

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

DATE..... March 15, 2017  
TIME..... 6:00 P.M.  
PLACE..... County Office Bldg.  
20 N. 3<sup>rd</sup> Street  
Lafayette, IN 47901

**MEMBERS PRESENT**

Greg Jones  
Jake Gray  
Tom Murtaugh  
Gary Schroeder  
Jackson Bogan  
Jerry Reynolds  
Dave Williams  
Gerry Keen  
Perry Brown  
Dr. Carl Griffin  
Tyrone Taylor  
Roland Winger  
Tracy Brown  
Diana Luper  
Vicki Pearl  
Michelle Long

**MEMBERS ABSENT**

Larry Leverenz

**STAFF PRESENT**

Sallie Fahey  
John Thomas  
Ryan O’Gara  
Larry Aukerman  
Linda Underwood  
Jay Seeger, Atty.

The Area Plan Commission of Tippecanoe County Public Hearing was held on the 15th day of March 2017 at 6:00 P.M., pursuant to notice given and agenda posted as provided by law.

President Gerry Keen called the meeting to order.

**I. BRIEFING SESSION**

Sallie Fahey welcomed and introduced APC’s newest member, Michelle Long, who is a West Lafayette citizen appointee. Her appointment brings the Commission to its full 17 members.

For tonight’s agenda, **Z-2682—MAR JEAN VILLAGE, LLC (NB to GB)** will need to be continued to the April APC meeting. All other cases on the agenda are ready to be heard.

**II. APPROVAL OF MINUTES**

Gary Schroeder moved to approve the minutes from the February 15, 2017 meeting. Vicki Pearl seconded and the minutes were approved by unanimous voice vote.

**III. NEW BUSINESS**

None

**IV. 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 of Tippecanoe County, Indiana, are hereby entered by reference into the public record of each agenda item. Vicki Pearl seconded and the motion carried by voice vote.

Gary Schroeder moved to continue **Z-2682—MAR JEAN VILLAGE, LLC (NB to GB)** to the April 19, 2017 Area Plan Commission public hearing. Vicki Pearl seconded and the motion carried by voice vote.

#### A. ORDINANCE AMENDMENTS

##### 1. UZO AMENDMENT #89:

This amendment would allow fencing on corner or through lots to have a height greater than 42" within the street setback with the approval of the Administrative Officer.

Gary Schroeder moved to hear and approve **UZO AMENDMENT #89**. Vicki Pearl seconded.

Ryan O'Gara said West Lafayette is proposing this change because the current ordinance states that fences and hedges can be no taller than 42" unless they are setback equal to the standard street building setbacks to keep 6' privacy fences out of front yards. A problem occurs on corner lots and through lots (lots with road frontages at the front and rear) that back onto busy secondary or primary arterials. This requirement prohibits a property owner from constructing a 6' tall privacy fence to enclose his backyard. Staff knows there are fencing violations in both cities and in unincorporated Tippecanoe County and it is evident that none of our jurisdictions have been enforcing this fencing regulation for many years. He explained that West Lafayette would like to loosen the regulation with Administrative Officer approval and not in violation of the vision setback. Amending the ordinance would also benefit current property owners who are in violation and don't even realize it. He concluded by saying the proposed amendment would add the following to **4-1 (b)**:

(C) exceeding 42" in height on **side** and **rear lot lines of corner** and **through lots** can be allowed within the **setback** with **Administrative Officer** approval and verification of **vision setback** compliance as long as platted utility and drainage easements remain unobstructed.

The Commission voted by ballot 16 yes to 0 no to recommend approval of **UZO AMENDMENT #90**.

This amendment will be heard by all six jurisdictions at their April 3, 2017 meetings.

##### 2. UZO AMENDMENT #90:

This amendment would allow horses within the town limits of Dayton when certain regulations are met.

Gary Schroeder moved to hear and approve **UZO AMENDMENT #90**. Vicki Pearl seconded.

Sallie Fahey said historically a few citizens in Dayton have kept horses on land with their home. Because the keeping of farm animals is only permitted in the rural zones in unincorporated Tippecanoe County these are now legally nonconforming. The town would like to legitimize these small farm-like properties. The proposal limits the keeping of horses to an occupant of a residential property as an accessory use to the home. A fenced-in area of two acres per horse is required and the number of horses is limited to five. A barn or other enclosed structure with a 10' x 10' stall for each horse is also required. She explained that we have a Unified Zoning Ordinance so this proposal will be sent to all six jurisdictions even though it only pertains to Dayton.

