

MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 8TH DAY OF DECEMBER 2016 AT 9:00 A.M. IN THE
MEETING ROOM OF THE DEPARTMENT OF PUBLIC SERVICES BUILDING
4230 ELKHART ROAD, GOSHEN, INDIANA

1. The regular meeting of the Elkhart County Plan Commission was called to order by the Chairman, Steve Warner. The following staff members were present: Chris Godlewski, Plan Director; Jason Auvil, Planning Manager; Liz Gunden, Planner; Deb Britton, Administrative Manager; and James W. Kolbus, Attorney for the Board. Mark Kanney, Planner, was absent.

Roll Call.

Present: Tony Campanello, Steven Edwards, Roger Miller, Steve Warner, Lori Snyder, Jeff Burbrink, Tom Stump, Frank Lucchese, Philip Barker.

2. A motion was made and seconded (*Miller/Edwards*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 10th day of November 2016, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Burbrink/Edwards*) that the Elkhart County Zoning Ordinance and Elkhart County Subdivision Control Ordinance be accepted as evidence for today's hearings. The motion was carried with a unanimous vote.

4. The application for Primary Approval for a five lot Major Subdivision to be known as ***Helmuth Subdivision***, for Jannell Helmuth (buyer), Dennis & Miriam Helmuth (seller), Tri County Land Trustee (seller) represented by Brads-Ko/Abonmarche Engineering, on property located on the West side of CR 35, 2,000 ft. South of CR 30, in Clinton Township, zoned A-1, was presented at this time.

Liz Gunden presented the Staff Report / Staff Analysis, which is attached for review as *Case #MA-0533-2016*.

Barry Pharis, Brads-Ko/Abonmarche, 1009 S. Ninth, Goshen, was present representing the Helmuths, with Dennis Helmuth present also. He reported there is a 7 to 1 variance that was received in the BZA hearing. Mr. Pharis pointed out on the aerial where the property is located and gave history on it. He stated over time a neighbor who lived on the East side of the road came to Mr. Helmuth and stated he wanted to buy the house and 10 acres, along with the option to buy farm land. During the same time, Mr. Helmuth's father's, Joseph Helmuth, health started to fail and then passed away last year. This effected the BZA approval for the chiropractic center because it was set to expire when Mr. Joseph Helmuth stopped practicing. Mr. Pharis noted another person came and stated they wanted to buy some of the property, but did not want all the acreage to come out to the county road; they only wanted access to it. He noted there is a legal drainage ditch that goes out into a large lake. With Mr. Joseph Helmuth's poor health, Mr. Pharis stated Dennis and Miriam Helmuth wanted to make sure Janelle's home would have three acres, so she could still have horses. Mr. Pharis noted part of the property has been included in what is being called Lot 1; expanding Janelle's residence to over three acres to support an Amish family with horses. They took the house that Mr. Lambright wanted to purchase and created a 10 acre parcel and called it Lot 2. The existing home, where Dennis's mother and father lived, was taken and created into a three acre

parcel to maintain horses and named it Lot 3. There is 100 ft. of road frontage to serve as access to the county road and it is named Lot 5. The balance of the property was created and named Lot 4. Mr. Pharis indicated it is understood that the 17 acres is meets and bounds and can only be purchased by one of three individuals. He stated they are aware they are building an unbuildable lot that can only be sold to one of the three parties. He reported this went in front of the BZA for a 7 to 1 variance because there was not 250 ft. of road frontage on the county road. Mr. Pharis indicated the plans for access to the driveway have been submitted to the Highway Department. He reported Mead Septic Design was hired and is working with the Health Department on all the septic issues that have come up and is one of the conditions for approval. He noted they have met with the Building Department and a site plan is being prepared for a building permit for the home. He reported they are in the process of complying with everything that has been asked and hope the conditions that required them to create the subdivision now make sense. Mr. Burbrink questioned lot 2 boundaries, which Mr. Pharis pointed it out on the aerial. Mr. Barker noted on the drain map it shows it as a private drain, not a county regulated drain. Mr. Pharis stated if it is a private drain then the 75 ft. easement does not exist. Mr. Barker stated it is not required, and Mr. Pharis noted the driveway could be anywhere in the 100 ft. Mr. Barker indicated he would keep the drain intact, and Mr. Pharis stated it would.

