

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY  
MINUTES OF A PUBLIC HEARING**

DATE.....January 17, 2018  
 TIME.....6:00 P.M.  
 PLACE.....County Office Bldg.  
 20 N. 3<sup>rd</sup> Street  
 Lafayette, IN 47901

**MEMBERS PRESENT**

Greg Jones  
 Michelle Long  
 Tom Murtaugh  
 Gary Schroeder  
 Jackson Bogan  
 Jerry Reynolds  
 Dave Williams  
 Gerry Keen  
 Perry Brown  
 Dr. Carl Griffin  
 Tyrone Taylor  
 Roland Winger  
 Tracy Brown  
 Larry Leverenz  
 Vicki Pearl  
 Diana Luper

**MEMBERS ABSENT**

Jake Gray

**STAFF PRESENT**

Sallie Fahey  
 Cat Schoenherr  
 Ryan O’Gara  
 Larry Aukerman  
 Linda Underwood  
 Zach Williams, Atty.

The Area Plan Commission of Tippecanoe County Public Hearing was held on the 17th day of January, 2018 at 6:00 P.M., pursuant to notice given and agenda posted as provided by law.

Attorney Zach Williams called the meeting to order.

**I. ELECTION OF OFFICERS**

Zach Williams opened the floor for nominations for President.

Gary Schroeder moved to nominate Tom Murtaugh for President.  
Vicki Pearl seconded.

Gary Schroeder moved that nominations for President be closed.  
Vicki Pearl seconded and the motion carried by voice vote.

Gary Schroeder moved to cast a unanimous ballot for Tom Murtaugh for President.  
Vicki Pearl seconded and the motion carried by voice vote.

Tom Murtaugh took office and was seated as President.

President Tom Murtaugh requested nominations for the office of Vice President.

Gary Schroeder moved that Jackson Bogan be nominated for Vice President.  
Greg Jones seconded.

Gary Schroeder moved that nominations for Vice President be closed.  
Greg Jones seconded and the motion carried by voice vote.

Gary Schroeder moved to cast a unanimous ballot for Jackson Bogan for Vice President. Greg Jones seconded and the motion carried by voice vote.

President Tom Murtaugh requested nominations for the Executive Committee.

Gary Schroeder moved that Gary Schroeder and Tom Murtaugh be nominated to represent Tippecanoe County on the Executive Committee. Greg Jones seconded.

Gary Schroeder moved that Jerry Reynolds and Jackson Bogan be nominated to represent the City of Lafayette on the Executive Committee. Greg Jones seconded.

Gary Schroeder moved that Gerry Keen and Carl Griffin be nominated to represent the City of West Lafayette on the Executive Committee. Greg Jones seconded.

Gary Schroeder moved that Greg Jones be nominated to represent the Towns of Dayton, Battle Ground and Clarks Hill on the Executive Committee. Vicki Pearl seconded.

Gary Schroeder moved that nominations for Executive Committee be closed. Greg Jones seconded and the motion carried by unanimous voice vote.

Gary Schroeder moved to cast a unanimous ballot for Gary Schroeder, Tom Murtaugh, Jerry Reynolds, Jackson Bogan, Gerry Keen, Carl Griffin, and Greg Jones. Vicki Pearl seconded and the motion carried by unanimous voice vote.

President Tom Murtaugh requested nominations for the Area Board of Zoning Appeals.

Gary Schroeder moved that Gary Schroeder and Carl Griffin be nominated to represent the Area Plan Commission on the Area Board of Zoning Appeals. Greg Jones seconded.

Gary Schroeder moved that nominations for the Area Board of Zoning Appeals be closed. Greg Jones seconded and the motion carried by unanimous voice vote.

Gary Schroeder moved to cast a unanimous ballot for Gary Schroeder and Carl Griffin for the Area Board of Zoning Appeals. Greg Jones seconded and the motion carried by unanimous voice vote.

Tom Murtaugh thanked out-going APC president Gerry Keen for his leadership for the past two years and the Commissioners appreciated all the time and effort he has put in during the past two years.

## **II. BRIEFING SESSION**

Sallie Fahey said **Z-2714—M & C DEVELOPMENT, LLC (AW to R1)** will need to be continued to the February 21<sup>st</sup> APC meeting because the sign was posted on the incorrect property. All others are ready to be heard.

## **III. APPROVAL OF MINUTES**

Gary Schroeder moved to approve the minutes from the December 20, 2017 meeting. Greg Jones seconded and the minutes were approved by unanimous voice vote.

#### IV. NEW BUSINESS

None

#### V. PUBLIC HEARING

Gary Schroeder moved that the Comprehensive Plan for Tippecanoe County, the Unified Zoning Ordinance of Tippecanoe County, and the Unified Subdivision Ordinance of Tippecanoe County, Indiana, are hereby entered by reference into the public record of each agenda item. Greg Jones seconded and the motion carried by voice vote.

