

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

DATE.....September 19, 2018  
 TIME.....6:00 P.M.  
 PLACE.....County Office Bldg.  
 20 N. 3<sup>rd</sup> Street  
 Lafayette, IN 47901

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

Gerry Keen  
 Roland Winger  
 Michelle Long  
 Jake Gray

**STAFF PRESENT**

Sallie Fahey  
 Cat Schoenherr  
 Ryan O’Gara  
 Don Lamb  
 Linda Underwood  
 Zach Williams, Atty.

The Area Plan Commission of Tippecanoe County Public Hearing was held on the 19<sup>th</sup> day of September, 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said the petitioner for **Z-2727—HLH PROPERTIES, LLC (R1 to NB)**, the rezone at the corner of Kent & Salisbury, has withdrawn the request. The petitioner for **S-4786—HUFF MINOR SUBDIVISION (minor-sketch)** mailed the Notices to Interested Parties but did not send them by Certified Mail. The case will need to be continued to the October 3<sup>rd</sup> Executive Committee meeting. As of now, no paperwork has been turned in for **S-4777—LOCUST GROVE MINOR SUBDIVISION (minor-sketch)**.

**II. APPROVAL OF MINUTES**

Gary Schroeder moved to approve the minutes from the August 15, 2018 meeting. Greg Jones seconded and the minutes were approved by unanimous voice vote.

**III. NEW BUSINESS**

**RESOLUTION 2018-04:**

A resolution determining that the Lafayette Redevelopment Commission resolution and amendment to add one new project to the economic development plan for the Consolidated Creasy/Central Economic Development Area conform to the Comprehensive Plan for Tippecanoe County.

Gary Schroeder moved to hear and approve **RESOLUTION 2018-04**. Greg Jones seconded.

Sallie Fahey displayed a map with the Consolidated Creasy/Central Economic Development Area shown in pink. She said the Lafayette Redevelopment Commission adopted a resolution in 2013 to consolidate two existing economic development areas into the new Consolidated Creasy/Central Economic Development Area. The Central EDA was recharacterized as an economic development area instead of a redevelopment area and expanded by 196 acres to include the former Home Hospital area, Columbian Park, and areas connecting the two original EDA-TIF districts. Additional land was added in 2014 along with projects. Two new projects were added in 2015 and three additional projects were added in 2017. In the current request, one project is being added within the existing land area for the construction of a mixed-use development at 500 South Street, the surface parking lot next to Lafayette City Hall. The Redevelopment Commission will be funding \$1,289,000 of the \$10,500,000 project. The **1981 Land Use Plan** recommends a more compact downtown with major retail facilities and residential infilling and intensification. This project will be constructed on what is currently a surface parking lot, the most inefficient use of downtown real estate.

Staff is satisfied that the project amendment to the Consolidated Creasy/Central Economic Development Area Plan conforms to the adopted **Comprehensive Plan for Tippecanoe County**, which includes the City of Lafayette.

Dennis Carson, 515 Columbia Street, Lafayette, IN 47901, Lafayette Economic Development Director representing the Lafayette Redevelopment Commission, concurred with the staff report and said Lafayette is excited about the great infill development for downtown. He has seen the design and feels it will be complimentary to the downtown and a real asset to our community.

The Commission voted by ballot 12 yes to 0 no to approve **RESOLUTION 2018-04**.

#### IV. PUBLIC HEARING

Tom Murtaugh read the meeting procedures.

Gary Schroeder 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. Greg Jones seconded and the motion carried by voice vote.

Gary Schroeder moved to continue **S-4786—HUFF MINOR SUBDIVISION (minor-sketch)** to the October 3, 2018 APC Executive Committee public hearing. Greg Jones seconded and the motion carried by voice vote.

#### A. SUBDIVISIONS

Sallie Fahey said the paperwork for **S-4777—LOCUST GROVE MINOR SUBDIVISION (minor-sketch)** has been turned in and the case is ready to be heard.

