

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

DATE..... May 18, 2022
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

Larry Leverenz
Bob Metzger
Carla Snodgrass
Tracy Brown
Perry Brown
Tom Murtaugh
Gary Schroeder
Kathy Parker
Jerry Reynolds
Jackson Bogan
Vicki Pearl
Lisa Dillum
Greg Jones
Diana Luper

MEMBERS ABSENT

Jason Dombkowski
Jody Hamilton
Michelle Dennis

STAFF PRESENT

David Hittle
Amanda Esposito
John Burns
Ryan O’Gara
Eric Burns, Atty
Jennifer Ewen

The Area Plan Commission of Tippecanoe County Public Hearing was held in-person on the 18th day of May 2022 at 6:00 P.M., pursuant to notice given and agenda posted as provided by law.

President Larry Leverenz called the meeting to order.

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

I. BRIEFING SESSION

David Hittle stated the petitioner for **S-5071 WIGGINS FARM SUBDIVISION (major-preliminary)** has requested a continuance to the June 15th APC public hearing because the public hearing notice was not completed on time, and the petitioner for **Z-2856 BET RENTALS, LLC (R1 to GB)** has requested a continuance to the June 15th public hearing. The other cases are set to go forward tonight.

II. APPROVAL OF THE MINUTES

Gary Schroeder moved to approve the minutes from the April 20, 2022 public hearing as submitted. Vicki Pearl seconded, and the minutes, as submitted, were approved by unanimous voice vote.

III. NEW BUSINESS

None.

IV. 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 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. Vicki Pearl seconded, and the motion carried by voice vote.

Gary Schroeder moved to continue **S-5071 WIGGINS FARM SUBDIVISION (major-preliminary) and Z-2856 BET RENTALS, LLC (R1 to GB)** to the June 15th APC public hearing at the petitioner's request. Vicki Pearl seconded, and the motion carried by unanimous voice vote.

A. Amendments

Gary Schroeder moved to hear and vote on **UZO AMENDMENT #103-A**. Vicki Pearl seconded.

1. **UZO AMENDMENT #103-A:**

This is the section of UZO Amendment #103 that was previously tabled, related to self-storage warehouse businesses within urbanized areas. It returns to the Area Plan Commission with amendments from the Lafayette City Council and the County Commissioners.

APC staff David Hittle presented. He stated this is the proposed amendment having to do with self-storage facilities. The Plan Commission voted on this last month, and then it went to the six legislative bodies, West Lafayette, Lafayette, Battle Ground, the County Commissioners, Clarks Hill, and Dayton, and then it comes back to the Plan Commission. Three of those legislative bodies have heard this and acted on it, and three of them have not. Rather than have this one matter take several different courses, we would like to keep it altogether, so if we were to continue it for one month to the next meeting, we expect to have heard back from the other three legislative bodies. It would still meet the 45-day timeline imposed by the State Code. We recommend that UZO Amendment #103-A be continued for one month.

Gary Schroeder moved to continue **UZO Amendment #103-A** to the June 15th APC public hearing. Vicki Pearl seconded, and the motion carried by unanimous voice vote.

Gary Schroeder moved to hear and vote on **UZO AMENDMENT #104**. Vicki Pearl seconded.

2. **UZO AMENDMENT #104:**

This amendment would create a definition for a "haven home," a particular type of social service facility, and would add this use to the permitted use table of the UZO.

APC staff David Hittle presented. He stated this is UZO Amendment #104, and it has to do with the creation of a new use which would be called a Haven Home. It was suggested that this be brought forward as a potential new use in the Zoning Ordinance to allow for things like The Isaiah House which came before this Body as a rezoning earlier in the year, to allow for what is called a Haven Home which is a relatively innocuous use to be permitted by a special exception. What we have today is the idea that a Haven Home would be defined as: *a social service facility assisting children awaiting foster care or similar placement. The child's stay at such facility shall not exceed 72 hours*, and then the Ordinance would be changed so that this would be allowed by right in NBU and MRU, and then by special exception in all residential zones. That is in conformance with the discussion that we had here last month, and it is presented to you this month for recommendation.

