

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

DATE..... July 7, 2021  
TIME..... 4:40 P.M.  
PLACE..... COUNTY OFFICE BUILDING  
20 N. 3RD STREET  
LAFAYETTE, IN 47901

*This meeting was held virtually. Members of the public could watch the livestream of the meeting at <https://www.facebook.com/TippecanoeCountyIndiana> or <https://www.youtube.com/channel/UCJleeA9ZQo9E11GdZTdjurQ/featured>*

**MEMBERS PRESENT**

Tom Murtaugh  
Larry Leverenz  
Greg Jones  
Kathy Parker  
Jackson Bogan  
Gary Schroeder

**MEMBERS ABSENT**

Jerry Reynolds  
Vicki Pearl

**STAFF PRESENT**

David Hittle  
Ryan O’Gara  
Kathy Lind  
Eric Burns, Atty.

In the absence of Larry Leverenz, Jackson Bogan called the meeting to order at 4:40 PM.

**I. APPROVAL OF MINUTES**

Gary Schroeder moved to approve the minutes from the June 2, 2021 meeting. Greg Jones seconded and the minutes, as submitted, were approved by unanimous voice vote.

**II. SHIPPING CONTAINERS, PART II**

Kathy Lind said in May, West Lafayette and Lafayette adopted the amendment but County Commissioners tabled it. This item was discussed at the AOs meeting. The proposed amendment does not limit the number of shipping containers on farms but does not allow shipping containers to be located between the primary use building and the front lot line in residential areas.

Jackson Bogan asked what meets the definition of a farm. Kathy said the farm would have to meet SIC 01 or SIC 02 for crop and animal production. Mr. Bogan was concerned that this would allow for a storage operation to happen on farmland. He suggested that the definition state that the items stored must be related to farming equipment.

Kathy Lind said the definition of shipping container can be changed.

Gary Schroeder asked if people have attempted to stack shipping containers. Kathy had not seen anyone stack the containers but that can be done to build homes.

Tom Murtaugh asked if Commissioner Byers had provided any feedback on this item as he was concerned and had questions. Kathy Lind said that he did and that she answered his questions.

Tom Murtaugh asked if this ordinance amendment nullifies the previous amendment to this ordinance that has already been passed by the City of Lafayette and West Lafayette.

Eric Burns said we are asking the cities to nullify what was passed and replace it with this amendment.

Tom Murtaugh moved to recommend approval of the amended ordinance to the Area Plan Commission.

Gary Schroeder seconded and the motion was approved by unanimous voice vote.

### **III. A PROPOSED CHANGE TO THE BUFFERYARD STANDARDS**

Kathy Lind said in 2018, the bufferyard standards were made stricter. This required a registered landscape architect to provide the bufferyard plans to the Administrative Officer (AO) for approval. However, the City of Lafayette has never done it this way. This change to the bufferyard standards would better reflect what is being done by the jurisdictions. Bufferyard plans prepared by a landscape professional will be reviewed by the jurisdiction's urban forester or landscape administrator then approved by the AO.

Tom Murtaugh asked what happens in the county. Kathy Lind said because we do not have an urban forester or landscape administrator, the plan would need to be done by a registered landscape architect.

Tom Murtaugh noted that he has heard complaints that landscape architects are not easily accessible. He asked if this is something the cities might be willing to review for the county. Kathy said she thinks they would.

Chad Spitznagle said West Lafayette's Greenspace Administrator, Bryce, works under the Parks Department. Chad said he would ask if there would be interest in helping. He noted that it would be helpful to know roughly how many cases a year this would include.

Tom Murtaugh said he was not sure how long it takes to review these cases and how payment would need to be handled.

Eric Burns said the first step may be to figure out who is equivalent to the urban forester or landscape administrator on county staff. Tom said he doesn't believe that kind of expertise is on staff.

Jackson Bogan suggested this be tabled until next month to discuss the time it takes to review these cases with Bryce.

Tom Murtaugh agreed that it would need to be discussed if this is something he is willing to do. Jackson Bogan suggested that a fee could be collected for the service if necessary.

Gary Schroeder said this would be checking the standards required for trees.

David Hittle said Gary has a good point that the work is not much more than making sure the ordinance requirements are met. In that respect, this could be done by any professional planner on staff, not necessarily by a landscape administrator. He did not like the idea of someone on West Lafayette's staff being inserted into the process like that.

Jackson Bogan said this will be tabled to try to find a solution that is agreeable.

*Larry Leverenz joined the meeting at 4:56.*

### **IV. REVISING THE DEFINITION OF "LOT"**

Kathy Lind said the City of Lafayette has a different definition of lot that is very simple. Lot is defined as an area of land exclusive of street areas but including adjacent areas that are used as one and having an access from a public street approved by the AO. Because the county does not have the same definition, it forces property owners to replat or vacate land in order to simply improve their property. She gave the example of the Linders who had to either replat their property or vacate a lot and get a BZA variance to build a new front porch in Concord. If this property were in Lafayette, they would not have needed to vacate and could have built across the lot line. Staff is proposing an additional paragraph to the definition of lot in the county. She read the paragraph and explained that the towns were included because this issue comes up often when issuing building permits.

Greg Jones agreed that this does happen often and it is a burden to spend the money on a surveyor.

Kathy displayed the aerial photograph of Stockwell with lot lines. She noted that Stockwell doesn't have as many properties with this issue but there are a few. If they wanted to add on to their home, they would need to hire a surveyor or vacate it which is additional time and money.

Eric Burns asked what would happen with the Assessor or Auditor if this is changed. It seems like there would be no change in tax bills or key numbers. Kathy said generally, a property like this has only one tax bill and key number.

Larry Leverenz asked if there is a downside to this.

Kathy Lind said the reason West Lafayette is not included in this is because a developer could buy up lots, tear down the houses there and build a large apartment building across the property lines without any oversight. This has happened in Lafayette in the Centennial Neighborhood. Those areas have now been down zoned to prevent that from happening again. The developer would now have to buy all the properties, have it rezoned and explain to city council what they want to do.

Gary Schroeder said if someone had four lots that were zoned R3, they could replat them. It must be approved if it meets the standards. He clarified that in Lafayette, someone can build across lot lines and in West Lafayette they cannot. He asked about properties outside of the towns and cities in the county.

Kathy Lind said it would not apply to farmland in the county but it would apply to any platted areas.

Chad Spitznagle, City of West Lafayette, agreed that if they meet the ordinance standard, it is fine. He said he is trying to brainstorm any outlying issues. Kathy asked if he would like West Lafayette to be included. Chad said he would want to discuss it further but does not see why West Lafayette shouldn't be included.

Jackson Bogan asked if West Lafayette needed to be added to the paragraph being added. Kathy Lind agreed it could be added to the amendment.

Greg Jones moved to add West Lafayette to the amendment. Gary Schroeder seconded and the motion carried by unanimous voice vote.

Gary Schroeder moved to recommend approval of the amended ordinance to the Area Plan Commission. Jackson Bogan seconded and the motion was approved by unanimous voice vote.

## **V. CITIZEN COMMENT**

None.

## **VI. ADJOURNMENT**

Gary Schroeder moved to adjourn.

The meeting adjourned at 5:11 p.m.

Respectfully Submitted,

Chyna R. Lynch  
Recording Secretary

Reviewed By,

David Hittle  
Executive Director