There were no remonstrators present.

A motion was made and seconded (*Lucchese /Edwards*) that the public hearing be closed, and the motion was carried with a unanimous vote.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Jeff Burbrink, **Seconded by** Tony Campanello, that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for Primary Approval for a five lot Major Subdivision to be known as *Helmut Subdivision* be approved in accordance with the Staff Analysis with the following conditions:

1. All applicable building permits for existing structures must be obtained.
2. All Environmental Health Department requirements must be met.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 9).

Yes: Frank Lucchese, Jeff Burbrink, Lori Snyder, Philip Barker, Roger Miller, Steve Warner, Steven Edwards, Tom Stump, Tony Campanello.

5. The application for a Zone Map change from R-2 to A-1, for Vincente N. & Julie M. Robinson, on property located on the West side of CR 109 (Maple Grove Ave.), 1,526 ft. North of Lake Dr., North of CR 4, common address of 51149 CR 109 in Osolo Township, zoned R-2, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0553-2016*.

Vincente Robinson, 51149 CR 109, Elkhart, was present. Mr. Miller questioned what he wanted to put on his property. Mr. Robinson reported a building for a boat and jet skis. He indicated he has a total of 16 acres all together and needs equipment to maintain it.

Tim Lusher, 51292 CR 109, Elkhart, was present. He stated he was not opposed to it, but wanted to know how much of the property Mr. Robinson is rezoning.

Mr. Robinson, in response, showed on the aerial what part of the property will be rezoned. Ms. Snyder asked Mr. Robinson to point out exactly where this would be on the aerial.

Arthur Lusher, 51278 CR 109, Elkhart, was present. He stated he does not have a problem with Mr. Robinson building the garage. His concern is why it has to be zoned to A-1. He reported when he built his garage, which is straight across from Mr. Robinson, he was taken to court to stop. Mr. Miller questioned how long ago his house was built. Mr. Lusher reported his house was built 8 years ago. Mr. Miller stated he would have to refer that question to Attorney Kolbus. Mr. Kolbus noted the building accessory sizes have been changed in the Zoning Ordinance since then and without knowing the specifics neither he nor the staff can respond.

A motion was made and seconded (*Snyder/Burbrink*) that the public hearing be closed, and the motion was carried with a unanimous vote.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Philip Barker, **Seconded by** Tony Campanello, that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a Zone Map change from R-2 to A-1 be approved in accordance with the Staff Analysis.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 9).

Yes: Frank Lucchese, Jeff Burbrink, Lori Snyder, Philip Barker, Roger Miller, Steve Warner, Steven Edwards, Tom Stump, Tony Campanello.

Attorney Kolbus reported this is a recommendation to the County Commissioners and they have final say and it will be heard on the 17th of January, 2017.

6. The application for a Zone Map change from R-2, B-2, & B-3 to B-3, for RBS Properties, Llc represented by Progressive Engineering, Inc., on property located on the Southeast corner of SR 19 & Lakewood Dr. & Northeast corner of SR 19 & Lake View Ave., 2,000 ft. North of CR 4, common address of 51530 SR 19 in Osolo Township, zoned B-2, B-3, R-2, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0596-2016*.

Note neither the petitioner nor the representative was present

Mr. Auvil reported there have been complaints about this property in question; primarily the issue is with the lighting with the current commercial use. Mr. Auvil reported that is a concern for the rezoning because the intended use, from what the staff was being told, is to expand the car lot and with the expansion, there will probably be more need for lighting, which seems to be a major problem. Mr. Auvil indicated he has a statement and a photo board from a remonstrator that he submitted [*attached to file as Remonstrator Exhibit # 1*] and believed the person who provided it is present. Mr. Godlewski stated this should be tabled and the public hearing kept open for the next hearing. Mr. Kolbus noted all the people who showed up for this should be allowed to speak. Mr. Miller questioned about # 4 of the Staff Analysis that stated they will have to comply with all buffering requirements, and if it includes the lighting as a requirement/condition. Mr. Auvil stated generally

buffering is part of the developmental standards, which refers to the landscaping and separation between properties. He read from section 7.2.7 in the Zoning Ordinance under the lighting (D), which he stated is basic and general. It states, any device illuminating off street parking area must reflect that light away from all adjoining residential properties. He went on to say, the new development would be required to do that and because this is a pressing issue now, the petitioner is going to be asked to address the lighting situation. Mr. Miller questioned if that could be added as a condition/commitment. Mr. Auvil questioned if the Board would like to hear from the neighbors.