Larry Leverenz asked for any questions or comments from the Commission.

Tom Murtaugh thanked the APC staff for their help with this. This is something that had not been considered in the Ordinance prior. He thinks this is a good fix.

Larry Leverenz asked for any questions or comments from the audience members. There were none.

Larry Leverenz called for a vote on a yellow ballot.

David Hittle collected the ballots and noted 14-Yes to 0-No in favor of **UZO Amendment #104.**

Yes-Votes

Vicki Pearl
Lisa Dullum
Gary Schroeder
Larry Leverenz
Diana Luper
Kathy Parker
Carla Snodgrass
Jerry Reynolds
Perry Brown
Tracy Brown
Jackson Bogan
Bob Metzger
Tom Murtaugh
Greg Jones

No-Votes

B. Rezoning Activities

Gary Schroeder moved to hear and vote on **Z-2847 TIPPECANOE ACQUISITIONS, LLC (West Heights Condominiums) (R1 to PDRS).** Vicki Pearl seconded.

1. Z-2847 TIPPECANOE ACQUISITIONS, LLC (West Heights Condominiums) (R1 to PDRS):

Petitioner is requesting rezoning of approximately 16.61 acres for a multi-building, residential condominium development containing a maximum of 158 units. The property is located at the southeast corner of the intersection of Klondike Road and Cumberland Avenue in Wabash 11 (NW) 23-5. CONTINUED FROM THE APRIL APC MEETING BECAUSE THE JOURNAL AND COURIER DID NOT PUBLISH THE LEGAL AD. FINAL CONTINUANCE.

APC staff Ryan O’Gara presented the staff report with several exhibits including a zoning map and aerial photos. The property is located in the southeast corner of the intersection of Klondike Road and Cumberland Avenue. This is in the unincorporated County of West Lafayette. The city limits are found just to the east. It is currently undeveloped and in row crop production. It is a little over 16.5 acres, and the proposal is for a 158-unit condominium project. This is not an apartment complex, and these aren’t rentals. These are meant to be purchased. Each unit has a two-car garage that is rear loaded off of a private street network, and no public streets are being created with this. The exterior would be maintained by the association. There are two ponds encircled by a small trail network with some seating areas for the residents. Both West Lafayette Fire and Wabash Township Fire were engaged in the negotiations since both agencies could respond and would respond to an emergency here, and both agencies were pleased with the turning movements and access points. Staff is recommending conditional approval.

Ryan O’Gara stated he has two letters in opposition to be read into the record when it is time.

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

Chris Shelmon, Gutwein Law, 250 Main Street, Lafayette, on behalf of the petitioner, stated this innovative project will be a nice addition to the West Lafayette Area. It is a remnant site that was left behind by Wake Robin. There is no connection there, and it is 16 acres on the corner that is surrounded by a smattering of zones. They looked at this as an opportunity to provide some upscale additional housing options that took advantage of this smaller site. The layout has a couple unique features. The townhouse design allows for rear loading, and that is going to make sure we keep all the garages facing each other; they won't be visible. The site allows for direct interaction with the trail network that was installed. The intent was to provide high-end condo living. These are all 2 and 3 bedroom condos which are around 1800 square feet. These are meant to be able to provide real life living for everyday people and be utilized by families as they see fit. They agree with the staff report and believe this is a nice housing option for the area.

Larry Leverenz asked if any persons wished to speak in favor of this petition. There was no response.

Larry Leverenz asked if any persons wished to speak in opposition of this petition.

Matt Wilburn, 2228 Bobolink Drive, West Lafayette, stated initially he was very much opposed to this proposal. It seems like due diligence has been taken to accommodate both sides. Currently this particular community is an escape from campus life, and this proposal may drastically change the makeup of that location. Currently it is a unique escape from the commercial area and campus, and this may have a negative impact on the families to the east and to the south.

