

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

DATE..... June 16, 2021
 TIME..... 6:00 P.M.
 PLACE..... County Office Building
 20 North 3rd Street
 Lafayette, IN 47901

This meeting was held in-person. Members of the public may watch the video of the meeting at <https://www.facebook.com/TippecanoeCountyIndiana> or <https://www.youtube.com/channel/UCJleeA9ZQo9E11GdZTdjurQ/featured>

MEMBERS PRESENT

Vicki Pearl
 Bob Metzger
 Carla Snodgrass
 Larry Leverenz
 Diana Luper
 Michelle Dennis
 Tracy Brown
 Tom Murtaugh
 Jackson Bogan
 Jason Dombowski
 Kathy Parker
 Lisa Dullum
 Roland Winger
 Gary Schroeder
 Jerry Reynolds

MEMBERS ABSENT

Perry Brown
 Greg Jones

STAFF PRESENT

David Hittle
 Ryan O'Gara
 Larry Aukerman
 John Burns
 Kathy Lind
 Eric Burns, Atty

The Area Plan Commission of Tippecanoe County Public Hearing was held virtually on the 16th day of June 2021 at 6:00 P.M., pursuant to notice given and agenda posted as provided by law.

I. BRIEFING SESSION

David Hittle noted that all cases on the agenda are set to go forward tonight.

APPROVAL OF THE MINUTES

Gary Schroeder moved to approve the minutes from the May 2021 meeting. Larry Leverenz seconded and the motion carried by unanimous voice vote.

II. NEW BUSINESS

Gary Schroeder moved to hear and approve a requested primary plat approval extension for Purdue Research Park, Phase 3, Part 2. Larry Leverenz seconded.

Ryan O'Gara, APC staff, noted that the extension request was the second such request for this plat, which was originally approved in 2009. Showing the plat map and surrounding area map, he noted that the plat includes 17 lots on 95 acres, plus three outlots. He noted there are no known changes to the subdivision ordinance since 2009 that would warrant a re-hearing of the original plat, and recommends approval.

Marianne Owen, representing the petitioner, requested approval of the extension request and offered to answer any questions.

Jackson Bogan polled the audience for any persons wishing to speak in favor or against the request and asked the commissioners for any questions. Seeing and hearing none, he requested a vote.

While the ballots were being filled out, a person from the audience emerged and asked to speak. Mr. Bogan granted the request, though he noted the vote had already been taken. The speaker, Julie Kavosic, noted that she lived near the subject site and stated concern that the certified letter she received spoke of housing and apartments, which was concerning. Mr. O’Gara spoke to her concern off-mic. Ms. Kavosic was satisfied with the response and sat down.

Mr. O’Gara collected and tabulated the votes, noting that the request had been approved 15 “yes” votes, to zero “no” votes.

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-5000 SAGAMORE COMMONS SUBDIVISION, SECTION 2, REPLAT OF LOT 3 (MINOR-SKETCH).

Gary Schroeder moved to hear and approve S-5000. Larry Leverenz seconded.

John Burns presented the staff report, zoning map and aerial photos. He noted that the request would allow for the addition of 53 feet to the southern side of the lot. Staff supports the request, subject to a condition that an existing no-vehicular-access easement along Sagamore Parkway would have to be extended to this lot.

Jeremy Allrod, representing the petitioner, noted agreement with the staff report and the conditions, and offered to answer any questions. There were none.

Mr. Bogan asked if there was anyone additional wishing to speak in favor of or against the request. There were none. Mr. Bogan called for the vote.

After retrieving the completed ballots, Ryan O’Gara announced the voting result. The motion was approved 15 “yes” to zero “no”.

2. S-5001 PURDUE RESEARCH PARK, PARKS BARN (MAJOR-PRELIMINARY).

Gary Schroeder moved to hear and approve S-5001. Larry Leverenz seconded.

John Burns presented the staff report, zoning map and aerial photos. He noted that the request would add a lot to the original plat petition.

Cameron Seymour, Schneider Geomatics, representing petitioner, requested approval along with permission to bond.

Mr. Bogan asked if there was anyone additional wishing to speak in favor of or against the request. There were none. Mr. Bogan called for the vote.

After retrieving the completed ballots, Ryan O’Gara announced the voting result. The motion was approved 15 “yes” to zero “no”.

3. S- 5002 OAK RIDGE SUBDIVISION, SECTION 3 (MAJOR-PRELIMINARY).

Gary Schroeder moved to hear and approve S-5002. Larry Leverenz seconded.

Ryan O’Gara presented the staff report, zoning map and aerial photos, noting that the request would create three lots and one outlot on just over ten acres. He also noted that a variance to waive the requirement for a cul-de-sac was approved earlier this year.

Dan Teder, representing the petitioner, indicated that support for the variance request has been provided by the County Highway department and the county commissioners. He requested approval for the requests.

Mr. Bogan asked if there was anyone additional wishing to speak in favor of or against the request. There were none. Mr. Bogan called for the votes separately, variance first.

After retrieving the completed ballots, Ryan O’Gara announced the voting result. The variance request was approved 15 “yes” to zero “no”. And the subdivision was approved 15 “yes, with bonding” to zero “no”.

B. REZONING ACTIVITIES

1. Z-2827 JOSHUA SHIVES (R1 TO AW).

Gary Schroeder moved to hear and approve Z-2827. Larry Leverenz seconded.