##### 1. **S-4777--LOCUST GROVE MINOR SUBDIVISION (minor-sketch):**

Petitioners are seeking primary approval for a three-lot subdivision on 8.052 acres, located at the southeast corner of US 231 and CR 850 N, in Shelby 7 (SE) 24-5. *CONTINUED FROM THE SEPTEMBER 5, 2018 EXECUTIVE COMMITTEE DUE TO THE JOURNAL & COURIER'S FAILURE TO PUBLISH THE LEGAL AD*

Gary Schroeder moved to hear and vote on **S-4777—LOCUST GROVE MINOR SUBDIVISION (minor-sketch)**. Greg Jones seconded.

Don Lamb presented the zoning map, aerial photos and site plan. Except for the farmstead adjacent to Lot 3, all the surrounding property is agriculturally zoned for many miles. He referred to the site plan to show the driveways INDOT has already approved with LOT 1 getting its access from CR 850 North. He said the building setbacks, lot widths, and areas meet the ordinance requirements. He summarized the remainder of the staff report and concluded with a recommendation of approval, contingent on the following conditions:

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

1. 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.
2. An easement for the perimeter drain shall be created and recorded to the satisfaction of the County Health Department and referenced on the final plat.
3. All existing easements, covenants or restrictions shall be shown and referenced with the

- corresponding recording information (Document Number and date recorded).
4. All required building setbacks shall be platted.
  5. The Drainage Board or the County Surveyor shall approve any required drainage plans in compliance with Tippecanoe County Ordinance #2011-27-CM.
  6. The street addresses and County Auditor's Key Number shall be shown.

Karl Rhoads, Deckard Engineering & Surveying, 1517 South Grant Avenue, Crawfordsville, IN 47933, representing the petitioner, concurred with the staff report, agreed to the conditions and requested approval.

The Commission voted by ballot 12 yes to 0 no to grant conditional primary approval for **S-4777—LOCUST GROVE MINOR SUBDIVISION (minor-sketch)**.

**2. S-4784--I65 INDUSTRIAL PARK SUBDIVISION (major-preliminary):**

Petitioner is seeking primary approval for a 3-lot industrial subdivision on 163.54 acres, located on the north side of Haggerty Lane at the I-65 overpass, in Perry 31 (SE) 23-3.

Gary Schroeder moved to hear and vote on **S-4784—I65 INDUSTRIAL PARK SUBDIVISION (major-preliminary)**. Greg Jones seconded.

Dave Williams joined the meeting in progress.

Don Lamb presented the zoning map, aerial photos and preliminary plat. He highlighted the area zoning history, pointing out that this entire site is in agricultural production, as are most of the properties to the east, north, and west. He referred to the aerial to show the SIA auto plant located due south and other uses in the area. The City of Lafayette will extend sanitary sewer and water lines along with constructing Manufacturers Drive and the sidewalk on the west side of the road. He highlighted the north boundary abutting the MR zone to the north where the developer will be responsible for half of the 20' wide Type A bufferyard. Manufacturers Drive will provide internal access running north and south through the middle of the site from Haggerty Lane all the way to the north property line. The location of future lot lines is unknown at this point so it is not clear if an access will be proposed from Haggerty Lane. He 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 hydrant locations 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 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.
4. The required bufferyard shall be shown with the standard plant unit details. The bufferyard 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. 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.
6. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
7. Gateway signs, if any, shall be placed in an appropriate easement at the entrance(s).
8. All required building setbacks shall be platted.
9. 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 added that he is also requesting bonding. He explained that his client has a buyer for Lot #1 who plans to build a 300,000 to 500,000 facility to supply parts and supplies to Subaru.

The Commission voted by ballot 13 yes to 0 no to grant conditional primary approval for **S-4784—I65 INDUSTRIAL PARK SUBDIVISION (major-preliminary)**.

The Commission also voted by ballot 13 yes to 0 no to permit bonding for **S-4784—I65 INDUSTRIAL PARK SUBDIVISION (major-preliminary)**.

