

The
AREA PLAN COMMISSION
of Tippecanoe County

Executive Committee

Notice of Public Hearing

Date: June 3, 2020

Time: 4:30 PM

Place: Tippecanoe County Office Building

Tippecanoe Room

20 North Third Street

Lafayette, IN

Agenda

I. APPROVAL OF MINUTES

Documents:

[EXEC 05.06.2020.PDF](#)

II. NEW BUSINESS

III. PUBLIC HEARING

IV. APPROVAL OF THE JUNE APC PUBLIC HEARING AGENDA

Documents:

[2020-6 APC AGENDA.PDF](#)

V. APPROVAL OF THE JUNE ABZA PUBLIC HEARING AGENDA

(There are no cases to be heard this month.)

VI. DETERMINATION OF VARIANCES - LAFAYETTE DIVISION OF THE ABZA

Documents:

[2020-06 LDOV.PDF](#)

VII. REVIEW & APPROVAL OF THE MARCH & APRIL BUDGET REPORTS

(These reports will be emailed prior to the meeting on Wednesday.)

VIII. OTHER BUSINESS

IX. ADJOURNMENT

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

DATE..... May 6, 2020
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
Carl Griffin
Greg Jones
Larry Leverenz
Gary Schroeder
Tom Murtaugh
Jerry Reynolds

MEMBERS ABSENT

STAFF PRESENT

Sallie Fahey
Don Lamb
Kathy Lind
Chyna Lynch
Zach Williams, Atty.

President Jackson Bogan called the meeting to order.

Attorney, Zach Williams, called the roll to establish members present.

I. APPROVAL OF THIS MAY 6TH EXECUTIVE COMMITTEE AGENDA

Gary Schroeder moved that the following items of New Business be placed on the May 6, 2020 Area Plan Commission Executive Committee agenda:

**REQUEST TO AUTHORIZE FILING A BELATED PRIMARY APPROVAL EXTENSION REQUEST
PARAMOUNT-LAKESHORE SUBDIVISION (S-3152);**

**REQUEST FOR A BELATED PRIMARY APPROVAL EXTENSION
PARAMOUNT-LAKESHORE SUBDIVISION (S-3152); and**

RESOLUTION PD-20-03: WESTMINSTER VILLAGE WEST LAFAYETTE, INC (Westminster Village Cottages PD, Phase 1, Part 1) Z-2760.

Carl Griffin seconded.

Zach Williams conducted a vote by roll call. The motion was approved 7 yes to 0 no.

Yes-Votes

Jackson Bogan
Carl Griffin
Greg Jones
Larry Leverenz
Gary Schroeder
Tom Murtaugh
Jerry Reynolds

No-Votes

Gary Schroeder moved that the following request for subdivision be placed on the May 6, 2020 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-4908 KKLM PLACE SUBDIVISION (minor-sketch).

Carl Griffin seconded.

Zach Williams conducted a vote by roll call. The motion was approved 7 yes to 0 no.

Yes-Votes
Jackson Bogan
Carl Griffin
Greg Jones
Larry Leverenz
Gary Schroeder
Tom Murtaugh
Jerry Reynolds

No-Votes

II. APPROVAL OF MINUTES

Gary Schroeder moved to approve the minutes from the March 4, 2020 meeting.

Carl Griffin seconded.

Zach Williams conducted a vote by roll call. The motion was approved 7 yes to 0 no.

Yes-Votes
Jackson Bogan
Carl Griffin
Greg Jones
Larry Leverenz
Gary Schroeder
Tom Murtaugh
Jerry Reynolds

No-Votes

III. NEW BUSINESS

A. REQUEST TO AUTHORIZE FILING A BELATED PRIMARY APPROVAL EXTENSION REQUEST

PARAMOUNT-LAKESHORE SUBDIVISION (S-3152):

The developer, Paramount Development Group, LLC (represented by Patrick Cunningham), is requesting authorization to file a belated extension request for the primary approval granted March 20, 2002 and extended several times now expired (March 20, 2018). The preliminary plat covers a 6-lot (5 blocks and 1 outlot) commercial subdivision on 31 acres, located on the north side of US 52, approximately 1/4 mile west of Morehouse Rd., Wabash 2 (NE) 23-5.

Gary Schroeder moved to hear and approve the Request to Authorize Filing a Belated Primary Approval Extension Request for Paramount-Lakeshore Subdivision (S-3152).

Carl Griffin seconded.

