

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

DATE.....August 19, 2020  
TIME.....6:00 P.M.  
PLACE..... County Office Bldg.  
20 N. 3<sup>rd</sup> Street  
Lafayette, IN 47901

**MEMBERS PRESENT**

Roland Winger  
Jake Gray  
Vicki Pearl  
Larry Leverenz  
Michelle Long  
Tracy Brown  
Tom Murtaugh  
Gary Schroeder  
Jackson Bogan  
Kathy Parker  
Lisa Dullum  
Perry Brown  
Dr. Carl Griffin  
Greg Jones  
Jerry Reynolds  
Carla Snodgrass  
Diana Luper

**MEMBERS ABSENT**

**STAFF PRESENT**

Ryan O’Gara  
Chyna Lynch  
Don Lamb  
Kathy Lind  
Zach Williams, Atty.

The Area Plan Commission of Tippecanoe County Public Hearing was held virtually on the 19th day of August 2020 at 6:00 P.M., pursuant to notice given and agenda posted as provided by law.

President Jackson Bogan called the meeting to order. He thanked everyone involved in making this meeting possible. He asked that everyone mute their microphones until they wished to speak or vote.

Attorney, Zach Williams, called the roll to establish members present.

**I. BRIEFING SESSION**

Ryan O’Gara said **RESOLUTION PD-20-07 PURDUE RESEARCH FOUNDATION (Provenance PD) Z-2766** was added to the agenda. **Z-2798 WEST LAFAYETTE PUBLIC LIBRARY LEASING CORPORATION – Anastasia Krutulis (West Lafayette Public Library PD) (PDNR to PDNR)** has requested to be continued to the October 21, 2020 APC meeting. This is their first continuance. The petitioner for **Z-2799 STENZ / LNHS, LLC (PDMX to R3)** has withdrawn their case. All other cases are ready to be heard.

**II. APPROVAL OF MINUTES**

Gary Schroeder moved to approve the minutes from July 15, 2020 meeting. Greg Johns seconded and the motion carried by unanimous voice vote.

**III. NEW BUSINESS**

**Final Detailed Plans**

**RESOLUTION PD-20-07: PURDUE RESEARCH FOUNDATION (Provenance PD) Z-2766:** Final Detailed Plans, consisting of the Final Plat for phase 1 and the Final Plat for phase 2, part 1 for the Provenance Planned Development. The approved preliminary plans allow for a multi-

phase, multi-lot, mixed-use neighborhood development containing up to 550 residential units (including both single-family and multi-family) and up to 90,000 square feet of commercial retail. The property is located on the southwest corner of State Street and Airport Road in West Lafayette, Wabash 24 (S1/2) 23-5.

Gary Schroeder moved to hear and approve **RESOLUTION PD-20-07**. Greg Jones seconded.

Ryan O’Gara presented the final detail plans. This resolution was heard last month as well. The 30-day recordation requirement in the ordinance was not fulfilled in time. Petitioner was pulling together their bonding as well as their drawing files that are required for the auditor. They just missed the deadline and per the ordinance, they must be reapproved in order to be able to record again. Nothing has changed with the submission, the final plats phase one or the final plats for phase two. Bonding has been submitted and accepted by the APC staff and the drawing files have been sent to the auditor. Once this is recorded, they will be able to get building permits to starting building upwards. Staff recommended approval.

Jackson Bogan asked if the petitioner or the representative wanted to make a presentation. They did not. Jackson asked Ryan O’Gara if we received any citizen comments. There were none.

Zach Williams conducted a vote by roll call. The motion was approved 17 yes to 0 no.

#### **Yes-Votes**

Jackson Bogan  
 Larry Leverenz  
 Carl Griffin  
 Roland Winger  
 Vicki Pearl  
 Lisa Dullum  
 Diana Luper  
 Gary Schroeder  
 Michelle Long  
 Kathy Parker  
 Jerry Reynolds  
 Tom Murtaugh  
 Carla Snodgrass  
 Greg Jones  
 Perry Brown  
 Jake Gray  
 Tracy Brown

#### **No-Votes**

#### **IV. PUBLIC HEARING**

Jackson Bogan 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.

