

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

DATE..... March 15, 2023
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/C/TippecanoeCountyGovernment>

MEMBERS PRESENT		MEMBERS ABSENT	STAFF PRESENT
Gary Schroeder	Carla Snodgrass	Jason Dombkowski	David Hittle
Jody Hamilton	Tracy Brown	Tom Murtaugh	Ryan O’Gara
Jerry Reynolds	Diana Luper	Larry Leverenz	Amanda Esposito
Michelle Dennis	Kathy Parker	Lisa Dullum	Austin Hammerli
Greg Jones	Jackson Bogan	Perry Brown	Eric Burns, Atty
Bob Metzger	Vicki Pearl		

The Area Plan Commission of Tippecanoe County Public Hearing was held in-person on the 15th day of March 2023 at 6:00 P.M., pursuant to notice given and agenda posted as provided by law.

Gary Schroeder called the meeting to order.

Attorney Eric Burns called the roll to establish members present.

I. BRIEFING SESSION

David Hittle stated the petitioner for rezone case Z-2872 THE FRIENDS OF THE EDUCATION BUILDING, INC. has withdrawn their petition. The petitioner for Z-2876 CERES SOLUTIONS COOPERATIVE, INC. has requested a continuance to the May 17th APC public hearing. All other cases were ready to move forward.

II. APPROVAL OF THE MINUTES

Jackson Bogan moved to approve the minutes from the February 15, 2023 public hearing as submitted. Greg Jones seconded, and the minutes, as submitted, were approved by unanimous voice vote.

III. NEW BUSINESS

A. APC BYLAW AMENDMENT

RESOLUTION 2023-03:
Proposed changes to the APC Bylaws would include changes to meeting procedures, deadlines, as well as changes to the Executive Committee responsibilities.

Jackson Bogan moved to hear and vote on **RESOLUTION 2023-03**. Greg Jones seconded.

David Hittle presented three items that were discussed at the Ordinance Committee meeting at the beginning of March. The first involves the proposed combination of the Ordinance Committee and Bylaws Committee into a single entity. He pointed out that within the APC Bylaws, it is very prescriptive about what the Executive Committee does and how it does it. The other committees are mentioned as committees of the APC, and therefore this change would not be changing the bylaws to combine these two committees but would be establishing new policy. David asked Gary Schroeder to share the summary of the proposed combination of committees.

Gary Schroeder said it was discussed at the Ordinance Committee meeting that as changes are made to the bylaws, membership of the Ordinance Committee and the Bylaws Committee are about the same membership, maybe one different person. Instead of having to call a special meeting, the committee thought it made sense to combine those meetings and every meeting would be the Ordinance and Bylaws Committee membership to address any items in a timely manner. The number of members for subcommittees is in question because in the past it was thought that membership had to be less than the majority. He asked Eric Burns if that was statutory.

Eric Burns said it is not statutory to be less than the majority, but it is a common practice. Generally, one would not want to recreate a majority on a committee because it could have some unintended consequences. For example, once a vote is made, you have sort of spoken for the APC, which is not the intention. It is better to keep membership count under a majority.

Gary Schroeder said the combined committee would maintain, or if it is not eight, they will have eight members. The President appoints those members and once Larry Leverenz returns, membership for the combined committee can be determined.

David Hittle said the combined group will be called the Ordinance/Bylaws Committee. He moved to the second item of the resolution; an instructional brochure that is provided to petitioners that describes how to file a rezone petition. This brochure is listed on the back page of the APC Bylaws, which staff considers to be an appendix. Any amendment to the documents listed in this appendix requires the change to come before the APC to receive approval. Removing the appendix was discussed but it was decided to wait for that. Staff is in the process of overhauling all the forms. Once the overhaul is complete, the conversation can be brought up once again. In the meantime, staff is asking for approval to remove the brochure titled 'Rezoning Here's How' from the appendix. The brochure is old and needs some revisions and is probably subject to ongoing revision.

Jackson Bogan interjected and asked for clarification that the brochure is not a form, but instead is an informational piece.

David Hittle confirmed that the brochure is different from the other items which are forms or applications. The brochure is an informational sheet.

Vicki Pearl suggested that once the brochure is updated it should be easily accessible to commission members that may have citizens come to them with questions. She could not locate it.

David Hittle said that is a good suggestion. He continued with the third portion of the resolution; the removal of some old language that snuck by during the bylaw revisions a couple of months ago. Those bylaw changes include the requirement of notice to be sent to parties entitled to receive notice and removing the burden on the petitioner of creating the notice letter. Staff now create the letters to ensure the right information is getting out uniformly. The red-line items are instances that still say the petitioner is responsible for putting together the letter. This is a house cleaning measure to remove that language in recognition of the fact that staff is now doing that portion.

