

The
AREA PLAN COMMISSION
of Tippecanoe County

Executive Committee

Notice of Public Hearing

Date: July 7, 2021

Time: 4:30 PM

Place: Tippecanoe County Office Building

Tippecanoe Room

20 North Third Street

Lafayette, IN

PLEASE NOTE: This meeting will be both in person and virtual. Comments may be made live on the streaming platforms. Members of the public may choose to watch the live-stream on Facebook at:

<https://www.facebook.com/TippecanoeCountyIndiana> (you must have an account) or YouTube at <https://www.youtube.com/channel/UCJleeA9ZQo9EIIgdTdjurQ> (you must be a subscriber to comment.) These links can also be found on the APC website at:

<https://www.tippecanoe.in.gov/378/Area-Plan-Commission-APC>

AGENDA

I. APPROVAL OF MINUTES

Documents:

[EXEC 06.02.2021 MINUTES.PDF](#)

II. NEW BUSINESS

III. PUBLIC HEARING

A. SUBDIVISIONS

1. S-5007 SOUTH LAKE MINOR SUBDIVISION (MINOR-SKETCH):

Petitioner is seeking primary approval to replat one commercial lot into 2 lots on 2.681 acres, located on the south side of Veteran's Memorial Parkway and the west side of Promenade Parkway, in Lafayette, Wea 10 (SW) 22-4.

Documents:

[S-5007 SOUTH LAKE MINOR.PDF](#)

IV. APPROVAL OF THE JULY APC PUBLIC HEARING AGENDA

Documents:

[2021-7 APC AGENDA.PDF](#)

V. APPROVAL OF THE JULY ABZA PUBLIC HEARING AGENDA

Documents:

[07-28-21.PDF](#)

VI. DETERMINATION OF VARIANCES (LAFAYETTE DIVISION OF THE ABZA)

Documents:

[2021-07 LDOV.PDF](#)

VII. REVIEW AND APPROVAL OF THE JUNE BUDGET REPORT

Documents:

[JUNE BUDGET REPORT.PDF](#)

VIII. OTHER BUSINESS

IX. ADJOURNMENT

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

DATE..... June 2, 2021
TIME..... 4:30 P.M.
PLACE..... COUNTY OFFICE BUILDING
20 NORTH THIRD STREET
LAFAYETTE, IN 47901

This meeting was held both in-person and 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
Kathy Parker
Gary Schroeder
Jerry Reynolds (virtually)
Tom Murtaugh
Larry Leverenz
Greg Jones

MEMBERS ABSENT

(none)

STAFF PRESENT

Eric Burns, Attorney
David Hittle
Ryan O’Gara
Don Lamb
Kathy Lind
Larry Aukerman

President Jackson Bogan called the meeting to order at 4:30 pm.

Attorney Eric Burns called the roll to establish members present and absent, as listed above.

I. APPROVAL OF MINUTES

Gary Schroeder moved to approve the minutes from the May 5, 2021 meeting. Greg Jones seconded and the minutes, as submitted, were approved by unanimous voice vote.

II. NEW BUSINESS

Gary Schroeder moved to hear and approve a request for a primary approval extension for Bittersweet Farms, Section 3, RE-0054.

Don Lamb presented the staff report for the extension request, indicating that staff has no objection to the request, provided the original conditions of approval are maintained.

Norm O’Brien, 18 Arrowhead Drive, West Lafayette, spoke on behalf of the petitioners. He noted that the pandemic and the passing-away of a team member caused the delay and the need for the extension.

Bob Gross, speaking virtually and also representing the petitioners, reinforced Mr. O’Brien’s sentiments. He also indicated agreement that the existing conditions would be maintained.

Mr. Bogan asked Eric Burns to conduct the vote.

Mr. Burns conducted a vote by roll call. The motion was for approval, and carried 7 yes to 0 no.