Sue Hobson, 26355 Lakewood Drive, Elkhart, was present in remonstrance and pointed out on the aerial where her property is located. She stated Mr. Harper and his wife have several corporations and LLCs, and they are trying to rezone all of the parcels. Ms. Hobson reported there was a wood fence put up in two places and the trees and grass were removed and replaced with stone. She stated there are several high powered intensity flood lights. Mr. Miller questioned if any of the pictures of that were on the board. Ms. Hobson noted the power went out in the area but three flood lights that remained on shown into her bedroom. She was pointing out on the pictures how bright her back yard was with only three flood lights on. Mr. Stump questioned if it was the property South of this. She stated this would show why she is not in favor of the rezoning. Mr. Campanello questioned if the grass that was taken out ran along the road. Ms. Hobson stated it was taken out along Lakewood. Ms. Snyder questioned if it was where Maurek's IGA used to be. Ms. Hobson stated her other complaint is the location of the trucks and the business sign. She stated it makes it a blind area for anyone trying to turn. Mr. Stump noted there are setbacks for the cars but, the properties are all zoned B-2 or B-3, which Mr. Harper has the right to conduct business on those properties. He also questioned if there are lighting restrictions, which Mr. Auvil stated has to be kept on the property. Mr. Miller stated there are two different issues that need to be addressed, one is whether or not to rezone and second, the lighting issue needs to be taken care of. Ms. Hobson stated she would be against the rezone because she called the Zoning Board, and Mr. Weiss said for her and Mr. Harper to work it out. She reported Mr. Harper hired an attorney and she corresponded and met with him for over a year and a half. She noted the attorney for Mr. Harper did not want to meet with her anymore so; she got an attorney to send him a letter, stating something needs to be done with the lights. She reported she would be told something would be done, but it does not happen and she believes Mr. Harper will not comply unless he is forced to do so. Mr. Stump questioned if the Zoning Ordinance states the lights are to be kept on the property, why it is not being enforced. Mr. Godlewski stated it would have to be checked into. Mr. Stump stated if Mr. Harper is ignoring the Zoning Ordinance that is in place, it would be an enforcement issue. Ms. Hobson questioned about the buffering that is to be placed.

Steven Leshar, 51474 C St., Elkhart, was present in remonstrance. His concern is not with the lighting, but with the congestion at the corner of Lakewood and Cassopolis Street. He reported he was the construction manager for Brooks Construction when Cassopolis Street was built and expanded from two lanes to five lanes and then down to four lanes past the lake. He indicated it has been a trouble area, and it was changed to a two lane at Lakewood. Mr. Leshar stated there is a flashing light on the South side of Lakewood that was put in by the State when the lanes were remarked. He reported the flashing light has not worked for over a year, and it is on a solar battery that never gets replaced and the light is dim at night. He noted S and H park their trucks all the way up to the street, and it blocks the view. If you are pulling out from Lakewood, you have to pull onto Cassopolis Street to see around the trucks. He stated this has been an issue for years, and Mr.

Harper has been asked to move the vehicles back, which he will for a while, and then the vehicles get moved back to the curb. Mr. Leshar noted the County Right -of-Way goes back another eight ft. from the curb. Mr. Campanello questioned Mr. Leshar if he had worked in that area and Mr. Leshar stated yes. Mr. Campanello went on to question if that area had to have any type of retention for water to remain on the property. Mr. Leshar reported it did not go onto the State Road, that everyone had to maintain their own water. Mr. Leshar stated the other concern is when people test drive the cars from S and H. They come down Lakewood at a high rate of speed and slam on their brakes. Mr. Leshar believes this is a danger.

