

Burns Harbor Advisory Plan Commission

Minutes of Monday, July 8, 2024

The Advisory Plan Commission of the Town of Burns Harbor, Porter County, Indiana met in a regular session on Monday, July 8, 2024, at the Burns Harbor Fire Department. The meeting was called to order by Advisory Plan Commission President, Jeremy McHargue at 6:00 pm.

The Pledge of Allegiance to the American Flag was recited.

Roll Call:

Jeremy McHargue	Present
Bernie Poparad	Present
Roseann Bozak	Present
Travis Dunlap	Absent
Gordon McCormick	Absent

Aaron Adcock	Present
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Additional Officials Present

Attorney-Clay Patton, Secretary- Jill Sherrill, and Councilman- Jack McGraw

Also Present

Global Engineering- Shem Khalil, Attorney- Todd Leeth, Consultant, and Karnerblue Era-Tina Rongers, and Provident Realty Advisors- Nick Farris, Jorge Gonzalez, and Denitza Arguirova.

Minutes

Bozak made a motion to approve the minutes of June 3, 2024. Poparad seconded the motion. Poparad- Aye, Bozak- Aye, Adcock- Aye, McHargue-Aye, Dunlap- Absent, McCormick- Absent.
Motion passed.

Poparad made a motion to approve the minutes from May 6, 2024. Bozak seconded the motion. Poparad- Aye, Bozak- Aye, Adcock- Aye, McHargue- Aye, Dunlap- Absent, McCormick- Absent.
Motion passed. McHargue stated the only thing I would like to add is that Secretary Sherrill reached out to Gordon McCormick, who had an issue last month with the meeting minutes from May, and she did not get any communication back. I have reviewed the segments, and they seem accurate.

Communication, Bills, Expenditures

Town Code Updates

Nothing to report.

Report of Officers, Committee, Staff

Nothing to report.

Preliminary Hearing

Provident Realty Advisors, Inc.- Leeth Law Rezoning Petition

Attorney Leeth stated my name is Todd Leeth, and I am here tonight on behalf of the petitioner in this matter, Provident Realty Advisors. Nick Farris from Provident Realty Advisors is here as well along with Jorge Gonzalez and Denitza Arguirova who are on the team as well. Jorge is an engineer and Denitza is the Project Manager. There is a proposal for approximately 102 acres that Worthington Steel currently owns and it is located on the Westside of Babcock Road. We filed a petition to rezone the property for the end use of putting a data center on the property. Your zoning ordinance doesn't cover data centers. So, I have been working with your staff and Attorney Patton and we filed to rezone the property to a new Special District 8. You have 7 regional Special Districts and this would be the 8th one for technology uses and data centers would be allowed under that technology use. That is the purpose of tonight's consideration is to make sure that our petition is not lacking in any legal requirement for us to move forward to a Public Hearing next month. We are happy to answer any questions. Poparad asked have you checked with Nipsco about getting power to this because I have heard the data centers suck a lot of power. Attorney Leeth stated the reason that we are there is because of the high-tension lines. So, the answer to your question is not only have we talked with Nipsco, but we've gotten agreements to use their power and so forth. Poparad asked what about infrastructure to get back into that property because some of that road isn't in the Town of Burns Harbor. Attorney Patton stated it's still a public road. Attorney Leeth stated we can certainly control our employees and our contractors during construction and provide any special routing that the Town of Burns Harbor may require. Khalil stated the Town of Burns Harbor received funds to maintain that roadway and is responsible for it. Poparad asked have you talked to anyone regarding the road cut-off of Highway 20. Khalil stated during the engineering there will be a lot of traffic study and the site plan itself will show the amount of traffic that is going to go there. Poparad stated I don't see any concept designs about where you are planning to place buildings. Attorney Leeth stated this is the first of many steps with the Town of Burns Harbor. The first step is can we use this property for a data center? And then the next step is how we use it and what are the buffer yards. We are going to have very tight security with fencing and the tenants of the data center will require heightened security all of those things have to go into the site plan, which Jorge is going to prepare for the Plan Commission board and the Town's engineer. We will have a concept plan for the Public Hearing with two different iterations. One of the challenges is that there is a pipeline that runs through the property. We think today that we are going to reroute that pipeline, but the cost may be prohibitive or BP may say we can't move it. So, that could change the configuration of the building layout. Poparad stated I am not worried about the site plan myself, but I know people are going to come to the Public Hearing and ask questions. Bozak stated I feel like it is our job as the Plan Commission board to answer those questions and make sure the public is aware of why we have a concept plan at this point. Attorney Leeth stated Attorney Patton and myself have drafted this new ordinance and it has performance standards in there. If the board thinks there is something that should be in there, then let us know so we can have it added. There is a lot of engineering that has to go into the site before the first permit is issued or a shovel of dirt is turned. Poparad asked so are we just making a recommendation to the Town Council? Attorney Patton stated yes, the procedure would be to set a Public Hearing for the August 5, 2024 meeting and the board would make a recommendation to the Town Council and then it is up to the five (5) council members. McHargue stated I went through everything and, if all of the documentation that we have been provided is in order, then we can set this up for the Public Hearing. McHargue asked Attorney Patton if they would be setting up two separate Public Hearings, one for the zoning and one for the Ordinance changing the zoning. Attorney Patton said yes, that makes more sense because this will be creating a new zoning district. The Public Hearings would be for the two-step process, one to create a new zoning district if we are going to have data centers in the Town of Burns Harbor and the other recommending to the Town Council to rezone this parcel to Special District 8. A discussion was had regarding the property lines for the rezoning. McHargue stated the whole 102 acres will be zoned Special District 8. Adcock asked is Provident Realty Advisors going to be the operator of this development or are you just the investors. Attorney Leeth stated

