

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

DATE.....May 04, 2022
TIME..... 4:30 P.M.
PLACE..... COUNTY OFFICE BUILDING
20 N. 3RD STREET
LAFAYETTE, IN 47901

This meeting was held in-person. 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

Larry Leverenz
Kathy Parker
Gary Schroeder
Tom Murtaugh
Jackson Bogan

MEMBERS ABSENT

Greg Jones
Jerry Reynolds

STAFF PRESENT

David Hittle
Ryan O’Gara
Kathy Lind
Jennifer Ewen
Patrick Jones, Atty
Maureen McNamara

Larry Leverenz called the meeting to order.

In the absence of Attorney Eric Burns, Attorney Patrick Jones, called the roll to establish members present.

I. APPROVAL OF MINUTES

Gary Schroeder moved to approve the minutes from the April 6, 2022 meeting. Kathy Parker seconded, and the minutes, as submitted, were approved by unanimous voice vote.

II. NEW BUSINESS

Ryan O’Gara stated the petitioner for **S-5068 PIERCE-LAH MINOR SUBDIVISION (minor-sketch)** has requested a continuance to the June 1st Executive Committee public hearing in order to obtain necessary soil work.

III. PUBLIC HEARING

Larry Leverenz read the meeting procedures.

Gary Schroeder 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 recommendations on the applications to be heard this evening and responses from the checkpoint agencies. Kathy Parker seconded, and the motion carried by unanimous voice vote.

Gary Schroeder moved to continue **S-5068 PIERCE-LAH MINOR SUBDIVISION (minor-sketch)** to the June 1st Executive Committee public hearing at the petitioner’s request to obtain necessary soil work. Kathy Parker seconded, and the motion carried by unanimous voice vote.

SUBDIVISIONS

1. **S-5065 STERRETT ACRES (minor-sketch):**

Petitioner is requesting preliminary approval of a one-lot, residential subdivision of 1.932 acres located just east of the house at 2406 SR 225 E, north of the Town of Battle Ground, Tippecanoe 15 (SW) 24-4. CONTINUED FROM THE APRIL APC MEETING TO GET THE SOIL WORK COMPLETED. FIRST CONTINUANCE.

Gary Schroeder moved to hear and vote on **S-5065 STERRETT ACRES (minor-sketch)**. Kathy Parker seconded.

APC staff Kathy Lind presented the zoning map, plat, and aerial photos. She stated the petitioner's property is located on the north side of SR 225, and it is zoned R1. This is the first division from the parent tract. She presented the site plan, and she pointed out where they are planning an ingress/egress easement. She noted there are four conditions for approval, and staff is recommending conditional primary approval.

Larry Leverenz called for the petitioner or the petitioner's representative.

Todd Starr, Starr Associates, 215 Alabama Street, Lafayette, stated he does not have anything to add. He offered to answer any questions.

Larry Leverenz asked if any member of the audience wished to comment on this petition. There was no response.

Larry Leverenz asked for any questions from the commission. There were none.

Larry Leverenz called for a vote on a white ballot.

Ryan O'Gara collected the ballots and noted 5-Yes to 0-No for conditional primary approval of **S-5065 STERRETT ACRES (minor-sketch)**.

Yes-Votes

Jackson Bogan
Tom Murtaugh
Gary Schroeder
Kathy Parker
Larry Leverenz

No-Votes

2. **S-5067 GRACE WOODS ESTATES, A REPLAT OF LOTS 3 AND 4 (minor-sketch):**

Petitioner is requesting preliminary approval of a replat of two existing rural estate lots into a single lot, located at 9120 and 9170 Herring Lane, on the north side of CR 900 N, Tippecanoe 4 (SE) 24-4.

Gary Schroeder moved to hear and vote on **S-5067 GRACE WOODS ESTATES, A REPLAT OF LOTS 3 AND 4 (minor-sketch)**. Kathy Parker seconded.

APC staff Kathy Lind presented the zoning map, plat, and aerial photos. She stated the petitioner's property is located on the north side of 900 N just west of SR 43. She noted this was approved a couple of years ago. She stated the streets are already in, but there aren't any homes under construction yet. What they are wanting to do is take the existing lots 3 and 4 and turn it into a single lot. There are four conditions for approval, and staff is recommending conditional primary approval.

Larry Leverenz called for the petitioner or the petitioner's representative.

James Hall, Vester & Associates, 309 Columbia Street, Lafayette, stated he does not have anything to add, and he offered to answer any questions.

Larry Leverenz asked if any member of the audience wished to comment on this petition. There was no response.

