

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

DATE.....March 17, 2021
 TIME.....6:00 P.M.
 PLACE..... County Office Bldg.
 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

Vicki Pearl
 Greg Jones
 Carla Snodgrass
 Larry Leverenz
 Diana Luper
 Michelle Dennis
 Tracy Brown
 Tom Murtaugh
 Gary Schroeder
 Jackson Bogan
 Kathy Parker
 Lisa Dullum
 Perry Brown
 Jason Dombkowski
 Roland Winger
 Jerry Reynolds

MEMBERS ABSENT

Jake Gray

STAFF PRESENT

Sallie Fahey
 Ryan O’Gara
 Larry Aukerman
 Don Lamb
 Chyna Lynch
 Eric Burns, Atty

The Area Plan Commission of Tippecanoe County Public Hearing was held virtually on the 17th day of March 2021 at 6:00 P.M., pursuant to notice given and agenda posted as provided by law.

Attorney Eric Burns called the meeting to order and called the roll to establish members present.

I. BRIEFING SESSION

None.

II. APPROVAL OF THE MINUTES

Gary Schroeder moved to approve the minutes from the February 17, 2021 meeting. Greg Jones seconded and the motion carried by unanimous voice vote.

III. NEW BUSINESS**APA Indiana Planning Sagamore Award for 2021 Winner: Sallie Dell Fahey**

Jackson Bogan congratulated Sallie on receiving the APA Indiana Planning Sagamore Award for 2021.

Winner Announcement Video played.

Kathy Parker arrived at 6:35.

Jackson Bogan said tonight is bittersweet as we say farewell and best wishes to a wonderful woman who has helped many of us in various ways. He said he can't thank Sallie enough for all she has done for our community and her leadership has been unprecedented.

Kathy Parker thanked Sallie for her help and patience while learning this position. She wished Sallie the best of luck in her retirement.

Tom Murtaugh said he does not know what county government is like without Sallie. She has been an institution in not only our county government, but also the state. He said everyone will greatly miss Sallie.

Gary Schroeder said in transportation planning, when we were awarded extra federal funding, they were looking for a community that could get the job done. This was a testament to Sallie and her staff. In land use planning, Sallie's influence is clear in how the community has grown. He thanked Sallie for her work.

Perry Brown arrived at 6:39 pm.

Roland Winger said there was so much growth, complexity and energy that needed to be invested into this community as well as deliberate and persistent planning. Sallie has been a steady captain through the unexpected twists and events of the last 50 years. We have debriefed with developers and stakeholders who did not like an outcome of the Plan Commission, but they knew the work was done and there were no surprises. There has been a steadiness to our community in Sallie's efforts. Sallie is not leaving things just better than how she found them, she is leaving them as the best they have ever been. Sallie has developed her staff in their leadership and culture so that we stand ready for the next 50 years. He thanked Sallie for her unwavering commitment to this Commission, our county and this region.

Tracy Brown said he first met Sallie many years ago through Leadership Lafayette. He said the first thing he noticed about Sallie was her collaborative spirit. In 2015, when he came to the Commissioner's office, Sallie was one of the first people that he met with. She taught him the ins and outs of zoning. He said this is one of the things he enjoys the most about serving as a County Commissioner and that is because of Sallie's mentoring spirit. He thanked Sallie for all that she has done.

Jackson Bogan asked if Ryan O'Gara would present Sallie with the plaque from the Commission.

Ryan O'Gara said Tippecanoe County Area Plan Commission thanks Sallie Fahey for 47 years of dedicated service to Tippecanoe County, the cities of Lafayette and West Lafayette, and the towns of Battle Ground, Dayton and Clarks Hill. Her dedication, vast knowledge, and collaborative spirit have been instrumental in the success and growth of Tippecanoe County and has led a pathway for continued success for decades to come.

Sallie Fahey thanked everyone for making Tippecanoe County such a wonderful place to have a career.

