

**Town of Burns Harbor
Advisory Plan Commission**

Minutes of Monday, May 12, 2008

A regular meeting of the Burns Harbor Advisory Plan Commission was called to order by President Jeff Freeze at 7:00 p.m. Answering present at roll call were Virginia Bain, Louis Bain, Jim Meeks, Mike Perrine and Terry Swanson. Jim McGee was absent.

Also present were Attorney Chuck Parkinson, Engineer Dean Price and Building Commissioner Randall Lopez.

Approval of Minutes

Bain moved to approve the minutes of the April 7, 2008 meeting as written. Meeks seconded the motion. Motion carried by unanimous roll call vote.

Communications, Bills, Expenditures

None.

Report of Officers, Committees, Staff

None.

Preliminary Hearings

None.

Public Hearing

Amendment to minimum lot size

The amendment will eliminate ambiguity in what determines the setback for side yard by adding “per side” and change the lot width minimum to 100 feet in R-1.

Public comment.

Gene Weibl, 1235 Castle Street asked why are we going from 80’ to 100’ when the standard lot size for most subdivisions is 80’ x 120’.

Public comment closed.

Meeks said I proposed the 100’. In the town we have several different lot sizes, smaller in the Village and 80’ in the new subdivisions. The new subdivision asked for a variance because the ranches they were going to build on these were going to be too big for the lot. My thinking is, we do have a variety of lot

sizes, why don't we make it 100' from here on out and if they want to build ranches we don't have to have a variance and these houses won't be right on top of each other.

Parkinson said if this ordinance is adopted by the Town Council and becomes part of the zoning code would only be applicable to petitions that are filed after the effective date of the ordinance.

Perrine said 80' is the usual size. I envision every developer that comes to build a subdivision is going to request a PUD so he can cut his lots back to 80'. Meeks said or they are going to ask for a variance to put a ranch on 80'.

Louis Bain asked will this make it easier on the developer or us. Meeks said I think it is better for us. Perrine said I can see developers asking for a PUD because 20' additional per lot over any size development is an awful lot of money.

Meeks moved to forward a favorable recommendation to the Town Council for the amendment of the minimum lot size to 100' in R-1 and change to side yard setback language to read "per side". Swanson seconded the motion. Swanson yes, Virginia Bain no, Freeze yes, Lois Bain yes, Meeks yes, Perrine no. Motion carried.

Old Business

Stone River Subdivision

Freeze said the Town Council and Economic Development Commission have recommended that the public hearing be reopened for comment. Virginia Bain asked why after we had talked and listened and the hearing was closed.

Perrine moved to reopen the Stone River Subdivision public hearing. Swanson seconded the motion. Virginia Bain no, Louis Bain yes, Freeze yes, Meeks yes, Perrine yes, Swanson yes. Motion carried.

Parkinson said you need to be specific with respect to what kind of information you are requiring. Perrine said the EDC wanted to discuss the economic impact of putting an entrance into the subdivision that might prevent Domon Lane from becoming a main thoroughfare tying Hwy 20 to South Boo Road and the possible impacts on future town development. The original PUD proposal showed the subdivision using Domon Lane as the entrance in two spots. That raised no questions as far as future town development is concerned but depending upon how the development of the town goes and no one will know that anytime soon it has generally been felt that Domon Lane was going to become a through road and would connect South Boo to Hwy 20, McCoy would connect to Domon and depending on development at stop light at Rak and 149 and that becoming a main thoroughfare between business areas south of 94. Whether that happens or not even if we are talking about the ingress and egress of the people from the subdivisions that are already platted I think it is not in the best economic interest of the town to see something come in that is possibly going to prevent the use of Domon Lane as that main thoroughfare between Hwy 20 and Boo Road. Parkinson said if you are going to open the public hearing and you determine what kind of information would help you arrive at a decision as to whether the plat meets the subdivision control ordinance you would need to provide the petitioner an opportunity to present that information to you and allow for rebuttal. If you can phrase that in such a way the petitioner can address how their plat meets your concerns or at least be able to provide that information. Perrine said if the proposed entrance to their subdivision goes and then Domon Lane cannot be used as a north south connecting road at some point in time the town will ultimately have to put a north south connector road in that is going to run right through the middle of that subdivision and use Lewis Drive. My concern and the economic development committee's concern was that if Lewis Drive goes in then that is going to preclude the use of Domon Lane to service any businesses that might locate north or east of the existing subdivisions and this subdivision. If

that were to happen and the only way to get out to Hwy 20 is going to be through the subdivision and not Lewis Drive which could mean delivery trucks, semis that type rolling through the subdivision which is not something we want to see. The health and safety issue stems from the possibility of delivery trucks and things of that type ultimately having to use the subdivision as a thoroughfare and from the standpoint of future economic development of the community. Those concerns didn't exist with the initial plat because it used Domon Lane. Jeff Ballard asked why the PUD wasn't approved; it was what you wanted.

