

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

DATE..... October 19, 2022  
TIME..... 6:00 P.M.  
PLACE..... County Office Building  
20 North 3<sup>rd</sup> 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  
Gary Schroeder  
Greg Jones  
Perry Brown  
Bob Metzger  
Carla Snodgrass  
Jason Dombkowski  
Tracy Brown  
Tom Murtaugh  
Kathy Parker  
Jackson Bogan  
Vicki Pearl  
Lisa Dullum  
Jody Hamilton  
Diana Luper

**MEMBERS ABSENT**

Jerry Reynolds  
Michelle Dennis

**STAFF PRESENT**

David Hittle  
Ryan O’Gara  
Austin Hammerli  
Kristina Lamb  
Eric Burns, Atty

The Area Plan Commission of Tippecanoe County Public Hearing was held in-person on the 19th day of October 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 September 21, 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. Subdivision**

Gary Schroeder moved to hear and vote on **S-5097 DISCOVERY PARK DISTRICT SUBDIVISION, PHASE 3 (major-preliminary)**. Greg Jones seconded.

**S-5097 DISCOVERY PARK DISTRICT SUBDIVISION, PHASE 3 (major-preliminary):**

Petitioner is seeking preliminary plat approval of a 2-lot commercial subdivision of 9.72 acres located on the east side of Airport Road, north of US 231 in West Lafayette, Wabash 24 (NE) 23-5.

APC staff Larry Aukerman referred to an aerial photo to explain that the site has been razed and is currently empty. There is a proposed new road on the north side, Trailway Boulevard, and will connect to Arnold Drive on the east side. APC staff recommends approval with standard conditions. Petitioner did request bonding.

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

Mike Wylie, Schneider Geomatics, 1330 Win Hentschel Blvd., West Lafayette, stated he is in concurrence with the staff report and the conditions that are listed. They have had meetings with the Plan Commission and city officials and request the Board's approval.

Larry Leverenz asked if anyone in the audience wished to speak in favor or opposition. 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 white ballot.

Ryan O'Gara collected the ballots and noted the Area Plan Commission voted 15-Yes to 0-No recommending approval of **S-5097 DISCOVERY PARK DISTRICT SUBDIVISION (major-preliminary)**. The Commission also voted by ballot 15-Yes to 0-No to permit bonding for public improvements.

	<b><u>Yes-Votes</u></b>	<b><u>No-Votes</u></b>
Larry Leverenz	Kathy Parker	Jason Dombkowski
Bob Metzger	Vicki Pearl	Jackson Bogan
Perry Brown	Lisa Dullum	Carla Snodgrass
Tracy Brown	Greg Jones	Tom Murtaugh
Gary Schroeder	Diana Luper	Jody Hamilton

Gary Schroeder moved to hear and vote on **S-5098 CAT LAFAYETTE SUBDIVISION, A REPLAT OF LOT 2, FIRST FINANCIAL SUBDIVISION REPLAT (minor-sketch)**. Greg Jones seconded.

**S-5098 CAT LAFAYETTE SUBDIVISION, A REPLAT OF LOT 2, FIRST FINANCIAL SUBDIVISION REPLAT (minor sketch):**

Petitioner is seeking preliminary plat approval of a 2-lot commercial subdivision of 1.841 acres located on the northwest corner of Concord Road and Veterans Memorial Parkway, Lafayette, Wea 10 (NW) 22-4.

APC staff Larry Aukerman said this is a two-lot minor subdivision on the northwest corner of Veterans Memorial and Concord. The site has a small frontage on Builders Drive. The site was formally Old

National Bank but is now State Bank. State Bank reduced their driveway entrance, and the proposal is for an additional lot to the west for a Chipotle restaurant. The site will have a private drive to the north and no additional access off Concord or Veterans Memorial Parkway. This is a minor subdivision so there is no bonding.