Gary Schroeder moved to continue Z-2714—M & C DEVELOPMENT, LLC (AW to R1) to the February 21, 2018 Area Plan Commission public hearing. Greg Jones seconded and the motion carried by voice vote.

Tom Murtaugh read the meeting procedures.

#### A. SUBDIVISIONS

##### 1. S-4721-- KOINONIA RIDGE SUBDIVISION (major-preliminary):

Petitioner is seeking primary approval for a 7 lot subdivision on 1.41 acres, located at the northwest corner of Walker Lane and Powder House Lane, in Lafayette, Fairfield 31 (NE) 23-4. CONTINUED FROM THE DECEMBER APC MEETING IN ODER TO FILE SUBDIVISION VARIANCES

Gary Schroeder moved to hear and vote on S-4721—KOINONIA RIDGE SUBDIVISION (major-preliminary). Greg Jones seconded.

Sallie Fahey presented the zoning map, aerial photos, and preliminary plat. She then highlighted the area zoning and land use patterns. She referred to the aerial to highlight the area that was rezoned to R1B and the northern part of the site remaining zoned R1. She said sidewalks are required along both road frontages and will be installed as part of the public improvements. She also pointed out the large tract of land to the east of this site that is owned by the Lafayette Parks Department. A park is planned for that site. Petitioner has filed three subdivision variance requests to make no improvements for right-of-way for Walker Lane. Petitioner has committed to reserving the 5' of additional right-of-way for future dedication and placing deed restrictions on the lots with Walker Lane frontage for that purpose. Petitioner has also filed a variance to narrow the required median strip between the curb and sidewalk on Powderhouse Lane to be able to fit the sidewalk. The fourth variance requested will not be voted on because it was determined that the variance is not needed. The Lafayette Board of Works recommended approval of all four variance requests. She then presented a diagram showing the variance requests. She summarized the remainder of the staff report and said petitioner has requested permission to bond. She concluded with a recommendation of approval, contingent on the following variance approvals and conditions:

##### Variations

1. A variance to waive the required installation of curb and gutter along the north side of Walker Lane. USO Section 5.3(2)(b)
2. A variance to waive the required right-of-way dedication of five (5) additional feet along the north side of Walker Lane's current 20-ft half-width right-of-way (to meet the minimum 25-ft half-width right-of-way standard for a local road). USO Section 5.3(3)(b)
3. A variance to waive the required installation of four (4) additional feet of pavement to Walker Lane's current 9-ft half-width pavement (to meet the 13-ft half-width pavement standard for a local road). USO Section 5.3(2)(b)
4. A variance to waive the installation of sidewalks along the east side of Powder House Lane. --- ***This is an erroneous request and should not be voted on, because the petitioner is not responsible for any public improvements along the east side of Powder House Lane.***
5. A variance to reduce the required grassed median strip width between the sidewalk and curb from 2-ft to 1-ft, along the Powder House Lane frontage. USO Section 5.7(1)(c).

##### Conditions

**CONSTRUCTION PLANS** – The following items shall be part of the Construction Plans application and approval:

1. If the Walker Lane Variations #1 and #3 are denied, the required pavement improvements shall be included and approved by the Lafayette City Engineer.

**FINAL PLAT** – The following items shall be part of the Secondary Application and Final Plat approval:

2. If Variance #2 is approved, the 5-ft right-of-way reservation shall be shown and a deed

- restriction recorded for Lots 4, 5 and 6 to guarantee the future right-of-way dedication when required by the City of Lafayette.
3. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
  4. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
  5. All required building setbacks shall be platted.
  6. The street addresses and County Auditor's Key Number shall be shown.

Daniel Teder, PO Box 280, Lafayette, IN 47902, attorney representing the petitioner, said the Lafayette Engineer's Office also reviewed the variance requests and recommended approval. He concurred with the staff report, agreed to the conditions, and requested approval.

The Committee voted by ballot 16 yes to 0 no to approve Variance #1 for **S-4721—KOINONIA RIDGE SUBDIVISION (major-preliminary)**.

The Committee voted by ballot 16 yes to 0 no to approve Variance #2 for **S-4721—KOINONIA RIDGE SUBDIVISION, REVISED (major-preliminary)**.

The Committee voted by ballot 16 yes to 0 no to approve Variance #3 for **S-4721—KOINONIA RIDGE SUBDIVISION (major-preliminary)**.

The Committee voted by ballot 16 yes to 0 no to approve Variance #5 for **S-4721—KOINONIA RIDGE SUBDIVISION (major-preliminary)**.

The Committee voted by ballot 16 yes to 0 no to grant conditional primary approval for **S-4721—KOINONIA RIDGE SUBDIVISION (major-preliminary)**.

The Committee voted by ballot 16 yes to 0 no to permit bonding for **S-4721—KOINONIA RIDGE SUBDIVISION (major-preliminary)**.

