

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

DATE..... March 3, 2021
TIME..... 4:30 P.M.
PLACE..... COUNTY OFFICE BUILDING
20 N. 3RD STREET
LAFAYETTE, IN 47901

Due to the public health emergency, the meeting was held virtually. Members of the public may watch the livestream of the meeting at <https://www.facebook.com/TippecanoeCountyIndiana> or <https://www.youtube.com/channel/UCJleeA9ZQo9E11GdZTdjurQ/featured>

MEMBERS PRESENT

Jackson Bogan
Kathy Parker
Gary Schroeder
Greg Jones
Tom Murtaugh
Larry Leverenz

MEMBERS ABSENT

Jerry Reynolds

STAFF PRESENT

Sallie Fahey
David Hittle
Ryan O’Gara
Don Lamb
Kathy Lind
Chyna Lynch
Eric Burns, Atty.

President Jackson Bogan called the meeting to order.

Attorney, Eric Burns, called the roll to establish members present.

I. APPROVAL OF MINUTES

Gary Schroeder moved to approve the minutes from the February 3, 2021 meeting. Greg Jones seconded and the minutes, as submitted, were approved by unanimous voice vote.

II. NEW BUSINESS

None.

III. PUBLIC HEARING

Jackson Bogan 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.

A. SUBDIVISIONS

RE-0078 SOUTH TIPPY RURAL ESTATE SUBDIVISION (rural estate-preliminary plat):
Petitioner is seeking primary approval for a twelve-lot rural estate subdivision on 25.965 acres located on the east side of CR 200 E, just north of CR 750 S in Wea 34 (NW) 22-4.

Gary Schroeder moved to hear and vote on **RE-0078 SOUTH TIPPY RURAL ESTATE SUBDIVISION (rural estate-preliminary plat)**. Greg Jones seconded.

Kathy Lind presented the zoning map, plat, and aerial photos. She said this site is located on the east side of CR 200 E just south of 700 S and is zoned Rural Estate (RE). This site was rezoned last month by the County Commissioners and before it was zoned Agricultural as is all the surrounding land. Most of the land in the area is farmed or wooded. The site is over 50% wooded which is a requirement for a Rural Estate. This is a 12-lot RE that also has two parcels that will be accessing the private driveway. There is a high water table in this area so there is a drainage easement along Outlot A that all lots will utilize. Petitioner has requested permission to bond. Staff recommended approval contingent on the following:

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

1. The detailed plans and driveway permit for the CR 200 E entrance shall be approved by County Highway Department.
2. A temporary turnaround shall be shown at the stub end of Amy Lane.
3. If required, 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.
4. The County Drainage Board shall approve the drainage plans.
5. 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:

1. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
2. Gateway signs, if any, shall be placed in an appropriate easement at the entrance.
3. All required building setbacks shall be platted.
4. The street addresses and County Auditor's Key Number shall be shown.
5. The purpose, ownership and maintenance of Outlot A (access and drainage) shall be specified on the final plat or in the restrictive covenants.
6. A homeowners' association shall be created with appropriate documents and recorded with the final plat, including the executed deed transferring Outlot A to the homeowners' association.

Jackson Bogan asked if the petitioner wanted to make a presentation or if there were any documents that needed to be shared through GoToMeeting.

Bob Gross, 240 Columbia Street, Lafayette, IN 47901, representative for petitioner, said they agreed with the staff report and conditions. He respectfully requested approval.

Sallie Fahey said the adjacent property owners are present this evening. They were at the rezone hearing and are concerned about drainage. It might be helpful to have Bob Gross give some general answers at this point.

Bob Gross, 240 Columbia Street, Lafayette, IN 47901, representative for petitioner, said the formal drainage plan for this has not been started yet. We will meet any requirement the county drainage ordinance has.

Jackson Bogan said this request must go before the Drainage Board and that is not in the hands of this body today. If this is a drainage issue, we would want to redirect people to where they can discuss drainage issues with the correct body.

Tom Richardson, 5796 SR 28 E Lafayette, IN 47909, said the staff report says there is a drainage easement on the lot that dumps out on his property. He asked if the petitioner was aware of that.

Bob Gross, 240 Columbia Street, Lafayette, IN 47901, representative for petitioner, said yes, he was aware

of that. The drainage easement is in the natural drainage pattern.

