

MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 12TH DAY OF SEPTEMBER 2019 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, Zoning Administrator; Mae Kratzer, Planner; Doug Powers, Planner; Deb Britton, Administrative Manager; and James W. Kolbus, Attorney for the Board.

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 (*Edwards/Snyder*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 8th day of August 2019, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Miller/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 a zone-map change from R-1 to A-1, for Franklin R. Berkey & Wilmah G. Berkey, on property located on the East side of CR 35, 785 ft. South of CR 2, common address of 51468 CR 35 in York Township, zoned R-1, was presented at this time.

Mae Kratzer presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0553-2019*.

Franklin Berkey, 51634 CR 35, Bristol, IN was present as the petitioner. He stated about 70 years ago he helped his family raise turkeys on the subject property. He stated that it will not be a rental property but will be sold to a nice Amish man. He stated that three neighbors are in favor of the request.

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** Lori Snyder, **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 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.

5. The application for a zone-map change from R-1/B-1 to B-1, for Six Span, LLC represented

by Progressive Engineering, Inc., on property located on the Southwest corner of SR 120 and Michael Dr., 650 ft. East of CR 17, common address of 21776 SR 120 in Washington Township, zoned R-1 & B-1, was presented at this time.

Mae Kratzer presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0555-2019*.

Stephanie Floyd, Progressive Engineering, Inc., 58640 SR 15, Goshen, was present representing the petitioner. She stated that they want to match the zone of the properties to the West and North of the subject property.

There were no remonstrators present.

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

Ms. Snyder stated that she is familiar with the location and the zone request for B-1 make sense.

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

Motion: Action: Approve, **Moved by** Roger Miller, **Seconded by** Steven Edwards that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone-map change from R-1/B-1 to B-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.

6. The application for a zone-map change from R-2 to B-1, for Six Span, LLC represented by Progressive Engineering, Inc., on property located on the East side of CR 17, 500 ft. South of SR 120, common address of 54576 CR 17 in Washington Township, zoned R-2, was presented at this time.

Doug Powers presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0556-2019*.

Stephanie Floyd, Progressive Engineering, Inc., 58640 SR 15, Goshen, was present as the petitioner. She stated that the property owner wants to rezone the property to match the neighboring properties.

James Skillen, 306 Krider Dr., Middlebury, was present in favor of the petition. He stated that he is the Vice President of the Redevelopment Commission. He mentioned from a larger perspective this will make it easier to create improvements. He added he believes this is positive improvement for the neighborhood.

There were no remonstrators present.

A motion was made and seconded (*Miller/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** Tom Stump, **Seconded by** Lori Snyder that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone-map change from R-2 to B-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.

7. The application for a zone-map change from R-1 to B-1, for Six Span, LLC represented by Progressive Engineering, Inc., on property located on the Northeast corner of Suburban Dr. & CR 17, 635 ft. South of SR 120, common address of 21975 Suburban Dr. in Washington Township, zoned R-2, was presented at this time.

Doug Powers presented the Staff Report / Staff Analysis, which is attached for review as *Case #RZ-0557-2019*.

Stephanie Floyd, Progressive Engineering, Inc., 58640 SR 15, Goshen, was present representing the petitioner. She stated the petitioner owns the property to the North, so it made sense to rezone this property. She added that the surrounding properties will have matching zones.

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** Roger Miller, **Seconded by** Tom Stump 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 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.

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

Jason Auvil reported that on July 1, 2019, the Elkhart County Commissioners approved a DPUD for Elkhart Campgrounds, Secondary approval for West 78 LLC, an Amendment to an existing DPUD known as D & M Sales DPUD, and an Amendment to an existing DPUD known as First Replat, First Choice DPUD. Mr. Auvil reported that on July 2, 2019, the Town Council of Wakarusa approved a zone-map change from A-1 to M-2. He added that on July 15, 2019, the Elkhart County commissioners approved two Amendments to existing DPUD's, two zone-map changes, and a DPUD known as Stone Ridge Minor DPUD. Mr. Auvil stated that on August 6, 2019, the Town Council of Wakarusa approved a DPUD known as Camden Park DPUD R-1 Section Two.

