

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

DATE..... February 15, 2023
TIME..... 6:00 P.M.
PLACE..... County Office Building
20 North 3rd Street
Lafayette, IN 47901

This meeting was held in-person. Members of the public may watch the video of the meeting at <https://www.facebook.com/TippecanoeCountyIndiana> or <https://www.youtube.com/C/TippecanoeCountyGovernment>

MEMBERS PRESENT		MEMBERS ABSENT	STAFF PRESENT
Gary Schroeder	Carla Snodgrass	Tom Murtaugh	David Hittle
Bob Metzger	Tracy Brown	Larry Leverenz	Austin Hammerli
Diana Luper	Jody Hamilton	Jerry Reynolds	Amanda Esposito
Michelle Dennis	Kathy Parker		Eric Burns, Atty
Greg Jones	Jackson Bogan		
Perry Brown	Jason Dombkowski		
Vicki Pearl	Lisa Dullum		

The Area Plan Commission of Tippecanoe County Public Hearing was held in-person on the 15th day of February 2023 at 6:00 P.M., pursuant to notice given and agenda posted as provided by law.

Gary Schroeder called the meeting to order.

Attorney Eric Burns called the roll to establish members present.

I. BRIEFING SESSION

David Hittle stated the petitioner for rezone case **Z-2872, The Friends of the Education Building, Inc.** is requesting a continuance to the March 15th APC public hearing. Rezone case **Z-2874, Tomish Developers, LLC** must be continued to the March 15th APC public hearing because the legal ad was not published. All other cases were ready to be heard.

II. APPROVAL OF THE MINUTES

Jackson Bogan moved to approve the minutes from the January 18, 2022 public hearing as submitted. Greg Jones seconded, and the minutes, as submitted, were approved by unanimous voice vote.

III. NEW BUSINESS

A. Updating the APC Bylaws by amending our forms

David Hittle explained that recent revisions to the APC Bylaws has created some housekeeping tasks. In the Bylaws, there is an appendix that contains the forms used for land use petitions. APC staff is currently updating these forms, making them uniform and more worthwhile to both staff and petitioners. The form presented is the long-standing notice to neighboring parties' that is mailed to inform them of the upcoming public hearing. The current form is not very useful, as most of the text talks about how to format an opposition letter or support letter. The newly revised form provides worthwhile information to the people who are receiving the letter, letting them know what is being requested, who is requesting it, and provides contact information for APC staff and petitioner and encourages them to contact one or both parties. The form is more user-friendly, valuable, and effective. Because the forms are included in the Bylaws, this revision must be presented to the Commission for approval. At the same time, David is asking the Commission to remove the forms from the Bylaws. One reason being that it is unusual they are part of the Bylaws. The forms are subject to relatively frequent revisions and when staff see things people do not understand or things that could be worded differently, staff want to be able to make those

changes and not have to bring them in front of the Commission each time to have a form approved. In addition to the forms, there is a brochure, written several years ago, that needs an update. It too is included as an appendix in the Bylaws. APC staff is requesting the brochure be removed from the Bylaws. It will become an instruction sheet that staff can update and provide to people as they file an application. David Hittle said his request was to remove the forms from the Bylaws. If the Commission chooses not to do so, he asked that the form presented be approved in lieu of the old form.

Gary Schroeder said he wouldn't mind having more discussion about taking the forms out of the Bylaws. He said he's not sure they need to be there. Bringing revisions and changes before the Commission keeps the members informed and allows staff to receive feedback from what members have heard.

Jackson Bogan asked how often the forms would be updated.

David Hittle said a massive update is taking place now. Historically, he is unaware of how many updates have occurred. In other instances, updates happen every couple of years.

Jackson Bogan said one of his concerns is making a motion to pass the word 'forms' when he does not know what he is voting on and what permission they would be giving APC staff.

David Hittle said he could make the case for the removal vote next month. He asked for approval of the new notice form in lieu of the old one.

Tracy Brown asked if the form would be web-based with a collection of digital information and data, or if it is only a form for now.

David Hittle said it will be hard copy for now but move in the direction of web-based in the future. He added they will never completely get away from a hard copy option, as some citizens only work with paper copies.

Vicki Pearl asked about the box in the lower right corner. She wanted to know if an APC staff member's name and email will be listed there.

David Hittle explained the specific staff member will not be assigned at the time this form goes public. The staff information will be available when the property owner calls. The caller would be directed to the assigned staff member. He also explained that APC staff will now be filling out this form. The issue right now is the petitioner completes the form and does not always include pertinent, helpful information. Staff will be filling out everything that is sent from our office to the public at large. APC will provide the petitioner with the notice and mailing labels for all interested parties. The petitioner will copy the form and mail via the certified process, as they do now.