Parkinson said if there are any other Board members who had information they wanted to see the petitioner provide that would help them arrive at a decision other than that you would want to express it and then allow the petitioner an opportunity to address those issues.

Meeks said he was disappointed that the people who requested the public hearing to be reopened had an opportunity to be here before; it should have been brought up before. The State of Indiana has a proposal for the intersection of 20 and 149; has INDOT looked at this and do they have any input where this entrance could be or could not be; has this even been looked at? That would be my concern. If INDOT has not looked at this coupled with the intersection then I think that is what we should be most concerned about is whether INDOT would allow this entrance at Lewis or whether we should improve Domon Lane. We need to get INDOT's input before we proceed. Freeze asked if we as a town have the right to say what cuts or what entrances off of 20 we would want to have; can we make a recommendation to INDOT? Parkinson said by way of subdivision approval you have a certain amount of control over that but if you are going to disapprove a proposed cut that is made on a plat you have to do so on the basis that you find it to be unsafe or doesn't meet with town standards. If those facts have been established then it is up to INDOT. On the other hand if INDOT hasn't approved something then the petitioner would be looking at alternative plans.

Virginia Bain said I was under the impression Domon Lane was a private drive. How are we going to say what we can or cannot do with this drive anyway? How is this going to affect Mr. Kleckner? Meeks said Mr. Lewis owns most of Domon Lane now; it doesn't matter if it is here or there. If we go down the path where Domon Lane gets improved it is only going to help Mr. Kleckner, it will be a better road. Virginia Bain said Mr. Kleckner spent ample amount of money repairing that road last year.

Parkinson said to Jeff Ballard that the parameters to reopen the public hearing would be to establish a couple of facts and the Plan Commission would determine how you are going to require that evidence to come in; the petitioner demonstrate this or require additional reports or studies. Freeze said can we require at minimum feedback from INDOT prior to primary plat approval. Parkinson said the ordinance says you may require additional information, data, statistics or plats beyond those established by statute or ordinance which are deemed necessary for intelligent determination by the Commission. You've reopened it to answer a couple questions; what is the impact on economic development for the town and future development of the town if not improving Domon Lane and what impact does the redesign of 149 and 20 have on this particular additional road cut and will INDOT approve this road cut.

Jeff Ballard said to clarify some things from our standpoint with our discussions with INDOT technically Domon Lane is on our property; it is a gravel private driveway and an access easement to Larry Kleckner's business. His double axel delivery trucks are large enough to carry large amounts of drywall. He has used that road since the early 80's. It is an easement we are obligated by law to let people access. The same day that Vic Roberts had his private meeting we spoke with John McFadden as well and his take is that driveway is a cut that is an easement for Larry Kleckner's business. Our property is legally allowed a cut off of 20 as well as that driveway. We've set our project up to access through an easement we have placed on out plan Domon Lane if it gets improved. Go ahead and improve it and we will switch our entrance once Domon Lane is complete onto Domon Lane. Meeks asked if Domon Lane is owned by you. Jeff Ballard said Domon Lane is on our property, it is an easement. Meeks said you want the town to improve it and you will change your entrance, is that correct? Jeff Ballard said if you recall our PUD had improved Domon Lane. That PUD is in the past and not any longer on the table. Meeks said you are suggesting the town improve Domon Lane and then Stone River would move their entrance there? Jeff Ballard said you are not ready to improve Domon Lane yet. You don't know what you are doing. It is

obvious this isn't clear to anybody yet what is going to happen economically but it is in no way a means to stop this project. Meeks said we have yet to see anything in writing from Mr. McFadden. Jeff Ballard said we have legal rights to access our property off of 20. Larry Kleckner has legal right to use Domon Lane to access his property. If Domon Lane is improved we will more than gladly take our entrance off of 20 and put it on Domon. That is no reason to stop this project. We have followed the ordinance, we have preliminary approval from engineering, and we've done what we should do for this project to get approval. There is no reason we shouldn't have approval.