Diane Byrd, 2320 Bobolink Drive, West Lafayette, stated this project is directly west of her home. On her street, several people have one-story homes, and then suddenly we will have 158 condominiums that are two story. Will there be special considerations for evergreen buffering or sound buffering. She is concerned about the lighting. She is concerned about the stress this will put on the West Lafayette Fire Department, Wabash Fire Department, sewage, water, and the schools.

Ryan Stayback, 2404 Bobolink Drive, West Lafayette, stated his home directly backs up to this property. They are concerned about the noise and light pollution that will result from these condos being so close to his backyard and the additional traffic. The other concern is if an evergreen buffer is planted, it would take years for it to provide any kind of sight barrier.

Ryan O'Gara read a letter in opposition from the following:

Jeffrey Turner, 2852 Needletail Drive, West Lafayette, IN 47906

Ryan O'Gara read a letter in opposition from the following:

Genrry Perez Rey, 2874 Needletail Drive, West Lafayette, IN 47906

Larry Leverenz called for the rebuttal from the petitioner.

Chris Shelmon, Gutwein Law, 250 Main Street, Lafayette, stated since this is a planned development all of the features and designs are specifically outlined. That includes specific lighting, buffering, and landscaping. The lighting is meant to be a residential scale, so a front porch light and no parking area lighting. The landscaping will buffer the entire site. All the utilities have capacities for this project. Traffic is not a problem as set forth in the survey.

Larry Leverenz asked for any questions or comments from the Commission. There were none.

Larry Leverenz called for a vote on **Z-2847 TIPPECANOE ACQUISITIONS, LLC (West Heights Condominiums) (R1 to PDRS).**

Ryan O’Gara collected the ballots and noted the Area Plan Commission voted 14-Yes to 0-No recommending approval of **Z-2847 TIPPECANOE ACQUISITIONS, LLC (West Heights Condominiums) (R1 to PDRS)**.

Yes-Votes

Vicki Pearl
Lisa Dullum
Gary Schroeder
Larry Leverenz
Diana Luper
Kathy Parker
Carla Snodgrass
Jerry Reynolds
Perry Brown
Tracy Brown
Jackson Bogan
Bob Metzger
Tom Murtaugh
Greg Jones

No-Votes

Gary Schroeder moved to hear and vote on **Z-2854 NEWCASTLE HOLDING, LLC (A to I3)**. Vicki Pearl seconded.

2. Z-2854 NEWCASTLE HOLDING, LLC (A to I3):

Petitioner is requesting rezoning of 16.25 acres of land located at the northwest corner of Newcastle Road and Old CR 350 S, Sheffield 7 (NW) 22-3. CONTINUED FROM THE APRIL APC MEETING AT PETITIONER’S REQUEST. FIRST CONTINUANCE.

APC staff Ryan O’Gara presented the staff report with several exhibits including a zoning map and aerial photos. He stated to take note to the staff report and the addendum because staff’s recommendation has changed from the original publication. This is in the county on the south side of Lafayette. The site is currently zoned A. The 16.25-acre site is being proposed for I3 zoning for about half the site for use as a truck terminal, and the other half will be undeveloped and possibly utilized for something else in the future. The site has Newcastle Road frontage as well as CR 350 South frontage. Any new driveway permits will be issued through county highway. APC staff has been in contact with both the Economic Development Director, Dennis Carson, from Lafayette and Stu Kline from the county highway. Things are starting to move quickly to start preparing this part of the community for a development future and normally we would not support an up zoning off the water sewer grid, but in this instance, plans are already underway both on the utility side and on the highway side to start to transition this area for development given its adjacencies to the Industrial Expansion Area, so knowing that and hearing these commitments staff’s opinion has shifted. If we did not have this information from both highway and economic development, we likely would have continued to recommend denial just as a matter of policy but given this new information, staff believes that this is an appropriate transition. Staff is recommending approval.