Larry Leverenz asked for any questions from the commission. There were none.

Larry Leverenz called for a vote on a white ballot.

Ryan O'Gara collected the ballots and noted 5-Yes to 0-No for conditional primary approval of **S-5067 GRACE WOODS ESTATES, A REPLAT OF LOTS 3 AND 4 (minor-sketch).**

Yes-Votes

Jackson Bogan
Tom Murtaugh
Gary Schroeder
Kathy Parker
Larry Leverenz

No-Votes

IV. APPROVAL OF THE MAY 2022 APC PUBLIC HEARING AGENDA

Gary Schroeder moved that the following UZO amendment be placed on the May 18, 2022 Area Plan Commission public hearing agenda:

UZO Amendment #103-A: This is the section of UZO Amendment #103 that was previously tabled, related to self-storage warehouse businesses within urbanized areas. It returns to the Area Plan Commission with amendments from the Lafayette City Council and the County Commissioners.

Kathy Parker seconded, and the motion carried by unanimous voice vote.

Gary Schroeder asked if APC staff could explain the procedure and timeframe on this particular issue.

David Hittle stated at the last APC meeting, the commission voted on a proposed Ordinance Amendment, and then per state code, that went to the legislative bodies, the commissioners, and to the City Councils for both Lafayette and West Lafayette. The Commissioners and Lafayette have heard it, and they have voted to amend it which sends it back to the plan commission, so it will be on the next plan commission docket.

Gary Schroeder asked if there is a timeframe for the plan commission to respond.

David Hittle stated yes, he believes it is 45 days. He would have to confirm that with the state code, but there is a state code timeframe requirement.

Gary Schroeder asked what the options are for the plan commission.

David Hittle stated the legislative bodies send it back with a written report on why they have made the decision that they have made. The plan commission can respond, but since this was initiated by one of the cities, one of the municipalities, once it goes back to the legislative bodies, they have the final say on what ultimately gets approved.

Gary Schroeder moved that the following UZO amendment be placed on the May 18, 2022 Area Plan Commission public hearing agenda:

UZO Amendment #104: This amendment would create a definition for a “haven home,” a particular type of social service facility, and add this use to the permitted use table of the UZO.

Kathy Parker seconded, and the motion carried by unanimous voice vote.

Gary Schroeder moved that the following subdivision petition be placed on the May 18, 2022 Area Plan Commission public hearing agenda at petitioner’s request, placement thereon being without reference to compliance or non-compliance with the adopted subdivision ordinance:

S-5071 Wiggins Farm Subdivision (major-preliminary).

Kathy Parker seconded, and the motion was carried by unanimous voice vote.

Gary Schroeder moved that the following rezoning petitions be placed on the May 18, 2022 Area Plan Commission public hearing agenda:

Z-2856 BET Rentals, LLC (R1 to GB);
Z-2857 BET Rentals, LLC (I3 to GB);
Z-2858 Patrick O’Neil & Melinda O’Neil (R3W to R4W); AND
Z-2859 Jasmine Jones (NBU to R1U).

Kathy Parker seconded, and the motion was carried by unanimous voice vote.

V. APPROVAL OF THE MAY ABZA PUBLIC HEARING AGENDA

Gary Schroeder moved that the following petitions be placed on the May 25, 2022 Area Board of Zoning Appeals Public Hearing Agenda:

BZA-2077 John Spalding; AND
BZA-2078 David Thomas Iseley.

Kathy Parker seconded, and the motion was carried by unanimous voice vote.

VI. DETERMINATION OF VARIANCES – LAFAYETTE DIVISION OF THE ABZA

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

CASE #2022-13 TREECE MEADOWS LLC BY DAVID GILMAN.

Kathy Parker seconded, and the motion was carried by unanimous voice vote.

VII. REVIEW AND APPROVAL OF THE APRIL BUDGET REPORT

Gary Schroeder moved to hear and approve the April 2022 Budget Report as submitted. Kathy Parker seconded.

David Hittle stated he doesn’t have anything to add. He offered to answer any questions.

Larry Leverenz asked for any questions from the commission members. There were none.

Larry Leverenz asked all in favor, and the motion carried by unanimous voice vote.

VIII. OTHER BUSINESS

None.

IX. ADJOURNMENT

Gary Schroeder moved to adjourn.

Meeting adjourned at 4:48 PM.

Respectfully Submitted,

Jennifer A. Ewen
Recording Secretary

Reviewed By,

A handwritten signature in black ink, appearing to read "D. Hittle", with a horizontal line extending to the right.

David Hittle
Executive Director