

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

DATE..... FEBRUARY 1, 2017  
TIME..... 4:30 P.M.  
PLACE..... CO. OFFICE BLDG.  
20 N. 3<sup>rd</sup> STREET  
LAFAYETTE, IN 47901

**MEMBERS PRESENT**

Gerry Keen  
Jerry Reynolds  
Greg Jones  
Tom Murtaugh  
Carl Griffin  
Jackson Bogan  
Gary Schroeder

**MEMBERS ABSENT**

**STAFF PRESENT**

Sallie Fahey  
Ryan O’Gara  
Kathy Lind  
Linda Underwood  
Jay Seeger, Atty.

President Gerry Keen called the meeting to order. He then informed the audience that there will be no action taken on the **BZA-1957--ROGERS GROUP** petition for special exception at tonight’s meeting.

**I. APPROVAL OF MINUTES**

Gary Schroeder moved to approve the minutes from the January 4, 2017 Executive Committee public hearing as submitted. Greg Jones seconded and the motion carried by voice vote.

**II. NEW BUSINESS**

**CONDITIONAL PRIMARY APPROVAL EXTENSION REQUEST**

**HICKORY RIDGE SUBDIVISION (S-3375):**

The developer, South 18th LLC (represented by Brian Keene) is requesting a fifth extension of the primary approval originally granted September 17, 2003 and extended several times (expired September 17, 2016). The preliminary plat includes 180 single-family lots (plus 3 outlots) on 73.27 acres and is located on the west side of Concord Road (CR 250 E) at Mondavi Boulevard, in Wea 15 (SW) and 16 (SE) 22-4.

Gary Schroeder moved to hear and approve a **CONDITIONAL PRIMARY APPROVAL EXTENSION REQUEST FOR HICKORY RIDGE SUBDIVISION (S-3375)**. Greg Jones seconded.

Sallie Fahey said a belated request approved at the January APC allowed the subdivider to make this application for a conditional primary extension. She then presented the zoning map, aerial photos, and preliminary plat. She referred to the plat to point out the 90 lot portion included in this request highlighted in red and the part that has already been platted. She again displayed the zoning map to point out the portion of the subdivision that is not showing up on the plat because it was added to the subdivision in a separate plat. City sanitary sewer and water, drainage, and streets have been installed and accepted for maintenance for both phases. The developer is in the process of getting the public improvements

accepted for 28 lots in Phase 2, Section 2. Staff does not believe there have been any zoning or subdivision ordinance changes that would warrant revisions to the original conditional primary approval. She concluded with a staff recommendation of approval, contingent on any remaining conditions of the original primary approval:

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

1. If the County Highway Department approval of the CR 350 S entrance requires more right-of-way than proposed on the preliminary plat, the necessary right-of-way shall be dedicated by separate document and recorded.
2. Street names accepted by the Post Office and 911 shall be used.
3. Temporary turnarounds shall be shown at the two street stub ends.
4. The Lafayette City Engineer shall approve the sanitary sewer and water plans.
5. The fire hydrants shall be approved by the Wea Township Fire Department. Plans for the actual placement of the hydrants shall be approved by the City in cooperation with the Fire Department.
6. 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.
7. The County Drainage Board shall approve the drainage plans.
8. An on-site utility coordinating sheet shall be approved and signed-off by the non-government 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.

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

9. 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.
10. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
11. All required building setbacks shall be platted.
12. The street addresses and County Auditor's Key Number shall be shown.

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

13. The purpose, ownership and maintenance of Outlots A, B and C shall be specified.

Brian Keene, 2615 Salem Street, Lafayette, IN 47904, petitioner, concurred with the staff report and requested approval.

The Committee voted by ballot 7 yes to 0 no to approve a **CONDITIONAL PRIMARY APPROVAL EXTENSION REQUEST FOR HICKORY RIDGE SUBDIVISION (S-3375)**.

### III. PUBLIC HEARING

Gerry Keen read the meeting procedures.

Gary Schroeder moved that the Comprehensive Plan for Tippecanoe County, the Unified Zoning Ordinance of Tippecanoe County, and the Unified Subdivision Ordinance for Tippecanoe County, Indiana are hereby entered by reference into the record of each agenda item. Greg Jones seconded and the motion carried by voice vote.

**A. SUBDIVISIONS**

**1. S-4637--HARLOW WEST SUBDIVISION (minor-sketch):**

Petitioner is seeking primary approval for a 2 lot subdivision on 1.871 acres, located on the south side of CR 400 E, just north of the Strawsma Drive intersection, in Fairfield 12 (NW) 23-4.

