

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

DATE.....August 15, 2018
 TIME.....6:00 P.M.
 PLACE.....County Office Bldg.
 20 N. 3rd Street
 Lafayette, IN 47901

MEMBERS PRESENT

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

MEMBERS ABSENT

Gary Schroeder
 Jerry Reynolds

STAFF PRESENT

Sallie Fahey
 Cat Schoenherr
 Ryan O’Gara
 Rabita Foley
 Linda Underwood
 Zach Williams, Atty.

The Area Plan Commission of Tippecanoe County Public Hearing was held on the 15th day of August 2018 at 6:00 P.M., pursuant to notice given and agenda posted as provided by law.

President Tom Murtaugh called the meeting to order.

I. BRIEFING SESSION

Sallie Fahey said the county IT department sourced a new mouse that will work on all the screens. This time APC purchased the mouse and it will be kept in our office.

She went on to say the petitioner for **S-4775—PURDUE RESEARCH PARK, PHASE 2, PART 3, SECTION 4 (major-preliminary)** has requested a continuance to the October 17th APC meeting. The paperwork has been filed for all the other cases and they are ready to be heard.

II. APPROVAL OF MINUTES

Gerry Keen moved to approve the minutes from the July 18, 2018 meeting. Larry Leverenz seconded and the minutes were approved by unanimous voice vote.

III. NEW BUSINESS

None

IV. PUBLIC HEARING

Tom Murtaugh read the meeting procedures.

Gerry Keen moved that there be incorporated into the public hearing portion of each application to be heard this evening and to become part of the evidence at such hearing, the Unified Zoning Ordinance, the Unified Subdivision Ordinance, the Comprehensive Plan, the By-laws of the Area Plan Commission, the application and all documents filed therewith, the staff report and recommendation on the applications to be heard this evening and responses from the checkpoint agencies. Larry Leverenz seconded and the motion carried by voice vote.

Gerry Keen moved to continue **S-4775—PURDUE RESEARCH PARK, PHASE 2, PART 3, SECTION 4 (major-preliminary)** to the October 17, 2018 Area Plan Commission public hearing. Larry Leverenz seconded and the motion carried by voice vote.

Michelle Long joined the meeting in progress.

A. SUBDIVISIONS

1. **S-4767--THE PRESERVE SUBDIVISION (major-preliminary):**

Petitioner is seeking primary approval for a 119-lot single-family subdivision (with two outlots) on 47.51 acres (with no stub street to the south), located on the west side of CR 75 E and south side of CR 650 N, in Tippecanoe 20 (SE) 24-4. CONTINUED FROM THE JULY 18TH APC MEETING IN ORDER TO GET NEW STREET NAMES APPROVED.

Gerry Keen moved to hear and vote on **S-4767—THE PRESERVE SUBDIVISION (major-preliminary)**. Larry Leverenz seconded.

Sallie Fahey presented the zoning map, aerial photos and preliminary plat and explained that CB2 LLC rezoned this site to R1 and R1A earlier this year along with the recently approved Belle Terra Subdivision site to the south. She then pointed out the subdivision's only entrance on CR 75 East and the small access on CR 650 North for storm drainage. At the July APC meeting, Belle Terra was granted a variance to not require a street to be extended to this proposed subdivision's boundary but the variance included a condition requiring an emergency vehicle access be provided. The Preserve will need to extend the emergency access to complete the emergency access road from the nearest street in Belle Terra to the closest street in The Preserve. She pointed out that there is a difference in the emergency access condition for Belle Terra and The Preserve. Staff used the condition the County Commissioners recommended when they recommended the variance be approved in Belle Terra. For this subdivision staff used a condition from a prior subdivision off Klondike Road (Blackthorn Development) where the developer was required to put in a paved emergency access with other conditions for snow removal, etc. Staff will make sure Belle Terra's design will match what is being done in The Preserve. She said three of the eight street names on the preliminary plat have been rejected and need to be replaced on the final plat from the list of alternate street names that have been accepted. She noted that some lots on the outside of curves and cul-de-sacs have setbacks larger than 25' in order to meet the required 75' lot width. Staff has asked that those lots be clearly marked so builders don't make errors when placing the front of the house. She said petitioner has requested permission to bond and summarized the conditions unique to this subdivision. She concluded with a recommendation of approval, contingent on the following conditions:

1. In the construction plans and on the final plat, the street names Waterleaf (Court and Drive) and Corydalis Court shall be replaced by Coldwater (Court and Drive) and Flora Court, respectively.