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

Marianne Mitton Owen, Stuart & Branigin, 300 Main Street, Lafayette, stated the staff report says a lot. The new addendum speaks quite well of the requests. With the input from Dennis Carson and Stu Kline, the APC has determined that it is now time for the rezoning of this property from A to I3. The petitioner’s specific request for I3 zoning is because of work to be done outside. The work shall be industrial activity, contracting, warehousing, and wholesaling. That is having an impact because it is part outside. Stu Kline

notes that the area's roadways are improving, and 350 S has been upgraded to accommodate trucks, and there are other plans for Newcastle Road and other area roads. They are respectively requesting approval.

Larry Leverenz asked if any persons wished to speak in favor of this petition. There was no response.

Larry Leverenz asked if any persons wished to speak in opposition of this petition.

Jonna Anderson, 152 E 150 S, Crawfordsville, stated she is the executor of her father's estate who passed away last September, and her father, Curtis Anderson, owned 3416 Newcastle Road, and the house is currently on the market for sale, and some of the concerns that she has about this rezoning is she has had one buyer interested in the home, and they backed out because they didn't want to look out the window and see industry. Another concern is the impact this is going to have on the value of other neighboring homes. The water supply is a concern because everything out there is currently on wells, and people are happy with their wells. She understands city water is going to be coming in, but she likes her well water and, there will be a cost for city water. There will be truck traffic and diesel engine sounds which will impact the property and neighboring properties. She spoke to her realtor and the general consensus is that it is going to adversely affect the property values of the homes because of what is being put on the site.

Larry Leverenz called for the rebuttal from the petitioner.

Marianne Mitton Owen, Stuart & Branigin, 300 Main Street, Lafayette, stated our Land Use and Zoning Ordinance covers many of the concerns that have been raised when we have a residential property next to an industrial property. This area is predominated by industrial properties. There will be industrial work, industrial development in this area. There will be trucking in this area. They respect their concerns, but we recognize that these are parts of their future.

Larry Leverenz asked for any questions or comments from the Commission. There were none.

Larry Leverenz called for a vote on **Z-2854 NEWCASTLE HOLDING (A to I3)**.

Ryan O'Gara collected the ballots and noted the Area Plan Commission voted 13-Yes to 1-No recommending approval **Z-2854 NEWCASTLE HOLDING (A to I3)**.

Yes-Votes

Vicki Pearl
Gary Schroeder
Larry Leverenz
Diana Luper
Kathy Parker
Carla Snodgrass
Jerry Reynolds
Perry Brown
Tracy Brown
Jackson Bogan
Bob Metzger
Tom Murtaugh
Greg Jones

No-Votes

Lisa Dullum

Gary Schroeder moved to hear and vote on **Z-2857 BET RENTALS, LLC (I3 to GB)**. Vicki Pearl seconded.

3. Z-2857 BET RENTALS, LLC (I3 to GB):

Petitioner is requesting rezoning of four lots located on the north side of Brady Lane, between Concord Road and Sagamore Parkway, specifically unimproved lots 3, 4, 5, & 6 of Norfleet Commercial Subdivision, Part 4, also known as 3488 thru 3524 Brady Lane, Lafayette, Wea 3 (NE) 22-4.

APC staff John Burns presented the staff report with several exhibits including a zoning map and aerial photos. He stated this site is located on the north side of Brady Lane in between intersections with Concord Road and US 52. This is the northern portion of the industrial expansion Area. There are four lots that were platted last year in a subdivision, and the lots are all unimproved. The proposal is to have, at least two users are known at this time, a crawl space remediation company and a kennel. These proposed users are not permitted in I3 and only allowed in GB. Staff is in support of rezoning these lots to GB.

Larry Leverenz asked if the petitioner or the petitioner's representative wished to speak.

Kevin Riley, Reiling Teder & Schrier, 250 Main Street, Lafayette, stated he is representing the petitioner. They agree with the staff's report. They did discuss the project with the Mayor, City Engineer, and Mr. Reynolds prior to this meeting here tonight, and it is our understanding they are supportive.

