescribed here, there would be a separate discussion about that.

Attorney DiMartino: It's A two-step plan. So, everything that you would be going through if you're going to do any type of building on property. And that's not something that you put into an ordinance. The rules are the rules. They have to get permitted. They need to have engineering done. They need to have surveys done. That's that, and then the development agreement is something that's done with the county executive with the other advisors, but that would be between the developer or the business that's coming in and eventually the county executive. And if you don't like the business decisions, the public that the county executive does, the next election, you kick them out and you put other people there. So, you can hold people's feet to the fire. Does that make sense, Mr. Oss?

Anthony Oss: Yes, thanks for the clarification.

Steve Holifield: There'll be plenty of rules and process they have to go through. This is not a snap your fingers, they're in. There's still the rules and regulations they have to follow, and there'll be rules and regulations put on place by building commission,

us, and the commissioners, just like any other project out there, or anywhere across the whole county.

Attorney DiMartino: Yes, just like the subdivisions that come to you to get approved, you could say no. Yeah, and you have said no. Yeah, I said no.

Rita Beaty: Thank you.

Steve Holifield: The board, I make a motion that we send a favorable recommendation to the commissioner's office with this.

John Carr: I Second.

Rita Beaty: Any discussion?

Eric Pointon: Should we amend that to say to supersede any resend the original?

Anthony Oss: We do that in a separate motion. Should we do that separately? Or to rescind the PUD should probably be separate for clarity, Mr. Voeltz?

Attorney Voeltz: Six and one half dozen the other. I think for clarity purposes, if this motion were to carry, there should be a secondary motion then pursuant to the motion that either carries or does not carry. Again, if it is approved, great. If it's not, nevertheless, that previous, with what you said, that previous ordinance needs to be rescinded, rejected, dead on arrival, et cetera, et cetera.

Rita Beaty: OK, thank you. Alright, we have a motion and a second. Any further discussion?

Steve Holifield: I just like to say, like I said, for sixty (60) some plus years, that place has sit out there and done nothing. Very, very little tax incentives, payments or anything. And here's the opportunity to put, we've got a couple of businesses out there started. And I think if we get that property cleaned up more, it's going open up for a whole world of good, is my opinion, so...

Rita Beaty: Okay. Thank you, all right, we'll do a call for the vote.

Motion approved and carried 8 - 0.

Anthony Oss: All right. So then I would make a motion to rescind the previous approval of the proposed PUD for Kingsbury Industrial with the Technology Park.

Rita Beaty: Is there a second?

Eric Pointon: Second.

Anthony Oss: I'm sorry. Let me clarify to rescind the favorable recommendation to the commissioners.

Eric Pointon: Second.

Rita Beaty: Thank you. Second on that motion. Any discussion between the board? All those in favor signify by saying "Aye." Any opposed?

Motion approved and carried 8 – 0.

Anthony Oss: I don't know that we need a motion. Can I have one comment, Madame President?

We would need to probably reconvene our existing data center committee to review the data center ordinance and bring a recommendation back to the Planning Commission at the next meeting, if that makes sense. I don't know if that needs a motion or anything.

Steve Holifield: I'd like to also get the solar back up again, because we have, we haven't got that approved yet, either.

Rita Beaty: Well, we definitely need to put the committee together for the data center ordinance.

Anthony Oss: I think we have, we have that committee, we could continue that.

Steve Holifield: Janet, I don't have the notes at home. Could you send us a list of who's on which one, please, tomorrow? Thank you.

Rita Beaty: Okay. Any other further business regarding the data center ordinance? Okay. Any other old business? Mitch, are you motioning? You got some old business?

Mitch Bishop: Old business.

Rita Beaty: Is that somebody's birthday over there again?

Mitch Bishop: Just a quick reminder, I sent an e-mail out to everybody probably a few days ago, our twenty (20) year policy plan, our comprehensive plan, that's almost completed. That's an eighteen (18) month process. I know three (3) or four (4) of you members join the subcommittees and the committees and trying to get an idea of when we should have the public hearing, get that finalized and approved, September, October, but I think they could have it ready for September's meeting, but it might be too soon. So I'm thinking maybe October.

Rita Beaty: I'd say October would probably be better.

Mitch Bishop: And then review, and then if you have any questions, give them to me. I think I sent everybody three (3) or four (4) days ago, a draft copy.

Steve Holifield: We've been working on that for probably a year now.

Mitch Bishop: It's about sixteen (16) months.

Steve Holifield: And then the sad part about it is very, very little public input to any of it.

Mitch Bishop: We had many open houses, we were on the radio shows. Just what it is.

Mike Polan: Madam President, I would just like to add to that, that as we finalize the comprehensive plan, I would like to get answers to Mitch's question on the last email about the house bill that passed. So, that if we are, if we decide we are going

to go forward with that, we can insert a paragraph into the comp plan and get credit from the state for that.

Steve Holifield: That was definitely 10.01 correct? Yes, definitely.

Rita Beaty: Very informative. Thank you. OK, any other old business?

Motion to adjourn.

Steve Holifield: Motion.

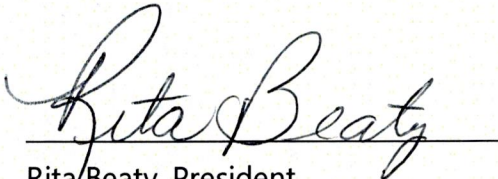
John Carr: Second.

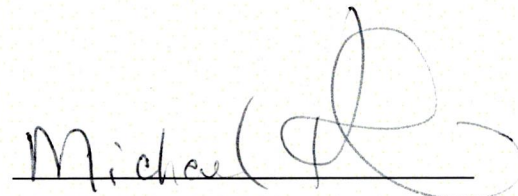
Motion approved and carried 8 – 0.

Rita Beaty: Thank you all for attending this evening.

Motion approved and carried 8 – 0

Meeting adjourned at 7:03 p.m.


Rita Beaty, President


Michael Polan, Recording Secretary