Yes

Larry Leverenz
Tom Murtaugh
Gary Schroeder

No-Votes

Kathy Parker
Jerry Reynolds (virtual)
Jackson Bogan
Greg Jones

III. PUBLIC HEARING

Jackson Bogan 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 Bylaws of the Area Plan Commission, the application and all documents filed therewith, the staff report and recommendation on the applications to be heard this evening and responses from the checkpoint agencies. Larry Leverenz seconded, and the motion carried by voice vote.

A. SUBDIVISIONS

1. RE-0082 GRACE WOODS ESTATES, II (RURAL ESTATE-PRELIMINARY):

Petitioner is seeking primary approval for a second 12-lot phase of the existing rural estate subdivision on 25.079 acres, located on the north side of CR 900 N, just west of SR 43 North, in Tippecanoe 4 (SE) 24-4.

Gary Schroeder moved to hear and vote on RE-0082, Grace Woods Estates II. Greg Jones seconded.

Don Lamb presented the zoning map, plat, and aerial photos. He noted that the first phase of Grace Woods Estates was completed last year, and that the area associated with this second phase was rezoned earlier this year. Surrounding property is wooded and zoned Agricultural. He noted that staff recommends approval subject to the conditions included in the staff report.

Pat Cunningham, representing the petitioner, asked for approval of the request.
Ryan O’Gara noted that there has been no public comment on social media.

Mr. Bogan called for a vote.

Mr. Burns conducted a vote by roll call. The motion was for conditional approval, and carried 7 yes to 0 no, with one absent.

Yes, Conditionally Approve-Votes

Larry Leverenz
Tom Murtaugh
Gary Schroeder
Kathy Parker
Jerry Reynolds (virtual)
Jackson Bogan
Greg Jones

No-Votes

IV. APPROVAL OF THE JUNE 2021 APC PUBLIC HEARING AGENDA

Gary Schroeder moved that the following subdivision petitions be placed on the June 16, 2021 Area Plan Commission public hearing agenda:

1. **S-5000 SAGAMORE COMMONS SUBDIVISION, SECTION 2, REPLAT OF LOT 3 (minor-sketch)**
2. **S-5001 PURDUE RESEARCH PARK PARKS BARN (major preliminary)**
3. **S-5002 OAK RIDGE SUBDIVISION, SECTION 3 (major preliminary)**

Greg Jones seconded and the motion carried by unanimous voice vote.

Gary Schroeder moved that the following rezoning petitions be placed on the June 16, 2021 Area Plan Commission public hearing agenda:

- 1. **Z-2830 R. GREGG SUTTER (A to RE)**

Greg Jones seconded and the motion carried by unanimous voice vote.

I. APPROVAL OF THE JUNE ABZA PUBLIC HEARING AGENDA

Gary Schroeder moved that the following petitions be placed on the June 23, 2021 Area Board of Zoning Appeals Public Hearing agenda:

- 1. **BZA-2052 FOX ACQUISITIONS, LLC**
- 2. **BZA-2057 AMERICAN REALTY OF LAFAYETTE, LLC**
- 3. **BZA-2058 DANIEL L. McDOLE**
- 4. **BZA-2059 HERITAGE AGGREGATES, LLC**
- 5. **BZA-2060 GRORU, LLC**

Greg Jones seconded and the motion carried by unanimous voice vote.

II. DETERMINATION OF VARIANCE – LAFAYETTE DIVISION OF THE ABZA

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:

- 1. **CASE #2021-18 CUSTARD REALTY 52, LLC**
- 2. **CASE #2021-19 DEBORAH K. WATT**
- 3. **CASE #2021-20 NATE BARRETT**

Greg Jones seconded and the motion carried by unanimous voice vote.

III. REVIEW AND APPROVAL OF MAY BUDGET REPORT

Gary Schroeder moved to hear and approve the May Budget Report as submitted.

Larry Leverenz seconded and the motion carried by unanimous voice vote.

IV. OTHER BUSINESS

None.

V. ADJOURNMENT

Gary Schroeder moved to adjourn, and voice vote unanimously approved.

