

THE  
AREA PLAN COMMISSION  
OF TIPPECANOE COUNTY

ORDINANCE & BYLAW COMMITTEE

NOTICE OF PUBLIC HEARING

DATE ..... JUNE 7, 2023  
TIME ..... 4:35 PM  
PLACE ..... COUNTY OFFICE BUILDING  
20 NORTH 3RD STREET  
LAFAYETTE, IN 47901

AGENDA

- I. **APPROVAL OF MINUTES:**  
From the March 1, 2023 meeting
- II. **WEST LAFAYETTE PARKS AND OPEN SPACE PLAN:**  
Continued discussion regarding this amendment to the Comprehensive Plan which was tabled at the May 17<sup>th</sup> APC meeting and sent to Ordinance Committee for further review and comment.
- III. **UZO AND USO UPDATES:**  
A discussion regarding a proposed 2024-25 update to our unified zoning and subdivision ordinances – David Hittle
- IV. **CITIZEN COMMENTS:**
- V. **ADJOURNMENT:**

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

DATE.....MARCH 01, 2023  
TIME.....4:45 P.M.  
PLACE..... COUNTY OFFICE BUILDING  
20 N. 3RD STREET  
LAFAYETTE, IN 47901

*This meeting was held in-person. Members of the public could watch the livestream of the meeting at <https://www.facebook.com/TippecanoeCountyIndiana> or <https://www.youtube.com/c/TippecanoeCountyGovernment>*

<b>MEMBERS PRESENT</b>		<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>
Gary Schroeder	Kathy Parker	Jerry Reynolds	David Hittle
Greg Jones	Vicki Pearl	Larry Leverenz	Ryan O’Gara
Jackson Bogan	Tom Murtaugh		Amanda Esposito
			Eric Burns, Atty.

Gary Schroeder called the meeting to order at 4:35 PM.

**I. APPROVAL OF MINUTES**

Jackson Bogan moved to approve the minutes from the February 1, 2023 public hearing. Greg Jones seconded, and the minutes, as submitted, were approved by unanimous voice vote.

**II. PROPOSED AMENDMENT TO THE APC BYLAWS:**

David Hittle began the discussion by presenting follow-up modifications necessary within the APC Bylaws that remain after the initial revision. In a few sections, language remains that does not recognize APC staff being responsible for creating the interested parties’ letter. The sections needing further revisions to reflect these changes are subdivisions, plat vacation and mobile home parks, manufactured home communities and recreational vehicle parks.

David Hittle continued the discussion by pointing out the current forms and documents are referenced on the last page of the bylaws. A packet of the twenty-five forms was provided to each committee member. This listing implies an appendix, which suggests to APC staff, that none of the forms or documents should be changed except through a modification of the bylaws, which goes before the Area Plan Commission. The original intent of why they were listed and included is unknown. In a broad search across the country, David was unable to find any other plan commissions who list their forms and documents within their bylaws. He is requesting this list of forms be removed from the bylaws. These forms are all subject to revision. He said if the listing is removed from the bylaws, it would make it easier to revise forms as the need arises, rather than present the revisions to the Ordinance and/or Bylaws Committees and then to the Area Plan Commission. The first four pages is a brochure explaining the rezone process. This brochure is old and needs to be updated, and is not a form, but is including in the listing on the last page of the bylaws. David requested this brochure be removed from the list. David said his request is to take the last page out of the bylaws, making APC staff free to revise and refine the forms as the need arises, without having to go through the Ordinance Committee.

Group discussion commenced. Kathy Parker questioned if the list of forms was part of the bylaws to act as a checklist for applicants. The forms are not part of the bylaws, only a list of them, as presented. An applicant would not ever complete every form on this list. Vicki Pearl said when she thinks of bylaws, they are how you run your company and how you get things done. She questioned if this list was included so that it can be brought back to the Ordinance and/or Bylaws Committee if there is a revision, addition, or deletion. The committee members are the representatives to look at these forms and review changes. If the forms are removed, APC staff would be making those decisions. Eric Burns added that if the commission ever wanted to change a form, they could, as they are in charge. He believes this listing in the

bylaws may be an artifact of the way it was set-up when APC became an entity. He added that he thinks it is unusual for the list to be included, because things change and evolve, and it would not be unusual for staff to oversee the forms. He suggested that APC staff present changes to the committee and include why the revision was made. If the committee has an issue with the changes, they could then make a change. He sees that as a more efficient, user-friendly system, because changes are not made very often. He concluded by saying the committee always has oversight.