Lynetta Martin, 26242 Lakewood Drive, Elkhart, also spoke in remonstrance. Her concern is the test driving up and down on Lakewood. She believes someone will get hurt. She noted she has never seen a plate on any of the cars that are being test drove. Ms. Martin stated she pulled out onto Cassopolis Street because there was a vehicle behind another vehicle that was turning onto Lakewood off of Cassopolis Street. She did not see a turn signal, so she waited to make sure the vehicle was turning, because the lanes go from five to three at Lakewood. The vehicle that was behind the other vehicle was from Constantine, and they did not know the area and hit Ms. Martin. She indicated there are rumble strips and the flashing light that does not work. Her concern is the vehicles that are parked with the bumpers on the curb line. She noted in a small vehicle she cannot see.

John Turk, 54402 Susquehanna Road, Elkhart, also spoke in remonstrance. He owns property to the North on SR 19. He stated Mr. Harper bothers him a lot because he does not obey the rules. He noted Mr. Harper agrees to fix the lighting and setbacks, but does not do them and now wants more property so he can do the same thing. He indicated he would like to see him make the corrections on the Northern lots before anyone considers allowing him to do the same on the Southern lots. He noted it is nice to break rules when nobody enforces them. He indicated setbacks are very important. He went on to say, Ms. Hobson has lighting on her house 24 hours a day and makes it hard for her to sleep.

Gary Stanley, 26168 Lakewood Drive, Elkhart, was present in remonstrance. He noted if you look back, the traffic accidents that have happened on Cassopolis and Lakewood over the last year are ridiculous. He is not saying all the used car lots are at fault. Mr. Stanley indicated he has asked Mr. Harper twice to test drive cars some other way because the cars come ripping down through there. His concern is there are kids, pets, and walkers and stated it is a wonder that someone has not been hurt. He reported Mr. Harper response to that was he has no control over it, which Mr. Stanley stated he understands. He believes it is a dangerous place to make a left hand turn. He noted it is sad when you have lived there for 20 years and you have to go out and around to CR 9 to feel safe to turn onto Cassopolis Street.

Attorney Kolbus stated this petition is tabled until the January 12, 2017, hearing. The public hearing will remain open. If the people would like to return, they are welcome to do so.

Mr. Campanello asked for staff to check out all of the issues in the meantime. Mr. Burbrink brought up the State Right-of-Way. Attorney Kolbus spoke about setbacks. Mr. Campanello stated people feel nothing is being done, and staff should take care of that. Mr. Auvil noted Progressive is the representative, and they were not here at all today. Mr. Campanello questioned if a new site plan will have to be done, which Mr. Godlewski stated no. Mr. Campanello indicated he is not worried about the water situation as much as he is the lighting and what Mr. Harper has to abide by if he is going to put cars on the lot. Attorney Kolbus stated there are two ways that can be handled;

one is to come up with a defined list of commitments regarding the new project, and the second way is to deny a straight rezoning and require a PUD. Mr. Miller stated he liked the second one better. Mr. Godlewski stated the car lot can be conducted in B-2, but you have higher standards to abide by. Attorney Kolbus noted that could be a part of a commitment, redevelop or rezone it, and then use the B-2 requirements. Mr. Miller indicated he would be willing to do that if it complied with the requests from the past. Mr. Stump questioned if there were formal complaints, which Attorney Kolbus stated no, but staff can find that out for next month's hearing. Mr. Stump noted he would like to see someone go out to the car lot and see what Mr. Harper is doing as far as setbacks. You can see from the pictures the cars are parked right up on the curb that is within the State Right-of-Way. Mr. Campanello stated it is obvious that this is happening. He noted Mr. Harper has every right to have a company if it is zoned properly, but believes a DPUD is the route to go. Ms. Snyder noted the lighting will be magnified by the snow.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Table, **Moved by** Tony Campanello, **Seconded by** Frank Lucchese, that this request for a Zone Map change from R-2, B-2, & B-3 to B-3 be tabled until the January 12, 2017 Plan Commission hearing.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 9).

Yes: Frank Lucchese, Jeff Burbrink, Lori Snyder, Philip Barker, Roger Miller, Steve Warner, Steven Edwards, Tom Stump, Tony Campanello.

Attorney Kolbus reported this petition will come back January 12, 2017. People are welcome to come back for the hearing. If the petitioner or representative does not show for a second time, the Board generally takes action regardless. Mr. Burbrink stated in the meantime, someone will take a look at how the cars are being parked. Mr. Campanello noted he will go out at night and take a look at the lights. Mr. Miller questioned if there should be a formal complaint that is on record. Ms. Hobson reported she had filed a complaint and sent emails. Mr. Miller noted that would be good to have on record.