Larry Frain, Frain Insurance Agency said Mr. Kleckner has rights that I gave him; nobody else has rights to get on there because they have to go across my property to get for his easement. I am not saying I wouldn't give that easement to the town but as of right now it is owned by me. The easement is on Lewis' property. The entrance to get to the highway is my property (a pie shaped area) and it never has an easement. I wanted to clarify that.

Tony Ello, 913 Fox Point Drive Chesterton said I own the softball fields that are north of Domon Lane. I have never heard one word of any types of plans of running a road through that area at all. I am wondering if I have any input in future plans since I am the owner of that property. Freeze responded absolutely.

Vic Roberts said I did organize a private meeting as a concerned property owner on Hwy 20. I did it mainly for the property owners along Hwy 20 that are connected to each other to have discussion about how we felt the growth of our town was coming and also ask questions to John McFadden and Marge Robinson from INDOT about the reconstruction of the intersection of 149 and 20 would affect our parcels. INDOT will accommodate the existing entrances and none will be eliminated. INDOT would not allow a main entrance off of 149 southbound lane near the old bank property. INDOT would not allow us to tap into the existing storm drainage because it would not be able to accommodate the parcels. Construction is planned to begin in March 2009. INDOT says traffic counts on the road east and west is 18, 900, north and south 9,100 everyday. Future stop lights were proposed by property owners 694 feet east of 149 and another 1010 feet east of 149 in front of the Village. We came out of the meeting hoping to make a request to the town to have some type of traffic study done. John McFadden and Marge Robinson suggested a study be done with the amount of development that is going on so the town has better guidance and can do some planning when other developments come in to play. Virginia Bain asked if INDOT gave him anything to bring back to us saying this is what we think you should do. Vic Roberts said for instance if a development was requesting a new entrance and the town is not clear on where the entrance should go, the process would be that the town would make a formal request from INDOT for an opinion of the entrance and INDOT will send a formal recommendation to the town.

Tom Roberts said according to INDOT at this point has not had an application for another cut on route 20 and they said that usually takes a year for that process to take place. INDOT recommended an impact study and Parkinson said you could suggest it and it could be done by the developer; it doesn't need to be done by the town.

Gene Weibl said when the town started the journey with the Village the town made specific points of connectivity to neighboring properties. I know there is one on the south east edge of the Village but I am not sure if that lines up with Mr. Kleckner or the proposed development. How do you get in and out of this place? Ideally you never want to have one single entrance to a subdivision especially on a busy road. How do you get to the emergency if the only entrance is blocked?

(tape turned over) Brad Enslin said my limited experience with the State Highway Department is that they very much follow their rule book. They compartmentalize everything. Don't expect them to look out for the best interest of Burns Harbor. Your responsibility is to look out for the interest of Burns Harbor. A lot of people here have implied in the past it is okay because the State Highway Department has approved it. That is meaningless. That does not mean it is in the best interest of Burns Harbor. You can't advocate that responsibility and shove it off on the highway department and say they approved it.

Larry Frain said I think right now the town is mish mashed, there is no plan. A couple months ago I can to a meeting and the idea was brought up about a plan and I didn't know whether I was for it or against it. Since I do own the property next to Domon Lane and it affects me I would be in favor of Domon Lane being a town street and I would give my property to the town and enough access to make that a street as long as I don't have to move my building. On the northern border of Fast Coffee and Robert Lewis' property is an east and west easement there that has been on the books for 30 years. It would make a lot of sense to develop that into a "T" and I would be for it. Meeks asked if Larry Frain if Domon Lane were improved would he close his east entrance. Larry Frain said he sold it to Dave Robinson. Dave Robinson said it depends on what kind of idea you come up with. I would entertain the idea. Meeks said the concern at all these meetings has been the safety of this intersection. Right now we have three open entrances within feet of each other. If we could close a couple of those it would make a lot more sense.

Alan Geck said we have all the properties around us. The town put the sewers right behind my building, I don't know if they could put a road over the sewers. (inaudible due to multiple conversations)

Tom Roberts said the frontage road idea is a great idea and it is not my idea it is INDOT's. I would give up some of our property if you felt it necessary for a frontage road there on 20 and 149.

