

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

DATE..... April 5, 2023
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/TippecanoeCountyGovernment>

MEMBERS PRESENT

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

MEMBERS ABSENT

(none)

STAFF PRESENT

David Hittle
Kathy Lind
Larry Aukerman
Eric Burns, Attorney

Larry Leverenz called the meeting to order.

Attorney Eric Burns, called the roll to establish members present.

I. APPROVAL OF MINUTES

Gary Schroeder moved to approve the minutes from the March 1, 2023 meeting. Greg Jones seconded, and the minutes, as submitted, were approved by unanimous voice vote.

II. NEW BUSINESS

A. REQUEST TO AUTHORIZE A BELATED SUBDIVISION EXTENSION

HAGGERTY POINTE SUBDIVISION (S-3662):

This is a request to authorize the hearing of a belated subdivision extension for Haggerty Pointe Subdivision; the primary approval expired on April 20, 2015.

Gary Schroeder moved to hear and vote on the request to authorize a belated subdivision extension for **HAGGERTY POINTE SUBDIVISION (S-3662)**. Greg Jones seconded.

APC staff member Kathy Lind explained Haggerty Pointe subdivision is a subdivision that received primary approval in 2005. The primary approval expired in April 2015. The petitioner is now wanting to extend that approval. Because it has expired, the Board needs to vote on an authorization to permit the subdivision extension. Once the vote has occurred, the Board can hear the extension request.

Larry Leverenz asked if the petitioner or his representative wished to make a presentation.

Jerry Brand, L.B. Associates LLC, 3595 Sagamore Parkway, Suite 1, Lafayette, said they are doing some tidying up from years past to get the subdivision final and second phased. They could not go through and get the building lot lines set, so they are at that point. Kathy Lind was able to help him with the paperwork to get things back in order.

Larry Leverenz asked if any member of the audience wished to comment on the petition. There were no comments.

Larry Leverenz asked for questions from the Board. There were none.

The request to authorize a belated subdivision extension for **HAGGERTY POINTE SUBDIVISION (S-3662)** was approved by unanimous voice vote.

B. BELATED PRIMARY APPROVAL EXTENSION REQUEST

HAGGERTY POINTE SUBDIVISION (S-3662):

The developer, LB Associates, LLC (represented by Jerry Brand) is requesting five (two-year long) extensions of the primary approval originally granted April 20, 2005. The preliminary plat includes a two-block commercial subdivision on 49.744 acres and is located on the south side of Haggerty Lane west of Park East Blvd, in Lafayette, Wea 1 (NW) and 2 (NE) 22-4.

Gary Schroeder moved to hear and vote on the belated primary approval extension request for **HAGGERTY POINTE SUBDIVISION (S-3662)**. Greg Jones seconded.

APC staff member Kathy Lind showed aerial photos of the petitioner’s property on the south side of Haggerty Lane, north of SR 38. The site is zoned General Business (GB). There have been three lots finalized on the east side of Park East Boulevard. The petitioner would like to finish the subdivision and final plat the remaining area. Preliminary plans were displayed on the screen and Kathy Lind explained because it is an industrial subdivision, the plans do not show a bunch of lots. That is something that is done once they decide how they want it to be laid out. APC staff does not believe there have been any changes in zoning restrictions that would require this to be refiled. Staff is recommending approval.

Larry Leverenz asked the petitioner if he wished to add any comments. Petitioner declined.

Larry Leverenz asked if any member of the audience wished to comment on the petition. There were no comments.

Larry Leverenz asked if there were questions from the Board. There were none.

Larry Leverenz called for the vote on a yellow ballot.

Eric Burns collected the ballots and noted 7-Yes to 0-No to grant belated primary approval extension for **HAGGERTY POINTE SUBDIVISION (S-3662)**.

	Yes – Votes		No - Votes
Tom Murtaugh	Larry Leverenz	Jackson Bogan	(none)
Gary Schroeder	Greg Jones	Jerry Reynolds	
Kathy Parker			

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 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. Greg Jones seconded, and the motion passed by unanimous voice vote.

A. SUBDIVISIONS

1. S-5120 650 SAGAMORE PARKWAY SUBDIVISION (minor-sketch):

Petitioner is seeking primary approval for a two-lot commercial minor subdivision, located at the northwest corner of Sagamore Parkway South and Kossuth Street, specifically, 650 Sagamore Parkway South, Lafayette, Fairfield 27 (NW) 23-4.

Gary Schroeder moved to hear and vote on **S-5120 650 SAGAMORE PARKWAY SUBDIVISION (minor-sketch)**. Greg Jones seconded.

APC staff member Kathy Lind referred to aerial photos to show the petitioner's property on the northwest corner of Kossuth Street and Sagamore Parkway. The site has long been used for auto sales. The site is zoned General Business (GB), as is surrounding property, except to the south, which is zoned I3, Industrial. The petitioner is proposing the creation of two lots. There is one existing driveway on Sagamore and three driveways on Kossuth Street. Kathy said she believes the City will want to close one of the three driveways on Kossuth. One of the conditions is that the 30-foot easement in the back of the lot needs to be wider because it appears a utility line is slightly outside of the easement. There are seven conditions of approval and staff is recommending conditional primary approval.

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

Tim Balensiefer, TBIRD Design 105 N. 10th Street, Lafayette, speaking on behalf of the petitioner, agrees with the conditions and does not have any issue with them. He requests approval and is available to answer any questions.

Larry Leverenz asked if any member of the audience wished to comment on this petition. There were none.

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

Larry Leverenz called for a vote on a white ballot.

Eric Burns collected the ballots and noted 7-Yes to 0-No for conditional primary approval of **S-5120 650 SAGAMORE PARKWAY SUBDIVISION (minor-sketch)**.