7. The application for a Zone Map change from R-1 to B-1, for Pamela Shultz represented by Zaremba Group, LLC, on property located on the South Side of SR 120, 600 ft. West of CR 17, common address of 22116 SR 120 in Concord Township, zoned R-1, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0602-2016*.

John Wojtila, Zaremba Group LLC, 14600 Detroit Ave, Ohio, present along with the petitioner, Pamela Shultz. He noted he is a licensed professional engineer working with the Zaremba Group. They are a company that is involved in real estate development and has been working with Dollar General for several years and have done 40 stores for them around the country. Mr. Wojtila stated the Zaremba Group is asking for a rezone from R-1 to B-1. He noted there are adjacent commercial uses, and the property in question is 2.45 acres and both the adjacent properties are to the East and to the South. The proposed general retail use would be a free standing Dollar General store. It would be a 9,100 square foot building that will have a one access drive that would be off of SR 120. He noted all the parking would be to the North and to the East of the building.

Mr. Wojtila reported it would meet or exceed all the buffering and screening requirements, particularly the West side. He stated the site plan has been designed sensitive to the surrounding uses. There would be no variances required through their review of the code, so they would meet the setbacks requirements and any other requirements that are part of the zoning. He indicated this is a small scale low impact use, and there would be no outdoor sales conducted or a drive through or a pick up window. He stated it is a low generator of traffic. According to the Institute of Traffic Engineer, 34% of the traffic that would utilize the store would be existing. Mr. Wojtila stated there would be low impact lighting that would be turned off when the store is closed. The closest area to the adjacent property is to the West and the setback from the pavement is 29 ft. while the building itself has a setback of 56 ft. to the West property line. Mr. Burbrink questioned the delivery side of the building, which Mr. Wojtila stated that would be on the East side of the building with the delivery doors on the actual Southeast side. Mr. Miller questioned the parking lot lights, which Mr. Wojtila stated will be a combination of wall mounted and pole mounted fixtures. Mr. Miller questioned Mr. Wojtila if the lights would be shut off at night, and he stated the lights would be turned off when the store is closed. Ms. Snyder noted other spots that are already zoned for business down on CR 17 and questioned the reason for this particular this spot. Scott Griffith, with FM Stone Commercial reported they looked up and down CR 17 and there are some commercial properties. But the traffic backed up so much it was felt it would not work. Ms. Snyder questioned further South on CR 17 where all the retail spots are already zoned. Mr. Griffith stated the target area was around the Six Span bridge. Mr. Barker questioned Mr. Wojtila about the storm runoff, and he stated the storm water would be stored on site and would work with the State. Mr. Campanello questioned if they have spoken to State Highway about the number of cars coming in and out and what they would do to create a safer entrance and exit, which Mr. Wojtila stated no. Mr. Burbrink questioned about public utilities, and Mr. Wojtila noted there will be an onsite septic. Mr. Warner questioned about the hours of operation of the store. Mr. Wojtila reported the hours of operation will be seven days a week, 8:00 a.m. to 9:00 or 10:00 p.m. closing.

James Bennett, 22117 SR 120, Elkhart, was present representing Simon and Barb Yoder, 54476 Susquehanna Road, Elkhart; Ashley Borens, 54455 Susquehanna Road, Elkhart; and Mark Prough, 54435, Susquehanna Road, Elkhart. Mr. Bennett noted he has a number of concerns one of which is the school bus stop where Susquehanna comes out on SR 120. There is also a school bus stop where Heron Cove Lane intersects with SR 120, and the school bus already has issues because the bus drivers will not allow the children to cross the street because cars do not stop for the school bus. He stated the traffic flow will be a concern because there is only one entrance to Susquehanna Road and Heron Cove. Mr. Bennett referenced what Mr. Wojtila stated about the 34% of the traffic is already existing traffic, which leaves 66 % of the traffic coming into the said property. He stated there are plenty of properties available on CR 17 that are already zoned for commercial, especially down to Middlebury Street where there are properties that have already been developed sitting empty. He stated this is not a retail area, CR 17 is. Mr. Bennett is concerned if the store would close. He does not feel this will benefit the area. There is a bank that provides a buffer and he does not feel there needs to be another buffer. He sees no need for the store.