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

Brad Copp, Compton Addy, 1448 East Stoker Court, Loveland, OH, is present as a representative of the developer who is asking for the subdivision and is available for any questions.

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

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

Diana Luper asked where the building would be located.

Larry Aukerman explained that the aerial photo shown is the layout from when the site housed Old National Bank. The drive-thru quantity has been reduced and there is now an entrance that comes off to the south. The restaurant would be in the lot to the west.

Larry Leverenz called for a vote on a white ballot.

Ryan O'Gara collected the ballots and noted the Area Plan Commission voted 15-Yes to 0-No recommending approval of **S-5098 CAT LAFAYETTE SUBDIVISION (minor sketch)**.

	<u>Yes-Votes</u>	<u>No-Votes</u>
Larry Leverenz	Kathy Parker	Jason Dombkowski
Bob Metzger	Vicki Pearl	Jackson Bogan
Perry Brown	Lisa Dullum	Carla Snodgrass
Tracy Brown	Greg Jones	Tom Murtaugh
Gary Schroeder	Diana Luper	Jody Hamilton

## **B. Rezoning Activities**

Gary Schroeder moved to hear and vote on **Z-2866 TIPPECANOE ACQUISITIONS, LLC (GB and R3 to R3)**. Greg Jones seconded.

### **1. Z-2866 TIPPECANOE ACQUISITIONS, LLC (GB and R3 to R3):**

Petitioner is requesting rezoning of 4.531 acres, located on the south side of McCarty Lane and the east side of Creasy, (but not including the car rental business at the corner) in Lafayette, Fairfield 35 (NE) 23-4.

APC staff Ryan O'Gara showed zoning and aerial maps. The purpose of this rezone is to bring these sites together within the description of an R3 zone for a multi-family apartment complex, about 50-80 units. In terms of access to the site, there are two frontages. The city will need to determine driveway access once the site plan process begins. APC staff support this rezone and the proposed use and recommends approval.

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

Chris Shelmon, Gutwein Law, 250 Main Street, Lafayette, thanked the staff and agrees with the opinion. For a bit of background, the developer is a local developer, recently completed apartments on Amelia Avenue, right around the corner from this site, which are new construction, market rate housing that was absorbed immediately. The demand is strong in the area. Historically the GB zone also allowed multi-family in the past, so this use is consistent with this area. The current owner has had this GB sit vacant. The developer believes this use is consistent with the GB and the residential area.

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

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

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

Larry Leverenz called for a vote on a yellow ballot.

Ryan O’Gara collected the ballots and noted the Area Plan Commission voted 15-Yes to 0-No recommending approval of **Z-2866 TIPPECANOE ACQUISITIONS, LLC (GB and R3 to R3).**

	<b>Yes-Votes</b>	<b>No-Votes</b>
Larry Leverenz	Kathy Parker	Jason Dombkowski
Bob Metzger	Vicki Pearl	Jackson Bogan
Perry Brown	Lisa Dullum	Carla Snodgrass
Tracy Brown	Greg Jones	Tom Murtaugh
Gary Schroeder	Diana Luper	Jody Hamilton

Gary Schroeder moved to hear and vote on **Z-2867 CJ INVESTMENT GROUP, LLC (A to R2):** Greg Jones seconded.

**2. Z-2867 CJ INVESTMENT GROUP, LLC (A to R2):**

Petitioner is requesting rezoning of 8.96 acres to begin the process of bringing several nonconforming duplexes existing on a single lot, into conformity, located on Jackson Highway and Pleasant Valley Drive, Wabash 9 (NE) 23-5.