**3. S-4785--P.S.I. MINOR SUBDIVISION (minor-sketch):**

Petitioner is seeking primary approval to replat one lot on 1.262 acres, located between Union and Crouch Streets, just west of 36th Street, in Lafayette, Fairfield 22 (SE) 23-4.

Gary Schroeder moved to hear and vote on **S-4785—P.S.I. MINOR SUBDIVISION (minor-sketch)**. Greg Jones seconded.

Don Lamb presented the zoning map, aerial photos and sketch plan. He pointed out the site is surrounded by industrial zoning and thinks petitioner plans to raze the house located on the property and to the west. He explained that the *UZO* requires a 30' building setback where an I3 zone abuts a residential zone or residential use. The city and APC staff decided not to require the platting of the 30' setback because the petitioner plans to demolish the house. Doing that will eliminate the need for a second replat once the house is gone but a note regarding the ordinance requirement will be a condition of the final plat. He summarized the remainder of the staff report and concluded with a recommendation of approval, contingent on the following conditions, noting that condition #2 will go away if the house is razed:

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

1. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
2. All required building setbacks shall be platted; a note stating that “there is a 30' setback along the west lot line which exists only as long as the adjacent property is used as a residence.”
3. The street addresses and County Auditor's Key Number shall be shown.

Todd Starr, 413 Teal Road, Lafayette, IN 47905, surveyor representing the petitioner, said the purpose of this request is to get rid of a “screen planting reserve” that was on the original plat. He concurred with the staff report, agreed to the conditions and requested approval.

The Commission voted by ballot 13 yes to 0 no to grant conditional primary approval for **S-4785—P.S.I. MINOR SUBDIVISION (minor-sketch)**.

**B. REZONING ACTIVITIES**

**1. Z-2646--BRIAN L. ANDREWS (zoning commitment termination):**

Petitioner is requesting the termination of a zoning commitment approved and recorded in June 2016. The commitment limits land uses to specific businesses in the NB zone. APC recommended approval of a rezone last month (Z-2738; NB to R1B) for petitioner's request to restore the property's original residential zoning, located at the southwest corner of Elizabeth and N. 26<sup>th</sup> Street, specifically, 620 N. 26<sup>th</sup> Street, Lafayette, Fairfield 21 (SE) 23-4.

Gary Schroeder moved to hear and approve the **TERMINATION of the COMMITMENT FOR Z-2646—BRIAN L. ANDREWS**. Greg Jones seconded.

Sallie Fahey presented the zoning map and aerial photos and said the commitment was approved as part of a rezone for the property from R1B to NB by the Lafayette Common Council in June, 2016. The commitment limited land uses permitted in the NB zone. The rezone and commitment allowed the existing single-family home to be used as an HVAC and Electrical business. Earlier this month the Lafayette Common Council rezoned the property back to R1B to restore the property's original zoning after a unanimous recommendation of approval by the Area Plan Commissioner. A commitment termination and rezone would normally be heard on the same agenda but in this case petitioner was under a time constraint to have the property rezoned because of a pending sale, and it was important that the sale go forward. APC legal counsel advised that petitioner could continue with the rezone on the condition that the commitment termination request be filed prior to the rezone being heard by city council. She explained that it is necessary to terminate the commitment so that anyone researching the property will see the commitment and also the termination of the commitment. She concluded with a recommendation of approval.

Brian Andrews, Lafayette, IN 47909, petitioner, concurred with the staff report and requested approval.

Norb Fisher, 2601 Elizabeth Street, Lafayette, IN 47904, said he does not understand why the commitment was not automatically removed last month when the property was rezoned to R1B. He supports this request because Brian Andrews is a good neighbor and a supporter of the Sunnyside Neighborhood Association.

Sallie Fahey said she wants to make it clear that government cannot automatically remove a commitment. A commitment termination and rezone would normally be heard at the same time but in this case the rezone was filed before staff realized there was a commitment with the property that needed to be terminated. The petitioner was under a time constraint to have the property rezoned because of a pending sale and the lender and buyer were requiring the rezone approval before closing on the property.