Jeff Ballard said there seems to be a lot of quick snappy master planning going on here, it's impressive. The fact still remains that it is a long range event to plan this area out. It still has no bearing on Mr. Lewis' civil right to come in here and have his land subdivided. That is the focus of us coming here tonight to get our approval after 15 months and the word is ordinance. We have followed it. All the planning in the world is wonderful and we would take full part in it but we are here tonight to have our plan approved based on the ordinance that we followed and the engineering we've done. We are willing to work with the town; we've said that time and time again with regard to Domon Lane and other issues but it still has no bearing on Mr. Lewis coming here and wanting to subdivide his land tonight.

Robert Lewis said I am the proposed developer of this project. We've been at this for close to a year and a half and I appreciate everything that everyone has contributed to the enhancement of this project. I think it is going to be an excellent one when it gets off the ground. I really do. I started this some time ago. Most of you don't know who I am. I guess I am standing here to introduce myself to you and let you know who I am. I am a retired army colonel, served in the Marine Corp in Vietnam. I think I have paid my dues in terms of what I expect in terms of my contribution to this society. Additionally, I am an attorney. I have just built a house about a year ago in Portage, 2320 Samuelson Road. I was the general on that project and I kind of got my feet wet in doing this kind of thing. Then I bought the land here and thought why don't I do something for this particular town. I thought it would be a good project for the town but also for me to get involved in developing. I looked around and thought it was a perfect project. I located a local realtor who introduced me to it. I knew nothing about it so I went out and brought on board professionals, people who have been doing this for years. I brought aboard a builder who I thought did an excellent job building my house. We've got an excellent team together. Before we came to you with this project we sat down and tried to come together and develop what we thought would be something excellent and what we have come up with we thought would be aesthetically beautiful for this community and safe by the way. I heard comments concerning only one egress and ingress off of 20; the Village only has one road that leads in and out of the project. I don't think that is an obstacle. I don't know much about any of this but I think when you put this in the hands of professionals they know what they are talking about. That is why I brought aboard Jeff with Abonmarche. He knows what he is talking about. He says it is an excellent project, he has done everything you have requested and suggested and we still stand here 15 months later hoping and waiting and praying that we get this project completed. I think when this project is done it is going to be such an enhancement to this community that we are all going to feel proud of it. Jeff has done a good job, I am proud of the job that he has done and I am hopeful you will approve it. Thank you.

Gene Weibl said actually the way the Villages is designed there is a second entrance way in the back along I-94.

Parkinson said if you need more information you have staff present and you can always request more information be produced, you can close the public hearing, you can vote.

Freeze closed the public hearing.

Meeks said we have nothing from INDOT or our engineer.

Perrine said the questions I brought up and the questions brought up by the Economic Development Committee were not questions that were brought up in an attempt to stop the approval of this subdivision. The questions were brought up to make the developer aware of concerns the town had. The discussion tonight about Domon Lane was meant to open a dialogue about its being used instead of Lewis Drive not if you don't use it you won't get your subdivision. I feel and I think other members of the EDC feel that the use of Domon Lane is really in the best interest of the town and a better way of your starting off as a good neighbor but that is up to you.

Freeze said at this point part of the Commission would like to see a traffic study or impact study done as to an existence of Lewis Drive and how that impacts the plan to redevelop the intersection at 149 and 20 and widening 20. Perrine said I think INDOT will take those matters into consideration when their request for a cut is presented to INDOT. I would say it is likely there will be some additional information presented to INDOT on the part of the town regarding Lewis Drive but that is not the purpose of this Commission.

Virginia Bain moved to grant Stone River Subdivision primary plat approval. Perrine seconded the motion. Louis Bain yes, Meeks no, Swanson yes, Perrine yes, Freeze no, Virginia Bain yes. Motion carried.

Master Plan – Discussion of survey questions

Meeks proposed a series of survey questions.

The eminent domain question was removed.

Additions:

Where would you like to see a new town hall?

What kind of retail businesses would you like to see in town?

Name(s) will be used to verify town residents are completing the survey.

The survey will be sent in the summer town newsletter with a postage paid return envelope.