9. The application for an Amendment to an existing DPUD R-3, A Replat of Lot 3 and for Primary approval of a 1-lot minor subdivision to be known as LOT 6 OF THE VILLAS OF RIVER PARK, for Spring Valley Development, Ltd. represented by Abonmarche Consultants, on property located on the East side of River Park Dr., 362 ft. South of CR 16, common address of 102 River Park Dr. in Middlebury Township, zoned DPUD R-3, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #DPUD-0550-2019*.

Crystal Welsch, Abonmarche Consultants, 1009 S. Ninth St., Goshen, was present representing the petitioner. She stated this Amendment is to allow for an 18 foot setback instead of the 20 foot setback. She stated that it was an error and the residence was already built at 18.9 feet.

There were no remonstrators present.

A motion was made and seconded (*Lucchese/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** Tony Campanello, **Seconded by** Lori Snyder that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for an Amendment to an existing DPUD R-3, A Replat of Lot 3 and for Primary approval of a 1-lot minor subdivision to be known as LOT 6 OF THE VILLAS OF RIVER PARK 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.

10. The application for a zone-map change from R-1 and B-1 to DPUD M-2 and for Primary approval of a 1-lot minor subdivision to be known as HOOSIER MOTORSPORTS & BUSINESS PARK DPUD, for Hoosier Motorsport & Business Park (Buyer) & Chizum Ruth E. Trustee Ruth E. Chizum Tr(Lf Est Arthur Chizum) (Seller) represented by Jones Petrie Rafinski, on property located on the Southeast corner of Ash Rd. and CR 16, 4,615 ft. South of Old US 20, common address of 56328 Ash Rd. in Baugo Township, zoned R-1, B-1, was presented at this time.

Jason Auvil presented the Staff Report / Staff Analysis, which is attached for review as *Case #DPUD-0558-2019*.

Ken Jones, Jones Petrie Rafinski, 200 Nibco Pkwy Suite 200, Elkhart, was present representing the petitioner. He submitted a copy of the PowerPoint presentation [*attached to file as Petitioner Exhibit # 1*]. Mr. Jones explained that in 1947 the property was an air strip, and then the current owners developed the drag strip in 1957. He added that the first phase will include the drag strip being resurfaced, a viewing tower constructed, and there is a concession stand that will stay. He pointed out where the main entrance will be and explained how the drivers' vehicles will be inspected prior to accessing the drag strip. He stated that there will be a business park on the North side of the property along CR 16 and each building will be 10,000 square feet each. In each of the buildings there will be office development in the front and truck docks in the back. Mr. Jones explained that they have no interest in the M-2 land uses. He added that there will be a list given showing the uses that are classified in an M-1 zone. He explained that the test track could be used for the average person to drive on, law enforcement training, and new driver advanced training. There will also be another restroom pavilion and another control tower. Mr. Jones explained that there will be a landscape berm that will be six feet in height, tree covered, and a fence along the South side of the property. He added that on the North side will have the same berm without the fence. He stated that they will not run after dark and will not have lighting for the track. He explained that the operation is seasonal and will run from April to mid-October. He stated that there will be holiday events, for example, holiday lights where the community can pay by the car to drive through and see the lights. Mr. Jones explained that drone racing will occur in the smaller barn and a partnership created with some of the local schools.

Jason submitted 25 letters of support [Attached to file as Petitioner Exhibit #2-26] and 13 letters in remonstrance [Attached to file as Remonstrator Exhibit #1-13].

Roy Roelke, 5625 Place Dr., South Bend, was present in favor. He mentioned that he is going to be a business partner with Terry McMillen. Mr. Warner questioned if there are any regulations for noise for the third phase test track. Mr. Roelke answered that the vehicles will have racing mufflers to drown the noise. When Mr. Campanello questioned if it is equal to the sound of a nascar, Mr. Roelke responded no, it will be similar to the noise of street cars.

Ryan Gortney, 29734 CR 1, Granger, was present in favor. He stated that he is representing the Elkhart Area Career Center which is part of Elkhart Community Schools. He explained that he is an Ag power sport instructor. He mentioned that the newest thing to help kids in school is called S.T.E.M. He distributed S.T.E.M. packets for the board explaining what the program is [Attached to file as *Petitioner Exhibit # 27*]. He further explained that S.T.E.M. stands for Science, Technology, Engineering, and Math. He stated that there are non-profit organizations that they are involved in. He mentioned that kids as young as 5 years old can start Hot Rodders. He added that the school looks for places to go to for activities and field trips. He explained that the closest facility is in Indianapolis, and would love to have a closer facility. He expressed that he stands in support for this petition for education opportunities.