**2. S-4729--OVERLOOK POINTE APARTMENTS (major-preliminary):**

Petitioner is seeking primary approval for a one lot multi-family subdivision on 18.11 acres with 248 units in 17 buildings, located on the north side of Elston Road, just east of the US 231 overpass, in Lafayette, Fairfield 31 (SW) 23-4. *TABLED TO THE JANUARY APC MEETING BY THE COMMISSION AT THE DECEMBER MEETING*

Gary Schroeder moved to hear and vote on **S-4729—OVERLOOK POINTE APARTMENTS (major-preliminary)**.  
Greg Jones seconded.

Sallie Fahey presented the zoning map, highlighting the only access off Elston Road. She then displayed the aerial photos and preliminary plat, pointing out the notch to the northeast where the property abuts St. Mary's Cemetery. She said this case was heard last month and tabled by the Commissioners. She said she will give a quick overview of last month's presentation. She pointed out where sanitary sewer will need to be extended along Elston Road and it cannot be in the right-of-way. Petitioner has already negotiated the easement necessary to extend the sanitary sewer and explained the path sewer will take before leaving the site before arriving at the Sewage Treatment Plant. She said a water main will need to be extended to the site but will remain privately maintained. She summarized the environmental and utility considerations adding that the three dry detention ponds, the surface drainage, and runoff from the parking lots will be interconnected by storm sewers that outlet to a drainage ditch in the US 231 right-of-way and which will need approval by INDOT. She said the site borders St. Mary's Cemetery and any disturbance of ground within 200' of a burial ground requires a development plan approved by the IDNR – Division of Historic Preservation and Archaeology. She summarized the remainder of the staff report and said petitioner has requested permission to bond. She reminded the Commissioners that if any condition cannot be met either with the construction plans or the final plat this primary approval will become void. Conditions #1, #2, #3, and #4 are unique to this site. She concluded with a recommendation of approval, contingent on the following conditions:

**CONSTRUCTION PLANS** – The following items shall be part of the Construction Plans application and approval:

1. Elston Road frontage street and sidewalk improvements shall meet the requirements of USO 5.12-3. The public sidewalk shall be connected to the internal sidewalks.
2. "Street E" shall be renamed using a name from the approved list.
3. Per Indiana Code 14-21-1-26.5, a development plan shall be approved by the Indiana

Department of Natural Resources – Division of Historic Preservation and Archaeology for the part of the site that borders St. Mary's Cemetery.

4. The site drainage into the US 231 right-of-way shall be approved by the Indiana Department of Transportation.
5. The sanitary sewer, water and drainage plans shall be approved by the Lafayette City Engineer.
6. The fire hydrants shall be approved by the Lafayette Fire Department.
7. An on-site utility coordinating sheet shall be approved and signed-off by the non-government utility companies. The assigned street addresses shall be included. If any of these utilities are being extended from an off-site location, this extension shall be made a part of the utility coordinating sheet.
8. The required bufferyards shall be shown with the standard plant unit details. The bufferyards shall be installed as part of required public improvements.

**FINAL PLAT** – The following items shall be part of the Secondary Application and Final Plat approval:

9. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary Elston Road right-of-way.
10. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
11. All required building setbacks shall be platted.
12. The street addresses and County Auditor's Key Number shall be shown.

Joseph Calderon, 11 South Meridian, Indianapolis, IN 46204, attorney representing the petitioner, said he believes all applicable ordinance requirements at this stage have been met. He concurred with the staff report and agreed to the conditions. He wants the Commission to be aware that since last month's hearing the petitioner has received approval from INDOT for the drainage outlet in the US 231 right-of-way and filed for a development plan approval document with the Department of Natural Resources with respect to construction near a cemetery.

Zach Williams said the Commission appreciates receiving input and guidance from the public. He reminded those wishing to speak tonight to limit their comments to whether or not this petition complies with the standards set forth in the subdivision ordinance. That is the only thing the Commission can vote on tonight.

David Redmon, 2122 Old Romney Road, Lafayette, IN 47905, cemetery property manager, said the cemetery board has not been able to meet to discuss several issues. There are large monuments in the cemetery that could harm children. There are also concerns that the cemetery will be used as a pass-through because there are no sidewalks on Elston Road and Old Romney Road. There are also concerns about maintaining the sanctity of the services performed at the cemetery. He appreciates the developer reaching out to try to address the issues. The cemetery board needs more time to assemble and come up with a solution. He received via email a copy of the request from DNR asking for burial documents and maps for that area. He informed the Commission it will be quite a task to gather all the records for that section of the cemetery because that section is from the 1850's. He asked that the Commission delay this request again.

Richard Leill, 1623 Stone Valley Court, Lafayette, IN 47909, said he has been involved with the Area Plan Commission for the last 50 years along with its rules and regulations and he wholeheartedly endorses them. He said on rare occasions the rules do a great disservice to humanity if human conditions are not considered. He is concerned for the disadvantaged people already living in subsidized housing in the area. He discussed issues Chicago has had in subsidized housing areas.