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

2. The emergency access road connection to the Belle Terra Subdivision emergency access shall be adequate to accommodate emergency vehicles, shown as paved, gated and with appropriate signage, as approved by the Tippecanoe County Sheriff's Department and the Tippecanoe Township Fire Department.
3. American Suburban Utilities, Inc. shall approve the sanitary sewer plans.
4. Indiana-American Water Company, Inc. shall approve the water plans.
5. The fire hydrants shall be approved by the Tippecanoe Township Fire Department. Plans for the actual placement of the hydrants shall be approved by the Indiana American Water Company in cooperation with the Fire Department.
6. An Erosion and Sediment Control Plan and a Stormwater Quality Management Plan meeting the requirements of 327 I.A.C. 15-5 shall be submitted to the Tippecanoe County Soil and Water Conservation District and shall also be approved by the Tippecanoe

County Drainage Board as required by Tippecanoe County Ordinance #2011-27-CM.

7. The County Drainage Board shall approve the drainage plans.
8. An on-site utility coordinating sheet shall be approved and signed-off by the non-government utility companies. The assigned street addresses for each lot 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.

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

9. An adequate easement shall be provided for the emergency access.
10. Except for the approved entrance, a "No Vehicular Access" statement shall be platted along the CR 75 E right-of-way line.
11. 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.
12. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
13. Gateway signs, if any, shall be placed in an appropriate easement at the entrance.
14. All required building setbacks shall be platted, including the increased front setbacks as noted on the preliminary plat.
15. The street addresses and County Auditor's Key Number shall be shown.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

16. Maintenance for the emergency access, including snow removal shall be specified.
17. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.
18. The special increased front setbacks, as noted on the preliminary plat, shall be clearly identified.
19. The purpose, ownership and maintenance of the outlots shall be specified.

Joseph Coutts, 820 Longacre Drive, Lafayette, IN 47905, surveyor representing the petitioner, thanked APC staff and said he and his client are already working to satisfy the conditions. All lots in this subdivision will meet the R1 standards even though the 13 acres to the south are zoned R1A.

The Commission voted by ballot 15 yes to 0 no to grant conditional primary approval for **S-4767—THE PRESERVE SUBDIVISION (major-preliminary)**

The Commission also voted by ballot 15 yes to 0 no to permit bonding for **S-4767—THE PRESERVE SUBDIVISION (major-preliminary)**.

2. S-4776--NEW WABASH VILLAGE SUBDIVISION (major-preliminary):

Petitioner is seeking primary approval for a 5-lot subdivision (4 commercial & 1 residential) on 7.55 acres, located at the northeast corner of Salisbury Street and West Navajo Street in West Lafayette, Wabash 7 (NW) 23-4.

Gerry Keen moved to hear and vote on **S-4776—NEW WABASH VILLAGE SUBDIVISION (major-preliminary)**. Larry Leverenz seconded.

Sallie Fahey presented the zoning map, aerial photos and preliminary plat. She referred to the aerial to highlight the other uses in the area. She displayed the site plan and pointed out where the property ownership crosses Navajo all the way to the south side. That issue will be taken care of in the plat. This request was for four commercial lots but staff noticed the subdivision also includes one residentially rezoned lot on the south side of Navajo that meets the R1 standards and is being platted as a residential lot. This stretch of Navajo was never dedicated for a public street so that will also be taken care of in this plat. She pointed out the locations of the main lot, a new commercial lot, and two other lots that will be used by their adjoining commercial lots for expansion. She referred to the site plan to show the access drive onto Sagamore Parkway, recently reconstructed entrance to Salisbury Street, and the main Marsh entrance from Navajo Street. She said petitioner has requested permission to bond and 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. The sanitary sewer plans shall be approved by the West Lafayette City Engineer.

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

2. 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.
3. All existing easements, covenants or restrictions shall be shown and referenced with the

- 4. 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.

Tim Balensiefer, 105 North 10th Street, Lafayette, IN 47901, surveyor representing the petitioner, concurred with the staff report, agreed to the conditions and requested approval.

The Commission voted by ballot 15 yes to 0 no to grant conditional primary approval for **S-4776—NEW WABASH VILLAGE SUBDIVISION (major-preliminary)**.

The Commission also voted by ballot 15 yes to 0 no to permit bonding for **S-4776—NEW WABASH VILLAGE SUBDIVISION (major-preliminary)**.

