

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

DATE..... AUGUST 7, 2019  
TIME.....4:30 P.M.  
PLACE..... COUNTY OFFICE BUILDING  
20 N. 3RD STREET  
LAFAYETTE, IN 47901

**MEMBERS PRESENT**

Jackson Bogan  
Tom Murtaugh  
Greg Jones  
Larry Leverenz  
Gary Schroeder  
Jerry Reynolds  
Carl Griffin

**MEMBERS ABSENT**

**STAFF PRESENT**

Sallie Fahey  
Ryan O’Gara  
Kathy Lind  
Chyna Lynch  
Zach Williams, Atty.

President Tom Murtaugh called the meeting to order. He welcomed everyone and said that it is great to have so many people in the audience this evening. As a point of order, there will be an Executive Committee meeting first, with an Ordinance Committee meeting to follow.

**I. APPROVAL OF MINUTES**

Gary Schroeder moved to approve the minutes from the July 3, 2019 Executive Committee public hearing as submitted. Greg Jones seconded, and the motion carried by voice vote.

**II. NEW BUSINESS**

**A. PRIMARY APPROVAL EXTENSION REQUESTS**

**DAUGHERTY COMMERCE CENTER (S-2726):**

The developer, DCI Development LLP, is requesting a ninth 2-year extension of the conditional primary approval originally granted on August 19, 1998. The site is located at the northwest corner of Veterans Memorial Parkway and Concord Road, in Lafayette, Wea 10 (NW) 22-4.

Gary Schroeder moved to hear and approve a primary approval extension request for **DAUGHERTY COMMERCE CENTER (S-2726)**. Greg Jones seconded.

Sallie Fahey presented the zoning map and preliminary plat. She said this is the ninth 2-year extension request for this site. The last extension was granted in August of 2017. If approval is granted today, the extension would expire August 19, 2021. Sallie showed aerial photos of the existing lots that have thus far been platted. 9.3 acres remains to be recorded under this plat. There is a total of 10 final plats with a total of 18 lots on the 31.3 acres that have been recorded. Construction plans for this site were approved many years ago. The streets, utilities, and drainage previously installed have been accepted for maintenance. Staff is recommending approval of the extension contingent on the following conditions:

1. Except for the approved street entrances, "No Vehicular Access" statements shall be platted along the CR 350 S and Concord Road right-of-way lines. This restriction shall be included in the subdivision covenants

- as enforceable by the Area Plan Commission and irrevocable by the lot owners.
2. At the time of secondary approval, if there is a mortgage on this property, a release from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
  3. An Erosion and Sediment Control Plan meeting the requirements of 327 I.A.C. 15-5 shall be submitted to both the Tippecanoe County Soil and Water Conservation District and the Lafayette City Engineer. The City Engineer must approve the storm water management plan, including the Erosion and Sediment Control Plan, in writing. The approval and plan must be incorporated in, and made a part of, the construction plans.
  4. All existing easements, covenants or restrictions shall be shown on the final plat(s) and referenced with the corresponding recording information (Document Number and date recorded).
  5. An overall utility coordinating sheet shall be included in the construction plans. This utility sheet shall be approved and signed off by the non-government utility companies.
  6. The required bufferyards shall be shown in the construction plans including the plant list and landscape details.
  7. The Regulatory Flood Elevation and Boundary for the Elliott District Flood Plain shall be described and shown on the final plat. The final plat must also include a certification of the areas of the plat that are at or above the Regulatory Flood Elevation (100-year flood elevation), as specified in the Unified Zoning Ordinance, Section 226-17.
  8. The street addresses and County Auditor's Key Number shall be shown on the final plat.

Tim Balensiefer, 105 N. 10<sup>th</sup> Street, Lafayette, IN, 47901, representative for petitioner, said he agreed with all of staff's comments and requested approval for an extension. The petitioner is in the process of platting 5 of the 9 remaining acres. With only 4 acres left, the petitioner plans on this extension to be the last.

The Executive Committee voted 7-Yes to 0-No to grant the two-year extension for **DAUGHERTY COMMERCE CENTER (S-2726)**.

**BILTZ COMMERCIAL SUBDIVISION (S-2740):**

The developer, Fairfield Builders Supply Corporation, is requesting a ninth 2-year extension of the conditional primary approval originally granted September 16, 1998. The site is located on the north side of the US 52 and SR 25 intersection, in Fairfield (Longlois Reserve) 23-4.