Discuss a development moratorium

Parkinson said if you are interested in pursuing a development moratorium as a means of planning it is legal. It has to proceed in the manner of rezoning so you are saying in this area or that area no subdivision plats. If you want to proceed along those lines you need to define the areas and clearly define the limits where you have the most concern. As long as you can put a legal description on that area then you can proceed as you would with any other rezoning. It would be an initiation of a rezoning by the Plan Commission. This is a short term measure you can take to get a handle on planning but they have to be short term measure. It is in your hands to determine where, how long and what exactly you want to control. It is a legitimate planning device and you can use it constitutionally.

Parkinson said depending on what you are actually seeking to control there are going to be some rights that vested. Saying no building permits might be drastic. In terms of new applications for subdivisions, rezoning, use variances those sorts of things I think you might be able to cover with a moratorium. The development moratorium is initiated by the Planning Commission. First we need to have the area legally defined; an ordinance prepared laying out the defined area and what is being restricted for

what period of time. The Plan Commission will hold a public hearing and make a recommendation to the Town Council. The Town Council will act on the ordinance. Freeze asked if the moratorium could be repealed early. Parkinson said the two cases in Indiana were struck down because they didn't follow the path of the zoning ordinance. I imagine it would have to be repealed. Parkinson will review the cases again and draft a review period into the ordinance to make sure the Plan Commission is on track.

Perrine moved to set a preliminary hearing for the creation of a development moratorium on new applications for subdivisions, rezoning and use variances defined as all property along I-94 to Salt Creek Road and property along Hwy 20 to Old Porter Road for 18 months including a 3 month review by the Plan Commission of the moratorium. Motion carried by unanimous roll call vote.

New Business

Ryan Richardson, Luke Oil – present concept plan for site at Hwy 149 and 20

Ryan Richardson said we have a proposed project on the south east corner of 20 and 149 at the Luke gas station. Over the past two years we have purchased additional properties to the east and the south. The property to the south has been incorporated into the site plan. The property to the east is an additional two that is not a part of the site plan and is being held for future development.

The key points in the proposed site plan are:

- an increase in parking from 18 spaces to 42,
- an improvement in ingress and egress based on INDOT 20 and 149 redevelopment,
- increased spacing of gas pumps in relation to 20 (currently 7 feet from 20 to 35 feet),
- increased green space,
- increased storm water and sediment control (proposed detention on site using the property to the south that was purchased),
- increase in site circulation (larger site will make it easier for cars to get in and out of pumps and ingress and egress form both major highways and Old Porter Road),
- increase in fueling islands from 4 to 5,
- increase in deli offering and seating within the store,
- larger grocery sales area with a wider variety of goods,
- current sign replaced with a monument style sign (low profile with digital LED digits),
- building will be built of brick and rock masonry like the project at 249 and 20,
- will serve as an anchor and starting point to the center of the town
- will be fully landscaped
- will be fully lit (consideration will be made that all light stays on the site for safety purposes)

Ryan Richardson said we have been following the INDOT project as well. The project keeps getting pushed back and we would rather not wait. We would like to proceed. We have full working documents and are anxious to here the town's comments or concerns.

Meeks was concerned that the entrance to Old Porter Road was moved 25 feet closer to 149 to line up with the main parking area.

Meeks asked if the detention pond is impervious from any fuel spills. Ryan Richardson said yes. All the curbing would prevent any fuel spill and the detention pond will act to take any sediments or impurities out before it hits the storm sewer.

Meeks said some of the LED signs are very bright at night time. Ryan Richardson said it will be a digital sign based on Shell requirements. Food candle and brightness wise they are much less significant

impact than your traditional illuminated signs. They are crisp and designed so you can see the digits clearly from a distance without being blasted with light.

Meeks said per your drawing there are only two northbound lanes on 149. On the State's drawing there are clearly three. Ryan Richardson said they purchased property from us on 149 and 20. Meeks said is that shown on your plan. It looks like they are taking some of your berm. Ryan Richardson said our boundaries set on our site reflect that change. I will double check that. Dean Price said you will have to build it as is though and when US 20 gets done you will have to reconfigure your entries.