Joseph Bumbleburg, PO Box 1535, Lafayette, IN 47902, legal counsel for Dayton, said this issue has been a matter of interest to Dayton for some time and a solution has been discussed many times by the Town Board, with APC staff, and at public meetings. He added that the Town Board has already reviewed and tentatively approved this ordinance amendment.

Tyrone Taylor said a family in Dayton has owned acreage in Dayton where the family home is located and where they also keep horses. At one time the property was in the county and when the property was annexed they thought they would be "grandfathered" but that is not the case. The family just wants to be able to continue to do what they have been doing for the past ten years and the Town Board agrees.

Perry Brown asked if there have ever been any complaints from the neighbors.

Tyrone Taylor replied that the family thought the property was in the county but it actually is in the town limits. The ordinance allows for fewer horses in the town limits so the family would have had to get rid of some of the horses to comply. No one has ever complained about the horses.

The Commission voted by ballot 16 yes to 0 no to recommend approval of **UZO AMENDMENT #90**.

This amendment will be heard by all six jurisdictions at their April 3, 2017 meetings.

## B. SUBDIVISIONS

### 1. **S-4648--LAFAYETTE SHOPPES SUBDIVISION (minor-sketch):**

Petitioner is seeking primary approval for a 2 lot commercial subdivision on 2.434 acres, located at the southeast corner of Farabee Drive and South Street, Lafayette, Fairfield 27 (NE) 23-4.

Gary Schroeder moved to hear and vote on **S-4648—LAFAYETTE SHOPPES SUBDIVISION (minor-sketch)**. Vicki Pearl seconded.

Sallie Fahey presented the zoning map, aerial photos and sketch plan. Petitioner has indicated there are plans for a small commercial strip center on at least one of the two proposed lots. She highlighted the area zoning and land use patterns. She said this subdivision will combine four smaller tracts into two larger building sites. The city has approved two driveways on Farabee and referred to the aerial to point out the existing off-site drive adjacent to the east from South Street that will continue to be used. Bufferyard and setback variance requests have been filed with the Lafayette Division of the BZA and any that are granted will need to be shown on the final plat. 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. A "No Vehicular Access" statement shall be platted along the South Street right-of-way line stretching to the northernmost driveway on Farabee.
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. A drainage easement meeting the city's requirements shall be shown along the south lot line.
5. The street addresses and County Auditor's Key Number shall be shown.

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

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

Robert Gross, 420 Columbia Street, Suite 100, Lafayette, IN 47901, surveyor representing the petitioner, concurred with the staff report, agreed to the conditions and requested approval.

The Committee voted by ballot 16 yes to 0 no to grant conditional primary approval for **S-4648—LAFAYETTE SHOPPES SUBDIVISION (minor-sketch)**.

### 2. **S-4649--UNIVERSITY PARK 2<sup>ND</sup> ADDITION, REPLAT OF LOTS 20-25 (minor-sketch):**

Petitioner is seeking primary approval to replat six lots into one on 0.84 acres, located at the southeast corner of Stadium Avenue and Russell Street, West Lafayette, Wabash 19 (NW) 23-4.

Gary Schroeder moved to hear and vote on **S-4649—UNIVERSITY PARK 2<sup>ND</sup> ADDITION, REPLAT OF LOTS 20-25 (minor-sketch)**. Vicki Pearl seconded.

Sallie Fahey presented the zoning map, aerial photos and sketch plan and said petitioner plans to expand the existing fraternity house. She referred to the aerial to highlight the Latino Center building that straddles the lot line of Lots 25 & 26. The Latino Center will be relocated and this building removed. She explained that the setback from Stadium Avenue appears to be the average setback along this blockface which the UZO permits in the R3W zone. Staff has been working with the fraternity's legal counsel to determine if any variances will be needed for the expansion but nothing has been filed to date. 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. A "No Vehicular Access" statement shall be platted along the Russell Street and Stadium Avenue right-of-way lines.
2. 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.
3. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
4. All required building setbacks shall be platted; any setbacks that have been varied or averaged must be noted.
5. The street addresses and County Auditor's Key Number shall be shown.

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

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

Joseph Bumbleburg, PO Box 1535, Lafayette, In 47902, attorney representing the petitioner, said this request is to eliminate six lot lines to create one large lot. This request will clean up the area and allow the fraternity to expand. He concurred with the staff report, agreed to the conditions and requested approval.