IV. 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

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

Petitioner is seeking primary approval for a 38-lot (plus one outlot) addition to the existing single-family subdivision on 17.57 acres located on the west side of CR 75 E, approximately 1/4 mile north of CR 500 N in Tippecanoe 29 (SE) 24-4.

Gary Schroeder moved to hear and vote on S-4979 OAK RIDGE SUBDIVISION, SECTION 2 AND REPLAT OF LOTS 14 AND 16 IN SECTION 1 (major-preliminary). Greg Jones seconded.

Don Lamb presented the zoning map, plat, and aerial photos. He said the site is located on the west side of CR 75 E. Coyote Crossing Golf Course and the Winding Creek subdivision is farther north. The site was rezoned from A to R1 last November. Agricultural (A) zoning is to the south and farther west is Flood Plain (FP) zoning associated with an unnamed tributary to the Cole Ditch. This is a proposal for 38 lots and an outlot. Section 1 included 104 lots which has completed all public improvements and is ready to hook up to Section 2. There are two streets; Maize Street will complete the loop and Boham Court is a cul-de-sac. They did not show a required street connection to land to the south. Even though it is currently zoned A, there is potential for development because utilities are accessible. When the petitioner submitted their preliminary plan request, they also submitted a variance request to not have to make that connection. This was heard by the County Commissioners and they denied the request because the petitioner committed to reserve one of the lots to be permitted to go to right-of-way. When the final plat is recorded, there will be a reservation stated on Lot 139 for right-of-way. The condition is if the land to the south has a petition to rezone from A to R1, that would trigger the need to convert Lot 139 to street right-of-way for the connection to the next development. Regarding utilities, this section will connect to Section 1. The storm sewer will also be directly connected to a new detention pond on the lot in the northeast corner. Petitioner has requested permission to bond. Staff recommended approval contingent on the following:

1. The "Street A" label shall be replaced by Boham Court in the construction plans and on the final plat.
2. In the construction plans, final plat and covenants, Lot 139 shall be noted to be reserved for road right-of-way and utility purposes if necessary for future development to the south. If a building permit is issued and home construction has begun on all other lots within this section prior to a residential rezone petition being filed for the adjoining property to the south, Lot 139 may be sold and built on as a residential lot. The building setbacks and utility easements shown hereon for Lot 139 apply only in the condition where Lot 139 is sold as a residential lot.

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 Tippecanoe Township Fire Department. Plans for the actual placement of the hydrants shall be approved by the Indiana American Water Company in cooperation with the Fire Department.
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:

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

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

1. The purpose, ownership and maintenance of Outlot B shall be specified.

Jackson Bogan asked if the petitioner or their representative wanted to make a presentation and if there were any documents to share through GoToMeeting.

Ryan Munden, 250 Main Street, Suite 601, Lafayette, IN 47901, representative for petitioner, said he concurs with the staff report and recommendation. He respectfully requested approval.

Julia Thompson, 5399 Maize Drive, West Lafayette, IN 47906, asked what the intention is with Lot 14 because it abuts her property.

Justin Frazier, 105 N 10th Street, Lafayette, IN 47901, said there is a proposed detention pond just northwest on Lot 14. That lot was originally platted in Section 1 and is now being replatted.

Jeremy Thompson, 5399 Maize Drive, West Lafayette, IN 47906, said Lot 14 is not useable and it is not clear if it is draining out of the pond into the culvert. He said they are considering buying the neighboring lot and wanted to know how the culvert is supposed to work.

Justin Frazier, 105 N 10th Street, Lafayette, IN 47901, said the existing culvert is a 48" culvert that runs under the main road. Behind Lot 14, there will be a new detention pond. The outlet of that detention pond will be a storm sewer that discharges out of that detention pond to the north and into the culvert under the main entrance road. Lot 14 will likely be reshaped but it will continue to drain towards the culvert like it does now. There will be a berm built up around the curve.

Jeremy Thompson, 5399 Maize Drive, West Lafayette, IN 47906, said Lot 14 was originally triangular but now it is rectangular so a house can be built on it.