Tom Richardson, 5796 SR 28 E Lafayette, IN 47909, asked about the natural drain in front of the woods that goes through Lot 6 and Lot 5. This would come around the west side and follows the contour of the woods. He said he has seen knee-deep water through those two lots. He said he disagrees with the petitioner's request to bond without a drainage plan in place.

Jackson Bogan said the drainage plans will have to be approved before development begins.

Tom Murtaugh asked Mr. Gross when the drainage plan might be submitted to the Surveyor's office to be heard by the Drainage Board.

Bob Gross, 240 Columbia Street, Lafayette, IN 47901, representative for petitioner, said this will be submitted in the next six months.

Tom Murtaugh asked that Mr. Richardson leave his contact information with staff to make sure he is notified when this is going to be heard by the Drainage Board. These meetings are the first Wednesday of each month at 10 am in the Tippecanoe County Office Building. The plan will have been completely vetted at that point. You will be given the opportunity to discuss any concerns you may have about drainage.

Tom Richardson, 5796 SR 28 E Lafayette, IN 47909, said he will certainly do that. This request is being pushed through and there will be unhappy people once these houses are being built because these lots will not drain.

Jackson Bogan said we will have a one-minute pause for citizen comment. After the minute passed, he asked Ryan O'Gara if we received any citizen comments. There were none.

Eric Burns conducted a vote by roll call. He said with the request to bond, it is assumed your vote on the subdivision is also a vote to permit bonding unless stated otherwise. The motion was conditional approval 6 yes to 0 no.

Yes-Votes

Larry Leverenz
Tom Murtaugh
Gary Schroeder
Greg Jones
Kathy Parker
Jackson Bogan

No-Votes

IV. APPROVAL OF THE MARCH APC PUBLIC HEARING AGENDA

Gary Schroeder moved that the following subdivision petition be placed on the March 17, 2021 Area Plan Commission public hearing agenda at petitioner's request, placement thereon being without reference to compliance or non-compliance with the adopted subdivision ordinance:

S-4979 OAK RIDGE SUBDIVISION, SECTION 2 AND REPLAT OF LOTS 14 AND 16 IN SECTION 1 (major-preliminary).

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

Gary Schroeder moved that the following rezoning petition be placed on the March 17, 2021 Area Plan Commission public hearing agenda:

Z-2787 CONCORD PARTNERS SOUTH, LLC – BRIAN WALKER (SAGAMORE WINDS PLANNED DEVELOPMENT) GB & I3 TO PDRS

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

V. APPROVAL OF THE MARCH ABZA PUBLIC HEARING AGENDA

Gary Schroeder moved that the following petitions be placed on the March 24, 2021 Area Board of Zoning Appeals Public Hearing agenda:

BZA-2051 TIPPECANOE COUNTY CONSERVATION CLUB, INC.

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

VI. DETERMINATION OF VARIANCE – LAFAYETTE DIVISION OF THE ABZA

Gary Schroeder 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:

#2021-09 KEVIN J. OSBORN;
#2021-10 SYNTHETIC METHODS, INC.;
#2021-11 SYNTHETIC METHODS, INC.;
#2021-12 MENARD, INC.; and
#2021-13 DAHM NO.54, LLC.

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

Gary Schroeder moved that the sign ordinance be strictly adhered to on the following case:

#2021-13 DAHM NO.54 LLC.

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

VII. REVIEW AND APPROVAL OF THE FEBRUARY BUDGET REPORT

Gary Schroeder moved to hear and approve the February Budget Report as submitted.

Sallie Fahey said in the expenditures this month column, there is a \$250 under travel costs and mileage. That represents the fee to attend the virtual National Association of Regional Councils Conference. In February, they have their policy conference which gave us an early idea what Congress might do within the next transportation bill. The \$259 under dues and subscriptions are our Urban Land Institute annual membership along with our monthly GoTo meeting fee.

The motion carried by unanimous voice vote.

VIII. OTHER BUSINESS

None.

IX. ADJOURNMENT

Gary Schroeder moved to adjourn.

Meeting adjourned at 4:53 p.m.

Respectfully Submitted,

Chyna R. Lynch

Recording Secretary

Reviewed By,

David Hittle