

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

DATE.....January 16, 2019
TIME.....6:00 P.M.
PLACE.....County Office Bldg.
20 N. 3rd Street
Lafayette, IN 47901

MEMBERS PRESENT

Jake Gray
Diana Luper
Tyrone Taylor
Tom Murtaugh
Gary Schroeder
Jackson Bogan
Jerry Reynolds
Lisa Dullum
Perry Brown
Dr. Carl Griffin
Roland Winger
Tracy Brown
Vicki Pearl
Michelle Long
Gerry Keen

MEMBERS ABSENT

Greg Jones
Larry Leverenz

STAFF PRESEN

Sallie Fahey
Ryan O’Gara
Catherine Schoenherr
Don Lamb
Diana Trader
Zach Williams, Atty.

The Area Plan Commission of Tippecanoe County Public Hearing was held on the 16th day of January 2019 at 6:00 P.M., pursuant to notice given and agenda posted as provided by law.

Zach Williams, Atty. called the meeting to order.

I. . ELECTION OF OFFICERS

Zach Williams said the first item of business was the election of officers for 2019. Zach opened the floor to nominations for the office of president.

Carl Griffin moved to nominate Tom Murtaugh for President.
Gary Schroeder seconded.

Carl Griffin moved that the nominations for President be closed.
Gary Schroeder seconded, and the motion carried by voice vote.

Carl Griffin moved to cast a unanimous ballot for Tom Murtaugh for President.
Gary Schroeder 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.

Carl Griffin moved that Jackson Bogan be nominated for Vice President.
Gary Schroeder seconded.

Carl Griffin moved that the nominations for Vice President be closed.
Gary Schroeder seconded, and the motion carried by voice vote.

Carl Griffin moved to cast a unanimous ballot for Jackson Bogan for Vice President.
Gary Schroeder seconded, and the motion passed unanimously by voice vote.

President Tom Murtaugh requested nominations for the Executive Committee.

Carl Griffin moved that Gary Schroeder and Tom Murtaugh be nominated to represent Tippecanoe County on the Executive Committee.

Gary Schroeder seconded.

Carl Griffin moved that Jerry Reynolds and Jackson Bogan be nominated to represent the City of Lafayette on the Executive Committee.

Gary Schroeder seconded.

Carl Griffin moved that Larry Leverenz and Carl Griffin be nominated to represent the City of West Lafayette on the Executive Committee.

Gary Schroeder seconded.

Carl Griffin moved that Greg Jones be nominated to represent the Towns of Dayton, Battle Ground, and Clarks Hill on the Executive Committee.

Gary Schroeder seconded.

Carl Griffin moved that nominations for the Executive Committee be closed.

Gary Schroeder seconded, and the motion carried by unanimous voice vote.

Carl Griffin moved to cast a unanimous ballot for Gary Schroeder, Tom Murtaugh, Jerry Reynolds, Jackson Bogan, Larry Leverenz, Carl Griffin, and Greg Jones for Executive Committee.

Gary Schroeder seconded, and the motion carried by unanimous voice vote.

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

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

Gary Schroeder seconded.

Carl Griffin moved that the Area Board of Zoning Appeals nominations be closed.

Gary Schroeder seconded, and the motion carried by unanimous voice vote.

Carl Griffin moved to cast a unanimous ballot for Gary Schroeder and Carl Griffin for the Area Board of Zoning appeals.

Gary Schroeder seconded, and the motion carried by unanimous voice vote.

President Tom Murtaugh thanked everyone for allowing the board to conduct their elections. He also welcomed Lisa Dullum to the Area Plan Commission.

II. BRIEFING SESSION

Tom Murtaugh asked for the Briefing Session.

Sallie Fahey noted that there had been several withdrawals on the agenda. She said the board will need to make a motion and second by voice vote to withdraw its own request for **Unified Zoning Ordinance Amendment #94**. She said the board will still hear **Unified Subdivision Ordinance Amendment #11**, which is similar. She said in addition **S-4798 Redwood Apartment Neighborhood at Lafayette (major-preliminary)** has been withdrawn by the petitioner. The rezone for the same case **Z-2745 Redwood Acquisitions, LLC (R3 & GB to R3)** has also been withdrawn. She said staff has had a discussion with the petitioner about the feasibility of doing this project as a planned development. Sallie said staff expects that is what this withdrawal means but there has been no official notification from them that they will file the PD. Sallie said everyone has filed their paperwork except case **Z-2753 Nancy L. Evans (GB to A)** still needs to submit a sign posting affidavit for that case.

III. APPROVAL OF MINUTES

Gary Schroeder moved to approve the minutes from the December 19, 2018 meeting.

Carl Griffin seconded, and the minutes were approved by unanimous voice vote.

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.

Carl Griffin seconded, and the motion carried by voice vote.

Gary Schroeder moved to withdraw **UZO Amendment #94.**

Carl Griffin seconded, and the motion carried by voice vote.