Don Lamb presented the zoning map, plat, and aerial photos. Paramount Lakeshore is a preliminary plat

that was approved 18 years ago. The final plat for the northwest corner of Paramount Drive and Sagamore Parkway was filed and it was discovered that the primary approval had expired. This has been extended a few times. Under the subdivision ordinance, a belated primary approval extension can be granted so long as the petitioner first requests to authorization to file a belated primary approval extension within two years of the primary approval expiration date. This expired on March 20, but the petitioner filed before that meeting the two-year deadline. The public improvements for this site were installed years ago and the site is ready for development. Staff is recommending approval to authorize filing a belated primary approval extension request.

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

Patrick Cunningham, 309 Columbia Street, Suite 101, Lafayette, IN 47901, petitioner, said he is the owner and the surveyor/engineer for this project. The sales have been slow in this area. The roads, sewer, water and drainage were installed years ago. He requested approval for the authorization and thanked the Committee.

Jackson Bogan asked if any citizen comments had been received.

Ryan O’Gara said no comments have been received.

The committee paused for 30 seconds for citizen comments. No further comments were received.

Zach Williams conducted a vote by roll call. The motion was approved 7 yes to 0 no.

Yes-Votes

Jackson Bogan
 Carl Griffin
 Greg Jones
 Larry Leverenz
 Gary Schroeder
 Tom Murtaugh
 Jerry Reynolds

No-Votes

Zach Williams asked the Committee members to submit their ballots where they would be received by Don Lamb electronically.

B. REQUEST FOR A BELATED PRIMARY APPROVAL EXTENSION

PARAMOUNT-LAKESHORE SUBDIVISION (S-3152):

The developer, Paramount Development Group, LLC (represented by Patrick Cunningham), is requesting a belated 2-year extension for the primary approval granted March 20, 2002 and extended several times now expired (March 20, 2018). The preliminary plat covers a 6-lot (5 blocks and 1 outlot) commercial subdivision on 31 acres, located on the north side of US 52, approximately 1/4 mile west of Morehouse, Wabash 2 (NE) 23-5.

Gary Schroeder moved to hear and approve the Request for a Belated Primary Approval Extension for Paramount-Lakeshore Subdivision (S-3152).

Carl Griffin seconded.

Don Lamb presented the zoning map, plat, and aerial photos. He said this is unusual because the request would normally be heard at the next meeting but because of the current circumstances, we are allowing the extension to be voted on this evening. This is the same property as previously heard. Staff is recommending approval contingent on any applicable conditions from the original primary approval, as follows:

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

1. The detailed plans and driveway permit for the US 52 entrances shall be approved by the Indiana Department of Transportation.
2. American Suburban Utilities, Inc shall approve the sanitary sewer plans.
3. Indiana-American Water Company, Inc shall approve the water plans.
4. The Wabash Township Fire Department shall approve the fire hydrants. Plans for the actual placement of the hydrants shall be approved by the Indiana American Water Company in cooperation with the Fire Department.
5. An Erosion and Sediment Control Plan meeting the requirements of 327 I.A.C. 15-5 shall be approved by the Tippecanoe County Soil and Water Conservation District and meeting the requirements of the County Drainage Board as required by Tippecanoe County Ordinance #93-18-CM.
6. The County Drainage Board shall approve the drainage plans.
7. An on-site utility coordinating sheet shall be approved and signed-off by the nongovernment utility companies. 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.
8. Required bufferyard(s) shall be shown in a detailed planting plan. Bufferyards shall be installed as part of required public improvements.
9. On the grading plan, the lowest floor elevation for any building pad within 100 ft. of the FP (Flood Plain) district shall meet the flood protection grade.
10. The Department of Natural Resources (DNR) shall issue a license for any construction in the Cuppy-McClure Ditch floodway.

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

11. Except for the approved entrances, a "No Vehicular Access" statement shall be platted along the US 52 right-of-way line, wrapping around the entrance street right-of-ways to the 60-ft. setback line.
12. 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.
13. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
14. All required building setbacks shall be platted.
15. The Regulatory Flood Elevation and Boundary for the Cuppy-McClure Ditch Flood Plain shall be shown. It shall also be described and certified as specified in Unified Zoning Ordinance, Section 2-26-17.
16. The street addresses and County Auditor's Key Number shall be shown.
17. The Post Office, 911, and APC Staff shall approve street names.

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

18. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan

Commission and irrevocable by the lot owners.
 19. The purpose, ownership and maintenance of any outlots shall be specified.

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

Patrick Cunningham, 309 Columbia Street, Suite 101, petitioner, asked for approval and thanked the Committee.