Gary Schroeder moved to hear and vote on S-4637—HARLOW WEST MINOR SUBDIVISION (minor-sketch). Greg Jones seconded.

Kathy Lind presented the zoning map, aerial photos and sketch plan. She said most of the 51 acre parent tract was developed into Willowood East Major Subdivision with a portion used by the state to build CR 400 East parallel to the railroad tracks. The acreage to the south is used as a drainage basin for Willowood East. She summarized the remainder of the staff report and concluded with a recommendation of approval, contingent on the following conditions:

**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. All required building setbacks shall be platted.
3. The Drainage Board or the County Surveyor shall approve any required drainage plans in compliance with Tippecanoe County Ordinance #2011-27-CM.
4. The street addresses and County Auditor's Key Number shall be shown.

Robert Gross, 420 Columbia Street, Suite 100, Lafayette, IN 47902, surveyor representing the petitioner, said the County Highway Department has approved one drive for both lots. He concurred with the staff report, agreed to the conditions and requested approval.

Sharon Mariga, 4034 Strawsma Drive, Lafayette, IN 47905, asked who will be responsible for the entrance that will be built to the subdivision. She went on to say there have been many accidents on the curve on CR 400 East in front of Lot 2 and she is concerned that another drive will make the situation worse. She understands she will have to talk to INDOT about making the road safer but she talked to INDOT several years ago and at that time she was promised that speed bumps would be installed on CR 400 East. She would like to know tonight how the approach into the two lots will be done. She added that homes in the area are being turned over from older, established families to new families with young children. There will be a lot more children playing in the area and crossing the roads. Safety needs to be addressed.

Eloise Starn, 4038 Strawsma Drive, Lafayette, IN 47905, said her home is directly behind the two proposed lots. She does not object to good homes coming in to her neighborhood. She did some research and found that at one time this land was part of Willowood Subdivision and they were residual lots. She wants to be assured that the two new homes built on these lots will be held to the same covenants and restrictions that Willowood Subdivision has had to follow through the years. She then questioned where the access bridge to her subdivision will come in. She hopes the bridge will be as sturdy and as strong as the original bridges that were constructed for Willowood.

Robert Gross said these two lots will be served by one drive off CR 400 East. The drive location has already been approved by the County Highway Department based on site distance like any other driveway.

Tom Murtaugh asked if the drive will be located between Lot 1 and Lot 2.

Robert Gross replied that the drive will be located closer to Lot 1 and further away from the curve. He added that there is no negotiation on site distance. County Highway will be overseeing the location and installation of the drainage pipe. The tracts will be residential. He does not know the history of the property and if the lots were originally part of Willowood, but the lots were never platted as part of

Willowood and will not be under Willowood's covenants and restrictions.

Sallie Fahey clarified by saying that before the Hoosier Heartland was built, CR 400 East teed into CR 300 North and SR 25 did not connect at that location. INDOT purchased the right-of-way and built the road to connect CR 400 East and CR 300 North. It is her understanding that now the road is under County Highway jurisdiction. She suggested the ladies who spoke earlier might want to address their concerns with the County Highway Director.

Carl Griffin asked if the Committee is being asked to determine whether the subdivision meets the requirements.

Jay Seeger replied that the Committee has to determine if the specific drawings for the subdivision are correct. It has already been determined that this property is residential and can be subdivided if they comply with the requirements of the *Unified Subdivision Ordinance*.

The Committee voted by ballot 7 yes to 0 no to grant conditional primary approval for **S-4637—HARLOW WEST MINOR SUBDIVISION (minor-sketch)**.

**2. S-4638--CHEDDAR SUBDIVISION (minor-sketch):**

Petitioner is seeking primary approval for a two lot commercial subdivision on 3.583 acres, located at the northeast corner of 36th Street and South Street, in Lafayette, Fairfield 22 (SE) 23-4.

Gary Schroeder moved to hear and vote on **S-4638—CHEDDAR SUBDIVISION (minor-sketch)**. Greg Jones seconded.

Kathy Lind presented the zoning map, aerial photos and sketch plan. She summarized the area zoning and land use patterns and referred to the aerial to identify other uses in the area. The existing Cheddar's and future user of Lot 1B will share parking spaces and driveway access points and staff is requiring that that be made a restrictive covenant as a condition of approval. She concluded with a recommendation of approval, contingent on the following conditions:

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

1. The note on the sketch plan regarding the shared "access and parking" shall be made a covenant on the final plat.
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.