A. ORDINANCE AMENDMENTS

1. UNIFIED SUBDIVISION ORDINANCE AMENDMENT #11

An amendment to the USO which would allow the further division of Exemption A tracts; create two new types of parcelization (farmstead and Exemption A) and revise the minimum parcel width requirement for parcelization. CONTINUED FROM THE NOVEMBER 21ST APC MEETING IN ORDER TO MAKE FURTHER REVISIONS.

Gary Schroeder moved to hear and vote on **USO Amendment #11.** Carl Griffin seconded.

Don Lamb presented the issue and gave background information on it. He said it essentially involves how land is divided other than by Major Subdivision. He said this amendment will have no effect on Major Subdivisions or Rural Estate Subdivisions. He said it does involve Minor Subdivisions and Parcelizations. Don explained that a Parcelization is a type of land division which does not require approval by the Area Plan Commission, but it is approved by staff review. He said it also involves Exempt Divisions, particularly Exemption A, which is a land division that permits land to be divided into 10-acre tracts or larger. Don explained that 10-acre tracts currently cannot be further divided if all the division rights from the parent tract had been used previously. He said the parent tract was the size and shape of the property as established prior to the current Subdivision Ordinance being adopted in November 1979. He said the zones that are involved in this type of land division are Agricultural zones, A, AA, and AW. Don said one of the issues the amendment addresses is to allow for a farmstead (a farm home that was part of the original farm prior to November 1979) to be parcelized from a larger farm field even after the 4 lots/parcels had already been created from the parent tract. He said the amendment also allows for at least one more division of an Exemption A tract. Don said the original proposal for this amendment was to increase the minimum size of the Exemption A tracts from 10-acres to 20-acres, and to allow any 10-acre tracts that had been established prior to June 2018 to be divided one more time by parcelization. He said another issue that was brought up by property owners was the requirement of a 200-foot lot width along public roads. Don said staff is recommending a review process for this requirement rather than a hard-fast definition. Don said at the November 2018 Ordinance Committee meeting a couple of surveyors had voiced their concerns with the proposal to increase the minimum tract size from 10-acres to 20-acres. He said they were also concerned that the original definition of the word Farmstead might not include a house that had been built prior to November 1979 but had since been torn down and replaced. He said at the January Ordinance Committee meeting the Ordinance Committee voted to amend the original amendment proposal for the 20-acre minimum tract size and to leave the minimum tract size at 10-acres in all 3 Exemption A zones A, AA, and AW. This will eliminate the need for UZO Amendment #94 which has been withdrawn.

Don said staff recommends approval.

Gary Schroeder thanked Kathy Lind and the APC staff for their hard work on this complex issue. He also thanked the public for coming forward to address the problem. Gary said the final version of the amendment will be helpful to everyone.

Lisa Dullum asked if this meant that agricultural land would be divided up into more parcels to build houses on. She said right now there can be 4 divisions and she asked if that number would now be doubled.

Don Lamb explained that the amendment would allow an Exemption A 10-acre tract that had been created between November 1979 and June 2018 to be divided one additional time. He said the issue was that people had been asking to be able to divide their 10-acres into 2 smaller parcels.

Tom Murtaugh said that originally there may have been a desire to have 10-acre tracts but now some people are finding the 10-acre tracts not as desirable and they would like to have one more division right.

Lisa Dullum asked if these lots were agricultural land in the rural areas of the county.

Tom Murtaugh said that was correct.

Carl Griffin said the other issue was when the farm-owning family owns the original farmstead and they wish to sell it. He said currently a buyer would have to buy the farmstead along with 10-acres. Carl said this amendment would allow only the farmstead to be sold off and the remainder of the 10-acres, which would probably be tillable land, could still be used for agriculture.

Sallie Fahey said that only affects those farmers that have used all 4 of their division rights previously and now they want a 5th division.

Gary Schroeder said that originally 5-acres could be divided off and then it was increased to 10-acres. He said that resulted in more farmland being taken out of agriculture production. He said the board is trying to find a way to allow people to buy some land to live in the country without having a big run on agricultural land. Gary said that 10-acres is a large amount of land for someone to buy and maintain. He said 2-acres would be better but if the board approved 2-acre tracts it would cause a large run of urbanization in the county. He said since 1979 the minimum tract size has gone from 5-acres to 10-acres, a 20-acre minimum had been proposed but that would result in losing more farmland. The board has decided to leave it at a 10-acre minimum but those people whose 10-acre tracts were created before June 2018 will be allowed one more division. Gary feels this is the best balance the board would be able to establish.

The Commission voted by ballot 13-yes to 2-no to approve **UNIFIED SUBDIVISION ORDINANCE AMENDMENT #11.**

Yes Votes

Tyrone Taylor
 Jake Gray
 Perry Brown
 Roland Winger
 Michelle Long
 Diana Luper
 Tracy Brown
 Jerry Reynolds
 Gerry Keen
 Tom Murtaugh
 Jackson Bogan
 Gary Schroeder
 Vicki Pearl

No Votes

Lisa Dullum
 Carl Griffin

Sallie Fahey said the recommendation will go to all the jurisdictions even though it does not affect the cities and towns. She said that will keep the Subdivision Ordinance unified.