Perrine said I don't see the need for an entrance off of Old Porter Road at all. Ryan Richardson said need wise it does offer an alternative for people traveling west bound down Old Porter to not have to try and fight that traffic turn getting onto 149 and offers a bit of value to less traffic on the main thoroughfare. We lined it up closer to 149 to align with our drive. The front of the store is proposed to be facing the west and the drive was lined up to create a main thoroughfare in front of the building. I would be open to consideration of bringing that even as far back as where it exists now and it would at least offer access to the rear parking. The reason we are providing as much parking as we have is it is a high traffic volume site and you have a lot of people coming from the mills and factories and want to grab a quick bite to eat. We will also have an entrance to the store along the back. I think there would be some value if we were to keep the entrance as it is but back it up to line up with the rear of the store. Both ingress and egress is a challenging spot here because you have this hard angle and the tracks right behind you. I agree with your concerns and we wouldn't be opposed to moving that back. The consensus of the Board was the entrance should be moved back. It would not address Perrine's concern of it becoming a cut through to Hwy 20 as it is used now but the location of the gas pumps may slow it down.

Ryan Richardson said the cut on 149 is further back to the south, smaller and more defined. Our cuts have been reviewed by INDOT but have not been sent down for final approval.

The low profile sign will be on the corner at an angle far enough back that there will not be a visibility issue. The location of the sign will be included on the updated drawing at the request of the Plan Commission.

Ryan Richardson said the site will not be raised. Construction will begin on the store behind the existing facility while we remain open and then close to perform the gas pump and fuel piping.

Perrine asked where the storm water is going. Ryan Richardson said it is going to the detention pond on the south west corner of the site which then travels south hitting the town's drain. Perrine said it flows to the west to Salt Creek. (44" to 5') Dean Price said there will be storm calculations with the run off rate. Perrine said the storm sewer that was put in it probably needs a little maintenance but it was put in with the thought it mind it would be able to handle that whole area turning into asphalt.

Meeks asked if the west and south side of the pond will be landscaped. Ryan Richardson said we would treat that with grass (sod) around the pond and riff raft and rock going down into the pond. It won't permanently hold water obviously there will be water after rain events. Perrine asked how long it takes for the pond to drain down. Ryan Richardson said he could not accurately give a time but much like any detention pond it will hold the water and release it at an acceptable rate for the storm drain to handle; typically 24 to 36 hours. I have full calculations I can get for your review. Perrine said it looks like at no time should there be more than 6 inches of water in the pond.

Meeks asked if the plan was to get a liquor license. Ryan Richardson said not currently. Many of our stores do have them; it is a grocery permit and we sell warm beer and wine. We don't hold one and have not applied for one.

Ryan Richardson said the project should be finished in 5 - 6 months.

Freeze asked if construction traffic needs to be addressed. Construction access would be off of Old Porter Road.

Revised plans will be given to the Building Commissioner and engineer for review.

Paulene Poparad asked if the 149 entrance is right in, right out only and will there be a concrete median on 149 when it is redesigned. Meeks said it looks like they are adding another turn lane. Perrine said in reality we don't approve these plans. Ryan Richardson said the plans will go to the State and our highway cuts go to INDOT. They will review and approve the plans in conjunction with their plans. Dean Price said there are no medians at that the intersection of 149 and 20. Paulene Poparad said it is the cars leaving the site that create a problem. Ryan Richardson said the advantage of leaving the Old Porter Road entrance gives them a way to get out without having to turn left on 149. Porkchops aren't effective without medians.

Meeks suggested the Town Council send a letter to INDOT expressing concern over the entrance to the Luke site off of 149.

CR England requesting a recommendation for a special exception for an accessory 2 bay paint booth for the painting of tractors either owned or leased by CR England, 321 Tech Drive zoned I-1

Attorney Greg Babcock and Greg Lakner of Lakner Construction were present on behalf of CR England.

CR England is requesting to expand their special exception with an accessory 2 bay down draft paint booth.

Greg Lakner said the building is 10,000 square feet and an addition to the north side of the existing shop area; 8,000 square feet will be a shop or prep area and the remaining 2,000 square feet will be the actual paint booth. It will match the existing building height and width, materials and color scheme will be maintained. Gas and electric will be the only utilities going into the addition. There will not be any water or sewer extended to the addition or used in the painting process.

Greg Babcock said the preparatory work and painting takes place inside the new edition. The company indicated at the public hearing in front of the BZA there will be someone from the company present to talk about the fact that there will be additional employees to staff that site.

The air is both heated and cooled; you bring it and heat it or cool it and recirculate it to reuse it. There will be representative available to go into greater detail.