B. REZONING ACTIVITIES

1. **Z-2736--TOMISH DEVELOPERS, LLC & CHAUNCEY CONSTRUCTION, LLC (Fowler Avenue Apartments PD) (R3U & R2U to PDRS):**

Petitioner is requesting rezoning and reconfiguration of several existing lots into two proposed lots: lot 1 would have a proposed 4-story apartment building containing 53 units, a maximum of 65 bedrooms and 35 basement parking spaces; lot 2 would have a maximum 10 space surface parking lot. The property is located at the northeast corner of Fowler and Chauncey Avenues, West Lafayette, Wabash 19 (NW) 23-4.

Gerry Keen moved to hear and approve **Z-2736—TOMISH DEVELOPERS, LLC & CHAUNCEY CONSTRUCTION, LLC (Fowler Avenue Apartments PD) (R3U & R2U to PDRS)**. Larry Leverenz seconded.

Ryan O’Gara presented the zoning map, aerial photos, site plan, street frontage elevation renderings, and a rendering of the completed building viewed from the intersection of Chauncey and Fowler. He said apart from the neighborhood-wide rezone, recent rezoning activity in New Chauncey has been limited to the two planned developments. Converted rental homes and multi-family apartments dominate the immediate vicinity. He referred to the aerial to highlight the three converted homes containing multi-family apartments on Proposed Lot 1. Proposed Lot 2 will initially be a 5-space parking lot with the dumpster for the project. He displayed the aerial of the site plan to show how the basement level parking area will be accessed from the alley on the north side of Lot 1 and pointed out the north/south and east/west alleys. This proposal shows how a developed and implemented neighborhood plan can steer the course of a neighborhood’s development. This project is located in the “high density residential urban” land use category in the *New Chauncey Neighborhood Plan*. He again displayed the aerial to show that this property is right next to but not in the Historic District and this project’s location next to the successful Morris Rentals property. The project holds to the height limitation and an urban design consistent with the Plan’s recommendation for this section of the Fowler Avenue Corridor. The project also incorporates upper-story setbacks. The ground floor units along Chauncey and Fowler will have an exterior door with porch opening onto the sidewalk and an internal door opening into the ground floor corridor of the building to further enhance the pedestrian orientation of the building. Staff feels the project reflects the policy recommendations of the neighborhood plan’s policy recommendations and the historic context of the neighborhood. He concluded with a recommendation of approval, contingent on meeting all requirements of UZO 2-28-10 for submission of Final Detailed Plans, signed off by those noted in that section to include:

1. All sheets (other than preliminary plat) that make up the approved Preliminary Plan;
2. Planned Development construction plans per UZO Appendix B-2;
3. A final plat per UZO Appendix B-3 as applicable;
4. Appropriate surety submitted with Final Detailed Plans;
5. FAA Determination shall be submitted with the Final Detailed Plans;
6. Final landscape plan and plant schedule approved by the West Lafayette Greenspace Administrator that is in conformance with the approved Preliminary Plan;
7. An application for a street address assignment shall be made to the Area Plan Commission with the submission of the Final Detailed Plans and the address shall be affixed to the Final Plat.

Kevin Riley, PO Box 280, Lafayette, IN 47902, attorney representing the petitioner, concurred with the staff report and thanked Ryan O’Gara for his thorough explanation of the project. He said he is available to answer any questions.

Carl Griffin asked if the alleys are owned by the city and if the alleys are crushed gravel.

Ryan O’Gara replied that both paved alleys are owned by the City of West Lafayette.

The Commission voted by ballot 15 yes to 0 no to recommend approval of **Z-2736—TOMISH DEVELOPERS, LLC & CHAUNCEY CONSTRUCTION, LLC (Fowler Avenue Apartments PD) (R3U & R2U to PDRS)** to the West Lafayette Common Council.

This case will be heard by the West Lafayette Common Council at its September 10, 2018 meeting. Petitioner or his representative must appear.

2. Z-2738--BRIAN L. ANDREWS (NB to R1B):

Petitioner is requesting rezoning of one lot located at the southwest corner of Elizabeth and N. 26th Street, specifically, 620 N. 26th Street, Lafayette, Fairfield 21 (SE) 23-4.

Gerry Keen moved to hear and approve **Z-2738—BRIAN L. ANDREWS (NB to R1B)**. Larry Leverenz seconded.