B. SUBDIVISIONS

1. S-4811 STEARNS MINOR SUBDIVISION (minor-sketch):

Petitioner is seeking primary approval for a two-lot subdivision replat of Lots 44 – 47 and Lots 23 & 24 in J. W. Scanlon's Addition to the Town of Clarks Hill located at 11744 Cleveland Street and 9222 E. Orange Street, Clarks Hill, Lauramie 23 (SW) 21-3.

Gary Schroeder moved to hear and vote on **S-4811 STEARNS MINOR SUBDIVISION (minor-sketch).** **Carl Griffin seconded.**

Don Lamb presented the zoning map and aerial photos; he highlighted the area zoning history and area land use patterns. Don said the proposed subdivision is located on the west side of Clarks Hill. He said the six lots in question are zoned R1U as is most of Clarks Hill. He said there is a row of lots to the west zoned R1B and farther west, just outside of town, is zoned Select Agricultural (AA). Don said this property makes up most of the block except for 2 lots on the corner. The 2 lots to the north are separated by a platted alley that will remain in place. The 4 lots to the south will become one lot which is proposed Lot 2. The 2 lots to the north will become proposed Lot 1. Don said the alley will remain in place because that is where the sanitary sewer is located, and he said the water line is located to the west and south. Currently, one single-family dwelling exists on three lots, which crosses over two lot lines that this replat would eliminate, creating proposed Lot 2. He said a mobile home exists on proposed Lot 1 along with a second mobile home that crosses onto the neighboring property to the west. Petitioner plans to remove these mobile homes in the future.

Don said staff recommends conditional primary approval based on the following standard conditions:

A. Conditions

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.
3. Either the County Surveyor or the County Drainage Board shall approve drainage onsite.
4. The street addresses and County Auditor's Key Number shall be shown.

Carla Stearns, 9222 E. Orange Street, Clarks Hill, IN, 47930, said she is the property owner.

The Commission voted by ballot 15-Yes to 0-No for conditional primary approval of **S-4811 Stearns Minor Subdivision (minor sketch).**

2. S-4812 LINDBERG POINTE VILLAS SUBDIVISION (major-preliminary):

Petitioner is seeking primary approval for a one lot multi-family subdivision on 1.54 acres, with six two-family buildings for a total of 12 units. The site is located on the west side of Klondike Rd., approximately 1/4 mile north of Lindberg Road, in Wabash 10 (SE) 23-5.

Gary Schroeder moved to hear and vote on **S-4812 LINDBERG POINTE VILLAS SUBDIVISION (major-preliminary).** Carl Griffin seconded.

Don Lamb presented the zoning map, aerial photos, and sketch plan. He highlighted the area zoning history and area land use patterns. Don said Lindberg Pointe Villas is a ½-acre tract located on the west side of Klondike Road and ¼ mile north of Lindberg Road. Don said the lot was rezoned last year from A to R2. He said it is surrounded by Lindberg Planned Development to the north, west, and south which are all single-family lots. He said there is a self-storage facility to the east zoned GB. Don said the tract was acquired by the county as part of the Klondike Road reconstruction project. He said there had been a single-family home on the lot which was purchased by the county and has been removed. This is now an unimproved, wooded lot and is available for redevelopment. The petitioner is proposing 6 two-family duplexes for a total of 12 units. Don said this is proposed as a 1-lot multi-family subdivision so there are no lot lines within the subdivision. It will be served by a single private drive off Klondike Road. The sanitary sewer and water mains will be extended to the site from existing and new mains along Klondike Road. Don said the drainage is tight but there is a note on the preliminary plat stating the on-site drainage will be handled by above and below ground detention storage in the open spaces along the north and south boundaries. He said American Suburban Utilities and Indiana American Water are the utility providers. Don said the petitioner is proposing a 35-ft setback which is less than the required 40-ft setback from the Klondike Road right-of-way. This is a result of the right-of-way that was required for the Klondike Road project. This will be heard by the Area Board of Zoning Appeals.

Don said staff recommends conditional primary approval contingent on the following conditions. One of the conditions is that if the variance for the 35-ft setback is approved that must be noted on the final plat.

A. Conditions

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

1. American Suburban Utilities, Inc. shall approve the sanitary sewer plans.
2. Indiana-American Water Company, Inc. shall approve the water plans.
3. The fire hydrants shall be approved by the Wabash 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.
4. 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.
5. The County Drainage Board shall approve the drainage plans.
6. 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:

7. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
8. All required building setbacks shall be platted. If the 35-ft setback variance is approved by the Area Board of Zoning Appeals, a note shall be added to the final plat describing the variance, including the approval date and case number.
9. The street addresses and County Auditor's Key Number shall be shown.