The current site is paying about \$52,000 in property tax bills. The cost of the addition is roughly \$400,000 and \$125,000 - \$175,000 for the paint booth and it will come self contained delivered to the site and then installed.

I don't believe I personally have heard of any complaints on that site. I did include the written covenants for you to review the items that have been imposed upon CR England in order to get to the truck terminal site in the first place. They complied with all those items. In addition it took into effect that we had compliance on the south side of the road for work that has been done and they have done things they indicated there. We do have the dollars paid into the town for the traffic light at that intersection. We have had a traffic study done that I will introduce at the BZA level. Unfortunately even with the use of this particular accessory use it does not drive the 8 hour criteria in order to get the light. There are some things they may be doing in terms of turn lanes from Tech Drive out. CR England would testify that if we could put the light up we would just assume do that and spend the money.

This evening ask questions of us that we may be able to answer. If you need greater detail please be specific enough that I can get you the material that might help you make this particular decision. I would ask you to consider a positive recommendation to go forward to the BZA.

Greg Lakner said the paint booth itself is contained within the building so the outward appearance will be much the same as what you've got now.

Virginia Bain asked how will you clean the facility without water. Greg Lakner said it is a filtered system. Greg Babcock said it is not a water driven activity. There is water provided to the building for general maintenance. The actually painting activity doesn't require water. That particular site is serviced by Portage Sanitary Sewer for just that site.

Perrine asked if an air permit from IDEM is required. Greg Lakner said the paint booth supply will be applying and procuring all the permits needed. My guess is that there will be a permit issued by IDEM but I don't want to speak for them.

Meeks asked how many additional trucks will this site see per day. Greg Babcock said in the findings #8 says 120 tractors on a monthly basis. This particular activity is only for leased or owned tractors of CR England. Meeks asked how many trucks will be parked outside. Greg Lakner said they are not interested in keeping them onsite. As a condition of their lease with Freight Liner they are required to return these vehicles after the lease period in near pristine condition. That doesn't require all of them to be fully painted; some may not be painted at all. They may just come in for detailing and leave the site. By no means are all of them going to be completely painted. Perrine said this is going to be a facility where you bring the trucks you are going to turn back in off of lease and detail them; it's not going to be where you bring in wrecked trucks and rebuild them. Greg Lakner responded no. Greg Babcock said they are looking at a 10 day turn around time. On the existing site there are about 80 parking spaces currently, some of those will be used for those trucks. It is an accessory use; they do not want it to impair the fact that this is a facility for their drivers to come in, get serviced, get fueled, whatever information they need and get back out on the road. That is still the main activity.

Meeks said I don't mind the paint booth and I don't mind England being down on that road but the truck traffic there leaves a lot to be desired. I've seen them stop in the middle of the intersection of 20 and 149 because the trainee couldn't get the truck started. The truck traffic down there has been ferocious. Greg Babcock said we wish we met the criteria for a stop light; we put aside over \$90,000 to put the light in. The study that was just done even with this projection it doesn't give us the 8 hour criteria. We get about a 2 hour block where we more than qualify and 4 other hours that are close but not an 8 hour block that they are measuring. Meeks asked if we could send a letter to INDOT to see if we can encourage a stop light. Perrine said it is a waste of time. Parkinson said the only real control you could gain over that would be assume 149 or 20, take it over as your own. Greg Babcock said they are talking about if you are on Tech Drive headed eastbound they are going to try to do something to designate right out, left out to give it a better look. We can control the Tech Drive portion because Tech Drive is private. We have the ability to do something there.

Meeks said my main concern is how much more traffic is this going to add per day. Greg Babcock said CR England has a rather large facility at their main office in Salt Lake City and that is where they do a majority of that activity. Once they have come east of the Mississippi they are looking for another place to do the same thing. I will do my best to give you counts based on what they might be doing there in a 14 hour period.

Freeze asked if the pain booth would only accommodate the tractor itself. Greg Babcock said that is correct. It is a two bay.

Perrine moved to give a favorable recommendation to the CR England petition for a special exception for an accessory 2 bay paint booth for the painting of tractors either owned or leased by CR England.