Sallie Fahey presented the zoning map and aerial photos, highlighting the neighboring residential uses. She said this is a simple rezone with an unusual twist. This site was rezoned to NB in 2016 to run the office for petitioner's HVAC and electrical business. Petitioner has relocated the business and marketed the site as a single-family home but the potential buyers are having difficulty securing a mortgage for a residence on the property because that use is not permitted in the NB zone. The property was rezoned to NB with a recorded commitment that prohibited some uses. Even though the uses are not permitted in the R1B zones, the commitment is a recorded document so anybody doing a title search would run across this recorded commitment and there would be nothing recorded stating that the commitment no longer applies. Both the statute and our By-laws provide for modifications or termination of commitments and that is what will be done. Mr. Andrews is concerned that he will lose the pending sale of the property and he asked if he could proceed with the rezone and take care of terminating the commitment at the September APC meeting as a separate request. Staff and counsel determined that that can be done but the petitioner has to file for termination of the commitment by Monday, August 20th. The rezone is being heard tonight separate from the commitment termination. If this case moves forward, the Lafayette Council will hear the rezone on September 10th and the commitment termination at its October meeting if APC recommends approval at its September meeting. Staff can support this request because it eliminates a spot zone and returns the area to a single zone. She concluded with a recommendation of approval.

Jackson Bogan asked if the petitioner will be filing a commitment to remove a commitment.

Sallie Fahey replied that we will record a document terminating the commitment.

Jackson Bogan asked if APC can make a motion to include the commitment termination with tonight's business.

Zach Williams said he and Sallie Fahey looked at the issue and the way our By-laws are written prohibit that. There has to be a formal filing to terminate a commitment. He added that state statute is set up the same way. In this case we have to follow the rules to have a formal termination of the covenant for APC and the jurisdiction that heard the commitment. We do not want to skip any steps because it could potentially affect things down the road.

Roland Winger said commitments are fairly new to APC and this will be our first termination. He asked if the commitment is tied to the zoning of a property or the property itself.

Sallie Fahey said that is right. She went on to say a commitment might be effective in some zones but the commitment is actually recorded to the property.

Brian Andrews, 349 North 900 East, Lafayette, IN 47905, petitioner, said he is available to answer any questions and requested approval.

The Commission voted by ballot 15 yes to 0 no to recommend approval of **Z-2738—BRIAN L. ANDREWS (NB to R1B)** to the Lafayette Common Council.

This case will be heard by the Lafayette Common Council at its September 4, 2018 meeting. Petitioner or his representative must appear.

V. ADMINISTRATIVE MATTERS

None

VI. APPROVAL OF THE SEPTEMBER EXECUTIVE COMMITTEE AGENDA

Gerry Keen moved that the following subdivision petitions be placed on the September 5, 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:

S-4777--LOCUST GROVE MINOR SUBDIVISION (minor-sketch),
S-4779--HOOT & MARY'S GROVE SUBDIVISION (minor-sketch), and
S-4781--NEUHOFF MEDIA MINOR SUBDIVISION (minor-sketch)

Larry Leverenz seconded and the motion carried by unanimous voice vote.

VII. DETERMINATION OF VARIANCES – AREA BOARD OF ZONING APPEALS

Gerry Keen moved that the following requests for variance from the Unified Zoning Ordinance are not requests for use variance, prohibited from consideration by ordinance and statute:

BZA-1993--COUNTRY SQUIRE ASSOCIATES, LLC, and
BZA-1994--JOHN SCHUMANN

Larry Leverenz seconded and the motion was approved by unanimous voice vote.

VIII. DIRECTOR'S REPORT

Sallie Fahey said she wants the Commissioners to be aware of our visit from DNR tomorrow. DNR will be doing its community assistance visit which occurs about every four years. We will be reviewing all our community National Flood Insurance Program status on behalf of Tippecanoe County, Lafayette, West Lafayette, Dayton, Battle Ground, and Clarks Hill. She went on to say there are three violations in the county DNR will be looking at that mostly have to do with filling in the floodway without a permit from DNR. DNR will also be making site visits regarding those properties. DNR will let us know how we are doing and provide help if we have any challenges with our Flood Plain ordinances. She thinks this has always been a beneficial meeting.

IX. CITIZEN COMMENT AND GRIEVANCES

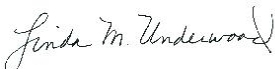
None

X. ADJOURNMENT

Gerry Keen moved to adjourn. Roland Winger seconded and the motion carried by voice vote.

The meeting adjourned at 6:40p.m.

Respectfully Submitted,



Linda M. Underwood
Recording Secretary

Reviewed By,



Sallie Fahey
Executive Director