Meeting adjourned at 4:47 PM

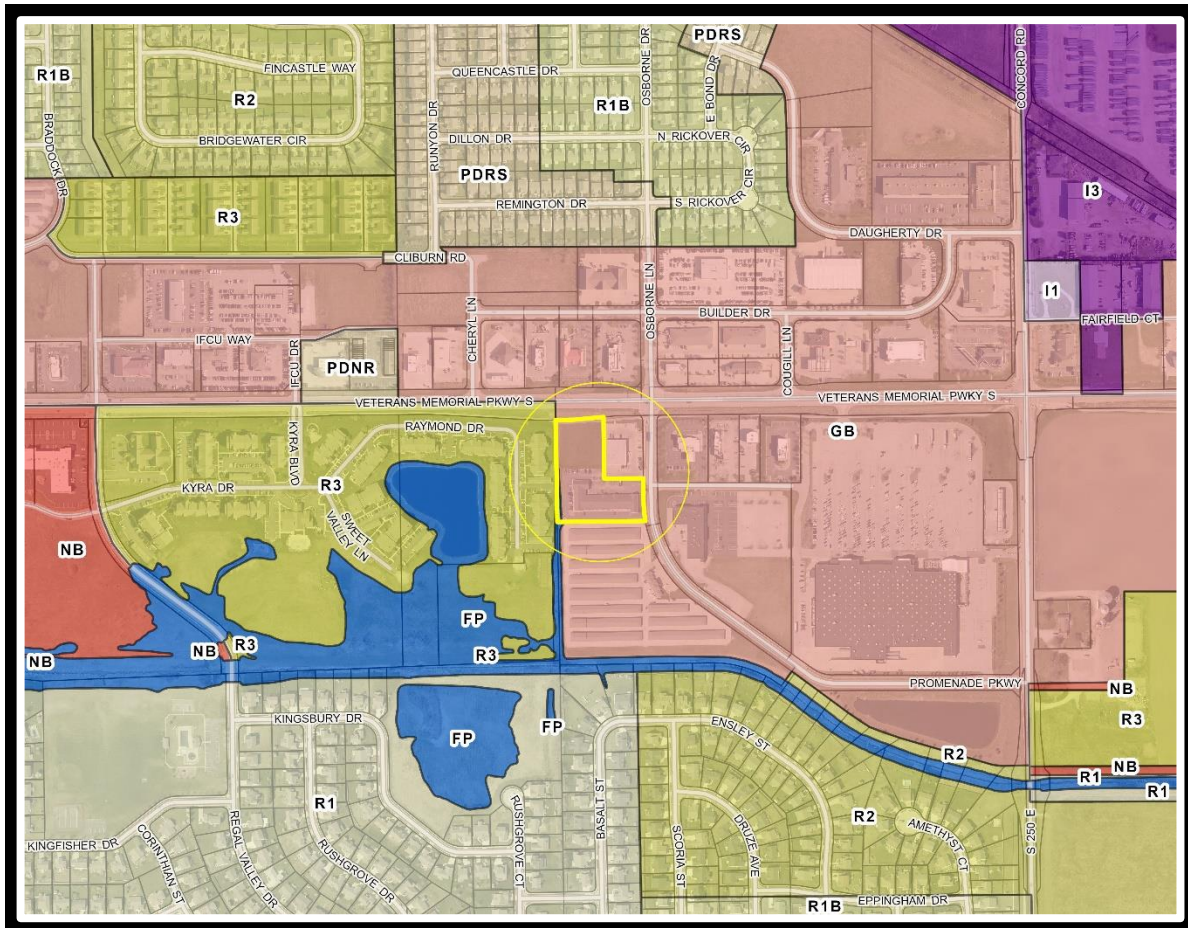
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Respectfully Submitted,

David Hittle

S-5007
SOUTH LAKE MINOR SUBDIVISION
(minor-sketch)

STAFF REPORT
July 1, 2021



DESCRIPTION OF SOUTH LAKE MINOR SUBDIVISION:

Lot Numbered Two (2) in Stones Crossing Commercial Subdivision Section One (1), an addition to Wea Township, Tippecanoe County, Indiana, as per plat thereof dated October 22, 2004 and recorded on November 12, 2004 as Document No. 04031217.