Rebecca Graybill, 22295 SR 120, Bristol, was present representing Heron Cove Home Owners Association and all of its homeowners. She pointed out on an aerial where her home is located and where the exit to her house is off of SR 120. She reported she fights traffic to make a left turn and at certain times of the day it is impossible. You have to go right and go down hang a

left and turn around and come back. Ms. Graybill stated inside Heron Cove there is a single entrance for all of the homes. She noted there was a petition signed the night before the hearing opposing this change which she submitted *[attached to file as Remonstrators Exhibit #1]*. She noted there are letters attached to it from people who were unable to write emails. She went on to say, they did not find out until two days prior to the hearing. Ms. Graybill indicated nobody believes this is a good place for Dollar General. She noted the houses in Heron Cove are a half a million dollars houses, and they are not going to shop there. When you come down CR 17 to get into the neighborhood, if someone is making a left hand turn, it backs traffic up all the way through that light. People coming from CR 17 who might potentially shop at Dollar General will back up traffic through the light. There is already a problem with congestion at that intersection. There are accidents on a regular basis and beyond that on the curve. Ms. Graybill stated adding additional traffic that is not from that area will cause additional accidents and traffic problems. She indicated they do not see the point in it because there is a residence there now that gives an adequate buffer along with the bank. With Susquehanna being good neighbors, they have a single entrance for all of that property. If they want to make a left hand turn, they have an even harder time because they are closer to the traffic light. Ms. Graybill noted driving through CR 17 now, you have to wait through the light several times if you are making a right hand turn. She noted the additional traffic is a big concern to the people who are walking and riding bikes. She believes this will wreck their neighborhood because they are river-front homes, they do not want a Dollar General.

John Turk, 55402 Susquehanna Road, Elkhart, was present in remonstrance. He stated the property has 200 ft. of road frontage with no side roads or ingress/egress except right off SR 120. He noted all the customers would have to come off and exit off of SR 120 along with the semi-trucks that supply the merchandise because there is no other way in or out. Mr. Turk indicated it is hazardous with residential all around it. He noted he is against it.

Roger Benko 54472, Heron Cove Lane, Elkhart, was also present in remonstrance. He stated his concern is the safety problem on SR 120 and CR 17 between 2:30 p.m. and 4:00 p.m. The traffic on SR 120 going West is backed up a half mile, and you cannot make a left hand turn from SR 120 to CR 17. There is no turn lane for it until you get within 20 ft. of CR 17 to make a left hand turn. If you are coming from CR 17 West going onto SR 120 and you want to turn into the bank or the proposed property, you cannot make the turn. He stated it may be a State problem because they did not do a very good job developing that area, but it does not matter because it is safety. He reported there are two bus stops within 100 ft. of one another, and there is no way there will not be a safety problem. He noted there are already safety problems on CR 17 and SR 120 because it was not properly developed. He reported there is a lot of additional property on CR 17 North or South of the river to develop. Mr. Benko stated he disagrees with the petitioner and believes the zone should be left R-1.

John Raber, 22138 SR 120, Elkhart, was present and resides adjacent to proposed property. He purchased his property over 30 years ago and thought he would like to change the zone to B-1, but changed his mind since then. He noted people have a good point about coming in and not being able to make a left hand turn. He stated accesses, entrances and driveways are not left open so people can make a left hand turn. He reported he has been rear-ended pulling into his driveway

because people come from CR 17 hit SR 120 and want to go. Mr. Raber indicated he will suffer with the store being open seven days a week and will not feel safe at night because of the things that happen at the corner. He noted he has had police crawling over the fence looking for someone. He indicated he is worried about his dogs if he was to let them out the back door, and the police would be out there. He questioned if the police would shoot them. Mr. Raber indicated there is plenty of property down the road, and he does not feel this will work.