Ruth Chizum, 53628 Ash Rd., was present in favor of the petition. She stated that the following day is the 62nd anniversary since the first race at the dragstrip. She explained that when they first started the dragstrip surrounding properties were vacant farm land or woods. She explained the many uses the property had since the 1940s. She stressed that the dragstrip has been a family friendly facility. She mentioned that she is excited about the plans for this petition and what it will bring into the future.

Ashley Finney, 2025 Shell Bark Lane, Warsaw, was present in favor of the petition. She explained that they are a family at Osceola Dragway, and the friendliest dragstrip. She mentioned that this is a place where people old and young can get their need for speed in a safe and controlled environment. The dragstrip supported and helped community fundraisers, and raising funds for those in need. She stated that they would get a facelift of the track amongst other great opportunities for the community, emergency personnel, and schools. She stated that if this does not get approved her fear is that there could be an increase in street racing.

Deb Jones, 123 N. 20th St., Goshen, was present in favor of the petition. She stated that she wanted to reinforce what was previously said. She showed the Board a picture of her granddaughter in a junior dragster. She explained that the engines in the junior dragsters are closer to an engine in a lawn mower. She mentioned that at eight years old her granddaughter got a license. She added that she had to be licensed to drive the junior dragster, and could only drive a certain speed. She explained that while driving the junior dragster she learned how to work on them with her father and gained confidence. She stated that now her granddaughter is an architecture student at Ball State. He stated that she believes her granddaughters' confidence currently is from her experience with driving a junior dragster.

Chris Stager, President of the Economic Development Corporation in Elkhart County, was present in favor of the petition. He explained that prior to attending the meeting he drove around the entire property. He mentioned that he believes that the proposed improvements will assist in the tax space for the property. He stated that they are asking the Board to support this petition in full due to believing that it will have definitive economic advantages for Elkhart County.

Ron Mullet, 51928 Tall Pines, Elkhart, was present in favor of the petition. He mentioned that he has

traveled to different tracks in different states and raced. He added he thinks that people will travel here to use the services on the drag strip. He stated that the test track is a low speed course and wants this petition to be approved.

Terry Karre, 29741 Old US 20, was present in favor of the petition. He explained that he ran the railroad for 30 years. He mentioned that the railroad started in the 1800s in these towns. When the railroad was created the neighbors complained about the noise. He stated after a little while they got used to the noise. He explained that he moved in the area in 1980 and knew the dragstrip was there. He expressed his opinion about wanting this petition to be approved.

Dale Miller, 68464 Waterfront Dr., Edwardsburg, MI, was present in favor of the petition. He stated that he has a business in South Bend, IN. He explained that if it was not for Osceola Drag strip being in business in 1969, he would not have pursued his racing and business venture. He mentioned that he has been in the auto business for 40 years and is having a hard time finding technicians. He stated that this would be a big boom for the industry and would like to see it approved.

Ed Bradley, 4100 Edison Lake Pkwy, was present in favor of the petition. He stated that he wanted to give a lens in what this specific opportunity would mean. He explained that Terry McMillen is the poster child of what the community would want as the new owner of the drag strip. He believes that Terry McMillen and Jones Petrie Rafinski did a great job collaborating for this petition. He stated that there will be an economic impact. He asked the Board for their respectful consideration to approve all three phases.

Todd Smith, 212 Stone Ave, Mishawaka, IN, was present in favor of the petition. He explained that his father, who is 75 years old, lives across the street from the Osceola drag strip. He mentioned that his father was an auto shop teacher for Penn High School. He stated that one of the reasons his father moved to his current residence is because the dragstrip was there. He added that at some point it will be developed and would like it to remain a dragstrip.

Orville Teter, 46441 72nd St., Watervliet, MI, was present in favor of the petition. He stated his father, himself, and his daughter has raced at the Osceola drag strip. He stated that without this drag strip, teenagers will be out on the road racing without safety. He mentioned that the drag strip is a safe environment. He asked the Board to consider approval for all three phases of the petition.