Gary Schroeder moved to continue **Z-2798 WEST LAFAYETTE PUBLIC LIBRARY LEASING CORPORATION – Anastasia Krutulis (West Lafayette Public Library PD) (PDNR to PDNR)** to the October 21st, 2020 Area Plan Commission Meeting.

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

**A. Ordinance Amendments**

**UZO AMENDMENT #97 BUSINESS PARK & GATEWAY DIRECTORY SIGNS:**

This amendment would amend the sign section of the UZO and would add a new category of signage: business park signs and gateway directory signs.

Gary Schroeder moved to hear and approve **UZO AMENDMENT #97 BUSINESS PARK & GATEWAY DIRECTORY SIGNS.** Greg Jones seconded.

Kathy Lind said the Ordinance Committee has been discussing this for several months. Last month at the Area Plan Commission meeting, there were two proposals. One proposed amendment was the original proposal that staff created and the second was what the Ordinance Committee had passed at their July meeting which eliminated several of the changes staff proposed. Ordinance Committee likely felt staff took it too far by basically eliminating freestanding signage. These two proposals were tabled by this Commission and sent back to the Ordinance Committee for further discussion. At the August Ordinance Committee meeting, staff created a compromise amendment that put back in some of the freestanding signage for commercial lots not in the business park. That amendment passed Ordinance Committee. There is a recommendation of approval from Lafayette and West Lafayette staffs. Staff recommended approval.

Jackson Bogan asked if anyone wished to speak from West Lafayette or the developer of Sagamore Commons. They did not. He asked Ryan O’Gara if there had been any public comments. There were none.

Zach Williams conducted a vote by roll call. The motion was approved 17 yes to 0 no.

**Yes-Votes**

Jackson Bogan  
Larry Leverenz  
Carl Griffin  
Roland Winger  
Vicki Pearl  
Lisa Dullum  
Diana Luper  
Gary Schroeder  
Michelle Long  
Kathy Parker  
Jerry Reynolds  
Tom Murtaugh  
Carla Snodgrass  
Greg Jones  
Perry Brown  
Jake Gray  
Tracy Brown

**No-Votes**

**B. Subdivisions**

**S-4930 ELSTON ACRES MINOR SUBDIVISION (minor-sketch):**

Petitioner is seeking primary approval for two lots on 0.686 acres, located at the northwest corner of Old Romney Road and Elston Road, Lafayette, Fairfield 31 (SE) 23-4.  
*CONTINUED FROM THE AUGUST EXECUTIVE COMMITTEE MEETING BECAUSE LEGAL ADS WERE NOT PUBLISHED IN TIME.*

Gary Schroeder moved to hear and vote on **S-4930 ELSTON ACRES MINOR SUBDIVISION (minor-sketch).** Greg Jones seconded.

Kathy Lind presented the zoning map, plat, and aerial photos. She said the property is on the corner of Old Romney Road and Elston Road and is 0.686 acres. The zoning map shows it is zoned GB however, that was corrected. Lafayette City Council voted on August 3<sup>rd</sup>, 2020 to rezone this to R1B. There are two existing houses on the property. The purpose of subdividing is for each house to have its own lot. According to the Lafayette City Engineer's Office, they have no issue maintaining the existing access points. Sewer and water are available directly to both lots. Staff recommended 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.

Jackson Bogan asked if the petitioner or their representative want to make a presentation and if there are any documents to share through GoToMeeting.

Steve Haby, 1129 Ocala Avenue, Lafayette, IN 47905, petitioner, said the primary reason to separate these lots after owning them for many years is to sell one of the houses. He said anyone that buys this would have trouble getting a conventional loan with two houses on one lot.

Jackson Bogan said we will have a one-minute pause for citizen comment. After the minute passed, he asked Ryan O'Gara if we received any citizen comments. There were none.