Ryan O’Gara presented the staff report, zoning map and aerial photos, noting that the request amounts to a downzoning to allow the petitioner to divide the property via parcelization. He noted that the request is appropriate, and that staff supports it.

Petitioner Josh Shives spoke, requesting approval of the request.

Mr. Bogan asked if there was anyone additional wishing to speak in favor of or against the request. There were none. Mr. Bogan called for a vote.

After retrieving the completed ballots, Ryan O’Gara announced the voting result. The rezoning request was approved 15 “yes” to zero “no”.

2. Z-2828 HERON BAY DEVELOPMENT, LLC (R1 TO R1B).

Gary Schroeder moved to hear and approve Z-2828. Larry Leverenz seconded.

Ryan O’Gara presented the staff report, zoning map and aerial photos. He noted that the petition was amended to rezone to R1B, which represents an appropriate zoning district given the prevalence of that district in the vicinity.

Attorney Dan Teder, representing petitioner, spoke and requested a favorable recommendation for the rezoning request. He indicated that his client intends to develop the property as an 82-lot subdivision,

substantially as indicated on the submitted conceptual site plan. He also noted that more rezonings to R1A and R1B are likely, generally speaking, given affordability concerns.

Erin Easter, representing the City of West Lafayette, spoke in favor of the petition.

Mr. Bogan asked if there was anyone additional wishing to speak in favor of or against the request. There were none. Mr. Bogan called for a separate vote for the commitment and the rezoning.

After retrieving the completed ballots, Ryan O’Gara announced the voting results. The commitment was approved 15 “yes” to zero “no”, and the rezoning request was recommended for approval by a vote of 15 “yes” to zero “no”.

3. Z-2830 R. GREGG SUTTER (A TO RE).

John Burns presented the staff report, zoning map and aerial photos. He noted that the request, if approved, would allow for a 12-lot rural estate subdivision, and that associated development requirements as laid out in the zoning and subdivision ordinances would be met. He noted that staff supports the request.

Mr. Bogan called for the petitioner or petitioner’s representative, but there was no response.

Mr. Bogan polled the audience, asking if anyone wished to speak in favor of or opposition to the request.

Dale Nicholson, 6651 N 1000 E, spoke. He asked if the subject lots would be served by the Americus / Buck Creek /Colburn sewer district. John Burns indicated his understanding that the sewer would not be available until well after the establishment of these lots. Plan Commissioner Tracy Brown also suggested that the subject lots would be located near, but not within, the sewer district.

After retrieving the completed ballots, Ryan O’Gara announced the voting results. The rezoning request was recommended for approval by a vote of 15 “yes” to zero “no”.

IV. ADMINISTRATIVE MATTERS

Eric Burns spoke about the prospect of virtual participation in future APC meetings following the end of the governor’s emergency order allowing virtual participation. He laid out the options as detailed in a resolution prepared for Plan Commissioners’ review.

Larry Leverenz noted that the Ordinance Committee discussed this matter at its prior meeting, and it recommends returning to the pre-pandemic meeting policy... requiring all meeting participation to come in-person, live, at the meeting location and time.

Gary Schroeder noted that the Area Board of Zoning Appeals made the same decision the APC Ordinance Committee recommends.

Jackson Bogan noted that all meetings would still be live-streamed going forward.

It was determined that the resolution prepared by Eric Burns be tabled.

V. APPROVAL OF THE JULY EXECUTIVE COMMITTEE AGENDA

Gary Schroeder moved that the following requests for subdivision be placed on the July 7, 2021 Area Plan Commission Executive Committee agenda at petitioner’s request, placement thereon being without reference to compliance or noncompliance with the adopted subdivision ordinance:

S-5007 SOUTHLAKE MINOR SUBDIVISION (MINOR SKETCH).

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

VI. DETERMINATION OF VARIANCES – AREA BOARD OF ZONING APPEALS

Gary Schroeder moved that the following requests for variance from the Unified Zoning Ordinance are not requests for use variances, prohibited from consideration by ordinance and statute:

BZA-2052 FOX ACQUISITIONS, LLC

BZA-2057 AMERICAN REALTY OF LAFAYETTE, LLC

BZA-2058 DANIEL L. MCDOLE

BZA-2060 GRORU, LLC

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

VII. DIRECTOR'S REPORT

David Hittle noted that the Director's Report was emailed to members earlier. He called attention to an upcoming project which will alter public notification policies, specifically expanding the lead time required for staff review and the mailing of public notification letters pertaining to variances, special exceptions and rezonings. He also noted that the APC will be hosting the annual MPO conference this Fall. Finally, he noted that six-year employee Rabita Foley will be leaving the department for a job at Purdue. Her last day will be July 9th.

Jackson Bogan then called attention to this, the last meeting to be attended by Roland Winger, who has been a member of the APC for twelve years. Mr. Winger expressed his gratitude for the opportunity to have served on the APC for so long and stated, without delay or qualification, that he enjoyed being the on APC more than being on the county council. The room applauded.

VIII. ADJOURNMENT

Roland Winger moved to adjourn, and subsequent voice vote supported the motion.

The meeting adjourned at 7:16 PM.

Respectfully Submitted,

David L. Hittle
Executive Director