Gary Schroeder moved to hear and approve a primary approval extension request for **BILTZ COMMERCIAL SUBDIVISION (S-2740)**. Greg Jones seconded.

Sallie Fahey presented the zoning map and preliminary plat. She said the site is located on the corner of Sagamore Parkway and Schuyler Avenue. The petitioner is seeking a ninth 2-year extension of the conditional primary approval originally granted. If not granted today, approval would expire on September 16, 2019. This development was originally a 10.729-acre development. Construction plans were previously approved and the City has accepted the installation of public improvements. One lot in the final plat is currently occupied by Quicklube. The two lots on either side of Petsburg Animal Clinic have also been platted. The road that runs through the middle is a public road and has been accepted for maintenance. Staff is recommending approval subject to any remaining conditions of the primary approval.

#### A. Variances

1. A variance to reduce the required minimum centerline radius from 200 feet to 100 feet.
2. A variance to reduce the required minimum length of a tangent between reverse curves from 200 feet to 178.90 feet.
3. A variance to reduce the required installation of sidewalks from both sides of the street to one side only.

#### B. Conditions

1. Except for the approved entrances, "No Vehicular Access" statements shall be platted along the US 52 and SR 25 right-of-way lines. This restriction shall be included in the subdivision covenants as enforceable by the Area Plan Commission and irrevocable by the lot owners.
2. The sanitary sewer and water plans shall be approved by the City of Lafayette, as part of the construction plans.
3. Depending on the progress of the annexation of this subdivision, an Erosion and Sediment Control Plan meeting the requirements of 327 I.A.C. 15-5 shall be submitted to both the Tippecanoe County Soil and Water Conservation District and the County Drainage Board or the Lafayette City Engineer. The Drainage Board or City Engineer must approve the storm water management plan, including the Erosion and Sediment Control Plan, in writing. The approval and plan must be incorporated in, and made a part of, the construction plans.
4. All existing easements, covenants or restrictions (not vacated or deleted) shall be shown on the final plat(s) and referenced with the corresponding recording information (Document Number and date recorded).
5. An overall utility coordinating sheet shall be included in the construction plans. This utility sheet shall be approved and signed off by the non-government utility companies.
6. All required setbacks shall be shown on the final plat(s).
7. The Lafayette City corporation line must be shown on the final plat.
8. The Regulatory Flood Elevation and Boundary shall be described and shown on the final plat. The final plat must also include a certification of the areas of the plat that are at or above the Regulatory Flood Elevation (100 year flood elevation), as specified in the Unified Zoning Ordinance, Section 2-26-17.
9. The street addresses and County Auditor's Key Number shall be shown on the final plat.

Tim Balensiefer, 105 N. 10<sup>th</sup> Street, Lafayette, IN, 47901, representative for petitioner, agreed with all of staff's comments and requested approval for an extension.

The Executive Committee voted 7-Yes to 0-No to grant the two-year extension for **BILTZ COMMERCIAL SUBDIVISION (S-2740)**.

### III. PUBLIC HEARING

Tom Murtaugh 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. Greg Jones seconded and the motion carried by voice vote.

#### A. SUBDIVISIONS

**S-4858 OLD OAK MINOR SUBDIVISION (minor-sketch):**

Petitioners are seeking primary approval for a two-lot subdivision on 5.013 acres, located on the west side of CR 225 W, approximately 1/2 mile south of CR 600 N, in Wabash 26 (NE) 24-5.

Gary Schroeder moved to hear and vote on **S-4858 OLD OAK MINOR SUBDIVISION (minor-sketch)**, Greg Jones seconded.

Kathy Lind presented the zoning map and site plan. She said the petitioner's property is located on the west side of County Road 225 West between 500 North and 600 North. This property and surrounding properties are zoned Agricultural. There is some flood plain associated with Indian Creek west of the site. Kathy showed the aerial map to make note of the ditch that runs northeast/southwest. The County Surveyor's office wants the flood plain elevation determined and put on the final plat. She then presented the sketch plan and showed the existing house with detached garage on the front lot. The back lot is a flag lot. A huge conservation easement is in the back half of lot 2. The building footprint is substantially smaller than the whole lot. Staff is recommending primary approval contingent on the following conditions:

**FINAL PLAT** – The following items shall be part of the Secondary Application and Final Plat approval:

1. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
2. All required building setbacks shall be platted.
3. The street addresses and County Auditor's Key Number shall be shown.
4. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
5. Either the County Surveyor or the County Drainage Board shall approve the drainage on site as well as the note regarding the base flood elevation of the swale on site.