Dan Teder, Reiling Teder & Schrier, LLC, 250 Main Street, Suite 601, Lafayette, IN 47901, attorney for the petitioner, stated that the home had been removed from the lot and this is now an undeveloped, wooded lot. He said the petitioner concurs with the staff's recommendation and will abide by their conditions. He also requested bonding.

Tom Murtaugh asked if anyone in the audience would like to speak to this subdivision request.

Bruce Schmitter, 3082 Goddard Court, West Lafayette, IN 47906, said the proposed subdivision faces the back of his yard. He said there is a ditch in his yard and he wondered how the subdivision will affect his property.

Tom Murtaugh said the proposal will have to be heard by the Drainage Board and the purpose of that is to make sure the project will not have a negative impact on the surrounding area. He said the project should not have any impact on Mr. Schmitter's property.

The Commission voted 15-Yes to 0-No to grant permission to bond, and also voted 15-Yes to 0-No for conditional primary approval of **S-4812 LINDBERG POINTE VILLAS SUBDIVISION (major-preliminary).**

C. REZONING ACTIVITIES

1. **Z-2751 TIPPECANOE DEVELOPMENT II, LLC (A to R1B):**

Petitioner is requesting the rezoning of 145 acres to allow the subdivision of 536 single-family lots (Fieldstone II Subdivision) located on the south side of CR 600 N and the east side of CR 150 W, in Wabash 25 (NE) 24-5. With commitment.

Gary Schroeder moved to approve the commitment for Z-2751 Tippecanoe Development II, LLC and to hear and approve Z-2751 TIPPECANOE DEVELOPMENT II, LLC (A to R1B). Carl Griffin seconded.

Don Lamb presented the zoning map, aerial photos, and sketch plan. He highlighted the area zoning history and area land use patterns. Don said this request is being made with a commitment to develop perimeter lots on the northern and western boundaries to larger, R1 area and width standards. He said these lots would be larger than the remainder of the lots in the project which would be zoned R1B. He said the site is currently zoned Agricultural as are several of the surrounding properties. Don said there are some adjoining residential areas zoned R1B to the north. This project is tentatively called Fieldstone II, Fieldstone I, located on the north side of CR 600 N., is zoned R1B. Don said there are about 70 lots that have been recorded in Fieldstone Subdivision Phase 1 and about 35 of those lots have been built on. East of the Fieldstone Subdivision Phase 1 area is an R1 project called Timberbrook Subdivision which was approved for the preliminary plat stage in November 2016 but there has not been any construction on that project so far. Don said primary approval was granted for the Central Park Subdivision to the south, but it expired in September 2016. He said that area is still zoned R1. He said there were more large-lot R1 zoned home sites located to the east near the 3 public schools. Don said the southeast corner of the proposed subdivision will contain a drainage pond and a passive recreational area (landscaped trails and some parking). The pond and recreational area will cover approximately 20 acres. He said to the west and north are some large-lot single-family homes. Don said the project will be served by sanitary sewer and water. He said staff does have letters from American Suburban Utilities and Indiana American Water stating they are able to supply the utilities. Don said the plan has been submitted to all checkpoint agencies including Tippecanoe School Corporation, Tippecanoe County Highway Department, and emergency services. He said none of these agencies has expressed concern to staff about their ability to adequately serve this development. Don said that CR 600 N. is classified as a secondary arterial. He said CR 600 N. has a tight reverse curve at the northeast corner of the site. He said the Tippecanoe County Highway Department does not have that on their project list yet but, there was right-of-way dedicated as a requirement for the Fieldstone I project to allow for the straightening of the road. Don said in May 2017 a road and pedestrian safety audit was performed at the intersection of CR 600 N. and CR 50 W. (aka County Farm Road) about a half mile to the east of the proposed subdivision. This report recommended road improvements that may be funded in the future. Don said historically, Tippecanoe School Corporation has not expressed concern about over crowding of the schools. He said the school corporation will educate all children in its district. Don said the petitioner currently has 287 lots remaining to be platted in the Fieldstone I and Timberbrook subdivisions. In addition, the developer has about 200 lots in developing subdivisions farther to the southeast but still in the same school district. The developer also owns about 160 acres in West Lafayette that is zoned R1 and R1B that could potentially be developed with 500 or more lots. This site is located on the south side of CR 500 N. just west of the Winding Ridge Subdivision. Also, about a mile and a half east on CR 600 N. are two new subdivisions recently rezoned by two different developers and granted primary approval that will have 196 lots combined. Don said staff does have some reservations about the need for additional lots in the area, but none of the checkpoint agencies has expressed concern about being able to serve this additional area. Don said with sanitary sewer and water available and the commitment to create larger perimeter R1 lots, staff does recommend approval of this rezone.