	Yes – Votes		No - Votes
Tom Murtaugh	Larry Leverenz	Jackson Bogan	(none)
Gary Schroeder	Greg Jones	Jerry Reynolds	
Kathy Parker			

2. S-5121 1 NORTH CREASY MINOR SUBDIVISION (minor-sketch):

Petitioner is seeking primary approval for a three-lot commercial subdivision of 5.01 acres, located at the northeast corner of Creasy Lane and South Street, specifically 1 North Creasy Lane, Lafayette, Fairfield 23 (SE) 23-4.

Gary Schroeder moved to hear and vote on **S-5121 1 NORTH CREASY MINOR SUBDIVISION (minor-sketch)**." Greg Jones seconded.

APC staff member Kathy Lind referred to aerial photos to show the petitioner's property at the northeast corner of Creasy Lane and South Street. The property is zoned General Business (GB), as is all surrounding property. The aerial photo shows three existing buildings that have served the site as a car lot for many years. She believes the petitioner plans to tear down the buildings. The sketch plan shows the creation of three lots from the one unplatted land area. Access from South Street serves the site with a private easement. Staff is asking for either a blanket easement or an ingress/egress easement along the frontage so that customers coming to the far lot (lot one) would have the right to cross the other lots, using the driveway. There is a driveway off Creasy Lane that would serve all three lots. There are seven conditions of approval and staff is recommending conditional primary approval.

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

Chris Shelmon, Gutwein Law, 250 Main Street, Lafayette, present on behalf of Castle Street Investments, said the Nissan dealership will be moving to Sagamore Parkway. This subdivision process will set the stage for the redevelopment of the site and future uses. He appreciates Kathy's help in this and

welcomes the conditions. He is available to answer any questions and is requesting conditional approval.

Larry Leverenz asked if any member of the audience wished to comment on this petition.

Dave Shoemaker, 720 Hummingbird Court, Lafayette, said he is one of the owners of D&R Market. He questioned the easement that runs along the side of the business and what would happen to it and who would maintain it. He said the City only went in so far with the approved road and then there's an easement agreed upon that goes down and turns and comes out to South Street. He asked how the easement will be maintained or what will happen to it.

Chris Shelmon, Gutwein Law, 250 Main Street, Lafayette, answered by saying this is a subdivision within an existing subdivision. The property that Mr. Shoemaker was referring to is a part of the Kendrick commercial subdivision, which is larger and includes multiple lots. This proposed subdivision is within that. The easement reference is part of the Kendrick commercial subdivision and is governed under those covenants that still exist. Nothing in this subdivision affects those property rights and responsibilities.

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

Larry Leverenz called for a vote on a white ballot.

Eric Burns collected the ballots and noted 7-Yes to 0-No for conditional primary approval of **S-5121 1 NORTH CREAMY MINOR SUBDIVISION (minor-sketch).**

	Yes – Votes		No - Votes
Tom Murtaugh	Larry Leverenz	Jackson Bogan	(none)
Gary Schroeder	Greg Jones	Jerry Reynolds	
Kathy Parker			

IV. APPROVAL OF THE APRIL APC PUBLIC HEARING AGENDA

Gary Schroeder moved that the following subdivision petitions be placed on the April 19, 2023 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-5122 WINDING CREEK SUBDIVISION, A REPLAT OF LOT 237 (minor-sketch); and
S-5123 ARBOR CHASE, SECTION 6, PHASE 2 (major-preliminary).

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

Gary Schroeder moved that the following rezone petitions be placed on the April 19, 2023 Area Plan Commission public hearing agenda:

Z-2880 DON KOEHLER (R1U to NBU);
Z-2882 SUBTEXT ACQUISITIONS, LLC – Brant Stiles (Verve 2 Planned Development) (R3W to PDRS);
Z-2883 PCM PROPERTIES, LLC – Mike Cates (Revive at Russell Planned Development) (R3W to PDRS);
Z-2885 SHANE ALBREGTS (R1 to R1B);
Z-2886 TOMISH DEVELOPERS, LLC (NB to R3);
Z-2888 TRINITAS DEVELOPMENT, LLC (I3 to R3);
Z-2889 ARCHVIEW PROPERTIES, LLC (R1 to R3); and
Z-2890 BUCKINGHAM PROPERTIES, LLC (R1 to R3).

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

V. APPROVAL OF THE APRIL ABZA PUBLIC HEARING AGENDA

Gary Schroeder moved that the following petitions be placed on the April 26, 2023 Area Board of Zoning Appeals Public Hearing Agenda:

BZA-2100 Z-CUBE HOMES LLC;
BZA-2101 ANTHONY HAAN;
BZA-2102 KEITH MOORE, CARLSON CONSULTING ENGINEERS; and
BZA-2103 BUILT TO LAST.

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

Gary Schroeder moved that regarding the following special exception request, this case will not adversely affect the Comprehensive Plan:

BZA-2100 Z-CUBE HOMES LLC.

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

VI. DETERMINATION OF VARIANCES

A. Lafayette Division of the Area Board of Zoning Appeals

Gary Schroeder moved 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 #2023-10 SLUMBER HOLDINGS LLC.

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

VII. REVIEW AND APPROVAL OF THE MARCH BUDGET REPORT

Gary Schroeder moved to hear and approve the March 2023 Budget Report as submitted. Greg Jones seconded.

David Hittle offered to answer any questions. There were none.

The motion carried by unanimous voice vote.

VIII. OTHER BUSINESS

None.

IX. ADJOURNMENT

Gary Schroeder moved to adjourn. Meeting adjourned at 4:51 PM.

Respectfully Submitted,
Kristina Lamb
Recording Secretary

Reviewed By,



David Hittle
Executive Director