Provident Realty Advisors will buy the property, build the data center, create the infrastructure, and then lease the ownership of it. Provident will continue to build, develop, and operate this, and if there is something that we are promising it ought to be in the ordinance or our commitments so that our subsequent buyers have to abide by that. Farris stated you can check out our website to view other data centers that we have built to get an idea of what they will look like. Gonzalez stated we are building quite a few data centers right now and Provident does have other partners that are involved. Attorney Leeth stated artificial intelligence is creating the need for more data centers, nationally and internationally. Farris stated Provident Realty Advisors was founded 35 years ago by Leon Backes and has about \$6 billion in historic volume and \$2.9 billion in assets under management. So, it is a gold standard developer on multiple platforms, multiple levels, multiple builds, and in multiple states. Provident can develop whatever asset class they want to develop. Khalil stated would a PUD process be a better solution for this instead of rezoning. Attorney Patton stated we explored that as an option but because it's not going to be separated uses within the same parcel, after discussion it wasn't the best option. Bozak asked can you talk briefly about the job development. Attorney Leeth stated if we can relocate the pipeline that will probably allow a greater square footage development in the property overall. Jorge stated right now we are looking at five buildings. The buildings that we will have will generate very low traffic. There will be approximately 30 employees per building. The demand for police and fire is pretty much negligible because of the security that these facilities have. Bozak stated what kinds of benefits the data center brings to the Town of Burns Harbor. Gonzalez stated that high-paying jobs are a huge one. The low end it's probably \$85k and then you got six-figure salaries, but the other thing is all of the ancillary benefits that come into play as well. We will have contractors that come in and maintenance on all of the facilities which will add to the Town of Burns Harbor. There are studies that we can share with you that kind of really show in detail what the benefits of a data center are with communities. These are independent studies that have looked at the real benefits of data centers and the tax benefits are significant. One study showed that you can get enough tax to build a new elementary school every year. Those benefits that come to the Town through tax revenue are really off the charts and most communities are excited to have them come in, especially with a quality developer like Provident. Arguirova stated another really big benefit to the community in terms of infrastructure is the fiber connectivity will improve because these kinds of facilities pull in and establish new fiber routes. These facilities eat up a lot of power, but there's a lot of back effort and effort that gets put in to negotiate with Nipsco to ensure that the power that gets consumed by this building or multiple buildings will be accounted for this way. It's an addition, that's why this whole negotiation has to happen with power companies to ensure that the power that is already available to the community does not get impacted. Farris stated it's a meritorious cycle that builds on itself, you'll have 20 to 30 direct badge employees making 6 figures working in your community. You will then have the people that have to service work there and security guards. There is low impact so there will be no heavy trucks and minimal impacts on the schools. From what we have seen the tax revenues that are generated from this are incredibly low. It is a virtuous cycle that builds on itself and you'll have the high-paying jobs that will greatly benefit the community from a tax standpoint. Bozak made a motion to set two Public Hearings for the August 5, 2024 meeting. One for the zoning district and dependent on that one a second hearing for rezoning of that parcel. Adcock seconded the motion. Adcock- Aye, Poparad- Aye, Bozak- Aye, McHargue- Aye, Dunlap- Absent, McCormick- Absent. Motion passed.