Dan Teder, Reiling Teder & Schrier, LLC, 250 Main Street, Suite 601, Lafayette, IN 47901, attorney for the petitioner, said Derrin Sorenson, the petitioner's representative, was present, and Tim Balenseifer, Engineer for TBIRD Design Services Corporation, 105 N. 10th Street, Lafayette, IN 47901 was also present. He said they would be happy to respond to any comments or questions. He said they have had numerous meetings with the neighbors concerning the project including the school corporation and the fire department. He said Commissioner Tracy Brown has been the moderator for all the meetings. He said he wanted to publicly thank Commissioner Brown for all his hard work. He said it took a lot of effort for Commissioner Brown to do so. Dan Teder said in his opinion those meetings were very productive. He said they have incorporated some of the concerns voiced at the meetings into their plans. He said the 3 area schools were the major reason for the growth coming to this area. Dan Teder said the petitioner owns Fieldstone I to the north, which consists of 73 acres with 232 lots. He said although these lots are zoned R1B, the petitioner has an agreement with the neighbors that the lots would be developed as R1A which has been done. He said the lot width and the lot square footage both meet R1A standards. He said at this point the petitioner has sold 31 houses in Fieldstone I and has 77 lots developed. He said the petitioner is building about 20 houses per year in that development. He said the petitioner also owns Timberbrook Subdivision to the south of CR 600 N. just east of the project in question. He said it is a 125 lot R1 subdivision on 48 acres. He said that has not been developed at this time and it will be quite a while before that property is developed. Dan Teder said that the greater Lafayette area is a very successful community with many new businesses. He said in his opinion the area is lacking workers. He said one of the reasons for that is the lack of affordable housing and that is what the petitioner is trying to provide. He said there is no R1B housing for workers, or for young professionals, or single parents who all want to live near the schools. He said the most important thing these people are looking for is affordable housing. He said the housing prices in the surrounding subdivisions start between \$220,000 - \$290,000 and are inching up from there. He said in

the proposed subdivision the R1 perimeter portion will start at \$265,000 and the R1B portion will be just under \$200,000. Dan Teder said staff had mentioned there were many other lots available in the area, but he said they are zoned R1 which is a different product than the petitioner will be developing. He said there will be another R1B development coming to the area in the next year or two but that will target empty-nesters. He said in his opinion that is also a different product than what the petitioner is developing. He said the prices for those will be in the mid-\$200,000 range as well. He said the Fieldstone II subdivision in question will have 60 R1 lots on the north and west perimeter and 477 R1B lots in the interior. He said there will also be a 20-acre drainage facility at the southeast corner that will have recreational paths in it. He said at the last meeting he had advised the neighbors that the petitioner would put berms along CR 600 N. and CR 150 W. Dan Teder said he had spoken to Dr. Hanback, Tippecanoe School Corporation Superintendent, who indicated in the next 3 years Harrison High School would have an additional 15-17 new classrooms. He said that will meet the enrollment requirements for the next 10 years. He said Battle Ground Middle School will add 18 new classrooms with 50,000 square feet of space over the next 2 1/2 years. This will accommodate 400-450 new students. He said Burnett Creek Elementary School had been improved with 12 new classrooms in 2015. He said no additional work will be done there but the school corporation is planning to add another elementary school in this quadrant. Dan Teder said the county does need to improve CR 600 N. and CR 150 W. and add traffic signals on CR 600 N. and CR 500 N. He has been in conversation with Commissioner Brown about the road improvements. He said that will help with the growth in this area. Dan Teder said he agrees with staff's favorable recommendation and he asked for the Area Plan Commission's favorable recommendation.

Noel Charshe, 5754 N. 150 W., West Lafayette, IN 47906, thanked Commissioner Tracy Brown for facilitating discussions on this matter. She also thanked Commissioner Tom Murtaugh, Sallie Fahey and Don Lamb of the Area Plan Department, and the developer Derrin Sorenson. Ms. Charshe said she takes this matter very seriously and wanted the commission to know that she had done all the fact finding on the issue. She said she represented many of the neighbors in the area who were unable to attend the meeting. Ms. Charshe said she and her husband coach and volunteer for the Harrison High School football, baseball, and basketball programs. She said she is also on the PTO board for Burnett Creek Elementary School. She said her first concern was with the density of the proposed Fieldstone II subdivision. She said she is not opposed to the idea of a subdivision, but she is unhappy with the proposed density of 500+ homes in a very small area. Ms. Charshe also said she has heard concerns from the area school teachers and counselors about how the needs of the additional students will be met. She said the homes will be eligible for USDA Rural Development home loans. She is concerned about potential home owners buying homes in the area without having to invest initially upfront. She said that raises concerns about how the neighborhood will be taken care of. She said several neighbors also have concerns about potential increased criminal activity in the area. She said she and other neighbors are happy that the developer has agreed to build R1 homes around the perimeter of the project, but they still feel the subdivision will be too densely packed. She agreed there may be a need for R1B housing, but she does not think there should be so many in such a small area. She also voiced concerns with the drainage of the area. She said whenever it rains there is standing water in the surrounding fields. She said she is concerned about the size of the drop off lines at the schools. She also said the Sheriff Department and Fire Department are severely understaffed according to Deputy Sheriff Steve Hartman. She said the nearest fire department is located on Klondike Road and voiced concerns about their response time to the area.