Jackson Bogan moved to approve the form as presented. Greg Jones seconded, and the motion carried by unanimous voice vote.

Vicki Pearl asked if changes should come to the Bylaws Committee before going to the Commission.

Gary Schroeder said either the Bylaws or Ordinance Committee.

David Hittle said he could bring the proposed changes before either Committee. It was agreed upon to bring changes to the next Ordinance Committee meeting.

IV. PUBLIC HEARING

Gary Schroeder read the meeting procedures.

Jackson Bogan 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.

Jackson Bogan moved to continue **Z-2872 THE FRIENDS OF THE EDUCATION BUILDING, INC. and Z-2874, Tomish Developers, LLC** to the March 15, 2023 APC public hearing. Greg Jones seconded, and the motion carried by voice vote.

A. COMPREHENSIVE PLAN AMENDMENT

Jackson Bogan moved to hear and vote on **THOROUGHFARE PLAN RESOLUTION 23-02**. Greg Jones seconded.

THOROUGHFARE PLAN RESOLUTION 23-02:

This amendment to the *Comprehensive Plan* would make an addition to the adopted *Thoroughfare Plan* by establishing a future non-residential collector parallel and to the east of Concord Road between Veterans Memorial Parkway and CR 600 S.

Doug Poad, Senior Transportation Planner, provided a background on why he is presenting before the Commission. In a previous Federal Transportation legislation bill, the Federal Highway Administration and the Federal Transit Administration had certain requirements regarding representation on Boards. One person was to be a representative of the transit system. At that time, it was decided to separate and create the MPO Policy Board to oversee the workings of the Metropolitan Planning Organization. That Board consists of city mayors, commissioners, county council representatives, and the transit agency. The Technical Transportation Committee involves city engineers, police, and transit representatives.

Doug Poad is before the Commission to present a proposed new north-south road on the southside of Lafayette. The Technical Transportation Committee and the MPO Policy Board both recommended and passed this amendment for a new collector road to the *Thoroughfare Plan* and the long-range *Comprehensive Plan*. The APC Commission handles amendments to the *Comprehensive Plan*. If the proposal is approved, it will then go before the jurisdictions. If approved there, the amendment will be recorded and become part of the official *Comprehensive Plan*.

Doug Poad explained the need for a new north-south road in addition to Concord Road. Prospective developments have been brought to APC's attention, which will ultimately increase the number of cars traveling on Concord Road. The transportation planners began to think of what could be done to alleviate traffic using Concord Road as the only north-south road in the area. The proposal is a collector road, a local road that would carry traffic with fewer driveways and would include a trail. Schools are seeking ways to reduce the demand of bus drivers and encourage more children to walk or bike to school. In addition to recognizing this road as a non-residential collector, when it is built in the future, a trail will be built alongside it so the subdivisions that connect to it will have a safer means to get to the elementary school on 450 South. He opened the floor for questions and comments.

Gary Schroeder said he thought Ryan O'Gara had presented this once before and mentioned the road would be the responsibility of the developer to build.

Doug Poad said the goal is to get the road built and the expectation is that when the developers build the subdivisions that they help bear the responsibility of adding the vehicles onto the road system. This would allow the local governments and the developers to share the cost for road improvements. This is recognized in the Unified Subdivision Ordinance.

Gary Schroeder asked if this is a policy in the subdivision ordinance and asked what roads developers are responsible for building. He said typically in a residential subdivision, they build them because they can load them, but there is not enough money in residential development to build the road to serve the lots, as well as the public at large. For commercial subdivisions, such as Wal-Mart at Park East Boulevard, there is sometimes enough money to get sections built. He wonders if this will delay development.

Doug Poad gave an example of an apartment complex, between 9th and 18th Street, on Twyckenham Boulevard building a portion of the road to develop that complex.

Gary Schroeder again said on the commercial side, there is enough money, but on the residential side there may not be, or the costs of those lots are going to be prohibitive.

Doug Poad added there are many road improvement projects going on in the county. Projects are expensive, especially major improvements, so this is a way to share the load so that local governments are not fully responsible all the time for improvements.

Vicki Pearl asked what the development percentage was and how it is determined how much is built.

Doug Poad said it all depends on how the subdivision is laid out and the boundary of it. It varies depending on the subdivision.

Vicki Pearl asked if she was a landowner along the proposed road, would she have to share in that responsibility.

Doug Poad said no, it would only be triggered when a subdivision is going through the process.

Vicki Pearl added the road is in place to move traffic and there will be plenty of people coming down that road that do not live in the area. She stated the whole point was to funnel the traffic differently.

