

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

DATE..... July 20, 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 Dullum
Greg Jones
Diana Luper
Michelle Dennis

MEMBERS ABSENT

Jody Hamilton
Jason Dombkowski

STAFF PRESENT

David Hittle
Larry Aukerman
Jennifer Ewen
Ryan O’Gara
Eric Burns, Atty

The Area Plan Commission of Tippecanoe County Public Hearing was held in-person on the 20th day of July 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 all cases are ready to be heard this evening.

II. APPROVAL OF THE MINUTES

Gary Schroeder moved to approve the minutes from the June 15, 2022 public hearing as submitted. Greg Jones 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. Greg Jones seconded, and the motion carried by voice vote.

A. Ordinance Amendments

Gary Schroeder moved to hear and vote on **UZO AMENDMENT #105**. Greg Jones seconded.

1. **UZO AMENDMENT #105:**

This proposed amendment would revise UZO Section 6-3, the zoning enforcement section of the UZO.

APC staff David Hittle stated this is a proposed amendment to the zoning ordinance. This is something they have been working with the County Building Commission for a while now. It went to the Ordinance Committee in June, and it is here before the APC for the final review. This would essentially transfer the responsibility of enforcement of the zoning ordinance from the Building Commission to the Area Plan Commission, but the Building Commission would still be the field staff. They would go visit properties to take pictures and bring evidence back, and the Area Plan Commission staff would then make a determination as to whether-or-not there is a zoning violation and proceed forward with what that would entail. Along with the transfer of responsibility, there are some changes to the ordinance. We did this in tandem with the City of Lafayette and West Lafayette because they use the same ordinance, and they use it in different ways, and we did not change anything that would cause them to make changes unless they decided that they would like to do that. How the process works is the APC would receive a call stating someone is doing something in violation of the zoning ordinance. Staff would then inspect it, take photographs, have conversations with neighbors, and do some other research. If we find there is a violation, then we would send a letter to the property owner indicating the issue and what their options are. This also takes it out of the hands of the external legal counsel, and you put the ball in the court of the person who owns the property, so you would not have to go to court unless it reached a point that there has been no action. The Ordinance Committee did have a concern regarding the fee for an appeal, but we determined that the fee has already been waived from the ordinance. There is no fee to file an appeal of an administrator's decision.

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

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

Gary Schroeder stated this is a good proposal, and it is a good way to work out these issues. He is looking forward to the implementation.

Larry Leverenz called for a vote on a yellow ballot.

David Hittle collected the ballots and noted 15-Yes to 0-No in favor of **UZO Amendment #105**.

Yes-Votes

Larry Leverenz
Bob Metzger
Carla Snodgrass

No-Votes

Tracy Brown
Perry Brown
Tom Murtaugh
Gary Schroeder
Kathy Parker
Jerry Reynolds
Jackson Bogan
Vicki Pearl
Lisa Dillum
Greg Jones
Diana Luper
Michelle Dennis

Gary Schroeder moved to hear and vote on **UZO AMENDMENT #106**. Greg Jones seconded.

2. UZO AMENDMENT #106:

This proposed amendment would add two entries in Section 3-2 Permitted Use Table of the UZO: towing services and impound lots.

APC staff David Hittle stated this stemmed from a call we received from a realtor a few months ago who asked about the appropriate zoning for a towing business or impound lot, and we looked at the ordinance and it said that those uses are allowed in I1 and I2 but not I3 which is unusual. I1 is the least industrial district, and I3 is the most intense industrial district, and a tow yard is generally considered one of the more intense uses you can have in a jurisdiction. We just brought this to get the ordinance fixed to allow for a towing yard and impound lot in the I3 zoning ordinance.

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

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

Larry Leverenz called for a vote on a yellow ballot.

David Hittle collected the ballots and noted 15-Yes to 0-No in favor of **UZO Amendment #106**.

Yes-Votes

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
Michelle Dennis

No-Votes

B. Rezoning Activities

Gary Schroeder moved to hear and vote on Z-2862 IMPERIAL PARKWAY, LLC (I3 to GB). Greg Jones seconded.

1. **Z-2862 IMPERIAL PARKWAY, LLC (I3 to GB):**

Petitioner is requesting rezoning of one lot in the Imperial Industrial Park Subdivision, specifically 3215 Imperial Pkwy, south of Brady Lane, just west of US 52 in Lafayette, Wea 03 (SE) 22-4.

APC staff Ryan O’Gara presented the staff report with several exhibits including a zoning map and aerial photos. He stated this is the industrial expansion area. All this industrial zoning stemmed from a Comp Plan Amendment in the late eighties, and that industrial expansion effort was to have large areas reserved for heavy industrial use. There is a pole barn on the site currently, and he is unsure what the petitioner plans to do with it. The objective is to establish an automobile repair shop which is not permitted in the heavy industrial zone, and that is because the I3 Zone is reserved for heavy industry. Public utilities are available. There is a Type A bufferyard requirement. Staff doesn’t have any objection to the property being rezoned, but it would make sense to maintain the industrial zoning designation, and you can do automobile repair in an I1 or I2 zone, so staff is recommending denial.

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

Ryan Munden, Reiling Teder & Schrier, 250 Main Street, Lafayette, stated he is here on behalf of the petitioner Imperial Parkway, LLC, and the petitioner also owns the property immediately to the north of the subject site. That property is zoned GB, and that is why they have opted for GB zoning for this property. There are seven GB lots located close to this site. We respectively request your 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.

Jerry Reynolds stated the petitioner came to the Mayor of the City of Lafayette, and they did walk the premises, and their big concern at first was a curb cut, but a curb cut is not needed because it is already there, and a gas station is going in front of it. He said they are in support of this.

Larry Leverenz called for a vote on a yellow ballot.

Kathy Parker left the public hearing at 6:22 PM.

Ryan O’Gara collected the ballots and noted the Area Plan Commission voted 14-Yes to 1-No recommending approval of **Z-2862 IMPERIAL PARKWAY, LLC (R1 to GB).**

Yes-Votes

Larry Leverenz
Bob Metzger
Michelle Dennis
Tracy Brown
Perry Brown
Tom Murtaugh
Gary Schroeder
Kathy Parker

No-Votes

Carla Snodgrass

Jerry Reynolds
Jackson Bogan
Vicki Pearl
Lisa Dullum
Greg Jones
Diana Luper

V. ADMINISTRATIVE MATTERS

None.

VI. APPROVAL OF THE AUGUST EXECUTIVE COMMITTEE AGENDA

Gary Schroeder moved that the following request for subdivision be placed on the August 3, 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-5085 WOOCALF MINOR SUBDIVISION (minor-sketch).

Greg Jones 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-2083 LOVE'S TRAVEL STOP – BETTY TORSTENSON;
BZA-2084 WEST LAFAYETTE GREENHOUSE PHASE 2, LLC;
BZA-2085 WEST LAFAYETTE GREENHOUSE FACILITY, LLC; AND
BZA-2086 CUMBERLAND PARTNERS STORAGE.**

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

VIII. DIRECTOR'S REPORT

David Hittle stated the director's report was emailed out yesterday, and he does not have anything to add.

IX. CITIZEN'S COMMENTS AND GRIEVANCES

None.

X. ADJOURMENT

Gary Schroeder moved to adjourn.

Meeting adjourned at 6:24 PM.

Respectfully Submitted,

Jennifer A. Ewen
Recording Secretary

Reviewed by,

A handwritten signature in black ink, appearing to read "D. 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