Jackson Bogan moved to remove the clean-up language from the bylaws, as passed at the last meeting. Greg Jones seconded. The motion carried by unanimous voice vote.

The clean-up changes will be presented before the Area Plan Commission for final approval.

Jackson Bogan moved to remove the 'Rezoning Here's How' brochure from the forms list on the last page of the APC Bylaws. Greg Jones seconded. The motion carried by unanimous voice vote.

The recommendation of removal of the 'Rezoning Here's How' brochure will be presented before the Area Plan Commission for final approval.

Jackson Bogan moved to remove the forms from the APC Bylaws. Greg Jones seconded.

Gary Schroeder opened the floor for public comments and discussion.

Steve Schreckengast, 635 South Earl Avenue, Lafayette, asked if any of the fees can be changed on the forms without the Commission's approval. He asked for an example of a form that needs to be changed. He added that if this process is not routinely done, once the forms have been examined and revised, would it hurt to run it past this body once more for another set of eyes to look at them and offer another opportunity for public comment.

Eric Burns said the fees cannot be changed without being passed by a public body and public hearing.

David Hittle replied that every form will be changing. They have all been updated at various times over the past three decades and are not uniform in terms of formatting or language. Some forms will change materially while others will have minor refinements. The subdivision forms were changed last year.

Gary Schroeder called for questions or comments from the Committee.

Tom Murtaugh said if there are significant changes that need to be made to every form, would it make sense to make those changes now and keep them in the bylaws, and then after those changes are made, have the conversation about removing those forms from the bylaws. Any tweaks after that point could be made without having to come back through this process, assuming changes thereafter would be simple wording that may be needed.

Jackson Bogan added that if a clean-up on all forms is going to happen, it might be beneficial to have another set of eyes, besides staff, look at them and vet some opinions from board members. He believes it is prudent of the board to do so.

Gary Schroeder added that he would like to get public input on the forms. The public uses them the most and if there is something that could be changed or may work better for them, the board could hear those comments. He agrees with the thought to keep the forms within the bylaws and work on smoothing out the process to bring them to the Ordinance Committee.

Gary Schroeder called for a voice vote. The motion to remove the forms from the APC Bylaws failed by unanimous voice vote.

### **III. PROPOSED CHANGES TO THE UNIFIED ZONING ORDINANCE:**

Ryan O'Gara provided an update on the process of creating a new zoning district for townhouses. He said APC staff is reviewing the last draft version and the Builders Association of Greater Lafayette (BAGL) representatives have submitted comments. Two zoning districts have been identified, RT (residential

townhouse) and RTU (residential townhouse urban). The desire is to go back through the draft, addressing the constructive feedback that has been received, with the intent to streamline and finesse the verbiage. At the same time, the desire is to re-engage with the Administrative Officers, as well as the development community, specifically KJG Architecture. KJG had been enlisted in the first draft stage to run a design test. After making the revisions, the desire is to go through the exercise once more with them. KJG Architecture and T-Bird Design have agreed to assist with a formal design test of both zones.

Ryan O’Gara intends to come back to this board with a formal presentation and graphic illustrations of what these zones will create. He believes pictures will be more effective than the verbiage. He also added that the development community would be able to discuss their experience and opinions of the proposal.

Sections of the UZO and USO that will be impacted by the two new zoning districts have been identified. There will be a formal amendment coming to the APC, which will be voluminous, as it covers chapters one through six. The plan is to have actual codified verbiage ready to go for a vote, and once the content of the ordinance is agreed to, the sections within the UZO and USO can then be edited to include the new text. He anticipates another month or two before the formal presentation will be ready.

#### **IV. CITIZEN COMMENTS**

Gary Schroeder began the discussion of having the same people make up the Ordinance Committee and Bylaws Committee. This would allow the committees to do what was done today, a joint meeting addressing the bylaws.