Doug Poad said it would be for relief. The design of it would be ten-and-a-half to eleven-foot-wide lanes and parking along the sides with sidewalks and a trail to the school. It would not be a road like Veterans Memorial, Concord Road, or 18th Street. It would be the next level up from a residential street.

Jackson Bogan said he was having a hard time understanding the type of street. He took 28th Street for example, with cars parked on both sides, going through can be tight, and you drive 25-30 miles per hour. He asked if this would be the type of road being proposed.

Doug Poad said the driving lanes would be a bit wider, considering it would carry thru-traffic and some truck traffic for deliveries, so the lane width will be a bit wider with possible parking on the sides. This road is specifically designed to have either no driveways or very few driveways.

Jackson Bogan then asked from a developer's standpoint, how do we quantify what the cost would be.

Doug Poad said this option has been in the subdivision ordinance for many years and it has not been used. It is recognized that we are getting developments and maybe the burden shouldn't be on local governments. Maybe the burden should be shifted to an equal playing field where the development is being built, and what is serving the specific area, should also be improved, or built by the developer. He gave the example of developments around Harrison High School having no sidewalks or trails. The county is now retrofitting those areas. If the sidewalks were built by the developer at the time, the cost would have helped with that, but now it's all on the County's dime. APC is examining things already in the ordinance that could help the local government agencies.

Gary Schroeder said that is the perception difference. When we say it's on the County, it is really on the taxpayers. The County collects money and decides where to spend it. The taxpayer is still going to pay for that road. The developer develops a subdivision and the price of those lots must pay for the road. By relieving the burden from certain taxpayers and placing it on other taxpayers, you are just increasing the cost of residential development. Even though it seems like an easy fix, in the long term, it is not. Taxes are inherently unfair. If you are building a road that is served by everyone, one would argue that everyone should share in the cost of building those improvements. That is what the County does. Yes, the cost has gone up and will go up for the developers too and that's why housing has gone up. A lot of it is the raw development costs and then the building costs. He thinks that's why there is some pushback. He's not sure how that gets related or for policy change. He said half width improvements have been talked about and pretty much been waived but may be something to discuss at another time. He

concluded with a clarification, by adopting this resolution, it does not state the developer or landowner would pay.

Doug Poad said this is not exclusive that the road will be built only by the developer. It could be built by the jurisdiction at an earlier day if there is a need.

David Hittle interjected that what is being recommended is agnostic toward who pays for it. This is an amendment to the *Thoroughfare Plan* through the *Comprehensive Plan*, which the Commission is all stewards of. This says the current *Thoroughfare Plan* lacks any real north-south connectivity and therefore we are filling in that gap. This offers no recommendation as to how the development would occur.

Gary Schroeder added that he thinks this is a fabulous plan and will be a good road in the future.

Gary Schroeder asked for questions or comments from the Commission. There were none.

Gary Schroeder asked if anyone in the audience wished to speak in favor or opposition. There were none.

Gary Schroeder called for a vote on a yellow ballot.

David Hittle collected the ballots and noted the Area Plan Commission voted 14-Yes to 0-No recommending approval of **THOROUGHFARE PLAN RESOLUTION 23-02.**

<u>Yes-Votes</u>				<u>No-Votes</u>	
Vicki Pearl	Tracy Brown	Jody Hamilton	Gary Schroeder	Kathy Parker	(none)
Bob Metzger	Diana Luper	Jackson Bogan	Carla Snodgrass	Lisa Dullum	
Perry Brown	Greg Jones	Michelle Dennis	Jason Dombkowski		

B. SUBDIVISIONS

Jackson Bogan moved to hear and vote on **S-5113 ADRANOS MINOR SUBDIVISION, a replat of Purdue Research Park Ph. 3, Pt. 2, Lot 8 (minor-sketch).** Greg Jones seconded.

1. S-5113 ADRANOS MINOR SUBDIVISION, a replat of Purdue Research Park Ph 3, Pt 2, Lot 8 (minor-sketch):

Petitioner is seeking primary approval for a one-lot industrial minor subdivision of 2.495 acres (reducing in size the existing 5-acre Purdue Research Park, Lot 8) located at the northwest corner of Endeavour Drive and Yeager Road, specifically 1102 Endeavour Drive (formerly Challenger Drive), West Lafayette, Wabash 01 (NE) 23-5.

David Hittle showed the zoning and aerial maps. The area is owned by Purdue Research Foundation. This is a simple request to change the size of a platted lot. The outlier plat was carved into the subdivision before knowing who the eventual owner would be and what amount of area would be used. Adranos came in and developed the property, which used less than what was initially platted. This request is to replat, to maximize the ability to use the property, freeing up the remainder of the initial five acres for future development. Staff is supportive of the request.