Bill Delcourt, 211 Stonebreaker Court, Lafayette, IN 47909, said he lives just south of this proposed development and APC lives in anonymity most of the year. He knows this request will be approved tonight. There has been a lot of talk about the *Unified Subdivision Ordinance* with regard to legal terms and compliance, but he feels the concept of community is lost. APC has a role in responsible community planning and there is a fellowship in a neighborhood that transcends race, gender, and politics. The problem has to be fixed so this does not happen again. Out-of-town developers make promises and provide lip-service. Petitioner's representative said this will be work-force housing where policemen, firemen, teachers and the like will live in this community, but he knows none of those people live in subsidized housing.

Joseph Calderon appreciates citizens being able to speak at public hearings. He has heard concerns about the project and the housing that will be provided but the only important thing is the lines on the paper. It makes no difference if we are building low-income housing or mansions. David Redmon is asking for another delay but that is not necessary tonight because IDNR approval only relates to actual disturbance of ground/construction activity. The plans presented meet the development standards in the ordinance.

Jackson Bogan believes the Commission's hands are tied because the project meets the ordinance requirements and

standards. He asked if APC must vote to allow the petitioner to post bond.

Zach Williams replied that the Commission has discretion when voting to allow a developer to bond for the public improvements rather than requiring the developer to complete all public improvements before applying for an Improvement Location Permit.

Tom Murtaugh commented that it is very unfortunate that the Commission's hands are tied even after the community has spoken that this is not an appropriate project for this area.

Carl Griffin asked what improvements have to be made when considering whether or not to permit bonding. He asked if the improvements are listed in the staff report.

Sallie Fahey explained that the staff report only lists improvements that may be particular to this project. Bonding would also cover any public improvements that a local entity would be required to meet a local ordinance. She went on to say bonding covers any required public improvement whether they are specifically listed in the staff report or not. As Zach Williams indicated, the ordinance requires that public improvements be installed prior to being allowed to record a final plat. Optionally, the Commission has the discretion to allow bonding and not require a developer to put in all the public improvements. Bonding allows the installation of the public improvements and the recording of the final plat in order to obtain Improvement Location Permits at the same time. Allowing bonding is like granting a deviation from the ordinance. There has not been an issue in many years where there were concerns about things being bonded. That was not the case 20 years ago. She added that bonding is a privilege and not a right.

Gary Schroeder says the ballot has a box that says bonding can be posted and a box that says bonding is not allowed. It sounds like there is discretion but he asked if there is a case or reason the Commission should not allow this developer to post bond. He wonders what will persuade him to vote no in this case.

Roland Winger said the *USO* uses the word "discretion" and he asked if that is the equivalent of the word "may" in other statutes.

Zach Williams said the vote on bonding is discretionary and that is the reason the Commissioners have to vote yes or no.

The Committee voted by ballot 16 yes to 0 no to grant conditional primary approval for **S-4729—OVERLOOK POINTE APARTMENTS (major-preliminary)**.

The Committee voted by ballot 3 yes to 13 no to deny bonding for **S-4729—OVERLOOK POINTE APARTMENTS (major-preliminary)**.

<u>Yes Votes</u>	<u>No Votes</u>
Gary Schroeder	Greg Jones
Vicki Pearl	Tom Murtaugh
Carl Griffin	Jackson Bogan
	Gerry Keen
	Jerry Reynolds
	Tracy Brown
	Roland Winger
	Dave Williams
	Larry Leverenz
	Diana Luper
	Michelle Long
	Tyrone Taylor
	Perry Brown

**3. S-4733--SHENANDOAH PLACE SUBDIVISION (major-preliminary):**

Petitioner is seeking primary approval for a one lot multi-family subdivision on 6.17 acres. This apartment complex will have 7 buildings with a total of 112 units (96 one bedroom and 16 two bedroom units), located at the southeast corner of Union Street and North 36th Street, in Lafayette, Fairfield 22 (SE) 23-4.

Gary Schroeder moved to hear and vote on **S-4733—SHENANDOAH PLACE SUBDIVISION (major-preliminary)**.  
Greg Jones seconded.

Sallie Fahey presented the zoning map, aerial photos, and preliminary plat and said this site was rezoned to R3 by the Lafayette Common Council at its January meeting. She highlighted the area zoning and land use patterns,

pointing out the existing phases of the mixed-housing Shenandoah developments to the east. She referred to the aerial to point out where the only entrance to this complex will be in approximately the same location as the existing lodge entrance. Water will be extended to this site from an existing Lafayette main but will be privately maintained. Stormwater will be collected from catch basins and routed by storm sewer to an existing off-site detention storage pond. She went on to say a variance to eliminate the required Type "C" bufferyard along the adjoining, wooded I3 zoned properties to the west was approved by the Lafayette Division of the ABZA last Monday. She explained that condition #4 deals with the bufferyard if the variance is not approved. but that condition has now been met. The condition is no longer needed but she suggested voting on the request with the condition left in rather than voting to remove the condition. She added that petitioner has requested permission to bond. She summarized the remainder of the staff report and concluded with a recommendation of approval, contingent on the following conditions:

