

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

DATE.....May 5, 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
Tom Murtaugh (virtually)
Larry Leverenz

MEMBERS ABSENT

Greg Jones

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 and noted that the meeting would be held as a hybrid live/virtual meeting.

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 April 7, 2021 meeting. Larry Leverenz seconded and the minutes, as submitted, were approved by unanimous voice vote.

II. NEW BUSINESS

None.

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 By-laws 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. S-4993 EDGE ESTATES MINOR SUBDIVISION (MINOR-SKETCH):

Petitioner is seeking primary approval for a four-lot subdivision on 15.112 acres, located at the southwest corner of CR 500 N and 225 W.

Gary Schroeder moved to hear and vote on S-4993. Larry Leverenz seconded.

Kathy Lind presented the zoning map, plat, and aerial photos. She noted that 500 N serves as the dividing line between agricultural zoning to the north and R1 and R2 zoning to the south. She also noted that the property has been used historically for agricultural purposes and that the Highway Department is requiring that the CR 500 ditch be cleaned out. Finally, Lind noted that staff is recommending primary conditional approval subject to the standard commitments indicated in the staff report.

Todd Starr, Starr Associates, 215 Alabama Street, Lafayette, spoke representing the petitioner. He noted that the petitioner will do as the Highway Department requests regarding the county road ditch.

Mr. Bogan asked Ryan O’Gara if there was any comment online. Mr. O’Gara noted that there were no comments.

Mr. Bogan asked if anyone present in the room would like to speak on the matter. An unidentified person spoke from his seat, stating that he and other neighbors were present simply to understand the “lay of the land”.

Mr. Bogan acknowledged the remark and asked Eric Burns to conduct the vote.

Mr. Burns conducted a vote by roll call. The motion was for conditional approval, and carried 6 yes to 0 no, with one absent.

Yes, Conditionally Approve-Votes

Larry Leverenz
Tom Murtaugh
Gary Schroeder
Kathy Parker
Jerry Reynolds
Jackson Bogan

No-Votes

Jackson Bogan recused himself from the next case. Larry Leverenz called it forward.

2. S-4994 LIFELONG FITNESS MINOR SUBDIVISION (MINOR-SKETCH):

Petitioner is seeking primary approval to replat one commercial lot (Lot 2 in Commerce Place Subdivision) into two lots, on 1.492 acres, located on the east side of Shenandoah Drive, north of South Street, Lafayette, Fairfield 23 (SW) 23-4.

Kathy Lind presented the zoning map, plat, and aerial photos. She noted that the property is zoned General Business, as is the area generally. She also noted that the City of Lafayette is requiring a no-access easement along Shenandoah. Finally, Ms. Lind noted that staff is recommending primary conditional approval subject to the five conditions included in the staff report.

Todd Starr, Starr Associates, 215 Alabama Street, Lafayette, spoke representing the petitioner. He noted his agreement with the staff comments, and offered to answer any questions.

Mr. Leverenz asked if there was anyone in the room wishing to speak on the matter. There was no response.

Mr. Leverenz asked Ryan O’Gara if there was any comment online. Mr. O’Gara noted that there were no comments.

Mr. Leverenz asked Eric Burns to conduct the vote.

Mr. Burns noted that Jackson Bogan had recused himself and conducted a vote by roll call. The motion was for conditional approval, and carried 5 yes to 0 no, with one absent, and one recusal.

Yes, Conditionally Approve-Votes

Larry Leverenz
 Tom Murtaugh
 Gary Schroeder
 Kathy Parker
 Jerry Reynolds

No-Votes

Jackson Bogan re-entered the room.

IV. APPROVAL OF THE MAY 2021 APC PUBLIC HEARING AGENDA

Gary Schroeder moved that the following Unified Zoning Ordinance amendment be placed on the May 19, 2021 Area Plan Commission public hearing agenda:

I. UZO Amendment Number 100

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

Gary Schroeder moved that the following rezoning petitions be placed on the May 19, 2021 Area Plan Commission public hearing agenda:

1. **Z-2828 HERON BAY DEVELOPMENT, LLC (R1 to R1A)**
2. **Z-2829 FAITH LEGACY PROPERTIES, INC. (A to I1)**

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

II. APPROVAL OF THE MAY ABZA PUBLIC HEARING AGENDA

Gary Schroeder moved that the following petitions be placed on the May 26, 2021 Area Board of Zoning Appeals Public Hearing agenda:

1. **BZA-2054 RIETH-REILLY CONSTRUCTION, INC.**
2. **BZA-2055 TONYA LOWRY**
3. **BZA-2056 WEST LAFAYETTE GREENHOUSE FACILITY, LLC**

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

III. 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 #2021-16 IBUILD PROPERTIES, LLC**
2. **CASE #2021-17 TESSA GARROW AND JARED YORK**

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

IV. REVIEW AND APPROVAL OF APRIL BUDGET REPORT

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

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

V. OTHER BUSINESS

None.

VI. ADJOURNMENT

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

Meeting adjourned at 4:51 p.m.

Respectfully Submitted,

David Hittle