Sally Hernandez, 30552 Edgewater Dr., Elkhart, was present in remonstrance. She stated that she has petitions that have been signed. She explained that they have 235 signatures on a certified petition and an additional 16 from St. Joseph County that were not certified [*Attached to file as Remonstrator Exhibit #14 & 15*]. She stated that there are over 800 residences in a half mile and only 160 letters were sent out to those that are located within 300 feet from the drag strip. She stated that they are not against the drag strip itself, however they are against the proposal of the second and third phases. She explained that she is a residential realtor and her passion leans to property values and the quality of life. She expressed concern with the M-2 zoning. She stated that she thinks OSHA requires lighting however, the petitioner stated that there would be no lighting. She expressed their main concerns are safety, infrastructure, home values, and quality of life. Mr. Kolbus wanted Ms. Hernandez to clarify which part they are against. Ms. Hernandez stated that she is opposed to it being zoned M-2. She clarified that she would be opposed to all three phases since all of the property will be zoned M-2.

David Hancock, 30153 Wyndtree Blvd., Elkhart, was present in remonstrance. He explained that he is a former firefighter with Baugo Township. He stated that safety and public services have not been addressed. He mentioned that Baugo Township Fire Department is the primary responding agency for all of Baugo Township including the subject property. He stated that the department has one fully staffed advanced life support ambulance. He explained that the proposal for the test track

also proposes events. He added those events could be concerts, RV and boat shows, and other events that could happen. He stated that if there would be more than one patient at the site, they would have to reach out to neighboring township fire departments. He expressed when doing so, response times are affected. Mr. Campanello questioned if the proposal was for residences instead would he be still be in remonstrance. Mr. Hancock responded that yes depending on the scope and size due to Baugo Township closing their North side station. He expressed concerns for traffic and congestion. He mentioned his other concern is about the setback for the test track. On their site plan it shows that it will be 80 feet from the residential property lines instead of the required 1,000 feet. He stated that he would like the Board to consider what he has said and deny the petition. Mr. Miller questioned what was said about the access point, Mr. Hancock responded that the primary access point is off of CR 16 and has concerns about traffic flow and how thousands of people will get out of one access area.

Kevin Foy, 30590 North Shore Dr., Elkhart, was present in remonstrance. He informed the Board that he has been a realtor for 30 years and has lived at his residence for the same amount of time. He added that on every Friday, Saturday, and Sunday, he closes his windows and turns on the air conditioning due to the noise. He stated that one thing that has not been addressed is contamination on the subject property. He mentioned that he had a conversation with EPA. He added that EPA has not been granted access to the property since 2015. He stated that he has reports from the EPA [*Attached to file as Remonstrator Exhibit # 16*]. He stated that 200 million dollars of tax payers' money was paid to have a study done. He stated that the manufacturing is supposed to stay close to the US 33 corridor and not in a residential area. He questioned what the decimal level restrictions are.

Lyle Fisel, 30525 Edgewater Dr., Elkhart, was present in remonstrance. He explained that there was a community meeting on Monday, September 9, 2019. He mentioned that there was not quite as many people as there were in this meeting. He mentioned that Sheriff Siegel had to leave, however, he had concerns with traffic on CR 16. He spoke about lighting and the outcome of a court case making the land owners remove track lighting for night time racing. He stated that his concern is what tax payers will have to pay for a light at the corner of CR 16 and Ash Rd. He also expressed concerns about noise and extended hours. He stated that he is not against the project, but is against it being placed in a residential area. He added that this should be put out in the country, either CR 17 or CR 26 by the farmers market. He stressed that the group he is representing is wanting the Board to recommend denial to the Elkhart County Commissioners.

Peggy Petty, 30336 Wyndtree Blvd., Elkhart, was present in remonstrance. She stressed her concern about the 300 feet rule and how it should be extended. She explained that she has lived in that area since 1983, and yes she has known the drag strip was there. She stated that the drag strip was grandfathered in, however, this new development is not. She mentioned that no one has spoken about what will happen or how it will affect the Head Start. She added that Head Start is located at the corner of CR 1 and CR 16. She also expressed concerns about the setback for the test track. She added that the test track is supposed to be 1,000 feet but they want it to be place 80 feet from the property lines. She stated that she feels that there is land out on CR 26 where this development could go. She asked the Board to recommend denial for this petition.