Gary Schroeder asked for any questions or comments from the Commission. There were none.

Gary Schroeder asked for comments from the audience. There were none.

Gary Schroeder called for a vote on a yellow ballot.

David Hittle collected the ballots and noted the Area Plan Commission voted 12-Yes to 0-No recommending approval of **RESOLUTION 2023-03**.

<u>Yes-Votes</u>			<u>No-Votes</u>	
Vicki Pearl	Kathy Parker	Jody Hamilton	Michelle	(none)
Bob Metzger	Diana Luper	Jackson Bogan	Dennis	
			Gary	
			Schroeder	

Tracy Brown Greg Jones Carla Snodgrass Jerry Reynolds

IV. PUBLIC HEARING

Gary Schroeder read the meeting procedures.

Jackson Bogan 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.

Jackson Bogan moved to continue **Z-2876 CERES SOLUTIONS COOPERATIVE, INC. (AA to I3)** to the May 17th APC public hearing at petitioner's request. Greg Jones seconded, and the motion carried by unanimous voice vote.

A. ORDINANCE AMENDMENT

UZO AMENDMENT #107:

This amendment would update and amend the planned development portion of the ordinance.

Jackson Bogan moved to hear and vote on **UZO Amendment #107**. Greg Jones seconded.

Ryan O'Gara said the staff report distills the proposed amendment. These changes removed the better part of five pages of ordinance out of the Unified Zoning Ordinance (UZO). There are changes and processes consistent with the bylaw changes in that planned development rezones will be treated like a normal rezone in terms of their notification period. Prior to that, the submission process from top to bottom was all in the code, so that has been extracted. One prominent point is creating a pathway for a Change in Use Planned Development. This is an expedited process where an existing project would like to augment its use table, the allowable things you can do on the project, and nothing physically will be changing in terms of the site plan, the landscaping, or the building itself. This would prevent duplication of the planning documents that normally come with planned development. The petitioner could reference the Final Detailed Plans, that are recorded upstairs, and say that's the site plan, but with a new use table. It would still go through a rezoning process and legislative bodies would still review, but it will be a much quicker process and less costly for the developer. Another change is providing opportunities for extensions. Some projects come close against deadlines that just seemed arbitrary in terms of having two years from the rezone date to get Final Detailed Plans approved and recorded. The desire is to extend that to five years, particularly during economic ups and downs, to give a bit more time between rezone and Final Detailed Plans. The last highlighted change is to allow an unlimited number of Final Detailed Plan approval extension requests. For example, if there is a multi-phase project and there is an economic downturn, that phase may be paused and will now go from ten to fifteen years to complete the remaining phases. That is believed to be enough time to finish or give an opportunity to sell that option to someone else to finish. In all, things have been simplified and clarified and has given developers a little more breathing room than they've had in the past. Ryan offered to answer any questions.

Gary Schroeder asked for any questions or comments from the Commission. There were none.

Gary Schroeder asked if anyone in the audience wished to speak in favor or opposition. There were none.

Gary Schroeder called for a vote on a yellow ballot.

Ryan O'Gara collected the ballots and noted the Area Plan Commission voted 12-Yes to 0-No recommending approval of **UZO Amendment #107**.

Yes-Votes

No-Votes

Vicki Pearl	Kathy Parker	Jody Hamilton	Michelle Dennis	(none)
Bob Metzger	Diana Luper	Jackson Bogan	Gary Schroeder	
Tracy Brown	Greg Jones	Carla Snodgrass	Jerry Reynolds	

B. Subdivisions

Jackson Bogan moved to hear and vote on **S-5116 MEIJER #186 SUBDIVISION, A REPLAT OF LOT 4 (minor sketch)**. Greg Jones seconded.

1. **S-5116 MEIJER #186 SUBDIVISION, A REPLAT OF LOT 4 (minor sketch):**

Petitioner is seeking primary approval to replat existing Lot 4 into two lots in order to permit more signage without the need of a sign variance, on a Take 5 oil change business and accessory car wash currently under construction at 2678 US 52 West, West Lafayette, Wabash 2 (NW) 23-5. CONTINUED FROM THE MARCH EXECUTIVE COMMITTEE MEETING DUE TO PUBLIC NOTICE INSUFFICIENCIES. FIRST CONTINUANCE.