Eric Burns said the committee structure is not laid out well in the APC Bylaws. The Executive Committee is the only one that is defined, and that is ok, because it means we can make decisions as we go forward. The Ordinance Committee speaks for itself until the Area Plan Commission hears the topic. The structure allows for change and permits members to decide what they think is important. He has never seen a reason to have different membership of Ordinance and Bylaws Committees.

Jackson Bogan moved to combine the Ordinance Committee and Bylaws Committees into one. Tom Murtaugh seconded.

Gary Schroeder asked Eric Burns what combining membership means. Discussion continued regarding the number of members and their jurisdiction representation. After discussion, the motion was amended.

Jackson Bogan moved to no longer have separate committees for Ordinance Committee and Bylaws Committees, but that those two committees will be combined into one and be will be called the Ordinance and Bylaws Committee.

This proposed change would remove two members from their committee responsibilities. Membership could be structured for ten members to remain for 2023 and then change to a minimum of eight members upon renewal for 2024. Eric Burns said APC can structure it anyway they want.

After additional discussion, Gary Schroeder clarified the motion on the floor; every month there will be a joint meeting of the Ordinance and Bylaws Committees, and membership structure will be determined later.

The motion carried by unanimous voice vote.

This recommendation will be presented to the Area Plan Commission for final approval.

Steve Schreckengast, 635 South Earl Avenue, Lafayette, commended the members for combining the two committees. He believes the format of this meeting allows a person to get into the details of an issue that one does not always have the chance to do at the Area Plan Commission hearings. He asked what the procedure was for getting an item added to the agenda for discussion. He presented the example of sidewalk bonds in new subdivisions. He would like to have this subject added to the agenda to discuss if the process accomplishes anything.

Tom Murtaugh suggested comments or recommendations could be brought to any APC member. Eric Burns said the presiding officer sets the agenda and APC staff have been the organizing channel for the

agenda. Ryan O'Gara added that at every APC public hearing, there is time for citizen comments and grievances. That is generally the time where someone from the public can present a topic or when citizens interject and say look into a specific item. The APC can then assign the topic to a committee for review. Vicki Pearl added that she thinks there should be instructions that tell the public how to bring their comments to the board. She asked if there was something on the website that tells them to reach out to their county official. She said it should be clear.

Jackson Bogan asked Steve Schreckengast if he thinks there is redundancy of measures that would prevent a developer from not putting in sidewalks.

Steve Schreckengast, 635 South Earl Avenue, Lafayette, said the sidewalk bond is a good example. He said here's what he would do; you can't get a certificate of occupancy; you get a temporary certificate of occupancy if the sidewalks are not installed, normally because of weather, or the builder doesn't put it in. He thinks a better way is for the municipality to put the sidewalks in themselves and put a lien on the property. Just like if you don't pay your sewer bill or your water bill, a lien is put on the property. He added if we've never pulled a sidewalk bond and tried to collect, or a letter of credit, it says something. You don't have to put the sidewalk in until you build a house. Don Lamb would spend a lot of time tracking and would say you put in 22% of the sidewalk, so we can reduce the bond by \$300. After about two years, nobody keeps track of whether the sidewalk bonds are current or not. Sidewalk bonds are usually separate from public improvements.

David Hittle added that APC has spoken with Steve Schreckengast and asked him to provide a letter. APC would then talk to the municipalities about the topic, but a letter has not been received. APC is glad to get it on the agenda and have the conversation.

Barney Scheumann, 653 Appaloosa Trail, West Lafayette, said his company has sold lots to non-builders. When they do sell those lots, they have them sign an exclusive agreement, that when the section is close to 90% done, the non-builders would have to install the public improvement. If they fail to do so, in their contract, his company reserves the right to file a lien on the property and install the sidewalks. This is so they do not have to continue to put that bond in place. That is something his company came up with five to six years ago to keep them from having to perpetually continue the sidewalk bond in a section.

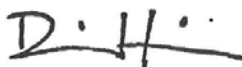
Gary Schroeder said it seems reasonable to place the sidewalk bond topic on the agenda to address the questions.

## **V. ADJOURNMENT**

Jackson Bogan moved to adjourn. The meeting adjourned at 5:16 p.m.

Respectfully Submitted,  
Kristina Lamb  
Recording Secretary

Reviewed By,



David Hittle  
Executive Director