Chris Brown, 5808 N. 150 W., West Lafayette, IN 47906, said there had been great meetings with Commissioner Brown and with the developer. Chris Brown said the developer had filed a commitment to build R1 homes around the perimeter of the project. He said he would also like the developer to file a commitment to the rezone for a landscape buffer. He said the developer, Derrin Sorenson, had made a verbal agreement on the landscaping, but felt filing a commitment to the rezone would delay the project. Chris Brown wondered if a modification could be made to the original commitment to include a landscape buffer. He felt it would be safer to have a written agreement on the matter. Chris Brown also voiced concerns about the number of available lots already in the area. He said he also had concerns with the USDA loans and urban sprawl in the area. He said he would like the Area Plan Commission to have more input on the aesthetics or appearance of how these new developments will look.

Tekoa Geswein, 619 W. 600 N., West Lafayette, IN 47906, said she is a Cross Country coach at Battle Ground Middle School. She said she is active in the PTO at both Burnett Creek Elementary School and Battle Ground Middle School. She said she is in the schools regularly and she knows there is a lot going on at these schools. She said they are great schools and she can see why people want to live in this school district. She said she understands Dan Teder's point about needing more homes for working people in the area, but her concern is with overcrowding of the schools. She said the smaller homes will bring young families with young children. She said Burnett Creek Elementary School will not be able to handle the additional students and she asked when a new elementary school will be built. She said she is pushing for bigger lots in the proposed subdivision because that will mean fewer homes will be built.

Diane Wetzel, 4315 Hadley Court, West Lafayette, IN 47906, said she also had concerns with overcrowding of the schools. She said Harrison High School is already so crowded that they need to have 5-6 lunch periods beginning at

10:00 AM. She said Burnett Creek Elementary School is completely at capacity and she wants to know when another elementary school will be built in the area. She said she is also concerned with the traffic in the morning. She said 20-30 cars are already backed up trying to turn into the high school every morning. She does not understand why the roads will not be improved first before the new high-density housing is built or why there is no definitive plan for a new elementary school before the new students arrive. She is concerned with preserving high standards for the neighborhood and the schools in the area.

Jodi Blevins, 6135 Chattan Drive, West Lafayette, IN 47906, said she is also concerned with overcrowding in the schools. She said she has a child in each of 3 area schools, and on school mornings cars are backed up just trying to turn left out of her subdivision onto CR 600 N because of the volume of students being dropped off at Harrison High School. She also said the drop off lines at the elementary school and middle school are very long. She said she has all the same concerns as the previous speakers as far as overcrowded schools, traffic safety, and emergency services. She feels that so much rapid, new growth in the area is coming at the expense of their children.

Dan Teder, Reiling Teder & Schrier, LLC, 250 Main Street, Suite 601, Lafayette, IN 47901, attorney for the petitioner, said in rebuttal that the site would be developed in 7 or 8 phases. He said there will be around 75 lots in a phase. He anticipates selling 25-35 homes per year, so it will take over 10 years to develop the entire project. He said he understands the concerns of the neighbors, but he said all these new houses will not be built at one time. He said over that time frame the county and the school corporation will make the improvements needed to handle the growth. Dan Teder also said that if a second entrance is required for the Fieldstone II project for emergency access, the developer can connect to Timberbrook subdivision to the east and use the entrance there as a second entrance to Fieldstone II. He said there are around 30 R1 lots just north of there that would also be developed at that time, so everything would flow together. Dan Teder said even though Fieldstone I is zoned R1B, the developer has agreed to meet the building requirements of R1A lots for that project. He said there are no R1B lots in the Fieldstone I subdivision. Dan Teder said that Superintendent Hanback of Tippecanoe School Corporation assured him the school corporation has dealt with other growth issues in the past. He said they can change school district boundaries, they can use portable classrooms, they can build additions onto schools, and they can build new schools. He said at this time the school corporation has a student-teacher ratio of around 23-26 students per teacher. He said if more students enroll in the schools then the school corporation will hire more teachers. He said the school corporation is currently building onto Harrison High School and Battle Ground Middle School, and they are planning to build another elementary school. Dan Teder said the developer will landscape the bufferyard as soon as they get direction from the county on what is required for that. He said the landscaping will be similar to the landscaping at Arbor Chase subdivision which in his opinion is beautiful. Dan Teder said that without the density of the homes the developer cannot get to the price point he plans to sell the proposed homes for. He said he hears every day that there are not enough workers for the jobs in this area. He says in order to bring more workers to the area there needs to be affordable housing. He said other subdivisions in the area are zoned R1 and they are much more expensive. The workers the county needs to attract cannot afford those houses. Dan Teder said County Surveyor Zach Beasley and Tim Balensiefer of TBIRD Design Services are addressing drainage concerns in the surrounding area. He said much of the drainage problem in the area was caused by previous parcelizations which did not go through the county's drainage process. He said the drainage issues have not been caused by the new development. Dan Teder said the school corporation is going to build an access road to CR 600 N. to the east of the Fieldstone II project which should eliminate some traffic issues. Dan Teder asked for the Area Plan Commission's favorable recommendation and said he would be happy to answer any questions.