Gerald Hart, 30119 Blaine Ave., Elkhart, was present in remonstrance. He explained that he enjoys listening to the drag strip and has nothing against that part of the petition. He stated that his major concern is the test track and that CR 16 will not be able to handle the traffic increase.

Jim Johnson, 10368 Jefferson Rd., Osceola, was present in remonstrance. He stated that he lives on the river. He added that when his friends come over and they are outside on the deck, they would have to stop talking due to the noise. He stated that he used to race out on the track, and is not

against the drag strip. He stated that he is against the second and third phase of the development.

Stephanie Szabo, 29765 CR 118, Elkhart, was present in remonstrance. She stated that she hopes that the Board really thinks about their decision and denies the petition. She urges the Board to reconsider the petition and recommend denial to the Elkhart County Commissioners.

Tom Henderson, 10046 Charles St., Osceola, was present in remonstrance. He stated that he has lived there since 1963. He added that he grew up with the drag strip there, and has no problem with the track as it is now. He stated that he is concerned about phase two and phase three proposals and how it will affect traffic. He mentioned that he feels the intersection of CR 16 and Ash Road is a death trap.

Jack Doke, 30809 CR 16 W., Elkhart, was present in remonstrance. He stated that he has no issue with the dragstrip as it is currently. He stated he feels that CR 26 would be a better location for this project. He added that he believes a traffic light needs to be installed at the intersection of CR 16 and Ash Rd.

Nancy Carter, 55804 River Shore Estates, Elkhart, was present in remonstrance. She stated that alcohol use has not been addressed yet. She questioned if alcohol use would be permitted on the premises. She feels that it would become a safety issue if alcohol was allowed.

Patrick Mcphee, 56528 Ash Rd., Osceola, was present in remonstrance. He questioned what the use will be in the far Southwest corner of the property. He stated that the current owners have been the best neighbors he has ever had. He mentioned that he believes the cars will be loud and wants a barrier. He stated that there has been a lot of wrecks and a lot of traffic along CR 16.

Ken Jones, Jones Petrie Rafinski, 200 Nibco Pkwy Suite 200, Elkhart, returned to the podium. He submitted a project memo that is a list of allowable uses [Attached to file as *Petitioner Exhibit #28*]. He explained that no M-2 uses will be on the property. He stated that the only reason the M-2 zone was selected was because it allows noise. He further added that there is no need to develop any M-2 uses. He expressed that he is not qualified to answer the property value questions. He mentioned that significant residential development occurred after the track was developed. Mr. Miller wanted to clarify that a DPUD restricts what can be done on the property. He added that as long as the property is a DPUD nothing can be added or changed without coming back to the Board for an Amendment. Mr. Jones explained that currently the dragstrip employs two EMT's with an ambulance onsite and a firefighting apparatus. He added that the attendance will be boosted in the future. Mr. Campanello questioned if the cars will have straight pipes or racing mufflers. Mr. Jones responded that the cars will have racing mufflers. Mr. Lucchese added that they are no louder than any other vehicle.

Roy Roelke, 5625 Place Dr., South Bend, returned to the podium. He stated that EPA was drilling on the property and had access. He added that very few people would be willing to purchase a brown field site. He mentioned that it is a brown field site due to the Conrail contamination.

Ken Jones, Jones Petrie Rafinski, 200 Nibco Pkwy Suite 200, Elkhart, returned to the podium. He stated that the court case was decided that lighting to be taken down. He added that they have no desire to promote night time racing and lighting will not be put up. He mentioned that traffic concerns and matters related to the intersection of CR 16 and Ash Road should be St. Joseph County purview. He explained that in their traffic study they did not find any issues with traffic from the dragstrip events. He added that the traffic was an existing issue. When Mr. Miller questioned if they took traffic counts, Mr. Jones responded that they did take video counts. Ms. Snyder questioned the brown field and the usage on the property being limited. He responded that there probably are limitations between EPA, insurance company, and railroad restrictions, usually relative to residential. He stated from listening to all the concerns, a lot of people had no issues with the current operation but are against