Amanda Esposito explained that the property is in West Lafayette, just in front of the Meijer. The property is currently under construction with one smaller building for the oil change and the larger building for a car wash. Car washes have always been accessory uses to gas stations, for example. The Unified Subdivision Ordinance does not require a subdivision to build both on the one lot. It is staff's opinion that the petitioner is asking for a subdivision so that they can request more signs. As it currently stands, there is a limited amount of square feet that they can use for the entire lot. By subdividing it, they can ask for individual sign allotments. Staff is recommending standard conditional primary approval. Staff is not endorsing this to subvert the sign regulations.

Gary Schroeder asked if the petitioner or his representative wished to make a presentation.

Joseph Britt, 3443 South Street, Lafayette, is the store manager for the Take 5 Oil Change in Lafayette and said he will be managing the West Lafayette location once it opens. He clarified that the reason they want to subdivide the lot does not have anything to do with the signs. Baldwin Capital Partners will be operating the oil change, while Driven Brands will be operating the car wash. These will have separate staff and separate holdings entirely. Driven Brands acquired the lot and now they are requesting to subdivide.

Gary Schroeder asked if members of the audience wished to comment on the petition. There were none.

Gary Schroeder asked if the Board had any questions.

Vicki Pearl asked if the lot was being split down the middle or if it was the corner box being shown on the screen.

Amanda Esposito said the oil change building is in the bottom left-hand corner, the square outlined in black.

Gary Schroeder called for a vote on a white ballot.

Amanda Esposito collected the ballots and noted the Area Plan Commission voted 12-Yes to 0-No recommending approval of **S-5116 MEIJER # 186 SUBDIVISION, A REPLAT OF LOT 4 (minor sketch)**.

<u>Yes-Votes</u>			<u>No-Votes</u>	
Vicki Pearl	Kathy Parker	Jody Hamilton	Michelle Dennis	(none)
Bob Metzger	Diana Luper	Jackson Bogan	Gary Schroeder	
Tracy Brown	Greg Jones	Carla Snodgrass	Jerry Reynolds	

C. Rezoning Activities

Jackson Bogan moved to hear and vote on **Z-2874 TOMISH DEVELOPERS, LLC (PDRS & R3W to R4W)**. Greg Jones seconded.

1. Z-2874 TOMISH DEVELOPERS, LLC (PDRS & R3W to R4W):

Petitioner is requesting rezoning two tracts totaling 4.212 acres (including the former Franklin Builder Associates PD, approved in 1984 but never built) located on the west side of Sagamore Parkway, just north of its intersection with Northwestern Avenue, specifically, 2541 Neil Armstrong Drive in West Lafayette, Wabash 12 (NE) 23-5. THIS CASE WAS CONTINUED FROM THE FEBRUARY APC MEETING DUE TO THE NEWSPAPER NOT PUBLISHING THE LEGAL AD. FIRST CONTINUANCE.

David Hittle referred to zoning and aerial maps to show a 4.2-acre site, just south of the West Lafayette Wal-Mart and north of a series of apartment complexes and condominium complexes. The celery bog is to the west of the property. The site is unimproved with trees and scrub brush all over it. It was rezoned in 1984 as PDRS, Planned Development Residential, and the plan was to develop 128 units in eight buildings. One building with sixteen units was developed and the rest was never realized. The rezone language still governs the site so it can only be developed according to the planned development. That is the reason for the rezone request to R4W, the West Lafayette higher density, multi-family district. Looking back at historical documents, in 1969 the site was zoned for multi-family development and in 1981 the plan called for multi-family development. This is a classic case where the site is sandwiched between other multi-family development, a heavily traveled roadway, floodplain, and a heavily intense commercial center. The site becomes a good spot for high density residential. Staff is supportive of the request.

Gary Schroeder asked if the petitioner or the petitioner’s representative wished to make a presentation.

Kevin Riley, Reiling Teder & Schrier 250 Main Street, Lafayette, is representing the petitioner, Shane O’Malley. He stated they appreciate the effort of staff and agree with the comments and staff report. They agree that this is a correct zone for this location. The plan is to build a multi-unit, multi-building, multi-family development in this location. Variances have been filed to be heard by the BZA in April and those requests relate to parking and building height. They have spoken with Erin Easter and Chad Spitznagle with the City of West Lafayette, and it is his understanding that they have no concerns about this rezone request. He asked for approval and was available to answer any questions.

Gary Schroeder asked if any persons wished to speak in favor of this petition. There were none.

Gary Schroeder asked if any persons wished to speak in opposition of this petition. There were none.

Gary Schroeder asked for any questions or comments from the Commission. There were none.

Gary Schroeder called for a vote on a yellow ballot.

David Hittle collected the ballots and noted the Area Plan Commission voted 12-Yes to 0-No recommending approval of **Z-2874 TOMISH DEVELOPERS, LLC (PDRS & R3W to R4W)**.