Zach Williams conducted a vote by roll call. The motion was approved 17 yes to 0 no.

**Yes-Votes**

Jackson Bogan  
 Larry Leverenz  
 Carl Griffin  
 Roland Winger  
 Vicki Pearl  
 Lisa Dullum  
 Diana Luper  
 Gary Schroeder  
 Michelle Long  
 Kathy Parker  
 Jerry Reynolds  
 Tom Murtaugh  
 Carla Snodgrass  
 Greg Jones  
 Perry Brown  
 Jake Gray  
 Tracy Brown

**No-Votes**

**S-4931 PARAMOUNT MINOR SUBDIVISION (minor-sketch):**

Petitioner is seeking primary approval for two lots on 4.39 acres, located on the north side of Genoa Drive and the east side of Paramount Drive, in Wabash 2 (NE) 23-5.

Gary Schroeder moved to hear and vote on S-4931 PARAMOUNT MINOR SUBDIVISION (minor-sketch). Greg Jones seconded.

Don Lamb presented the zoning map, plat, and aerial photos. He said this was originally called Lakeshore and was renamed for the purpose of dividing this land into two lots. The owner wants to split the eastern

half off for a multi-family subdivision that was been submitted with a major sketch plan application back in January. The property is zoned R3 with land to the south zoned GB for the shopping center. There is Flood Plain in the neighborhood to the southwest with NB zoning to the west. Staff recommended approval contingent on the following conditions:

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.

Jackson Bogan asked if the petitioner or their representative want to make a presentation and if there are any documents to share through GoToMeeting.

Justin Frazier, TBIRD, 105 N 10<sup>th</sup> Street, Lafayette, IN 47901, representative for petitioner, said they agreed with the standard conditions and would be available for any questions. He respectfully requested approval.

Jackson Bogan said we will have a one-minute pause for citizen comment. After the minute passed, he asked Ryan O'Gara if we received any citizen comments. There were none.

Zach Williams conducted a vote by roll call. The motion was approved 16 yes to 0 no.

**Yes-Votes**

Jackson Bogan  
 Larry Leverenz  
 Carl Griffin  
 Roland Winger  
 Vicki Pearl  
 Diana Luper  
 Gary Schroeder  
 Michelle Long  
 Kathy Parker  
 Jerry Reynolds  
 Tom Murtaugh  
 Carla Snodgrass  
 Greg Jones  
 Perry Brown  
 Jake Gray  
 Tracy Brown

**No-Votes**

**S-4932 CROSSER COMMONS MINOR SUBDIVISION (minor-sketch):**

Petitioners are seeking primary approval to replat two lots into two lots (plus one outlot) on 0.426 acres, located on the east side of Powder House Lane, just north of the Walker Court intersection, in Lafayette, Fairfield 31 (SE) 23-4.

Gary Schroeder moved to hear and vote on **S-4932 CROSSER COMMONS MINOR SUBDIVISION (minor-sketch)**. Greg Jones seconded.

Don Lamb presented the zoning map, plat, and aerial photos. He said this property is on Powder House Lane in the southwest part of Lafayette just north of the Walker Court intersection. These two lots were originally platted with 8 lots from the Crosser Commons planned development. The land to the northeast has been developed as a Lafayette City park called Crosser Sports Complex. The idea is to reconfigure the two lots. One is a smaller, skinnier lot. The other is a larger lot with an existing house that will go away. These two lots will be reconfigured into two lots a 40-foot-wide outlot that will be deeded to the park. There was a rezone from PDRS to R1B about two months ago. These lots will be developed by Habitat for Humanity. Staff recommended approval contingent on the following conditions:

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.

Jackson Bogan asked if the petitioner or their representative want to make a presentation and if there are any documents to share through GoToMeeting.

Matt Holden, Starr Associates, 215 Alabama Street, Lafayette, IN, 47901, representative for petitioner, said he would be happy to answer any questions.

Jackson Bogan said we will have a one-minute pause for citizen comment. After the minute passed, he asked Ryan O’Gara if we received any citizen comments. There were none.