The Commission voted by ballot 13 yes to 0 no to recommend approval of the **TERMINATION of the COMMITMENT FOR Z-2646—BRIAN L. ANDREWS** to the Lafayette Common Council.

This case will be heard by the Lafayette Common Council at its October 1, 2018 meeting. Petitioner or his representative must appear.

**2. Z-2739—PURE DEVELOPMENT, INC. (OR to R4W):**

Petitioner is requesting rezoning of 2.95 acres located at the northwest corner of Yeager Road and McClure Avenue in West Lafayette, Wabash 01 (SE) 23-5.

Gary Schroeder moved to hear and approve **Z-2739—PURE DEVELOPMENT, INC. (OR to R4W)**. Greg Jones seconded.

Ryan O’Gara presented the zoning map, aerial photos, and said petitioner plans to construct multi-family apartments on the site. He highlighted the abutting property to the north that was rezoned to NB and R4W earlier this year and pointed out other uses in the area. He explained that this follow-up to the recently approved rezones continues to support staff’s mixed-use planning strategy for the Purdue Research Park. The limited commercial and residential zones are designed to provide supportive uses to overall business and research uses meant to dominate the Research Park. This site is planned to be combined with the property to the north to create a unified multi-family subdivision. He concluded with a recommendation of approval.

Daniel Teder, PO Box 280, Lafayette, IN 47902, attorney representing the petitioner, said his client plans to add this acreage to the existing R4W zoned property to the north to provide a better layout with more parking and greenspace. The project will be built for the young professionals working at the park and have a clubhouse, fitness center, pool, and dog park. Originally there were to be 228 units but now the plans are for 252 units. He went on to say West Lafayette and PRF support this request.

The Commission voted by ballot 13 yes to 0 no to recommend approval of **Z-2739—PURE DEVELOPMENT, INC. (OR to R4W)** to the West Lafayette Common Council.

This case will be heard by the West Lafayette Common Council at its October 1, 2018 meeting. Petitioner or his representative must appear.

**3. Z-2740--MICHAEL THOMPSON/HAMILTON DESIGNS, LLC (A to GB):**

Petitioner is requesting rezoning of 3.13 acres for a proposed Dollar General store located at the southwest corner of SR 25 and Turner Road, just north of the platted portion of unincorporated West Point, Wayne Township, Burnetts Reserve 5 (NE) 22-6.

Gary Schroeder moved to hear and approve **Z-2740—MICHAEL THOMPSON/HAMILTON DESIGNS (A to GB)**. Greg Jones seconded.

Ryan O’Gara presented the zoning map, aerial photos, and non-binding site plan showing store area, parking, and dry detention with commercial septic and well. He said there have been four commercial rezones in the town of West Point since 1998 and pointed out that this and most of the surrounding sites are zoned Agricultural. He referred to the aerial to show the site at the southwest corner of the 3-way intersection of Turner Road, CR South 700 West, and SR 25 as well as the accesses to the site from Turner Road and SR 25. He said three crashes were reported at the Y-junction because there are only stop signs and there is poor visibility. The existing driveway to West Point Cadet Park from SR 25 is directly across from Turner Road, further complicating traffic movement at this location. A commercial driveway permit from INDOT is required for the access drive from SR 25. Expected traffic generation has not been discussed and staff feels a traffic impact study must be done for the 3-way intersection.

Selecting the existing commercially zoned land along SR 25 closer to the town or subdividing 3.13 acres farther to the south from the same tract of land would be better options. He concluded with a recommendation of denial.

Michael Thompson, 11988 Fishers Crossing Drive, Suite 154, Fishers, IN 46038, petitioner, said he is the engineer for this project and this is only the first step of many before this project can move forward. Staff has expressed concerns of a commercial use not on sanitary sewer and water but most Dollar General Stores have two separate restrooms, two drinking fountains, and a mop sink. The water usage will be close to residential usages. His team and this developer have designed and installed Dollar Generals on commercial septic and commercial wells at three other sites in Indiana in the last 12 months. He is familiar with the state's requirements and an appropriate amount of real estate has been allocated to properly locate the proposed sewer and water facilities. This lot is larger than most other Dollar General sites to allow for bufferyards. Traffic is always a concern to developers. Dollar General uses available traffic data when selecting a site for a new facility. He added that Dollar General is a business of convenience and not a destination so they need to be located near traffic patterns along or with access to high traffic corridors. He referred to the aerial to show how large this site is compared to other properties in West Point.