APC staff David Hittle referred to zoning and aerial maps. Agricultural Wooded (AW) and Agricultural (A) are both represented, with floodplain shown to the south in blue. The property has thirteen (13) structures, all built over 50 years ago, that are duplexes. The site is accessed via Jackson Highway to the north and Pleasant Valley Drive, which cuts into the site and is privately owned. There are additional properties outside of this request, that are exempt, due to being in the floodplain. Petitioner is requesting to rezone the area that is not in the floodplain. A rezone to R2 would legally establish the structures on the property. The owner would then be able to subdivide the property and sell them off individually. If the rezone is denied, not much could be done with the properties. They could only be rented because they are all on one big single lot. The area, the property, the owner, and the county are better served with an approval of request to rezone to R2.

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

Chris Shelmon, Gutwein Law, 250 Main Street, Lafayette, said this request originates from an attempt to finance the property, which ran into issues with non-conforming use. The owner of the local property would like to fix up the property, as they have not necessarily been maintained the best. The county is protected from further development, given that there are no utilities in the area. Any expansion or redevelopment would be at the discretion of the Building Commissioner and Health Department. There is no intent to redevelop, but rather improve the existing facilities and preserve the investment.

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

Jessica Scott, 4741 Jackson Highway, West Lafayette, lives at a property just outside the yellow rezone lines. She wanted to know more about the plans, whether it was updating structures or if it involved construction and tearing anything down, and how it would affect her living next to it.

Chris Shelmon, Gutwein Law, 250 Main Street, Lafayette, said there were no current plans, just updating the exteriors.

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.

Vicki Pearl asked about the house outside of the yellow rezone area and why the LOMA couldn't cover it.

Chris Shelmon, Gutwein Law, 250 Main Street, Lafayette, explained that the petitioner does not own the two single-family home properties. The previous owners' family live to the west on Pleasant Valley Drive and the first house south of the drive at the bend is also a family member. The family that owned this property, developed the site, and lived around it, but rented out the duplexes.

Vicki Pearl asked about the duplexes on Brookview Lane that are not highlighted.

Chris Shelmon, Gutwein Law, 250 Main Street, Lafayette, said the petitioner does own those, but they are in the floodplain so those couldn't be rezoned.

Larry Leverenz asked why the peninsula shaped area was sticking out on the rezone boundary.

Chris Shelmon, Gutwein Law, 250 Main Street, Lafayette, said it is a low area of elevation of the land that is part of the floodplain.

Larry Leverenz called for a vote on a yellow ballot.

Ryan O'Gara collected the ballots and noted the Area Plan Commission voted 15-Yes to 0-No recommending approval of **Z-2867 CJ INVESTMENT GROUP, LLC (A to R2).**

<b><u>Yes-Votes</u></b>			<b><u>No-Votes</u></b>
Larry Leverenz	Kathy Parker	Jason Dombkowski	
Bob Metzger	Vicki Pearl	Jackson Bogan	
Perry Brown	Lisa Dullum	Carla Snodgrass	
Tracy Brown	Greg Jones	Tom Murtaugh	
Gary Schroeder	Diana Luper	Jody Hamilton	

#### **V. ADMINISTRATIVE MATTERS**

None.

#### **VI. APPROVAL OF THE NOVEMBER EXECUTIVE COMMITTEE AGENDA**

Gary Schroeder moved that the following requests for subdivisions be placed on the November 2, 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-5099 MURDOCK PLACE (minor-sketch).**

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

#### **VII. DETERMINATION OF VARIANCES—Area Board of Zoning Appeals**

There are no variances filed for the October hearing.

#### **VIII. DIRECTOR'S REPORT**

David Hittle stated the Director's report was emailed yesterday and has nothing to add.

**IX. CITIZEN'S COMMENTS AND GRIEVANCES**

None.

**X. ADJOURMENT**

Gary Schroeder moved to adjourn.

Meeting adjourned at 6:33 PM.

Respectfully Submitted,  
Kristina Lamb  
Recording Secretary

Reviewed by,

A handwritten signature in black ink, appearing to read "D. Hittle". The signature is stylized with a horizontal line under the first name and a horizontal line under the last name, with a small dot above the final letter of the last name.

David L. Hittle  
Executive Director