**CONSTRUCTION PLANS** – The following items shall be part of the Construction Plans application and approval:

1. The sanitary sewer, water and drainage plans shall be approved by the Lafayette City Engineer.
2. The fire hydrants shall be approved by the Lafayette Fire Department.
3. An on-site utility coordinating sheet shall be approved and signed-off by the non-government utility companies. The assigned addresses shall be included. If any of these utilities are being extended from an off-site location, this extension shall be made a part of the utility coordinating sheet.
4. If the bufferyard variance is not approved, the required bufferyards shall be shown with the standard plant unit details. The bufferyards shall be installed as part of required public improvements.

**FINAL PLAT** – The following items shall be part of the Secondary Application and Final Plat approval:

5. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
6. All required building setbacks shall be platted.
7. The street addresses and County Auditor's Key Number shall be shown.

Daniel Teder, PO Box 280, Lafayette, IN 47902, attorney representing the petitioner, concurred with the staff report, agreed to the conditions and requested approval. He said the letter staff will read into the record later concerns animal rights coming across the one-acre Duke easement on the east side of the property. His client will have about five parking spaces (500 sq. ft.) in that easement. He added that Duke is allowing encroachment in the easement.

Sallie Fahey read a letter containing comments from:

Valarie Bogan, 612 Anchor Drive, Apt. #102, Lafayette, IN 47905.

The Committee voted by ballot 16 yes to 0 no to grant conditional primary approval for **S-4733—SHENANDOAH PLACE SUBDIVISION (major-preliminary).**

The Committee voted by ballot 16 yes to 0 no to permit bonding for **S-4733—SHENANDOAH PLACE SUBDIVISION, (major-preliminary).**

## **B. REZONING ACTIVITIES**

1. **Z-2708—BLACK WALNUT FARM, INC. (A to R1):**  
Petitioner is requesting rezoning of 31.86 acres (originally 38.01 acres) for a proposed subdivision, (Black Walnut Farms) of 14 single-family lots (plus one outlot) located on the west side of Newcastle Road, north of Wyandotte Road, Sheffield 17 (S1/2) and 20 (N1/2) and Richardville Reserve (W1/2) 22-3.

Gary Schroeder moved to hear and approve **Z-2708—BLACK WALNUT FARM, INC. (A to R1).** Greg Jones seconded.

Ryan O’Gara presented the zoning map and aerial photos, and a non-binding development plan. He summarized the zoning history and explained that the sketch plan has already been filed and will be on the February APC agenda if the rezone is approved. He said the non-binding development plan filed with this rezone request shows a single public street extending from Newcastle, ending in a cul-de-sac roughly 2000’ to the west. There are no public utilities near enough to serve this subdivision so all the proposed lots will be served by individual water wells and septic systems. The County Health Department has not been able to determine if the soils are adequate for 14 septic systems and said if this was a rural estate rezone request it would likely be continued at this point. While the proposed subdivision is similar in size and density to a rural estate, the land does not qualify because it is not wooded nor used as pastureland but clearly has been farmed for many years. When the County Commissioners adopted the amendment that allowed these types of rural developments it was decided that preserving farmland in Tippecanoe

County is of critical importance. These types of subdivisions on septic systems would be allowed only on land that has not been tilled or is unillable. Staff is concerned that if this request is approved it may encourage other farmers to do the same. Future development should be encouraged in areas that are contiguous to the existing urban area where utilities are available. Compact development prevents unchecked sprawl. He concluded with a recommendation of denial.

Krista Jessee, 4750 Newcastle Road, Lafayette, IN 47905, Nancy Miller, 4035 Dayton Road, Lafayette, IN 47905, and Kathy Smith, 8796 South US 231, Brookston, IN 47923, petitioners and daughters of the property owner, said their parents purchased a 200-acre farm in 1956 to provide for the family. Both of their parents had additional employment outside the farm to supplement their income. Their father became ill in 2012 and the cost of 24-hour care until his death 17 months later was tremendous. Both parents wanted to remain at home until their deaths and to date that has cost over \$1,000,000. Their mother is 92 and needs a great amount of in-home care. They pointed out that many parcels in the area have been rezoned to residential and there is industrial zoning nearby. While the ground is tillable, the soils are moderate. They said they are proposing this development to support their mother and not a selfish request.

Joseph Bumbleburg, PO Box 1535, Lafayette, IN 47902, attorney representing the petitioners, pointed out that this is not urban sprawl but rather a growing area of the community. Tom Ziegler has done extensive septic work in the area and told him that most soils in the area are suitable for septic systems. The request is simple in that the family needs money to take care of their mother. Approving this rezoning will do no harm to the community or the county. The arbitrary rules in place may cause an injustice to be done.