Jackson Bogan asked if any citizen comments had been received.

Ryan O'Gara said no comments have been received.

The committee paused for 30 seconds for citizen comments. No further comments were received.

Zach Williams conducted a vote by roll call. The motion was approved 7 yes to 0 no.

Yes-Votes

Jackson Bogan
 Carl Griffin
 Greg Jones
 Larry Leverenz
 Gary Schroeder
 Tom Murtaugh
 Jerry Reynolds

No-Votes

Jackson Bogan asked that everyone fill out their ballots and click submit when finished. He said he will not wait because not everyone has the capability to submit the ballots at this time. He asked Zach if the verbal vote allows them to move forward.

Zach Williams said that is correct. Written ballots are required by our by-laws.

Sallie Fahey said Don has received 6 of the 7 ballots. She asked that the Committee keep in mind that staff prefers they complete the ballots before they move forward because the ballots time-out after the meeting and cannot be submitted.

C. FINAL DETAILED PLANS RESOLUTION

**RESOLUTION PD-20-03: WESTMINSTER VILLAGE WEST LAFAYETTE, INC
 (Westminster Village Cottages PD, Phase 1, Part 1) Z-2760:**

Final Detailed Plans for the Westminster Village Cottages Planned Development. The approved preliminary plans allow for the construction of multiple residential and optional mixed-use building types on a single, consolidated lot. Two initial phases are planned to contain 29 single-family detached "cottages" in total (17 in phase one and 12 in phase two). Phase 1, Part 1 contains 5 single-family "cottage" units. The property is located at 2741 Salisbury Street, West Lafayette, Wabash 7 (NW) 23-4.

Gary Schroeder moved to hear and approve Resolution PD 20-03: Final Detailed Plans for Westminster Village Cottages Planned Development.

Carl Griffin seconded.

Ryan O’Gara presented the final detailed plans. He said this planned development was approved by West Lafayette City Council on August 5, 2019. The first phase includes 17 single-family detached cottages and the second phase includes 12 cottages. Part 1 of Phase 1 includes 5 cottages and the final plat which is the entire 17-acre site. It has always been the intent that this would be a single-lot planned development with multiple buildings. This is a unique project in that it has the ability to have an unlimited number of future phases. The final detail plans could follow an open-ended utilization of the MR zone development standard for future projects which is spelled out in the PD. The single-family homes will kick off the development for future phases as the redevelopment occurs at an on-demand basis. The petitioner’s final detail plans contain construction plans for Phase 1, Part 1 and the final plat for the entire PD area meets all required conditions. Bonding is not being requested at the direction of the city and public utilities serve the site. Staff is recommending approval.

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

Kyle Betz, 625 S Earl Avenue, Suite A, Lafayette, IN 47904, representative for petitioner, thanked the Committee resolution and requested approval.

Jackson Bogan asked if any citizen comments had been received.

Ryan O’Gara said no comments have been received.

The committee paused for 30 seconds for Citizen Comments. No further comments were received.

Zach Williams conducted a vote by roll call. The motion was approved 7 yes to 0 no.

Yes-Votes

Jackson Bogan
 Carl Griffin
 Greg Jones
 Larry Leverenz
 Gary Schroeder
 Tom Murtaugh
 Jerry Reynolds

No-Votes

Jackson Bogan asked that everyone fill out their ballot and click submit when finished.

IV. PUBLIC HEARING

Jackson Bogan read the meeting procedures.

Gary Schroeder moved to continue **S-4908 KKLM PLACE SUBDIVISION (minor-sketch)** to the May 20, 2020 Tippecanoe County Area Plan Commission public hearing.

Carl Griffin seconded.

Zach Williams conducted a vote by roll call. The motion was approved 7 yes to 0 no.

Yes-Votes

Jackson Bogan

No-Votes

Carl Griffin
 Greg Jones
 Larry Leverenz
 Gary Schroeder
 Tom Murtaugh
 Jerry Reynolds

V. APPROVAL OF THE MAY APC PUBLIC HEARING AGENDA

Gary Schroeder moved that the following Resolution be placed on the May 20, 2020 Area Plan Commission public hearing agenda:

RESOLUTION 2020-03 ELLSWORTH PROJECT.

Carl Griffin seconded.

Zach Williams conducted a vote by roll call. The motion was approved 7 yes to 0 no.