Todd Star, 413 Teal Road, Lafayette, IN, 47905, representative for petitioner, said he agreed with all of staff's conditions. He said they are working on modeling to determine flood plain elevation to put a 2' freeboard limitation on the structure. He thanked the Board and asked for approval.

The Executive Committee voted 7-Yes to 0-No to approve conditional primary approval of **(S-4858 OLD OAK MINOR SUBDIVISION (minor-sketch))**.

#### **IV. APPROVAL OF THE AUGUST APC PUBLIC HEARING AGENDA**

Gary Schroeder moved that the following subdivision petition be placed on the August 21, 2019 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-4861 PURDUE RESEARCH PARK AEROSPACE DISTRICT (major-preliminary)**

Greg Jones seconded and the motion carried by voice vote.

Gary Schroeder moved that the following rezoning petitions be placed on the August 21, 2019 Area Plan Commission public hearing agenda:

**Z-2771 MORRIS RENTALS, LLC – SUSAN MORRIS JOHNSON (443 Vine Street PD) (R2U to PDRS);**  
**Z-2772 HABITAT FOR HUMANITY OF LAFAYETTE (R1U to NB);**

**Z-2773 TIPPECANOE DEVELOPMENT II, LLC (NB, GB, I1, R1, to R3) and Z-2774 ALEC WILLIAMS (NB to R1U).**

Greg Jones seconded and the motion carried by voice vote.

**V. APPROVAL OF THE AUGUST ABZA PUBLIC HEARING AGENDA**

Gary Schroeder moved that the following petitions be placed on the August 28, 2019 Area Board of Zoning Appeals Public Hearing agenda:

**BZA- 2018 RALPH AND SHIRLEY LINDER;**  
**BZA-2019 TOMISH DEVELOPERS, LLC;**  
**BZA-2020 BARRY KNECHTEL-KJG ARCHITECTURE, INC. and**  
**BZA-2023 LINDA SIGLER.**

Tom Murtaugh asked if these were on the agenda last month and if they had been continued.

Sallie Fahey said yes, the first three cases had been continued for various reasons.

Greg Jones seconded and the motion carried by voice vote.

Gary Schroeder moved that the following BZA petition for Special Exception does not substantially adversely affect the Comprehensive Plan:

**BZA-2023 LINDA SIGLER.**

Greg Jones seconded and the motion carried by voice vote.

**VI. DETERMINATION OF VARIANCES – Lafayette Division**

Gary Schroeder moved that the following request for variance from the Unified Zoning Ordinance is not a request for a use variance, prohibited from consideration by ordinance and statute:

**CASE #2019-25 MORGAN BUILDING & LAND CO., LLC.**

Greg Jones seconded and the motion carried by voice vote.

Tom Murtaugh said there are no variances for signs this month.

**VII. REVIEW AND APPROVAL OF THE JULY BUDGET REPORT**

Gary Schroeder moved to approve the July budget report as submitted. Greg Jones seconded.

Sallie Fahey said everything on the report was normal and there is nothing out of the ordinary to report.

The motion carried by voice vote.

**VIII. OTHER BUSINESS**

Tom Murtaugh spoke on rescheduling the January 1, 2020 meeting. He asked when the meeting should be rescheduled.

Sallie Fahey said in years past, the meeting has been moved to the following Thursday, so it would be January 2, 2020.

Tom Murtaugh asked if the meeting would still start at 4:30 pm.

Sallie Fahey responded yes, the meeting would still be at 4:30 pm. She said they will reserve the meeting room now to avoid any conflicts in scheduling.

**VIII. ADJOURNMENT**

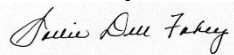
Gary Schroeder moved to adjourn.

The meeting adjourned at 4:47 p.m.

Respectfully submitted,

Chyna Lynch  
Recording Secretary

Reviewed by,



Sallie Dell Fahey  
Executive Director