Dave Allen, 4980 Newcastle Road, Lafayette, IN 47905, said he lives north of this proposed subdivision and is not for or against this request but he does have drainage concerns. The ditch on the west side of Newcastle Road is part of a ditch that failed and is not able to handle any more excess rain runoff. The plan shows a retention area in the northwest corner of this subdivision but the front half of that field slopes toward Newcastle Road.

Tom Murtaugh said Drainage Board review is part of the subdivision process.

Roland Winger said the zoning map shows I3 zoning coming down US 52 in the northwest corner of the zoning map and asked how far down our current TIF redevelopment district goes and if it crosses US 52. He thinks it goes down to CR 450 South.

Sallie Fahey said if the TIF district goes down to CR 450 the district would end at the road on the south side of the industrial zoning shown on the map.

Carl Griffin noted the single-family homes shown on the aerial and asked if there are any subdivisions in the area.

Sallie Fahey explained that everything shown with lots on the aerial is either a parcelization or it is a slider. There are no subdivisions in this area. Developments like the one being proposed tonight caused the loophole to create sliders to be closed. There has been no new development in this area other than a parcelization here and there.

Carl Griffin asked how large is what has been referred to as "the farm".

Sallie Fahey said it was and may still be 200-acres. Staff does not know the answer to that because the petition and the subdivision just landed in staff's lap. Normally people would have consulted with staff and staff would have done some research but that did not happen in this case. Staff thinks the petitioner may have more than one parent tract and they could create four parcels out of each parent tract. She thinks this section could be divided into three lots and everything else could be divided into 10-acre tracts without APC approval. She thinks there are more parent tracts because there is more farm ground but staff needs a reason to do that research. A parcel allows one home on a two-acre parcel tract.

Tom Murtaugh asked if parcelizations would have to be done through the minor subdivision process.

Sallie Fahey said there would be no need to use the minor subdivision process to create lots through parcelizations. Petitioners could quickly create three parcel lots for three homes or three minor subdivision lots of a smaller size through the minor subdivision process.

Tom Murtaugh asked if the property could not have been in crop production for the last two years for the site to qualify for a rural estate.

Sallie Fahey said there is a fixed date in time based on when the ordinance was passed creating rural estates. She thinks it is either three or five years prior to the ordinance being passed. Now land cannot be taken out of production and get it to qualify for a rural estate. The land would have had to qualify when the ordinance was passed otherwise



there would be people taking land out of agricultural production to make it a rural estate. She added that the parcelization process is available.

Gary Schroeder said he looked it up and the McCarty Lane Southeast Industrial TIF District goes all the way south to Wyandotte Road and all the way east to I-65. This property does appear to be in the TIF District.

Several Commissioners asked why questions are being asked about the TIF District.

Tom Murtaugh explained that land in a TIF district is planned for industrial use.

Roland Winger said he was thinking that the TIF districts are designated areas where we want to focus economic development attention and incentives are already in place. It is more important to him to think about extending the commercial and industrial development that we have within a TIF district and not the development of additional housing in an area that does not have septic and water.

Tom Murtaugh pointed out that no industrial development takes place in an area until there are public utilities.

Vicki Pearl asked what business operates in the I3 zone.

Sallie Fahey said a company that refurbishes and resells tractor trailers is located in the I3 zone.

The Commission voted by ballot 8 yes to 8 no resulting in an inconclusive vote for **Z-2708—BLACK WALNUT FARM, INC. (A to R1)** to the Tippecanoe County Commissioners.

<u>Yes Votes</u>	<u>No Votes</u>
Gary Schroeder	Greg Jones
Vicki Pearl	Tom Murtaugh
Perry Brown	Jackson Bogan
Tracy Brown	Jerry Reynolds
Gerry Keen	Carl Griffin
Dave Williams	Diana Luper
Larry Leverenz	Michelle Long
Tyrone Taylor	Roland Winger

This case will be heard again by the Area Plan Commission at the February 21, 2018 meeting.

Gary Schroeder asked staff to do some research to get more information.

2. **Z-2711—CB2, LLC (A to R1A):**  
Petitioner is requesting rezoning of 40.7 acres for a proposed 124 lot single-family subdivision located on the north side of CR 600 N and the west side of CR 75 E, in Tippecanoe 20 (SE) 24-4. CONTINUED FROM THE DECEMBER APC MEETING DUE TO AN INCONCLUSIVE VOTE
3. **Z-2712—CB2, LLC (A to R1):**  
Petitioner is requesting rezoning of 34.45 acres for a proposed 88 lot single-family subdivision located on the south side of CR 650 N and the west side of CR 75 E, in Tippecanoe 20 (SE) 24-4. CONTINUED FROM THE DECEMBER APC MEETING DUE TO AN INCONCLUSIVE VOTE

Gary Schroeder moved to hear **Z-2711—CB2, LLC (A to R1A)** and **Z-2712—CB2, LLC (A to R1)** together and approve separately. Greg Jones seconded.