Zach Williams conducted a vote by roll call. The motion was approved 17 yes to 0 no.

**Yes-Votes**

Jackson Bogan  
 Larry Leverenz  
 Carl Griffin  
 Roland Winger  
 Vicki Pearl  
 Lisa Dillum  
 Diana Luper  
 Gary Schroeder  
 Michelle Long  
 Kathy Parker  
 Jerry Reynolds  
 Tom Murtaugh  
 Carla Snodgrass  
 Greg Jones  
 Perry Brown  
 Jake Gray  
 Tracy Brown

**No-Votes**

**A. Rezoning Activities**

**Z-2800 JOSHUA SHIVES (A to GB):**

Petitioner is requesting rezoning of Lot 2 of Oliver Subdivision, located at the northwest corner of SR 25 W and CR 500 W, specifically 5000 SR 25 W, in Wayne 22 (SE) 22-5.

Gary Schroeder moved to hear and approve **Z-2800 JOSHUA SHIVES (A to GB)**. Greg Jones seconded.

Ryan O’Gara presented the zoning map and aerial photos. He said this property is in the southwest part of the county bordering the Town of Shadeland. The site was divided in 2008 and prior to the subdivision there was a house and a vet clinic located on one lot. There is A zoning around the site but Shadeland has their own zoning. The vet clinic building is still in the area and a landscaping business is located to the east of the site. The current building on the site meets all setback requirements. If rezoned, a Type B 20-foot bufferyard is required where GB zoning abuts A zoned land. Sewer and water are not available at this location which is one of staff’s primary concerns. The Health Department reports that the site does have an on-site septic sufficient for a few employees. In terms of staff comments, there is a long-standing policy of not up-zoning to commercial in areas that are off water and sewer. This petition fails in that regard. The proposed use is for an ATV dealership. There could be a lot of different types of uses that could be allowed in the GB zone that neighbors may not like. Without a commitment and the site being off the sewer and water grid, staff recommended denial.

Jackson Bogan asked if the petitioner or their representative want to make a presentation and if there are any documents to share through GoToMeeting.

Joshua Shives, 1910 W 450 S, Lafayette, IN, 47909, petitioner, said he is planning to sell used ATVs and UTVs on the site from the traffic that heads towards the Badlands off-road park. It is a busy road with a lot of visibility of the lot. There have been multiple people that tried to buy the building, and all have been limited by use. He said he is trying to take a building that has been sitting empty since 2013 and make use of it.

Jackson Bogan asked if there was a reason for not having a commitment.

Joshua Shives, 1910 W 450 S, Lafayette, IN, 47909, petitioner, said if the rezone is not approved, he will reapply with a commitment. He said this is the first time he has filed a rezone petition.

Tom Murtaugh said when they had spoken about this, Mr. Shives had mentioned that the neighbors were supportive of this request. He asked if that were still the case.

Joshua Shives, 1910 W 450 S, Lafayette, IN, 47909, petitioner, said he has spoken with a few neighbors. He has not spoken with the people across the road or the owner of the field behind the property. The property owners to the east do not care. The property owner to the west initially was not opposed but is now concerned about future use after this business.

Jackson Bogan asked Zach is there is a way to create a last-minute commitment.

Zach Williams said there is not. Per the Bylaws, it must be submitted. This is something that can limit the proposed uses on the property.

Vicki Pearl asked if staff would have spoken to Mr. Shives about a commitment when he submitted the initial request.

Kathy Lind said she believes Mr. Shives did not talk with staff before he submitted his request. He had all his paperwork together and staff does not generally give advice at that stage. If he had spoken with staff previously, staff likely would have suggested a commitment. At this point, he could continue to next month.

Jackson Bogan asked if Mr. Shives was under a time constraint with this.

Joshua Shives, 1910 W 450 S, Lafayette, IN, 47909, petitioner, said not necessarily. He is waiting to refinance the building until after it is rezoned.