<u>Yes-Votes</u>			<u>No-Votes</u>	
Vicki Pearl	Kathy Parker	Jody Hamilton	Michelle	(none)
Bob Metzger	Diana Luper	Jackson Bogan	Dennis	
Tracy Brown	Greg Jones	Carla Snodgrass	Gary Schroeder	
			Jerry Reynolds	

Jackson Bogan moved to hear and vote on **Z-2877 DAVID KELLER (I3 to GB)**. Greg Jones seconded.

2. Z-2877 DAVID KELLER (I3 to GB):

Petitioner is requesting rezoning of seven lots, used as one, located on the west side of N. 36th Street between Crouch Street and Coleman Court, specifically 646 – 680 N. 36th Street and 3532 Coleman Court, in Lafayette, Fairfield 22 (SE) 23-4.

Amanda Esposito referred to the zoning and aerial maps to show the property on North 36th Street. The location is a strip mall, commercial center with most tenants using the spaces as business offices. They are no longer industrial type uses in this area and on this property. The petitioner is hoping to open or use one of these spaces as a nontraditional licensed funeral home, nontraditional meaning that the back of house mortuary services would happen offsite. Funeral homes are only permitted in GB zones, which is what brought about this rezone request. The rezone would bring the rest of the tenants into conformity as well. Much like Farabee Drive, this area is probably going to a commercial corridor as opposed to industrial. Staff is in favor of this rezone and available to answer any questions.

Gary Schroeder asked if the petitioner or the petitioner’s representative wished to make a presentation.

Kevin Riley, Reiling Teder & Schrier, 250 Main Street, Lafayette, is representing the petitioner, David Keller. The request is to rezone the entire building to allow for the use that is intended to operate there. The petitioner’s business model allows for him to offer cremation services and merchandise at a lower cost. There is a lot of demand for that. There are no plans to have services on site. The cremation activities will take place off site in Fowler. This rezone will give them a storefront to operate from. They agree with the staff recommendation and request approval.

Gary Schroeder asked if any persons wished to speak in favor of this petition. There were none.

Gary Schroeder asked if any persons wished to speak in opposition of this petition. There were none.

Gary Schroeder asked for any questions or comments from the Commission.

Jackson Bogan asked if this could be done by special exception since it is an office with someone coming in for a retail type of service.

Kevin Riley, Reiling Teder & Schrier 250 Main Street, Lafayette, said he is not aware of a special exception. The rezone does fit all the current uses within the rezone category. There is the movie theater just to the south, which is a large GB zoned site.

Gary Schroeder said he does not believe you can vary uses.

Gary Schroeder called for a vote on a yellow ballot.

Amanda Esposito collected the ballots and noted the Area Plan Commission voted 12-Yes to 0-No recommending approval of **Z-2877 DAVID KELLER (I3 to GB)**.

<u>Yes-Votes</u>			<u>No-Votes</u>	
Vicki Pearl	Kathy Parker	Jody Hamilton	Michelle Dennis	(none)
Bob Metzger	Diana Luper	Jackson Bogan	Gary Schroeder	
Tracy Brown	Greg Jones	Carla Snodgrass	Jerry Reynolds	

Jackson Bogan moved to hear and vote on **Z-2878 PURDUE RESEARCH FOUNDATION (DPD Activation Project) – (CBW to PDNR)**. Greg Jones seconded.

- 3. Z-2878 PURDUE RESEARCH FOUNDATION (DPD Activation Project) - (CBW to PDNR):**
Petitioner is requesting rezoning of approximately 1.55 acres for a proposed single-lot, commercial planned development. A 10,000 square-foot barn building is proposed to be rebuilt on site and is planned to house a restaurant use. The property is located roughly mid-block, largely bounded by Airport Road, State Street and McCutcheon Drive, in West Lafayette, Wabash 24 (SE) 23-5.