Tom Murtaugh asked Dan Teder if development of the project would start in the northeast corner of Fieldstone II subdivision.

Dan Teder said Phase 1 of the development would start in the northeast corner of Fieldstone II, but it would also include a drainage facility in the southeast corner. He said the area between the two would need to be drained before subsequent phases could be developed. He said the access road into Timberbrook subdivision would also be built at that time if it is required by the Area Plan Commission.

Tracy Brown said he wanted to thank Dan Teder, Derrin Sorenson, and all the neighbors in the audience who attended the 3 previous informal meetings to discuss the issues that were raised this evening. He said the issue he was most concerned with was traffic safety in the area. He said he wanted the neighbors know that the Area Plan Commission is not blind to the traffic issues and many of these same issues were raised when Fieldstone I was approved. He said at that time the Tippecanoe County Commissioners and the Tippecanoe County Highway Department immediately commissioned a study on County Farm Road. He said as a result of that study a traffic signal will be installed on CR 500 N. in 2019. He also said that once Harrison High School adds their new drive off CR 600 N. a traffic signal will be installed on that road as well. He said it is the county's intention to address the issues brought on by this new growth as quickly as possible. Tracy Brown also asked Sallie Fahey if there was a way to formalize the landscaping issue with the berm. He said he wanted to avoid a situation where a handshake agreement was not honored by the developer.

Sallie Fahey said the commitment could be amended but that would have to be filed 30 days before the meeting, so it would delay this case for a month.

Dan Teder said he anticipated entering into a written contract for the landscaping at the time the subdivision was approved. He said the developer would need to know the Area Plan Commission's requirements for landscaping before that could happen.

The Commission voted 15-Yes to 0-No to approve the commitment for **Z-2751 Tippecanoe Development II, LLC** and 11-Yes to 4-No to approve the rezone for **Z-2751 TIPPECANOE DEVELOPMENT II, LLC (A to R1B)**.

YES Votes

Jerry Reynolds
Gary Schroeder
Lisa Dullum
Jackson Bogan
Tom Murtaugh
Tracy Brown
Diana Luper
Roland Winger
Michelle Long
Tyrone Taylor
Perry Brown

NO VOTES

Jake Gray
Carl Griffin
Vicki Pearl
Gerry Keen

A favorable recommendation will be made to the Board of County Commissioners to be heard on February 4, 2019 at the Tippecanoe County Office Building at 10:00 AM.

2. Z-2753 NANCY L. EVANS (GB to A):

Petitioner is requesting rezoning of one lot located at 6934 Railroad Street, (the southwest corner of Railroad and CR 700 N) in order to make the existing double-wide mobile home conforming, in the unincorporated town of Colburn, Washington 24 (NW) 24-3.

Gary Schroeder moved to hear and approve **Z-2753 NANCY L. EVANS (GB to A)**. Carl Griffin seconded.

Ryan O'Gara presented the zoning map and aerial photos. Ryan highlighted the area zoning history and area land use patterns. Ryan said the site is in the unincorporated town of Colburn. He said R1 zoning dominates the platted parts of the town and there is some R3 and A zoning on the perimeter. Ryan said the early zoning maps indicated the area was zoned commercially but the current use of the site is a mobile home, single-family residence. The home is on well and septic and the Health Department has had no complaints of system failure at this address. Ryan said there have been discussions about serving the towns of Buck Creek, Colburn, and Americus with sanitary sewer and the county commissioners are looking for grant money to begin a feasibility study for this. Ryan said the area has had a chance to develop commercially and that has not happened. He said the residential use of the property was established back when GB zoning allowed residential uses which is not allowed today, so this was a grandfathered use. He said the rezone request is to allow this non-conforming property to become conforming. Ryan said A zoning allows for mobile homes and since the property is not on sanitary sewer or water it makes sense to allow this rezone. He said if sanitary sewer service was to materialize for the area in the future then R1 zoning or R1U would be appropriate, but the town is not at that point yet. Ryan said staff recommends approval.

Tom Murtaugh asked if staff had received the sign posting affidavit from the petitioner.

Ryan said yes, the petitioner had submitted it to him during the presentation for the previous case.

Nancy L. Evans, 6934 Railroad Street, Lafayette, IN 47905, said she is the petitioner.

The Commission voted 15-Yes to 0-No approve **Z-2753 NANCY L. EVANS (GB to A)**.

A favorable recommendation will be made to the Board of County Commissioners to be heard on February 4, 2019 at the Tippecanoe County Office Building at 10:00 AM. The petitioner was told she would need to appear at that meeting to represent her case.

Gary Schroeder thanked the APC staff for helping Ms. Evans handle her own rezone.