Justin Frazier, 105 N 10th Street, Lafayette, IN 47901, said that is just a reshaping. Lot 14 and 16 were in the original Section 1 and have been reconfigured on this section for a more efficient layout.

Jeremy Thompson, 5399 Maize Drive, West Lafayette, IN 47906, said if the pond overflows, it will drain into the culvert. He said the culvert will go through his property. He asked how that layout will work. One of lots is not buildable because it is full of large rocks. He asked if that will be the drainage for the pond.

Justin Frazier, 105 N 10th Street, Lafayette, IN 47901, said the back side of Lot 15 is Lot 4. Lot 4 will be reshaped as well to provide a better pad for building.

Jeremy Thompson, 5399 Maize Drive, West Lafayette, IN 47906, said with the building of the current section, there have been some trash issues. He said they have reached out to the developer and have not received a response. There are multiple builders and no one wants to take responsibility. He asked if they had any idea or resolution to offer to remedy this issue.

Ryan Munden, 250 Main Street, Suite 601, Lafayette, IN 47901, representative for petitioner, said we can have the developer talk to the builders.

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.

Eric Burns conducted a vote by roll call. The motion was approved 16 yes to 0 no. Bonding was approved by unanimous voice vote.

Yes-Votes

Jackson Bogan
Larry Leverenz
Jason Dombkowski
Roland Winger

No-Votes

Vicki Pearl
 Lisa Dullum
 Diana Luper
 Gary Schroeder
 Michelle Dennis
 Kathy Parker
 Jerry Reynolds
 Tom Murtaugh
 Carla Snodgrass
 Greg Jones
 Perry Brown
 Tracy Brown

B. REZONING ACTIVITIES

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

Petitioner is requesting rezoning to construct a single-lot, multi-family apartment complex. The property is located near the southwest corner of the intersection of Maple Point Drive and Sagamore Parkway, Lafayette, Wea 3 (NW) 22-4.

Gary Schroeder moved to hear and approve **Z-2787 CONCORD PARTNERS SOUTH, LLC – BRIAN WALKER (SAGAMORE WINDS PLANNED DEVELOPMENT) GB & I3 TO PDRS.** Greg Jones seconded.

Ryan O’Gara presented the zoning map and aerial photos. He said the rezone will consist of 17 acres from GB and I3 to PDRS for a multi-family subdivision. This also includes an area for an outlot. The proposed lot includes all of the FP zoning along the Elliot Ditch to the south which cannot be rezoned. Petitioner is programming open space amenities for residents within the FP zoning like a dog park, trails and seating areas. The site is currently undeveloped and located in a non-residential area. The preliminary plat shows where the proposed Lot 1 is located and the split zone. This is a landlocked parcel with an access easement and a private drive that will connect to a curb cut on Maple Point Drive. The easement is off the PD lot through an arrangement made with the surrounding property owner. They were not willing to transfer the land but were willing to rezone for the driveway. Near the intersection with Maple Point Drive, there is a small outlot being proposed that will contain the project’s monument sign. There will also be a small sign access easement adjacent to the sign and alongside the regular vehicular and public access easement over the driveway to allow for legal access to the outlot. The city has a nice trail system in this area. The monument sign will be pushed back to allow for a public sidewalk to connect to the project near the clubhouse to the Maple Point Drive Trail. The developer is interested in having full connection to city amenities. The proposed project is a 264 multifamily unit apartment complex. It will be a mix of one and two-bedroom units. The architecture will be similar to the Southern Winds project Mr. Walker completed a few years ago. It has been staff’s policy to support residential density near major commercial centers like this. Staff believes this is an appropriate project and needed in this area. Staff recommended approval contingent on the following:

1. All sheets (other than preliminary plat) that make up the approved Preliminary Plan;
2. Planned Development construction plans per UZO Appendix B-2;
3. A final plat per UZO Appendix B-3 as applicable;
4. Appropriate surety submitted with Final Detailed Plans;
5. Final landscape plan and plant schedule, in general conformity with the approved Preliminary Plans, shall be approved by the city’s urban forester with the submission of the Final Detailed Plans and shall also include development details for outdoor amenity space areas to be located within the project’s FP-zoned area;
6. With the submission of the Final Detailed Plans, the final location of the project’s monument sign within its outlot shall be approved by the Administrative Officer and shall be so located to minimize vision obstruction for all transportation modes;