the third phase which is the road course. He stated that it will be far less impactful than the drag strip has ever been. He explained that the vehicles have to be inspected before they are allowed on the track, and if you break the rules once then you will be kicked out and not allowed back. He mentioned that JPR is taking direction from experts in the track design. Mr. Miller stated that the 80 feet from the property line was a concern. Mr. Jones stated that it will be 100 feet along the residential property lines. He explained that the entrance off of CR 16 towards the middle of the parcel is used for the business park only. He added that the current access point will remain the same. Mr. Miller questioned emergency situations and what entrance and exists would be used. Mr. Jones responded that there is another access point off of Ash Rd for emergencies and it is gated. He clarified that they are not at final design with the Elkhart County Highway. He mentioned that the passing blister and deceleration lanes will fit in the right-of-way and will not encroach on the land owners' properties. When Mr. Burbrink questioned alcohol use on the property, Mr. Jones responded that participants are not allowed to consume alcohol. He added that spectators will be allowed by bringing it in with a cooler. He stated that alcohol will not be sold. Mr. Kolbus questioned the Southwest portion of the property and if there will be development in that location. Mr. Jones stated that it is in wetland and is protected. He mentioned that there are no plans for dirt track racing or mud bogging. Ms. Snyder questioned how many cars can park on the facility. Mr. Jones estimated roughly 500 cars with the racers there. Mr. Burbrink stated someone expressed concerns about changes outside what the DPUD specified. Mr. Jones stated that if there are any changes then they would have to come back for a public hearing at the Plan Commission for an Amendment.

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

Mr. Kolbus explained that the Plan Commission is only advisory to the Commissioners. He added that the determination is a recommendation and is not the final decision. He stated that the final decision is made from the Elkhart County Commissioners on October 21, 2019 at 9am. He explained that the recommendation is not binding. He added that the Commissioners can affirm or accept, or object it all together. Mr. Kolbus explained that the Elkhart County Commissioners can approve all of it, part of it, or none of it. He mentioned that if the Board does not get at least a 5 to 4 vote, under the law the Board can send it forward to the Commissioners without a recommendation. Mr. Kolbus clarified that a straight rezoning they can do whatever is classified under that zone. He added that with a DPUD the petitioner is only allowed what is requested. He further explained if they want to deviate from what was approved they would have to come back to the Board for a public hearing. Mr. Miller stated that he would have been opposed to this petition if it was not a DPUD. He added that he feels the DPUD puts a lot of restrictions on the project. Mr. Miller stated one issue he has is the lighting on the property. Mr. Campanello stated that he thinks the lighting will be on the buildings for security. Mr. Kolbus stated not track lighting. Mr. Edwards stated that on the test track street legal cars are allowed. He added that street cars have lights that automatically come on. He questioned if the street cars with headlights will be allowed to run after dark. Mr. Jones stated that they will be done at dusk. Ms. Snyder stated the traffic is a big concern for her. She added that both counties needs to work together to address the traffic issues at the intersection of CR 16 and Ash Rd. Mr. Burbrink questioned what the distance is between the track and the residential property line. Mr. Lucchese stated 100 feet. Mr. Burbrink stated the standard is 1,000. Mr. Lucchese stated that he was correct

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

Motion: Action: Approve, **Moved by** Tony Campanello, **Seconded by** Tom Stump that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone-map change from R-1 and B-1 to DPUD M-2 and for Primary approval of a 1-lot minor subdivision to be known as HOOSIER MOTORSPORTS & BUSINESS PARK DPUD be approved as submitted.

Vote: Motion passed (**summary:** Yes = 8, No = 1, Abstain = 0).

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

No: Jeff Burbrink.

11. ***2019 Budget***

Chris Godlewski presented the budget for 2020. Mr. Godlewski submitted a copy of the budget [Attached to minutes as Staff Exhibit #1]).

Motion: Action: Approve, **Moved by** Roger Miller, **Seconded by** Steven Edwards that the Advisory Plan Commission approved the 2020 budget. The motion was carried with a unanimous vote.

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

It should be noted this was heard previously as item # 8 on page 3.

13. A motion was made and seconded (*Edwards/Campanello*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 12:28 a.m.

Respectfully submitted,

Kristi Miller, Recording Secretary

Steve Warner, Chairman