Tom Murtaugh said the County Commissioners received a 4-page petition in support of this request. The petition cannot be entered into the public record for this meeting because it was not submitted by the noon deadline as stated in the APC Bylaws. He wants to make sure the fact that the petition was received is on the record.

Zach Williams told Tom Murtaugh that he can pass the petition among the APC commission members.

Dean Craig, 3492 East 1400 West, Attica, IN 47918, said he currently farms this particular tract. He is pro property rights and has talked with Dave Byers about making the changes to the intersection. He reminded the Commission that there was a school located across the road where the park is now and the speed limit was 65mph then. The speed limit is 45mph now. He thinks this is a workable location but concedes that some road/intersection improvements could be made. He referred to the aerial to highlight the waterway on the property to get rid of the storm water. The retention pond is planned for the west end of the property. He added that there is a watershed on the north side of the school lot that crosses over Turner Road. He thinks a small business helps keep small communities growing and viable.

Teresa Latrell, 6231 West 600 South, West Point, IN 47992, chairman of the Wayne Township Advisory Board and Treasurer of the West Point Cadet Park, said she is speaking on behalf of several citizens who signed the petition referred to earlier. She knows the intersection is quirky and there was concern when developing the park. A week after sending an email to INDOT the speed limit was lowered to 45mph. The intersection is not as dangerous as it used to be and she is sure INDOT will continue to work to make the intersection safer. West Point residents take pride in their town but they need a store close where they can purchase supplies. When the local schools, stores, and restaurants in a small town close, the towns die out. She would like to see this project become a success for the entire community.

Chad Bowyer, 5203 Washington Street, West Point, IN 47992, displayed the aerial to show where Washington Street meets US 231 just south of the Y-intersection. He is the president of the Southwestern Summer Softball/Baseball Facility and three years ago multiple t-ball teams used the park across Turner Road. He does not want to see kids running across the road to get to the store. He pointed out that Shadeland is only 4 miles down the road and Lafayette is only 11 miles away.

Diane Gaither, 4804 SR 25 South, West Point, IN 47992, said she owns the house just south of this site and she knows it is a very dangerous intersection and knows there have been many close calls as well as accidents at the intersection and added that there are skid marks in front of her home. She said there are many school buses in this area every morning and afternoon. The *2017 Transportation Plan* says 6917 cars pass this site on SR 25 daily with 237 vehicles off Turner Road. She is concerned about the increased light and noise coming from this use and is concerned her property values will be lowered. She would love to see a Dollar General in West Point just not in this location.

Tom Melville, 3420 Ingram Court, Lafayette, IN 47909, said his parents own a home on CR 700 South that he will inherit someday. He agrees that the intersection is dangerous and believes Dollar General stores are eyesores because their properties are not maintained.

Tom Murtaugh said he has had several conversations with the developer but he shares the citizen concerns about this location. He welcomes a Dollar General to West Point and hopefully the company can find another location, hopefully owned by the same person as this site. He believes there are safer sites further south. The Commissioners have received a lot of comments both in favor and opposed.

The Commission voted by ballot 2 yes to 11 no to recommend denial of **Z-2740—MICHAEL THOMPSON/HAMILTON DESIGNS (A to GB)** to the Tippecanoe County Commissioners.

Yes Votes	No Votes
Gary Schroeder	Greg Jones
Tyrone Taylor	Vicki Pearl
	Carl Griffin
	Tom Murtaugh
	Jackson Bogan
	Jerry Reynolds
	Tracy Brown
	Dave Williams
	Larry Leverenz
	Diana Luper
	Perry Brown

This case will be heard by the Tippecanoe County Commissioners at their October 1, 2018 meeting. Petitioner or his representative must appear.