Greg Babcock suggested indicating there were some pieces of information that you would want us to provide the BZA to help with that decision. I would identify those as the IDEM question, what we think our parking requirements in terms of what we call active versus the ones that will be there waiting for activity and try to develop for you a daily traffic count; what the increase would be if you were doing that kind of activity there. You will have increase of course, 10 to 15 new employees but they have adequate parking in the front for those things. We are looking for truck traffic. Parkinson said I assume you are talking to the members who are on the BZA because the other of you will not get that information in order to make a recommendation. Perrine said it is information needed to make the decision but the decision will be made at the BZA level.

Swanson seconded the motion. Virginia Bain no, Louis Bain yes, Jeff Freeze yes, Perrine yes, Swanson yes. Motion carried.

Lake Shore II Subdivision requesting secondary plat approval

Steve Stofko, McMahon & Associates representing KEJOB LLC and Lake County Trust # 3633 and Ludington Real Estate (Bob and John Kerr and Jim Ludington).

Engineer Ken Krause noted one change on the plat which was to add an easement. There was a small triangular piece with the reconstruction of Verplank Road, it was always the intent to have an easement so the Ford dealership could tie directly into Verplank Road.

Lake Shore II has bonded \$80,000 with INDOT for the improvements. Verplank Road is installed. Ludington Nissan exists on Lot 2, totally built out and installed per the design that has been approved. In addition, the same improvements have been bonded for the town at \$150,000. A cost estimate was given to Haas and approved by Ken Krause. Due to a shorter time frame a letter from Chase was provided to show that a letter of credit will be processed by the end of the week or early next week. The as builts will be provided for the roadway to reduce the bond; at this time the entirety of the improvements have been bonded.

Dean Price said suggested the plat go back to Ken Krause at Haas to make sure everything is still the same as the first secondary plat he looked at since it was reissued to reflect the easement.

Parkinson would like to see the letter of credit to make sure it is in proper form prior to recommending full approval.

Perrine moved to grant secondary approval and authorize president Jeff Freeze to sign the mylar after the engineer and attorney approve the plat and letter of credit. Meeks seconded the motion. Swanson yes, Perrine yes, Meeks yes, Freeze yes, Louis Bain yes, Virginia Bain no. Motion carried.

Other

Drainage on Old Porter Road

There was discussion regarding the flooding on Old Porter Road near Ludington Nissan.

Steve Stofko said included in the Lake Shore II bond amount is \$5000 for culverts. Repairs will be completed when the Toyota project commences. The primary concern was a culvert that was crushed; they are not sure if it happened during Ludington construction or not. It is directly east of Lot 2.

Perrine said the problem with the drainage is there is no storm sewer there at all. There is no culvert under Ludington's drive and the culvert Steve Stofko is talking about should already have been removed. The street department has ditched as best they can along Old Porter Road to get the water running to the storm sewer. The storm sewer ends west of the Ford dealership.

Steve Stofko said they shot grades for that entire area. Standard and minimum slope for a swale is .5%. The swale out there is .2% or .25%; it is a very shallow slope out there. When we come in with the improvements for Lot 1 we do plan on improving that, trying to get all the drainage we can from the right of way to drain into the site.

Perrine said we need to go to the area by the Nissan dealership and the end of the existing storm sewer and shoot elevations and see if we can even put a swale in that is going to run all the way down. That

storm sewer was put in 31 years ago. There has been a lot of changing in the ditches since then. We've got the water draining as best we can at the moment. It is going to require more than just a little work and more than just replacing one culvert. Steve Stofko said there is no possible way to effectively get the water all the way from Ludington Nissan all the way down to that storm sewer. That is why we are looking to bring it into the site. We are planning on an underground system that will be more than enough to handle detention for that.

Village in Burns Harbor Phase 3

The Letter of Credit has been submitted for \$84,246.61 and is in proper form.

Bain moved to accept the letter of credit for the Village in Burns Harbor Phase 3 and release the mylars. Meeks seconded the motion. Motion carried by unanimous roll call vote.

Window Wells

Meeks said there may be a safety issue with window wells that are very deep and even with the ground and asked Randal Lopez to see if there is a state code for window wells. The window well's are also fire exits and cannot be fenced in.

Adjourn

Bain moved to adjourn the meeting at 9:30 p.m. Meeks seconded the motion. Motion carried by unanimous roll call vote.

APPROVED JUNE 2, 2008

Jeff Freeze, President

Toni Biancardi, Secretary