SOUTH LAKE MINOR SUBDIVISION (SKETCH PLAN)

A REPLAT OF LOT 2 IN STONES CROSSING COMMERCIAL SUBDIVISION SECTION ONE, WEA TOWNSHIP, TIPPECANOE COUNTY, INDIANA



Bearings are based on Stone Crossing Commercial Subdivision Section 1.



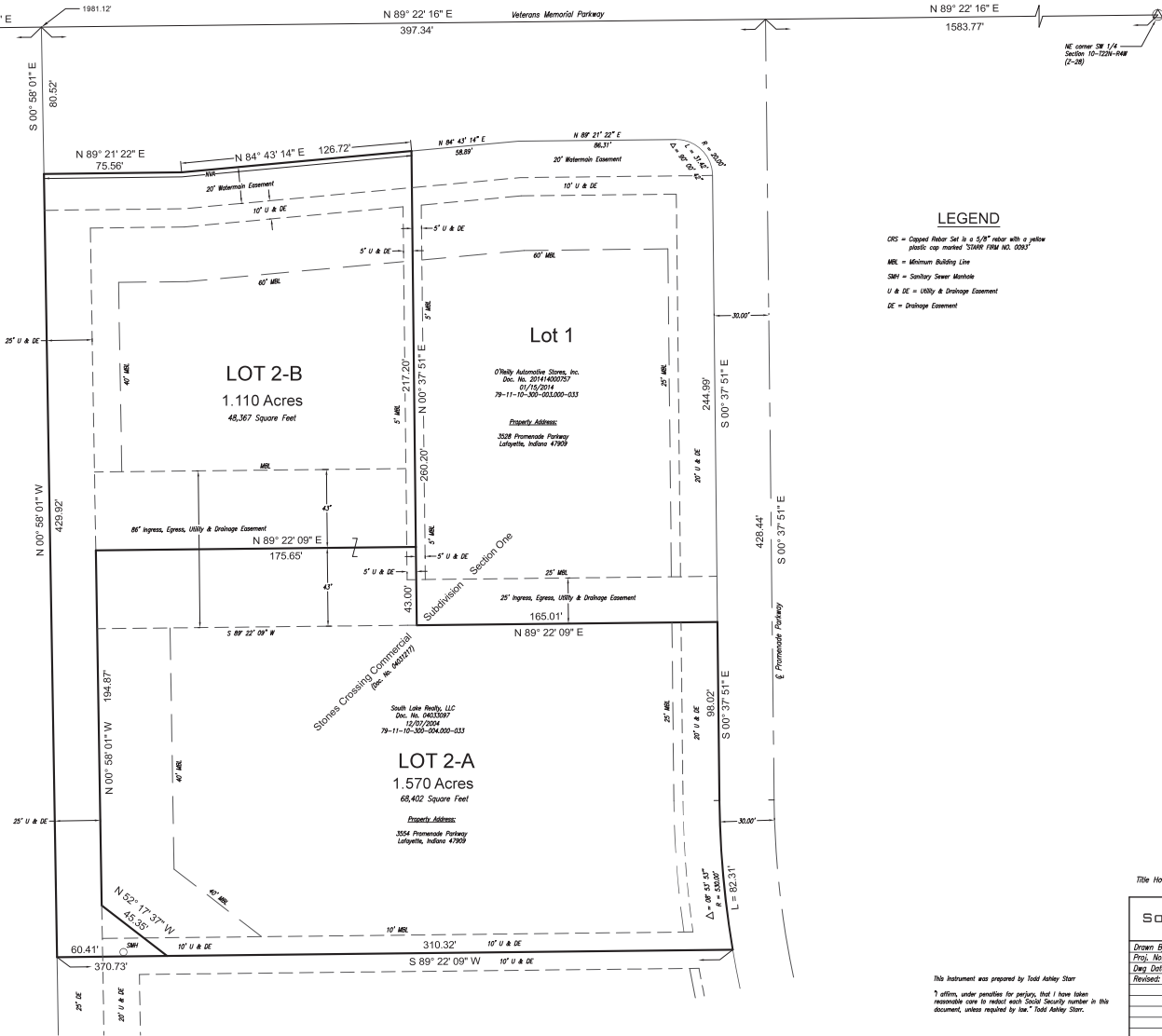
SCALE: 1" = 30'