3. Z-2754 LAUREN ALEXANDER (R1B to R2U):

Petitioner is requesting rezoning of one lot located between Central and State Streets, more specifically, 1106 South 21st Street, in order to make an existing two-family residence conforming, in Lafayette, Fairfield 28 (SE) 23-4.

Gary Schroeder moved to hear and approve Z-2754 LAUREN ALEXANDER (R1B to R2U). Carl Griffin seconded.

Ryan O’Gara presented the zoning map and aerial photos. Ryan highlighted the area zoning history and area land use patterns. He said R1B dominates the area with a scattering of R2 zones in the area as well. He said the property currently contains a duplex with a detached garage. He said the surrounding buildings are single-family homes. Ryan said based on staff research going back to the late 1980’s the structure has always been used as a duplex. Ryan said rezoning the property to R2 will allow it to become conforming. He said R2 zoning is appropriate for this structure.

Ryan said staff recommends approval.

Sarah Wyatt, Ball Eggleston, PC, 210 Main Street, Suite 810, Lafayette, IN 47901, attorney representing the petitioner, said the petitioner Lauren Alexander was also present. She said they concur with the favorable recommendation from the staff. She also added that when the petitioner bought the residence in the summer of 2018, she was told by the former owner that when he purchased the house in the 1940’s it was used as a duplex at that time.

The Commission voted 15-Yes to 0-No approve Z-2754 LAUREN ALEXANDER (R1B to R2U).

A favorable recommendation will be made to the Lafayette City Council to be heard on Monday February 4, 2019 at City Hall at 6:30 pm.

4. Z-2755 KARMA ENTERPRISES, LLC (I1 & R1U to NBU):

Petitioner is requesting rezoning of the former St. Vincent DePaul store, located at the northeastern corner of Wabash Avenue and Green Street, more specifically 525 Wabash Ave., Lafayette, Fairfield 29 (NW) 23

Gary Schroeder moved to hear and approve Z-2755 KARMA ENTERPRISES, LLC (I1 & R1U to NBU). Carl Griffin seconded.

Ryan O’Gara presented the zoning map and aerial photos. Ryan highlighted the area zoning history and area land use patterns. Ryan said the site is in the Wabash Avenue neighborhood just south of downtown Lafayette. He said the area in this request is divided by an alley. He said there are 2½ lots, currently zoned R1 and R1U, that have a 10,000 square foot commercial building which is presently used for a contracting business. Ryan said the proposal would allow the building to be divided internally to provide an NBU mixed-use option. He said it would be used as a chiropractor office, retail shop, and storage space for the contracting business. Ryan said NBU zoning provides for a mix of urban style uses and would be appropriate for this site. He said this is a re-purposing of an existing structure which is preferred in urban neighborhoods rather than razing the building when it still has useful life left in it. Ryan said staff supports this request and recommends approval.

Sarah Wyatt, Ball Eggleston, PC, 210 Main Street, Suite 810, Lafayette, IN 47901, attorney representing the petitioner said that the petitioner, Bob Corbin, president of Karma Enterprises, LLC is also present. She said they concur with the staff’s favorable recommendation and ask for the commission’s favorable recommendation on the petition.

The Commission voted 15-Yes to 0-No approve Z-2755 KARMA ENTERPRISES, LLC (I1 & R1U to NBU).

A favorable recommendation will be made to the Lafayette City Council to be heard on Monday February 4, 2019 at City Hall at 6:30 pm.

V. ADMINISTRATIVE MATTERS

None

VI. APPROVAL OF THE FEBRUARY EXECUTIVE COMMITTEE AGENDA

Gary Schroeder moved that the following subdivision petitions be placed on the February 6, 2019 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-4814 MOORE MINOR SUBDIVISION (minor-sketch)

S-4815 McKINLEY MINOR SUBDIVISION (minor sketch)

Carl Griffin 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 requests for use variance, prohibited from consideration by ordinance and statute:

BZA-2001 FORBICK ENTERPRISES, LLC

Carl Griffin seconded and the motion carried by unanimous voice vote.

VIII. DIRECTOR'S REPORT

Sallie Fahey said that the Area Plan Commission members should have received the December 2018 Director's Report by email. She said that in the next few days Kathy Lind will have finished her year-end building permit report and summary. Once that is completed Sallie said she will prepare the January 2019 Director's Report. She said she would then email everything at one time. Sallie said in addition, President Murtaugh has completed his committee assignments for the Standing Committees of the Area Plan Commission. She said she would send that out by email the next day, but she did have a few print copies for anyone who wanted one tonight.

IX. CITIZENS' COMMENTS AND GRIEVANCES

None

X. ADJOURNMENT

Gary Schroeder moved to adjourn.

The meeting adjourned at 7:34 p.m.

Respectfully Submitted,

Diana E. Trader

Diana E. Trader
Acting Recording Secretary

Reviewed By,

Sallie Dull Fahey

Sallie Fahey
Executive Director