The Committee voted by ballot 16 yes to 0 no to grant conditional primary approval for **S-4649—UNIVERSITY PARK 2<sup>ND</sup> ADDITION, REPLAT OF LOTS 20-25 (minor-sketch)**.

**3. S-4650--RUSSELL GROVE SUBDIVISION (minor-sketch):**

Petitioner is seeking primary approval to replat two commercial lots into one on 0.921 acres, located at the northeast corner of Sagamore Parkway and Covington Street, West Lafayette, Wabash 07 (NW) 23-4.

Gary Schroeder moved to hear and vote on **S-4650—RUSSELL GROVE SUBDIVISION (minor-sketch)**. Vicki Pearl seconded.

Sallie Fahey presented the zoning map, aerial photos and sketch plan and said petitioner plans to improve and expand the existing building. She added that this will be the location of the brew pub that was featured in the newspaper. She referred to the aerial to highlight the long commercial building that practically covers all of existing Lot 6 and where existing Lot 7A surrounds it on three sides. Lot 7A includes the access and parking for the commercial building. This replat will mean the building, its access, and parking will be on a single lot. 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 street addresses and County Auditor's Key Number shall be shown.

Patrick Cunningham, 309 Columbia Street, Suite 101, Lafayette, IN 47901, surveyor representing the petitioner, said his client plans to locate a brew pub in the former location of the real estate office. The site needs to be replatted to get rid of the lot lines so the existing building can be remodeled. He concurred with the staff report, agreed to the conditions and requested approval.

The Committee voted by ballot 16 yes to 0 no to grant conditional primary approval for **S-4650—RUSSELL GROVE SUBDIVISION (minor-sketch)**.

**V. ADMINISTRATIVE MATTERS**

None

**VI. APPROVAL OF THE APRIL EXECUTIVE COMMITTEE AGENDA**

Gary Schroeder moved that the following subdivision petitions be placed on the April 5, 2017, 2016 Area Plan Commission Executive Committee agenda at petitioner's request, placement thereon being without reference to compliance or non-compliance with the adopted subdivision ordinance:

**S-4655—WILDCAT VALLEY ESTATES PHASE 7 (minor-sketch), and**  
**S-4657—BEARA'S ADDITION REPLAT OF LOTS 7 & 12 (minor-sketch)**

Vicki Pearl seconded and the motion carried by unanimous voice vote.

**VIII. DETERMINATION OF VARIANCES – AREA BOARD OF ZONING APPEALS**

No New Cases Filed

**IX. DIRECTOR'S REPORT**

Sallie Fahey said she is really excited because for both our *Transportation Improvement Program (TIP)* for the next four fiscal years and *Long Range Plan* we are making a strong effort to get input from the Hispanic community. We have not reached out to them well in the past. She thanked the County Commissioners' assistant who was able to get the court translator to translate the public notices we post around town into Spanish. The notices at the libraries, Ivy Tech and other locations around town will be in English and Spanish. Doug Poad also visited Mama Inez Bakery, Del Real Autos Sales, and Manolo Auto Sales and received permission to post the notices at the businesses. She visited Jalisco grocery store on the stretch of McCarty between Main Street and Sagamore. The owner was thrilled and seems to be a leader in the Hispanic community. He offered to try to get his good friends to help set up a public meeting for the Hispanic community for the Long Range Plan to get some real input on their transportation needs and challenges. She thinks we may have found the right person in that community.

She went on to say staff, legal counsel, and the Ordinance Committee have been discussing short-term rentals and micro cell towers that want to locate in public rights-of-way. There is state legislation going through the Indiana legislature that would take away local control over those two issues. Jay Seeger did research to see if the legislation would grandfather existing local control of those issues or not. Jay Seeger's research indicates that there would be no grandfathering as they are currently written and anything the state does would supersede anything local governments did before or after. At this point there is no reason to continue forward with our ordinance until we know what the state does or does not pass.

**X. CITIZEN COMMENT AND GRIEVANCES**

None

**XI. ADJOURNMENT**

Gary Schroeder moved to adjourn. Vicki Pearl seconded and the motion carried by voice vote.

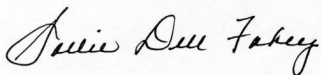
The meeting adjourned at 6:40p.m.

Respectfully Submitted,



Linda M. Underwood  
Recording Secretary

Reviewed By,



Sallie Fahey  
Executive Director