Ryan O’Gara presented the zoning map and aerial photos, and non-binding preliminary plats for both areas. He said these cases were heard at the December 2017 APC meeting and resulted in an inconclusive vote. He summarized the staff reports and said public sewer and water are not currently available. From the beginning, the *Comprehensive Plan* has designated the area north of CR 600 North for agricultural use and inappropriate for more intense development. The *Plan* states that “significant residential construction, regardless of density and configuration, is to be constructed only in the presence of, or in conjunction with, sufficient levels of public service, facility, and all modes of transportation”. He went on to say there are existing undeveloped sites to the south of CR 600 North waiting to be infilled. Staff supports a more compact and incrementally developed community ensuring our infrastructure is not stretched beyond its limitations. He then pointed out that these sites are 1.25 miles from the school nodes. He concluded with recommendations of denial for both requests.

Ryan Munden, PO Box 280, Lafayette, IN 47902, attorney representing the petitioner, said last month he overcame staff's reasons for a recommendation of denial. Utilities are available to the sites, the new fire station north of CR 600 East was built in anticipation of development in this area, and the CR 600 North boundary preventing development north of that is just an arbitrary line and already breached by the R1 and R1B developments to the west. He went on to say the R1B lots will be marketed to empty-nesters with no school age children. Last month there was public comment regarding the width of CR 75 East and he distributed a packet including photos showing CR 75 East next to the subject site and photos of CR 75 East south of the proposed development. The photos show CR 75 East is actually the same width and in some instances wider north of CR 600 East. He requested a favorable recommendation.

Mary Farrell, 626 East 650 North, West Lafayette, IN 47906, said she is speaking for several homeowners in the area and made the following points:

- This is a leap-frog development and the schools in the area are already over-crowded. Approval of this request means the developers are shaping and determining the future of this area rather than what the community needs.
- Counsel for the developer suggested that this request is consistent with other existing housing in the area. Farm land is located north of this development and I-65, SR 43, and Battle Ground are to the east. Hartwood Village is 3.5 miles away but that development is in the West Lafayette City limits. Timberstone is west and south of this site, 3.5 miles down County Farm Road/Salisbury. There is only one house in Timberstone and it is 0.2 miles from the West Lafayette city limits. University Farm is 4 miles south down Salisbury and in the city limits. All consistent development is in the city limits. Harrison Highlands was mentioned at the December APC meeting but those homes were built over 25 years ago.
- Infrastructure should be in place before there is any new development. She then distributed photos showing where CR 650 North goes into CR 75 East.

Cheryl Kolb, 813 Courtland Avenue, Lafayette, IN 47905, made the following points;

- The developer's representative stated that empty-nesters and not families will be targeted for this development. She quoted six sources from 2013 through 2017 that say baby-boomers are the new empty-nesters. 83% are not selling their homes to downsize and are preferring to spend their money on travel to visit family members, health insurance & medical needs, world travel, snowbird syndrome, luxuries, etc. 17% of empty-nesters who do chose to move tend to move more toward a downtown area.
- The existing roads cannot accommodate the vehicles from 212 additional homes. She presented photos to support this claim.

She said there was talk about the inappropriateness of taking land out of crop production for development. She pointed out that this site has always been in crop production and wonders if there is a time limit the site has to be out of crop production before it can be developed.

Zach Williams explained that the previous discussion was regarding rural estate subdivisions.

Sue Gerker, 6525 Indian Meadow Lane, West Lafayette, IN 47906, said she built her home 41 years ago out in the country but that is no longer the case. The roads in the area are too narrow and schools are already over-crowded. Bringing this development to the area will be disastrous.

Ryan Munden said staff does not state that this site is not appropriate for development. but rather that development on this site is not appropriate at this time. He believes development on this site is inevitable. He added that there is a similar subdivision in the area that targeted empty-nesters and that development is sold out.

Vicki Pearl reminded staff that when APC looked at a development that would be further west of this site there were concerns about roads and travel. Staff advised the Commissioners that they could not consider the road situation when voting on a rezone.

Tom Murtaugh said staff is concerned about utilities not being extended to this site but there are utilities nearby.

Ryan O'Gara knows utilities can be extended but the question is whether or not they should be extended. The *Comprehensive Plan* says utilities should not be extended and we should stick with the *Plan*.

Tom Murtaugh pointed out the line is arbitrary.

Ryan O'Gara disagreed and said it is a planned boundary. The line is not arbitrary but rather "policy". Areas south of CR 600 East need to be infilled before development extends north of CR 600 East.

Tom Murtaugh asked what the policy is regarding how close a development north of CR 600 East has to be to a school.

Ryan O’Gara said the average distance is about ¼ mile around the school activity center in an urban setting. He agreed it might be a little farther in a semi-urban area.