Ryan O’Gara referred to zoning and aerial maps of Squirrel Park on Purdue’s campus. This is an area that is being transformed bit by bit. The Continuum planned development is to the northeast and the extension of McCutcheon Drive makes Squirrel Park larger since there is now a new street to the east that did not exist before. Squirrel Park has been part of the campus community for a long time and is under the ownership of Purdue Research Foundation. The proposal is unique with a very large, 10,000 square foot barn building reconstructed on the site. An eating and drinking establishment is the proposed use. This is likely to be the first of two installments of Squirrel Park, that will likely follow a planned development process. This is in the form-based overlay for Discovery Park, but these projects can’t fit in that overlay because they are unique. This is a park space being reconstructed with a barn facility not meeting the code requirements. That is why the planned development route makes sense, given the sites limitations and reconstructing a barn on the site. The objective is to get the barn in place and then later follow up with phase two, which is a redesign of Squirrel Park, keeping a lot of the mature trees but repurposing it as a true center of the community in this part of town. The idea is for this to be the anchor for the activation project. The site has hardscaping on the north, south and east sides for outdoor seating and event space. The west side is a back-of-house service drive with not much traffic coming in and out of the site. It’s roughly aligned with the new street that was put into the south of Continuum, District Boulevard, with the placement intentional for when you are driving down the street to the west, you will see the structure. The site is all part of a much larger master plan. It fits well with the land use plan for this area, the 231 Corridor, the innovation mixed used area. Staff is recommending conditional approval with standard conditions. He offered to answer any questions.

Gary Schroeder asked if the petitioner or the petitioner’s representative wished to make a presentation.

Jeremy Slater, 1281 Win Hentschel Boulevard, West Lafayette, is the petitioner for Purdue Research Foundation. The Discovery Park District master planning process began in 2016. One item they were trying to create in this district was the activation project. Consider Central Park in New York City or Millennium Park in Chicago, they are activated spaces that bring people to the space through the design. Purdue Research Foundation knew that piece was missing and was a critical component within the master plan. Around 2019-2020, the Foundation took the vision a bit further. One of the Purdue Research Foundation and Purdue University’s board members had an old barn that was a good fit for the role of the heritage of Purdue University in agriculture. They began to play with the idea of how the barn could serve in the activation space. They worked with a lot of stakeholders, staff, and city representatives to figure how what was the best project to move forward with. He went on to say the barn is envisioned to be a place to get food and drink. It may have some event space available, not necessarily long-term event space such as a wedding, because they want the space to be open for all to use. They are working with an operator that they hope to announce in the next few months. It will take time to reconstruct the barn piece by piece, so the goal is to start on the barn as quickly as possible and then follow-up with the design of the interior of the barn for the tenant. Delve is the architecture firm; Schneider Corporation handled the civil side and MKSK helped with the landscape architecture. MKSK also did a lot of the tree surveying to locate the best places to preserve as much of Squirrel Park as possible. He is seeking approval.

Gary Schroeder asked if any persons wished to speak in favor of this petition. There were none.

Gary Schroeder asked if any persons wished to speak in opposition of this petition. There were none.

Gary Schroeder asked for any questions or comments from the Commission. Gary added that he thinks it is a good project and will look nice.

Gary Schroeder called for a vote on a yellow ballot.

Ryan O’Gara collected the ballots and noted the Area Plan Commission voted 12-Yes to 0-No recommending approval of **Z-2878 DPD ACTIVATION PROJECT – PRF – (CBW to PDNR).**

<u>Yes-Votes</u>			<u>No-Votes</u>
Vicki Pearl	Kathy Parker	Jody Hamilton	(none)
		Michelle Dennis	

Bob Metzger Diana Luper Jackson Bogan Gary
Tracy Brown Greg Jones Carla Snodgrass Schroeder
Jerry Reynolds

V. ADMINISTRATIVE MATTERS

None.

VI. APPROVAL OF THE APRIL EXECUTIVE COMMITTEE AGENDA

Jackson Bogan moved that the following request for subdivision be placed on the April 5, 2023 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-5120 650 SAGAMORE PARKWAY SUBDIVISION (minor-sketch); and
S-5121 1 NORTH CREASY MINOR SUBDIVISION (minor-sketch).**

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

VII. DETERMINATION OF VARIANCES—Area Board of Zoning Appeals

Jackson Bogan 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:

**BZA-2096 TOMISH DEVELOPERS, LLC, and
BZA-2097 ROBERT AND JULIA KOLOUCH.**

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

VIII. DIRECTOR'S REPORT

David Hittle stated that staff is busy with planning projects including Tippecanoe and Wabash townships and the town of Battle Ground. Perry Township has asked for a meeting to talk about working on their township next. Staff is finishing the West Lafayette Parks Plan. The County wants to be involved with an update to the master Parks Plan. David added that he met with the Town Council of Shadeland, and they have indicated an interest in joining the Area Plan Commission. It was a very productive conversation. The Council will respond with some questions and a follow-up meeting will occur next month or the following month.

IX. CITIZEN'S COMMENTS AND GRIEVANCES

None.

X. ADJOURMENT

Gary Schroeder moved to adjourn.

Meeting adjourned at 6:44 PM.

Respectfully Submitted,
Kristina Lamb
Recording Secretary

Reviewed by,



David L. Hittle
Executive Director