Larry Leverenz asked if any persons wished to speak in favor of this petition. There was no response.

Larry Leverenz asked if any persons wished to speak in opposition of this petition. There was no response.

Larry Leverenz asked for any questions or comments from the Commission. There were none.

Larry Leverenz called for a vote on **Z-2857 BET RENTALS, LLC (I3 to GB).**

Ryan O'Gara collected the ballots and noted the Area Plan Commission voted 14-Yes to 0-No recommending approval of **Z-2857 BET RENTALS, LLC (I3 to GB).**

Yes-Votes

Vicki Pearl
Lisa Dullum
Gary Schroeder
Larry Leverenz
Diana Luper
Kathy Parker
Carla Snodgrass
Jerry Reynolds
Perry Brown
Tracy Brown
Jackson Bogan
Bob Metzger
Tom Murtaugh
Greg Jones

No-Votes

Gary Schroeder moved to hear and vote on **Z-2858 PATRICK O'NEIL & MELINDA O'NEIL (R3W to R4W).** Vicki Pearl seconded.

4. **Z-2858 PATRICK O'NEIL & MELINDA O'NEIL (R3W to R4W):**

Petitioners are requesting rezoning of a single lot located at 418 Harrison Street, located on the north side of Harrison, between S. Grant and Sheetz Streets, West Lafayette, Wabash 19 (SW) 23-4.

APC staff Ryan O’Gara presented the staff report with several exhibits including a zoning map and aerial photos. He stated this is a rezoning request from the City of West Lafayette. The nearest intersection is Grant and Harrison. This area is not part of the Downtown Plan; it is an unplanned area. Staff’s vision for this is allowing for more residential density and intensity, but not at the scale of the downtown core environment. There is not a single homeowner occupier in this area; it is all primarily rentals. Their effort is to demolish these existing buildings and come in with more of an urban, mid-rise type of building. Harrison is an urban local road, and all the necessary right-of-way needed is there for this site. Staff is recommending approval.

Larry Leverenz asked if the petitioner or the petitioner’s representative wish to make a presentation.

Kevin Riley, Reiling Teder & Schrier, 250 Main Street, Lafayette, stated he is representing the petitioner. They agree with the staff’s report and Ryan’s comments. The plan is to tear down the existing buildings, and then build a new five-story, 32-unit building. They are respectively requesting approval.

Larry Leverenz asked if any persons wished to speak in favor of this petition. There was no response.

Larry Leverenz asked if any persons wished to speak in opposition of this petition. There was no response.

Larry Leverenz asked for any questions or comments from the Commission. There were none.

Diana Luper asked what the difference is between R3W and R4W.

Ryan O’Gara responded the R4W zone des not have a residential density requirement which is how many units per acre you are allowed. It allows a little more flexibility in design.

Larry Leverenz called for a vote on **Z-2858 PATRICK O’NEIL & MELINDA O’NEIL (R3W to R4W).**

Ryan O’Gara collected the ballots and noted the Area Plan Commission voted 14-Yes to 0-No recommending approval of **Z-2858 PATRICK O’NEIL & MELINDA O’NEIL (R3W to R4W).**

Yes-Votes

Vicki Pearl
Lisa Dullum
Gary Schroeder
Larry Leverenz
Diana Luper
Kathy Parker
Carla Snodgrass
Jerry Reynolds
Perry Brown
Tracy Brown
Jackson Bogan
Bob Metzger
Tom Murtaugh
Greg Jones

No-Votes

Gary Schroeder moved to hear and vote on **Z-2859 JASMINE JONES (NBU to R1U).** Vicki Pearl seconded.

5. **Z-2859 JASMINE JONES (NBU to R1U):**

Petitioner is requesting rezoning of an existing, legally non-conforming residence located at 707 Wabash Avenue, Lafayette, Fairfield 29 (NW) 23-4.