Gary Schroeder asked if the petitioner or the petitioner's representative wished to make a presentation.

Nathan Winslow, American Structurepoint, 9025 River Road, Indianapolis, said everything presented is accurate. To clarify, the original five-acre lot was plotted as a lot and the balance was just a tract, which means it is unplatted. He is proposing to reduce the size of the truly platted lot, for purposes of the facility, and the balance of the five acres would be reverted to the parent tract. They are not creating a second lot within the remaining 2.5 acres. Those 2.5 acres are going back to what would be 15 acres, making it 17.5 acres unplatted and 2.5 acres platted. He is available to answer questions.

Gary Schroeder asked if any member of the audience wished to comment on this petition. There were none.

Gary Schroeder asked for any questions or comments from the Commission. There were none.

Gary Schroeder called for a vote on a white ballot.

David Hittle collected the ballots and noted the Area Plan Commission voted 14-Yes to 0-No recommending conditional primary approval of **S-5113 ADRANOS MINOR SUBDIVISION, a replat of Purdue Research Park Ph 3, Pt 2, Lot 8 (minor-sketch).**

<u>Yes-Votes</u>					<u>No-Votes</u>
Vicki Pearl	Tracy Brown	Jody Hamilton	Gary Schroeder	Kathy Parker	(none)
Bob Metzger	Diana Luper	Jackson Bogan	Carla Snodgrass	Lisa Dullum	
Perry Brown	Greg Jones	Michelle Dennis	Jason Dombkowski		

Gary Schroeder moved to hear and vote on S-5115 52 FLATS MULTI-FAMILY SUBDIVISION (minor sketch). Greg Jones seconded.

2. S-5115 52 FLATS MULTI-FAMILY SUBDIVISION (minor sketch):

Petitioner is seeking primary approval for a one-lot multi-family subdivision with 120 existing duplex and fourplex units in 41 buildings and a proposed single apartment building with 42 units, located on both sides of Pemberly Court and Pemberly Drive, on the west side of Klondike Road, Wabash 10 (NE) 23-5.

APC staff Austin Hammerli referred to zoning and aerial maps. This is an existing multi-family complex, built before the adoption of the Unified Subdivision Ordinance, making it legally non-compliant. The petitioner wishes to bring it into compliance and add a new forty-two-unit apartment building in an open area near the existing structures. Staff recommends conditional primary approval.

Gary Schroeder asked if the petitioner or the petitioner's representative wished to make a presentation.

Mike Wylie, Schneider Geomatics, 1330 Win Hentschel Blvd., West Lafayette, said he thinks the staff report explained what was happening with the legally non-compliant portion of the site. The developer is looking to place an additional forty-two units, in one structure, on the western end of the site. They are asking for no variances. He is available to answer questions.

Gary Schroeder asked if any member of the audience wished to comment on this petition. There were none.

Gary Schroeder asked for any questions or comments from the Commission. There were none.

Gary Schroeder called for a vote on a white ballot.

Austin Hammerli collected the ballots and noted the Area Plan Commission voted 14-Yes to 0-No recommending conditional primary approval of **S-5115 52 FLATS MULTI-FAMILY SUBDIVISION (minor-sketch).**

<u>Yes-Votes</u>					<u>No-Votes</u>
Vicki Pearl	Tracy Brown	Jody Hamilton	Gary Schroeder	Kathy Parker	(none)
Bob Metzger	Diana Luper	Jackson Bogan	Carla Snodgrass	Lisa Dullum	
Perry Brown	Greg Jones	Michelle Dennis	Jason Dombkowski		

V. ADMINISTRATIVE MATTERS

None.

VI. APPROVAL OF THE MARCH EXECUTIVE COMMITTEE AGENDA

Jackson Bogan moved that the following request for subdivision be placed on the March 1, 2023 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-5116 MEIJER #186 SUBDIVISION, A REPLAT OF LOT 4 (minor-sketch).

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

VII. DETERMINATION OF VARIANCES—Area Board of Zoning Appeals

No variances have been filed this month.

VIII. DIRECTOR'S REPORT

David Hittle stated the Director's report was distributed earlier and had nothing to add. He drew attention to a year-end review that Kathy Lind compiled. The maps show permit issuance clustered around the county.

IX. CITIZEN'S COMMENTS AND GRIEVANCES

None.

X. ADJOURMENT

Jackson Bogan moved to adjourn. Meeting adjourned at 6:55 PM.

Respectfully Submitted,
Kristina Lamb
Recording Secretary

Reviewed by,



David L. Hittle
Executive Director