Vicki Pearl said she travels this corridor at least four times a day and has never seen a child walking to school. No child has or ever will walk down these roads to get to school.

Diana Luper added that all high schools in the county are over-crowded.

The Commission voted by ballot 12 yes to 4 no to recommend approval of Z-2711—CB2, LLC (A to R1A) to the Tippecanoe County Commissioners.

<u>Yes Votes</u>	<u>No Votes</u>
Gary Schroeder	Greg Jones
Vicki Pearl	Larry Leverenz
Jerry Reynolds	Perry Brown
Tracy Brown	Carl Griffin
Gerry Keen	
Dave Williams	
Michelle Long	
Tyrone Taylor	
Tom Murtaugh	
Jackson Bogan	
Diana Luper	
Roland Winger	

The Commission voted by ballot 12 yes to 4 no to recommend approval of Z-2712—CB2, LLC (A to R1) to the Tippecanoe County Commissioners.

<u>Yes Votes</u>	<u>No Votes</u>
Gary Schroeder	Greg Jones
Vicki Pearl	Larry Leverenz
Jerry Reynolds	Perry Brown
Tracy Brown	Carl Griffin
Gerry Keen	
Dave Williams	
Michelle Long	
Tyrone Taylor	
Tom Murtaugh	
Jackson Bogan	
Diana Luper	
Roland Winger	

Both cases will be heard by the Tippecanoe County Commissioners at their February 5, 2018 meeting. Petitioner or his representative must appear.

**4. Z-2713--BRADLEY L. COHEN (R2U to GB):**

Petitioner is requesting rezoning of a lot located on the west side of North 19<sup>th</sup> Street, between Monon and Schuyler Avenues, more specifically, 2408 N. 19<sup>th</sup> Street, in Lafayette, Fairfield, Longlois Reserve (S1/2) 23-4.

Gary Schroeder moved to hear and approve Z-2713—BRADLEY L. COHEN (R2U to GB). Greg Jones seconded.

Larry Aukerman presented the zoning map and aerial photos, and explained that petitioner acquired this land for additional storage for the existing commissary (kitchen) for Arni’s. He referred to the aerial to point out the existing single-family home, previously destroyed by fire and currently unlivable, and garage located on site. He then highlighted the various commercial uses that line both sides of Schuyler Avenue. Counsel for petitioner states that the plan is to use the existing garage for additional storage for the business and to raze the damaged house. Staff can support this request since there is adjacent GB zoning and it would allow the expansion of an existing business use. He concluded with a recommendation of approval.

Daniel Teder, PO Box 280, Lafayette, IN 47902, attorney representing the petitioner, said his client plans to use this site for parking for his commissary employees. Arni’s has been very successful for over 50 years with 18 locations

throughout Indiana. He went on to say there will be 18 – 20 employees at the commissary with 5 to 6 trucks visiting the site daily. He added that he spoke to the neighbors and they have no objections.

Robert Switzer, 1020 Beck Lane, Lafayette, IN 47905, said he owns property across the alley from this site and he supports this request.

The Commission voted by ballot 16 yes to 0 no to recommend approval of **Z-2713—BRADLEY L. COHEN (R2U to GB)** to the Lafayette Common Council.

This case will be heard by the Lafayette Common Council at its February 5, 2018 meeting. Petitioner or his representative must be present.

#### V. ADMINISTRATIVE MATTERS

None

#### VI. APPROVAL OF THE FEBRUARY EXECUTIVE COMMITTEE AGENDA

Gary Schroeder moved that the following item of *New Business* be placed on the February 7, 2018 Area Plan Commission Executive Committee agenda at petitioner's request, placement thereon being without reference to compliance or non-compliance with the adopted subdivision ordinance:  
**RAINEYBROOK SUBDIVISION, PART 2, SECTION 2 (S-3269)**

Greg Jones seconded and the motion carried by unanimous voice vote.

#### VII. DETERMINATION OF VARIANCES – AREA BOARD OF ZONING APPEALS

Gary Schroeder moved that the following request for variance from the Unified Zoning Ordinance is not a request for use variance, prohibited from consideration by ordinance and statute:  
**BZA-1973—ART HURTEAU, DOMINO'S**

Greg Jones seconded and the motion was approved by unanimous voice vote.

#### VIII. DIRECTOR'S REPORT

Sallie Fahey said she has had one of those weeks where she was not able to get anything done that she planned to. She has not finished the director's report but sending it out late will allow her to include the 2018 APC Committee assignments and Kathy Lind's year-end building permit summary and her development, primarily single-family, trends forecast for 2018.

#### IX. CITIZEN COMMENT AND GRIEVANCES

None

**X. ADJOURNMENT**

Gary Schroeder moved to adjourn. Roland Winger seconded and the motion carried by voice vote.

The meeting adjourned at 8:10p.m.

Respectfully Submitted,



Linda M. Underwood  
Recording Secretary

Reviewed By,



Sallie Fahey  
Executive Director