Vicinity Map
Not to Scale

LEGEND

- CRS = Capped Rebar Set is a 3/8" rebar with a yellow plastic cap marked "STARR FIRM NO. 0003"
- MBL = Minimum Building Line
- SMH = Sanitary Sewer Manhole
- U & DE = Utility & Drainage Easement
- DE = Drainage Easement



Lot 1

O'Neilly Automotive Stores, Inc.
Doc. No. 2014-4000757
01/15/2014
79-11-10-300-001.000-033

Property Address:
3352 Promenade Parkway
Lafayette, Indiana 47909

LOT 2-B
1.110 Acres
48,367 Square Feet

LOT 2-A
1.570 Acres
68,402 Square Feet

South Lake Realty, LLC
Doc. No. 04031217
12/07/2004
79-11-10-300-004.000-033

Property Address:
3354 Promenade Parkway
Lafayette, Indiana 47909



Todd Ashley Starr

Title Holder: South Lake Realty LLC Tax Key No: 79-11-10-300-004.000-033

SOUTH LAKE MINOR SUBDIVISION-SKETCH PLAN		SHEET 1 OF 1
Drawn By: MAJ/MCH		215 ALABAMA STREET LAFAYETTE, INDIANA 47901 (765) 471-8813 WWW.STARRSURVEYING.COM
Proj. No.: 20206756		
Draw Date: 05/13/2021		
Revised:		

This instrument was prepared by Todd Ashley Starr
I affirm, under penalties for perjury, that I have taken reasonable care to reflect each Social Security number in this document, unless required by law. Todd Ashley Starr.

S-5007
SOUTH LAKE MINOR SUBDIVISION
Minor-Sketch Plan

Staff Report
July 3, 2021

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner and owner South Lake Realty, by managing member Deborah Cusak, represented by surveyor Todd Starr, is seeking primary approval to replat one commercial lot (Stones Crossing Commercial Subdivision, Section 1, Lot 2) into 2 lots on 2.681 acres, located on the south side of Veteran's Memorial Parkway (VMP) and the west side of Promenade Parkway, in Lafayette, Wea 10 (SW) 22-4.

AREA ZONING PATTERNS:

The site is mostly zoned General Business, as is land adjacent to the north, east and south. R3 zoning is adjacent to the west. A sliver of Flood Plain exists along the lot line between this lot and the apartment complex to the west. The FP in this area is a recent addition to our zoning maps (Z-2823) and is believed to be accurate enough not to warrant a flood certification on the final plat. However, a legal description of the mapped area within the FP will be required.

AREA LAND USE PATTERNS:

The lot in question is an L-shaped lot with a grassed-area between O'Reilly Auto Parts on the corner of VMP and Promenade and the Foxfire at Valley Lakes apartments to the west. This unimproved area is proposed Lot 2-B; Lot 2-A has an existing commercial building with several units, mostly used for medical-related businesses. A self-storage business is to the south, another strip center is to the east with a Wal-Mart beyond that. A car wash and a McDonald's is across VMP to the north.

TRAFFIC AND TRANSPORTATION:

Veterans Memorial Parkway is classified as an urban primary arterial and Promenade Parkway is classified as an urban local road by the adopted *Thoroughfare Plan*. The required right-of-way for both roads was dedicated with the Stones Crossing final plat, so no new dedication is required and no mortgage affidavit is needed.