7. Street addressing and private street name applications shall be made with APC prior to the submission of the Final Detailed Plans;
8. The Final Detailed Plans shall demonstrate conformity with Section 2-27-18 concerning development near Flood Plain zoning;
9. Drainage Board approval (relative to the project's plan to drain into a Countyregulated facility) shall be secured prior to the submission of the Final Detailed Plans.

Jackson Bogan asked if the petitioner or their representative wanted to make a presentation and if there were any documents to share through GoToMeeting.

Tyler Ochs, 201 Main Street, Lafayette, 47901, representative for petitioner, said this is a unique project that is positioned in an area that could benefit from residential housing. This will be Mr. Walker's third apartment complex in Lafayette and will be of equal quality of Crosswinds and Southern Winds.

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. The motion was approved 16 yes to 0 no.

Yes-Votes

Jackson Bogan
 Larry Leverenz
 Jason Dombkowski
 Roland Winger
 Vicki Pearl
 Lisa Dillum
 Diana Luper
 Gary Schroeder
 Michelle Dennis
 Kathy Parker
 Jerry Reynolds
 Tom Murtaugh
 Carla Snodgrass
 Greg Jones
 Perry Brown
 Tracy Brown

No-Votes

V. ADMINISTRATIVE MATTERS

None.

VI. APPROVAL OF THE APRIL EXECUTIVE COMMITTEE AGENDA

Gary Schroeder moved that the following request for subdivision be placed on the April 7, 2021 Area Plan Commission Executive Committee agenda at petitioner's request, placement thereon being without reference to compliance or noncompliance with the adopted subdivision ordinance:

S-4983 SINGH MINOR SUBDIVISION (minor-sketch).

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

VII. DETERMINATION OF VARIANCES – AREA BOARD OF ZONING APPEALS

Gary Schroeder moved that the following request for variance from the Unified Zoning Ordinance is not a request for use variance, prohibited from consideration by ordinance and statute:

BZA-2051 TIPPECANOE COUNTY CONSERVATION CLUB, INC.

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

VIII. DIRECTOR'S REPORT

David Hittle said there will be a planning certification review on March 22nd. This is not officially an audit but it happens every 4 to 5 years. INDOT comes to review the programs. This has been occupying much of Sallie's time and leaving little time for anything else. The multi-hazard mitigation plan is being done in-house which is rare. This is something that Sallie has established as part of the culture. This department has the capability to be able to handle these plans that require different types of technical knowledge without hiring a consultant or vendor each time. This is rare. They are all done in-house with great quality and in a lean manner without needless polish. Staff is working toward a paperless permitting system where we will be able to accept permits online. Staff is working with the IT department and have identified Schneider Engineering as a helping partner in the effort. One thing we are looking at is being able to move forward without leaving behind people that do not yet feel comfortable doing online permitting and would prefer paper.

Sallie Fahey said she could not imagine a better place to have a career than Tippecanoe County. She said she came to Purdue as a freshman from the eastern suburbs of Cleveland. She stayed on campus for the summer and began to meet people that lived in the area which had an impact on her decision to stay in this community. She said she is thankful for the decision. She has met many wonderful Area Plan Commission members over the years and all are to be commended for their volunteer work.

IX. CITIZEN'S COMMENTS AND GRIEVANCES

Jackson Bogan said there will be a one-minute pause for citizen comment and or grievances. After the minute passed, he asked Ryan O'Gara if there had been any additional comments received. There were none.

X. ADJOURNMENT

Sallie Fahey moved to adjourn.

The meeting adjourned at 7:00 pm.

Respectfully Submitted,

Chyna R. Lynch
Recording Secretary

Reviewed By,
David L. Hittle
Executive Director