**4. Z-2741--CHARLES R. VAUGHN, TRUSTEE (I3 to R1):**

Petitioner is requesting rezoning of 39.884 acres located on the south side of Swisher Road, west of Prophetstown State Park and north of the Flood Plain of the Wabash River, Tippecanoe Township, Burnetts Reserve 5 (N1/2) 24-4.

Gary Schroeder moved to hear and approve Z-2741—CHARLES R. VAUGHN, TRUSTEE (I3 to R1). Greg Jones seconded.

Ryan O’Gara presented the zoning map and aerial photos. He said because this rezone is from an industrial to a residential zone the petitioner is not required to submit a subdivision development plan and added that this land is either wooded or has been farmed for several years. He referred to the aerial to highlight the five homes on large lots directly to the east, the active mining operation to the north, and land owned by the state and associated with Prophetstown State Park to the east. The identified wetlands on the site will have to be studied by IDEM and the Army Corps of Engineers. He said neither sanitary sewer nor public water serve the site and if developed, the single-family homes will be serviced with on-site individual or cluster septic systems. Prophetstown State Park was planned to encompass the land between I-65 and the junction of the Tippecanoe and Wabash Rivers and the state owns about 70 acres between this land and I-65. Development of this land would hinder development of the park as planned. He added that a minor subdivision can be done in the Agricultural zones and staff would be able to support a request for agricultural zoning. Petitioner would be able to create four lots and at least three 10-acre tracts through the minor subdivision process. He said staff could and will support a request for A zoning and concluded with a recommendation of denial.

Jackson Bogan assumes we do not want the property to remain industrially zoned.

Ryan O’Gara explained that at one time this property was part of a larger rezoning effort to secure a mining operation but this land was never used for that purpose. There is no industrial future for this site but if the state were to acquire the property the zoning would become irrelevant.

Joseph Bumbleburg, PO Box 1535, Lafayette, IN 47902, attorney representing the petitioner, said his client is the surviving trustee of a trust that has existed for several years and is requesting rezoning so the property can be sold and the money distributed to the designated charity recipients. He has been told by his surveyor that this land is suitable for septic systems. He believes it is fairer to the five residential neighbors to change the zoning on this site to R1 than to leave it industrial or ask for agricultural zoning as staff suggests. For the last 15 years Mr. Vaughan has regularly contacted/checked-in with the state about its plans to purchase this property but he has continually been put off due to lack of funds. He does not believe we should hold this land for the state when the state does not show any interest in doing anything with the land.

Tom Murtaugh asked why A zoning is not being requested.

Joseph Bumbleburg thinks substituting R1 with A zoning creates problems. Realtors are suggesting R1 zoning for this property.

Tom Murtaugh asked Joseph Bumbleburg why R1 zoning is more desirable than A zoning.

Joseph Bumbleburg thinks A zoning is not fair to the residential neighbors because of dust issues when the land is farmed. He wants to be fair to the neighbors.

Tom Murtaugh asked about the difference in the bufferyard between R1 and I3 or A and I3.

Sallie Fahey said the bufferyard would be the same. Both require a "Type A" bufferyard.

Tom Murtaugh thinks the petitioner wants R1 zoning to subdivide the property down the road.

Joseph Bumbleburg said that certainly is a possibility. He still feels I3 zoning is unfair to the neighbors.

Todd Edgell, 11629 West Shaffer Drive, Monticello, IN 47960, said his grandmother, Dorothy Stein, owns and has lived on the farm to the west of this site for over 60 years. He agrees A is the proper zoning for this area and he knows people who are willing to purchase this land as farm ground. Mr. Vaughan wants this rezone to raise the property values. He has heard that a developer wants to subdivide the property into 30, 1-acre residential lots but the current residents have no problem with the ground being farmed. He displayed the aerial to highlight the 2-acre parcel his grandmother has given to him to preserve and rehabilitate the Heritage barn built prior to 1950 on the site. He potentially wants to have a community event center (party barn) on the site. He has been trying to parcelize the site for over a year. By changing the zoning of the property east of his to R1 would potentially hinder his ability to use his property as he wants to. He asked the Commissioners to recommend denial of this request and pointed out that the petitioner just wants to increase the value of his property.