Robert Gross, 420 Columbia Street, Suite 100, Lafayette, IN 47902, surveyor representing the petitioner, said this is a simple request. He concurred with the staff report, agreed to the conditions and requested approval.

The Committee voted by ballot 7 yes to 0 no to grant conditional primary approval for **S-4638—CHEDDAR SUBDIVISION (minor-sketch)**.

**3. S-4639--WEA SELF STORAGE MINOR SUBDIVISION (minor-sketch):**

Petitioner is seeking primary approval to replat an existing 7.31 acre commercial lot to modify the restricted access along the S. 18th Street frontage, located between S. 18th Street and Braddock Drive, just north of Troxel Drive, in Lafayette, Wea 9 (NE) 22-4.

Gary Schroeder moved to hear and vote on **S-4639—WEA SELF STORAGE MINOR SUBDIVISION (minor-sketch)**. Greg Jones seconded.

Kathy Lind presented the zoning map, aerial photos and sketch plan. She referred to the site plan to highlight the drive off South 18<sup>th</sup> Street and said the drive has always been located there. The final plat for Triton Commercial Subdivision was recorded with a “no vehicular access” shown along the South 18<sup>th</sup> Street frontage. The only purpose of this replat is to remove the platted “no vehicular access” restriction from the frontage of South 18<sup>th</sup> Street. She concluded with a recommendation of approval, contingent on the following conditions:

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

1. Except for the approved entrance, a "No Vehicular Access" statement shall be platted along the S. 18<sup>th</sup> Street right-of-way line.
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:

5. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

Tim Balensiefer, 105 North 10<sup>th</sup> Street, Lafayette, IN 47901, surveyor representing the petitioner, concurred with the staff report, agreed to the conditions and requested approval.

The Committee voted by ballot 7 yes to 0 no to grant conditional primary approval for **S-4639—WEA SELF STORAGE MINOR SUBDIVISION (minor-sketch)**.

#### IV. APPROVAL OF THE FEBRUARY AREA PLAN COMMISSION PUBLIC HEARING AGENDA:

Gary Schroeder moved that the following rezoning petitions be placed on the February 15, 2017, Area Plan Commission public hearing agenda:

**Z-2676—CASL HOLDINGS, LLC – DAN HRNAKOWSKY (Rise at Chauncey PD) (CBW to PDMX), and Z-2681—STAN CUNNINGHAM (R1U & NBU to R1U)**

Greg Jones seconded and the motion carried by voice vote.

#### V. APPROVAL OF THE FEBRUARY ABZA PUBLIC HEARING AGENDA

Gary Schroeder moved that the following petitions be placed on the February 22, 2017 Area Board of Zoning Appeals Public Hearing agenda:

**BZA-1954—TIPPECANOE CEMETERY MANAGEMENT, LLC, BZA-1955—TIPPECANOE CEMETERY MANAGEMENT, LLC, and BZA-1956—GRORU, LLC,**

Greg Jones seconded and the motion carried by voice vote.

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

**BZA-1955—TIPPECANOE CEMETERY MANAGEMENT, LLC**

Greg Jones seconded and the motion carried by voice vote.

## VI. DETERMINATION OF VARIANCES – Lafayette Division

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:

**CASE #2017-06—DYKE NELSON, WND LAFAYETTE, LLC,**  
**CASE #2017-07—DYKE NELSON, WND LAFAYETTE, LLC,** and  
**CASE #2017-08—DEYLEN REALTY, INC.**

Greg Jones seconded and the motion carried by voice vote.

Gary Schroeder moved that in the following cases the sign ordinance be strictly adhered to:

**CASE #2017-08—DEYLEN REALTY, INC.**

Greg Jones seconded and the motion carried by voice vote.

## VII. REVIEW AND APPROVAL OF THE JANUARY BUDGET REPORT

Sallie Fahey said we had very few expenses in January. Our yearly subscription payments for the Journal & Courier newspaper and The Zoning Bulletin publication are shown under *Dues & Subscriptions*.

Gary Schroeder moved to approve the January budget report as submitted. Greg Jones seconded and the motion carried by voice vote.

## VIII. OTHER BUSINESS

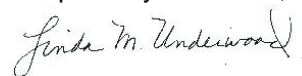
None

## IX. ADJOURNMENT

Gary Schroeder moved to adjourn. Greg Jones seconded and the motion carried by voice vote.

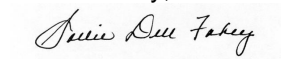
The meeting adjourned at 5:00p.m.

Respectfully submitted,



Linda Underwood  
Recording Secretary

Reviewed by,



Sallie Dell Fahey  
Executive Director