New Business

Review: Bonds, Maintenance Guarantees, Letters of Credit
None

Martin Anaya- Permit Extension 1182 Salt Creek Road

McHargue stated I had an opportunity to look at the extension request and my first concern is we didn't allow this length of time in the past because we cannot issue a building permit from our

Building Department to exceed 12 months. We cannot grant an 18-month extension. Martin stated the problem is I am having a hard time finding people to work with. No one wants to show up to work or they say they will and never come. I am trying my best to do some of the work myself. Bozak stated how long has the work been going on already at this property. Martin stated about two years. Bozak stated I feel like you asking for an 18-month extension is showing a lack of push to get it completed. I don't know what we as a board need to do to help him get this moving along. Attorney Patton stated you can have him come back every meeting or every other meeting and have him report on what the progress is. McHargue stated I think what makes sense here is to set a timeline of six months for us to be able to see some progress on this property. If we don't see any progress in six months then we will not extend it and you will have a house that you can't get a permit for. Poparad stated I think he needs to come back every other month and have a full report from the Building Commissioner stating progress is being made. Attorney Patton stated you will come back in September, November, and January. Poparad made a motion for a six-month permit extension and the resident is to come to board meetings in September, November, and January and provide a written report from the Building Commissioner stating progress is being made on the home. Bozak seconded the motion. Poparad- Aye, Adcock- Aye, Bozak- Aye, McHargue- Aye, Dunlap- Absent, McCormick- Absent. Motion passed.

McHargue stated upon that six months we would potentially be willing to extend that up to a year without you having to pay the fee again. Bozak asked can we have the Building Commissioner go do an initial walkthrough of the property so that way we know where we are progress-wise in two months. Poparad made a motion to amend the prior motion to have the property inspected before obtaining the building permit to have a starting point for the condition of the property. Bozak seconded the motion. Poparad- Aye, Adcock- Aye, Bozak- Aye, McHargue- Aye, Dunlap- Absent, McCormick- Absent. Motion passed.

McHargue asked Mr. Anaya to contact the Building Department to set up the initial inspection. Anaya understood what the next steps were.

Good of the Order and Any Other Business

McHargue stated we now have an open seat which the Town Council will give us another member for our August meeting. I also need to name a Vice President, but with not a full board we will hold off on that until all of the members are present.

Announcements

None

Adjournment

Bozak made a motion to adjourn at 7:00 p.m. Adcock seconded the motion. Poparad-Aye, Adcock-Aye, McHargue-Aye, Bozak-Aye, Dunlap-Absent, McCormick-Absent. Motion passed.

Approved: August 5, 2024

Jeremy McHargue, President

Jill Sherrill, Secretary