Yes-Votes

Jackson Bogan
 Carl Griffin
 Greg Jones
 Larry Leverenz
 Gary Schroeder
 Tom Murtaugh
 Jerry Reynolds

No-Votes

Gary Schroeder moved that the following rezoning petitions be placed on the May 20, 2020 Area Plan Commission public hearing agenda:

Z-2786 HERON BAY DEVELOPMENT, LLC – GREG MILAKIS (STONEHENGE PD, PHASE 4) (R1 & PDRS to PDRS);

Z-2790 DENISE STALL (AA to GB);

Z-2791 HABITAT FOR HUMANITY OF LAFAYETTE, INC. (PDRS to R1B);

Z-2792 TBIRD DESIGN SERVICES CORPORATION (GB to I3);

Z-2793 MURTAUGH LAW, LLC (R1 to GB);

Z-2794 TECUMSEH DENTAL PROPERTIES, LLC (R1B to NB); and

Z-2795 K & K HOMES, LLC (R1A to R1B).

Carl Griffin seconded.

Zach Williams conducted a vote by roll call. The motion was approved 7 yes to 0 no.

Yes-Votes

Jackson Bogan
 Carl Griffin

No-Votes

Greg Jones
Larry Leverenz
Gary Schroeder
Tom Murtaugh
Jerry Reynolds

VI. APPROVAL OF THE MAY ABZA PUBLIC HEARING AGENDA

Gary Schroeder moved that the following petitions be placed on the May 27, 2020 Area Board of Zoning Appeals Public Hearing agenda:

BZA-2032 JAMES L. AND SHEILA A. COCHRAN;

BZA-2033 THE RIDGE GROUP, INC;

BZA-2034 DAVE HELTON AND ASSOCIATES, INC;

BZA-2035 JACOB BALLAH;

BZA-2036/ BZA-1778 HERITAGE LAND COMPANY, LLC; and

BZA-2037 TIPPECANOE COUNTY NSE08 SCHOOL BUILDING CORPORATION.

Carl Griffin seconded.

Zach Williams conducted a vote by roll call. The motion was approved 7 yes to 0 no.

Yes-Votes
Jackson Bogan
Carl Griffin
Greg Jones
Larry Leverenz
Gary Schroeder
Tom Murtaugh
Jerry Reynolds

No-Votes

Gary Schroeder moved that that the following BZA petition for Special Exception does not substantially adversely affect the Comprehensive Plan:

BZA-2034 DAVE HELTON AND ASSOCIATES, INC; and

BZA-2036/ BZA-1778 HERITAGE LAND COMPANY, LLC.

Carl Griffin seconded.

Zach Williams conducted a vote by roll call. The motion was approved 7 yes to 0 no.

Yes-Votes
Jackson Bogan
Carl Griffin
Greg Jones
Larry Leverenz
Gary Schroeder
Tom Murtaugh

No-Votes

Jerry Reynolds

VII. DETERMINATION OF VARIANCES

A. Area Board of Zoning Appeals

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

BZA-2032 JAMES L. AND SHEILA A. COCHRAN;

BZA-2033 THE RIDGE GROUP, INC.;

BZA-2035 JACOB BALLAH; and

BZA-2037 TIPPECANOE COUNTY NSE08 SCHOOL BUILDING CORPORATION.

Carl Griffin seconded.

Zach Williams conducted a vote by roll call. The motion was approved 7 yes to 0 no.

Yes-Votes

- Jackson Bogan
- Carl Griffin
- Greg Jones
- Larry Leverenz
- Gary Schroeder
- Tom Murtaugh
- Jerry Reynolds

No-Votes

Sallie Fahey said there is a subdivision that needs to be placed on the May 20, 2020 Area Plan Commission agenda.

Gary Schroeder moved that the following subdivision be placed on the May 20, 2020 Tippecanoe County Area Plan Commission public hearing agenda:

S-4905 BELLE TERRA SUBDIVISION, REVISED (major-preliminary).

Carl Griffin seconded.

Zach Williams conducted a vote by roll call. The motion was approved 7 yes to 0 no.

Yes-Votes

- Jackson Bogan
- Carl Griffin
- Greg Jones
- Larry Leverenz
- Gary Schroeder
- Tom Murtaugh
- Jerry Reynolds

No-Votes

VIII. REVIEW AND APPROVAL OF THE MARCH & APRIL BUDGET REPORTS

Gary Schroeder moved to approve the March and April Budget Reports.

Carl Griffin seconded.

Sallie Fahey said there is not much to talk about. In fact, only the March report is included in the packet because the budget report is derived from our financial program called Time Keeper. The report for the salary portions comes from the timesheets which are part of the database. Since only three of us on the staff have access to that database program from home, not all the time worked at home has been entered. Once we are back in the office and staff has access to fill out their itemized timesheets, the April report can be finished. This may or may not be ready for the May public hearing. If that is the case, the April and May Budget Report will be heard at the June Executive Committee public hearing. Other than that, we have not been spending a lot of money because we are not in office.