In response, Mr. Wojtila stated he would like to address the traffic. It is low impact and according to the Institute of Traffic Engineers 34% of traffic would already be on the roads. He noted with this type of use, there is no real peak time. He stated it was said 2:30p.m. to 4:00 p.m. was a real bad time on SR 120, but that is not the peak time for Dollar General. The peak time is when the most traffic is on the road. On average, 15 cars would enter and exit the site in an hour. Mr. Wojtila reported there have been traffic studies on proposed developments of the size of 91,000 sqft. and the impact to the road system including the intersection would be negligible. Mr. Campanello expressed concern about semi-trucks and how they would get in and out of a property. He stated there is not enough room to pull a semi-truck in there for a delivery and then exit. He asked to be shown how that is going to work. Mr. Wojtila stated a drive aisle 24 ft. in width is standard. He showed on the site plan how it will enter, unload, and exit. Mr. Campanello stated it will hold up traffic while the semi-truck is backing in. Mr. Campanello noted he believed this will cause back up in the parking lot. Mr. Wojtila stated this layout is a typical layout for Dollar General, and this has never been an issue. Mr. Burbrink questioned a back entrance where they drive around the back and circle around the building. Mr. Wojtila reported on the free standing store this is the site layout where there are drive aisles on two sides. There is the option where the truck can pull straight and back up and noted if this is a major concern they would not have a problem doing that. Mr. Burbrink questioned Mr. Wojtila if the bank had been contacted about cross access easement, so people visiting the bank or other such buildings could drive through the parking lot to get traffic off of SR 120 and CR 17, he stated no not at this time. Mr. Lucchese reported he lives on Sunset Lane in back of Susquehanna. He noted it is the third busiest intersection in the county, also the most dangerous intersection in the county, with more accidents than anywhere else in the county. Trying to turn left out of Susquehanna in the morning and evening traffic is almost impossible. He noted there are two bus stops, but those two bus stops run twice a day because of grade school and high school. More turning off of 120 will create a bigger mess. That is a state road, and the state will not let the county have control over the lights. He stated they tried to get longer turn lights, but State will not let them do it. Mr. Miller stated he rides his bike to SR 120 down to CR 17, but will not go any further West. Mr. Miller does not want to see business moving West.

A motion was made and seconded (*Edwards/Lucchese*) that the public hearing be closed, and the motion was carried with a unanimous vote.

Jason Auvil asked for a show of hands for those present in remonstrance. He counted at least a dozen. Someone noted some people had left already. Mr. Miller stated he does not see this as being anything other than residential in that area and is in favor of businesses along CR 17. He indicated CR 17 is a great road for businesses to be on and does not want to see businesses moving West along SR 120. He noted that is just his opinion and feels the legitimate cause behind this is

the traffic.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Deny, **Moved by** Frank Lucchese, **Seconded by** Roger Miller, that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a Zone Map change from R-1 to B-1 be denied.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 9).

Yes: Frank Lucchese, Jeff Burbrink, Lori Snyder, Philip Barker, Roger Miller, Steve Warner, Steven Edwards, Tom Stump, Tony Campanello.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 9).

There was further discussion about the Dollar General petition

There was a discussion about Election of Officer

8. ***Board of County Commissioners Approvals Following Plan Commission Recommendations***

Mr. Auvil reported the following petitions were acted upon November 21, 2017 by the Board of County Commissioners and approved.

1. *Greenfield Corporation for Love's DPUD Secondary.*
2. *Greenfield Corporation for Love's DPUD for an amendment to the DPUD to increase the landscaping plan and to change their sign.*
3. *Dave Dickman, Vacation of Right-of-Way after recommendation of denial.*
4. *Amendments to the Administrative Subdivision.*

Mr. Godlewski reported the Administrative Subdivision was tabled until January 17, 2017. He went on to cover some of the discussion that was held in the Board of County Commissioners meeting.

There was further discussion between Mr. Godlewski and the Plan Commission Board on the Amendments to the Administrative Subdivision.

9. ***2017 agreement for legal services for Attorney Kolbus***

Mr. Godlewski presented the legal service contract for Attorney Jim Kolbus.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Tony Campanello, **Seconded by** Steve Warner, that the Board approve the 2017 legal service contract.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 9).

Yes: Frank Lucchese, Jeff Burbrink, Lori Snyder, Philip Barker, Roger Miller, Steve Warner,

Steven Edwards, Tom Stump, Tony Campanello.

9. A motion was made and seconded (*Miller/Warner*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 10:46 a.m.

Respectfully submitted,

Andrea Wyatt, Recording Secretary

Steve Warner, Chairman