APC staff John Burns presented the staff report with several exhibits including a zoning map and aerial photos. This is located between Smith and Ellsworth Street on Wabash Avenue. In this area highlighted in red was what was originally planned as a NB zone for the Wabash Avenue Neighborhood. Early on the zoning map showed this area all zoned industrial with floodplain along the river, and over time there has been some revisions to the map including the first one in 1992 that made everything R1B, and later on after working with the neighborhood and the adoption of the Zoning Ordinance, they added some new zoning districts that they worked with the neighborhood to figure out, and at that time, was when the NBU zone came into place. Prior to that it was actually called LB which later became NB. The LB district that had been on this property previously allowed both residences and businesses, so the property was always conforming with that. It wasn't until 1998 when this property became NBU with the neighborhoods vision for this area to develop as a commercial node. Now 20 years later, the homes are still there. These lots are fairly narrow according to the county assessor. This property was built in 1930, and has been used as a residence since then, and it will continue to be. What prompted this request was the sale of this property, and the underwriting turned out the non-conforming use. The only part of this block that is used commercially is what is located on the north end of the corner. Staff is in support of reducing this commercial node to just include the existing commercial use, and to make this long standing legally non-conforming property conforming again.

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

Jim Olds, Stuart & Branigin, 300 Main Street, Lafayette, stated he represents the petitioner Jasmine Jones. Ms. Jones is the purchaser under contract that is contingent upon getting this rezoned. They also filed a petition for variance with the City, and the lender objected because it is non-conforming, and they are requiring that in the event of damage that the property could be rebuilt exactly as situated today, and that is the underwriting requirement for the FHA Loan they are trying to get. This has been used since 1930 as a single-family residence. Ms. Jones would be purchasing this and living in it, so it would be owner occupied. They spoke with the City Economic Development Office, Dennis Carson, and he is in favor of this.

Larry Leverenz asked if any persons wished to speak in favor of this petition. There was no response.

Larry Leverenz asked if any persons wished to speak in opposition of this petition. There was no response.

Larry Leverenz asked for any questions or comments from the Commission. There were none.

Larry Leverenz called for a vote on **Z-2859 JASMINE JONES (NBU to R1U).**

Ryan O'Gara collected the ballots and noted the Area Plan Commission voted 14-Yes to 0-No recommending approval of **Z-2859 JASMINE JONES (NBU to R1U).**

Yes-Votes

Vicki Pearl
Lisa Dullum
Gary Schroeder
Larry Leverenz
Diana Luper
Kathy Parker
Carla Snodgrass

No-Votes

Jerry Reynolds
Perry Brown
Tracy Brown
Jackson Bogan
Bob Metzger
Tom Murtaugh
Greg Jones

V. ADMINISTRATIVE MATTERS

None.

VI. APPROVAL OF THE JUNE EXECUTIVE COMMITTEE AGENDA

Gary Schroeder moved that the following request for subdivision be placed on the June 1, 2022 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-5073 ARTISAN ELECTRIC MINOR SUBDIVISION, SECTION 2 (minor-sketch).

Vicki Pearl seconded, and the motion carried by unanimous voice vote.

VII. 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 variance, prohibited from consideration by ordinance and statute:

**BZA-2077 JOHN SPALDING; AND
BZA-2078 DAVID THOMAS ISELEY.**

Vicki Pearl seconded, and the motion carried by unanimous voice vote.

VIII. DIRECTOR'S REPORT

David Hittle stated the director's report was distributed yesterday, and he offered to answer any questions.

IX. CITIZEN'S COMMENTS AND GRIEVANCES

Vicki Pearl stated what happened here tonight is a prime example of what we were discussing with the Amendment that is being changed.

X. ADJOURMENT

Gary Schroeder moved to adjourn.

Meeting adjourned at 7:15 PM.

Respectfully Submitted,

Jennifer A. Ewen
Recording Secretary

Reviewed by,

A handwritten signature in black ink, appearing to read "D. L. Hittle". The signature is written in a cursive style with a horizontal line extending to the right from the end of the name.

David L. Hittle
Executive Director