Jackson Bogan asked if the reports will be updated once staff is back in office and communicated at the next meeting.

Sallie Fahey said that is correct.

Zach Williams conducted a vote by roll call. The motion was approved 7 yes to 0 no.

Yes-Votes

Jackson Bogan
Carl Griffin
Greg Jones
Larry Leverenz
Gary Schroeder
Tom Murtaugh
Jerry Reynolds

No-Votes

IX. OTHER BUSINESS

Don Lamb stated that he has received all the written ballots.

Jackson Bogan asked if any citizen comments had been received.

Ryan O'Gara said there were no additional comments received.

X. ADJOURNMENT

Gary Schroeder moved to adjourn.

Meeting adjourned at 5:08 p.m.

Respectfully Submitted,

Chyna R. Lynch
Recording Secretary

Reviewed By,



Sallie Fahey

THE
AREA PLAN COMMISSION
OF TIPPECANOE COUNTY

NOTICE OF PUBLIC HEARING

DATE..... JUNE 17, 2020
TIME..... 6:00 P.M.
PLACE COUNTY OFFICE BUILDING
20 NORTH 3RD STREET
LAFAYETTE, IN 47901

*Due to the public health emergency, public comment on agenda items may be submitted prior to the meeting at apc@tippecanoe.in.gov. Comments must include **name** and **address** to be heard. Comments may also be made live on the streaming platforms. Members of the public may watch the livestream of the meeting at <https://www.facebook.com/TippecanoeCountyIndiana> or <https://www.youtube.com/channel/UCJleeA9ZQo9EIIgdTdjurQ>*

(TENTATIVE)
A G E N D A

- I. BRIEFING SESSION
- II. APPROVAL OF MINUTES
- III. NEW BUSINESS
- IV. PUBLIC HEARING
 - A. REZONING ACTIVITIES
 - Z-2783 CARR FAMILY FARM, LLC (A to I3):**
Petitioner is requesting rezoning of three tracts totaling 97.806 acres east of I-65, south of Haggerty Lane and west of the T-intersection of CR 650 E with Haggerty Lane, adjacent to the north of the Dayton Town limits, specifically 6445 E 200 S, Sheffield 5 (NW) 22-3. With Commitment added February 19th. CONTINUED FROM THE MAY 20, 2020 APC MEETING AT PETITIONER'S REQUEST. FINAL CONTINUANCE.
- V. ADMINISTRATIVE MATTERS
- VI. APPROVAL OF THE JULY EXECUTIVE COMMITTEE AGENDA
- VII. DETERMINATION OF VARIANCES -- Area Board of Zoning Appeals
- VIII. DIRECTOR'S REPORT
- IX. CITIZENS' COMMENTS AND GRIEVANCES
- X. ADJOURNMENT

May 28, 2020

1. CASE #2020-09 BRIAN HENRY/TECUMSEH DENTAL PROPERTIES, LLC:

Petitioner is requesting a variance to reduce the street setback to 45 feet from the minimum requirement of 60 feet from US 52 to expand an existing dentist's office on R1B-zoned land. The request to rezone the property from R1B to NB is pending council approval. The property is located at 1709 Teal Road, Lafayette, Fairfield 33 (SW) 23-4. (UZO 2-12-7)

2. CASE #2020-10 EVAN PERRAULT:

Petitioner is requesting the following setback variances to construct a 34'x30' detached garage on an R1B-zoned lot:

1. To reduce the side setback to 2 feet from the minimum requirement of 5 feet; (UZO 2-3-9) and
2. To reduce the rear setback to 5 feet from the minimum requirement of 10 feet; (UZO 2-3-8)

on property located at 702 Owen Street, Lafayette, Fairfield 29 (SE) 23-4.

3. CASE #2020-11 JACQUELINE E. CLARK:

Petitioner is requesting the following setback variances to construct a 16'x22' detached garage on an R1B-zoned lot:

1. To reduce the side setback to 0 feet from the minimum requirement of 5 feet; (UZO 2-3-9) and
2. To reduce the rear setback to 0 feet from the minimum requirement of 10 feet; (UZO 2-3-8)

on property located at 2424 Meadow Drive, Lafayette, Fairfield 33 (SW) 23-4.

RECOMMENDATION:

Staff advises that the above requests do not constitute use variances.