Charles Vaughan, 2114 South 7<sup>th</sup> Street, Lafayette, IN 47904, said he has a duty as trustee under the law to get the highest and best use of the property. He has a legal obligation to do that and farmland is not the highest and best use of the property. There is 45' of gravel under the site and the state has gotten a royalty from every yard of gravel taken off all the land it has condemned. The highest and best use of the land is a subdivision and he has a developer interested. A party barn is not a better use than a nice residential subdivision. He learned the state has said it wants the land and he held off selling the land for over 20 years waiting on the state to come up with the money. The charity beneficiaries are pushing him to sell the land and distribute the money.

Jerry Reynolds asked Mrs. Stein if she farms where the bayou was and if it still floods in that area.

Mrs. Stein said the bayou was in another area.

The Commission voted by ballot 2 yes to 11 no to recommend denial of Z-2741—CHARLES R. VAUGHN, TRUSTEE (I3 to R1) to the Tippecanoe County Commissioners

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

This case will be heard by the Tippecanoe County Commissioners at their October 1, 2018 meeting. Petitioner or his representative must appear.

## **V. ADMINISTRATIVE MATTERS**

### **Annual Listing of Projects**

Cat Schoenherr distributed copies of the *Annual Listing of Projects* (ALOP) and said the document is posted on the APC website and she has additional copies of the report in the APC office for anyone who is interested.

She said Senior Transportation Planner Doug Poad puts together this Federally mandated document yearly that shows where our 2017 Federal, state and local monies have been spent on road projects. We are required to provide a list of the projects but our MPO goes above and beyond by giving each project its own project sheet. The project sheet shows how much the projects cost, timeline, aerial photo to show project location, and photographs. The ALOP

also has a section for projects that were completed in 2017 with before and after photos. The ALOP shows what we are doing with our gas tax money.

**VI. APPROVAL OF THE OCTOBER EXECUTIVE COMMITTEE AGENDA**

No New Cases Filed

**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-1996—MURTAUGH LAW, LLC**

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

**VIII. DIRECTOR'S REPORT**

Sallie Fahey asked the Commissioners to take a look at the section of the report on the National Flood Insurance Program. (NFIP). DNR visits about every four years in part to maintain authorization for our communities to remain in the National Flood Insurance Program (NFIP). DNR provided information on how many flood insurance policies are in each jurisdiction, the amount covered by those policies, and how many claims there have been and the amount in each claim. She was astonished because this is cumulative from 1978 and there have only been a little over \$3,000,000 in claims in the unincorporated county because of our really strong flood protection ordinance. The claims have been a little under \$133,000 in Lafayette and just under \$60,000 in West Lafayette. Fewer than half of the flood insurance policies are for properties in zone A (regulatory flood area). The bulk of the policies in every jurisdiction are for properties not in the Flood Plain. A person can get subsidized flood insurance for a property even if the property is not in the Flood Plain. She and the folks at DNR talked about this and we concluded that people in our community understand the value of buying cheaper rate flood insurance that is subsidized by the Federal government even when the risk to the property is low.

She went on to say that next week from Monday afternoon through Thursday, she, Cat, Doug, Tim, and Aria will be attending the Indiana MPO Transportation Conference in Evansville.

**IX. CITIZEN COMMENT AND GRIEVANCES**

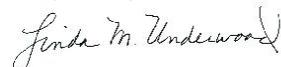
None

**X. ADJOURNMENT**

Gary Schroeder moved to adjourn. Greg Jones seconded and the motion carried by voice vote.

The meeting adjourned at 7:40p.m.

Respectfully Submitted,



Linda M. Underwood  
Recording Secretary

Reviewed By,



Sallie Fahey  
Executive Director