The city is requiring a "no vehicular access" statement along the VMP frontage. This has been shown on the sketch plan.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

Drainage on site will be reviewed at the time of building permit issuance. City water and sewer are available; no public improvements are necessary in order to serve the unimproved proposed lot.

CONFORMANCE WITH UZO REQUIREMENTS:

Setbacks, lot widths and lot areas shown meet or exceed ordinance standards. A 30' wide Type A bufferyard is required where a lot line forms the boundary between R3 and GB zoned properties. Petitioner's representative believes a variance from this standard will likely be filed. There is a 25' platted utility and drainage easement along this lot line which the ordinance prohibits from being used as a bufferyard. This means without a variance, the actual building setback on the west side of proposed Lot 2-B would be 55'.

STAFF RECOMMENDATION:

Conditional primary approval, contingent on the following:

A. 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 Veterans Memorial Parkway 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 Regulatory Flood Elevation and Boundary for the Flood Plain along the west property line shall be shown and described.
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.

THE
AREA PLAN COMMISSION
OF TIPPECANOE COUNTY

NOTICE OF PUBLIC HEARING

DATE..... JULY 21, 2021
TIME..... 6:00 P.M.
PLACE COUNTY OFFICE BUILDING
20 NORTH 3RD STREET
LAFAYETTE, IN 47901

(TENTATIVE)
A G E N D A

- I. BRIEFING SESSION
- II. APPROVAL OF MINUTES
- III. NEW BUSINESS
- IV. PUBLIC HEARING

A. ORDINANCE AMENDMENTS

UZO AMENDMENT #101:

This amendment would add requirements for a form-based overlay for the historic Highland Park Neighborhood to Chapter 7.

B. REZONING ACTIVITIES

- 1. **Z-2832 THE RIDGE GROUP, INC. (R3 and NB to R3):**
Petitioner is requesting rezoning of 10.03 acres located on the west side of Paramount Drive, just north of the Cuppy McClure Regulated Drain, for a proposed apartment complex (Wabash Lofts) with 9 multi-family buildings, located in Wabash 2 (NE) 23-5.
- 2. **Z-2833 W & W LAFAYETTE PROPERTIES, LLC (I3 to GB):**
Petitioner is requesting rezoning of three tracts totaling 8.187 acres located on the south side of McCarty Lane, east of Sagamore Parkway, specifically 3459 McCarty Lane in Lafayette, Fairfield 34 (NE) 23-4.
- 3. **Z-2834 WALTER CORNELIUS (I3 to R1):**
Petitioner is requesting rezoning of 0.289 acres located on the east side of North Ninth Street Road, specifically 2839 North Ninth Street Road, Fairfield 1 (NE) 23-4.

- V. ADMINISTRATIVE MATTERS
- VI. APPROVAL OF THE AUGUST EXECUTIVE COMMITTEE AGENDA
- VII. DETERMINATION OF VARIANCES -- Area Board of Zoning Appeals
- VIII. DIRECTOR'S REPORT
- IX. CITIZENS' COMMENTS AND GRIEVANCES
- X. ADJOURNMENT

THE
AREA BOARD OF ZONING APPEALS
OF TIPPECANOE COUNTY

NOTICE OF PUBLIC HEARING

DATE:JULY 28, 2021
TIME: 6:00 P.M.
PLACE: COUNTY OFFICE BUILDING
20 N. 3RD STREET
LAFAYETTE, IN 47901

This meeting will be in person.

*Members of the public may choose to watch and comment on the livestream on
Facebook: <https://www.facebook.com/TippecanoeCountyIndiana> (you must have an account) or
YouTube <https://www.youtube.com/channel/UCJleeA9ZQo9EIlGdZTdjurQ> (you must be a
subscriber to comment).*

Links can also be found on the APC website at: www.tippecanoe.in.gov/apc.

**(Tentative)
A G E N D A**

- I. APPROVAL OF MINUTES
- II. NEW BUSINESS
- III. PUBLIC HEARING

1. BZA-2058 DANIEL L. MCDOLE:

Petitioner is requesting a setback of 1' from the minimum requirement of 10' (the minimum setback by averaging) from Forest Street to build a 24' x 24' detached garage on R1B-zoned land. The corner lot is located at 6827 Monroe Street in the unincorporated town of Stockwell, Lauramie 08 (NE) 21-3. (UZO 2-3-7) *Continued from the June meeting to provide paperwork.*

IV. ADMINISTRATIVE MATTERS

A discussion on procedural changes to the BZA regarding findings of fact.

V. ADJOURNMENT

Determination of Variance
Lafayette Board of Zoning Appeals
Meeting Date: July 19, 2021

July 1, 2021

1. CASE #2021-21 HWC ENGINEERING:

Petitioner is requesting a variance to allow the addition of 0 parking spaces instead of the minimum required 58 spaces to construct a 58,000-sq. ft. expansion to the existing Copper Moon Coffee operation (office and plant) in an I3 zone. The property is located at 1503 Veterans Memorial Parkway East, Lafayette, Fairfield 31 (NW) 23-4. (UZO 4-6-3)

RECOMMENDATION:

Staff advises that the above request does not constitute a use variance.

MONTHLY BUDGET REPORT
May 27, 2021 - June 30, 2021

ACCOUNT NUMBER AND NAME		TOTAL APPROPRIATION	ENCUMBRANCE FROM LY	MID YR/ END YR TRANSERS	TOTAL	EXPENDITURES THIS MONTH	EXPENDITURES TO DATE	APPROPRIATION BALANCE
1000-2510-11-10	Full Time Personnel	\$878,703.00			\$878,703.00	\$63,357.80	\$407,206.91	\$471,496.09
1000-2510-11-30	Part Time Personnel	\$5,000.00			\$5,000.00			\$5,000.00
TOTAL PERSONAL SERVICES		\$883,703.00			\$883,703.00	\$63,357.80	\$407,206.91	\$476,496.09
1000-2510-21-10	Office Supplies -Gen.	\$4,000.00	\$35.00		\$4,035.00	\$91.51	\$623.94	\$3,411.06
1000-2510-21-30	Printing & Signs for Purch	\$2,000.00			\$2,000.00			\$2,000.00
1000-2510-21-40	Minor Equipment	\$1,000.00			\$1,000.00	\$119.00	\$119.00	\$881.00
TOTAL SUPPLIES		\$7,000.00	\$35.00		\$7,035.00	\$210.51	\$742.94	\$6,292.06
1000-2510-31-10	Legal Services	\$27,600.00			\$27,600.00	\$3,584.00	\$16,024.00	\$11,576.00
1000-2510-31-70	Translator							
1000-2510-31-90	Other Professional Services	\$500.00	\$9,773.00		\$10,273.00		\$9,793.50	\$479.50
1000-2510-32-10	Travel Costs & Mileage	\$8,000.00	\$14.00		\$8,014.00	\$11.70	\$529.60	\$7,484.40
1000-2510-33-10	Published Legals	\$750.00			\$750.00		\$385.81	\$364.19
1000-2510-36-20	Repair Veh&Equip	\$1,500.00			\$1,500.00			\$1,500.00
1000-2510-39-10	Dues & Subscriptions	\$5,300.00	\$332.00		\$5,632.00	\$19.00	\$2,602.28	\$3,029.72
TOTAL OTHER SERVICES & CHARGE!		\$43,650.00	\$10,119.00		\$53,769.00	\$3,614.70	\$29,335.19	\$24,433.81
TOTAL OPERATING EXPENSES		\$50,650.00	\$10,154.00		\$60,804.00	\$3,825.21	\$30,078.13	\$30,725.87
TOTAL BUDGET		\$934,353.00	\$10,154.00		\$944,507.00	\$67,183.01	\$437,285.04	\$507,221.96
Social Security	\$67,604.00							
PERF Retirement	\$98,930.00							
Furnished by County								
TOTAL BUDGET	\$1,100,887.00							