Jackson Bogan asked if pushing this back 30 days for a continuance to ask for some form of a commitment would work. He asked if staff can assist in drawing up a commitment or if it needs to be done by an attorney.

Kathy Lind said this does not need to be done by an attorney. Staff has a boilerplate of what a commitment looks like so staff could help.

Jackson Bogan asked Mr. Shives if he understands what a commitment is.

Joshua Shives, 1910 W 450 S, Lafayette, IN, 47909, petitioner, said it means he is making a commitment to not operate a list of things.

Jackson Bogan asked if he would be comfortable adding a commitment.

Joshua Shives, 1910 W 450 S, Lafayette, IN, 47909, petitioner, said yes, if that is what it takes to get the rezone done.

Kathy Lind asked John Burns or Don Lamb if there is a \$100 filing fee with a commitment.

Don Lamb said it is a \$100 filing fee per commitment.

Kathy Lind said she had previously told Mr. Shives this would not cost anything extra but there is a \$100 filing fee.

Jackson Bogan said this is ultimately up to the petitioner whether they want to continue this or not.

Zach Williams said Mr. Shives this is your petition and it is your decision if you want to vote on this tonight. If there are enough votes to pass it on, then it will go to the next stage. Mr. Shives can also make the decision to ask for a continuance and push it out a month to investigate the commitment process before there is a vote.

Tom Murtaugh said if there is a vote of denial then it cannot be refiled for a year.

Don Lamb said that is correct. A vote of denial by the County Commissioner's would mean it cannot be refiled for a year.

Joshua Shives, 1910 W 450 S, Lafayette, IN, 47909, petitioner, asked if there is a denial vote from the County Commissioners it cannot be refiled for a year but not if there is a denial vote tonight.

Tom Murtaugh said if there is a denial by the County Commissioners it cannot be filed for a year. If the vote proceeds tonight and it is denied, they can go before the County Commissioners and can be approved or denied at that level.

Joshua Shives, 1910 W 450 S, Lafayette, IN, 47909, petitioner, said he believes it is in his best interest to ask for the continuance.

Gary Schroeder moved to continue **Z-2800 JOSHUA SHIVES (A to GB)** to the September 16, 2020 APC meeting. Greg Jones seconded. The motion carried by unanimous voice vote.

**Z-2801 WALLICK COMMUNITIES (NB to R3):**

Petitioner is requesting rezoning of 5.22 acres on the west side of Paramount Drive, just south of Lark apartments (formerly known as Campus Suites), for a proposed 60-unit, three building multi-family development known as Wabash Commons in Wabash 2 (NE) 23-5.

Gary Schroeder moved to hear and approve **Z-2801 WALLICK COMMUNITIES (NB to R3)**. Greg Jones seconded.

Kathy Lind presented the zoning map and aerial photos. She said this property is located on the west side of Paramount Drive. This is currently zoned NB with Flood Plain zoning adjacent to the west and R3 zoning to the north and east. There are apartments to the north and to the east as well as to the south across Sagamore Parkway. There is a mobile home park to the west across the flood plain area. There is an existing storm water basin on the property. She presented the non-binding site plan that was submitted. She said there are four buildings proposed one of which will be a clubhouse. This plan is for 60 low income units with 6 one-bedroom, 27 two-bedroom and 27 three-bedroom units. CityBus has a route that stops at the corner of Pacific Drive and Paramount Drive which is opposite the driveway into this property. American Suburban Utilities and Indiana American Water both serve the site. It is staff's opinion that there are a lot

of apartments in this area so one more development is not going not hurt. It has sewer and water and it is on a CityBus line. Staff recommended approval.

Jackson Bogan asked if the petitioner or their representative want to make a presentation and if there are any documents to share through GoToMeeting.

Joe Hall, Wallick Communities, 160 West Main Street, New Albany, OH 43054, petitioner, said Wallick Communities was formed in 1966 and is headquartered in Columbus, Ohio. Wallick is a full-service real estate company that handles development, general contracting and property management. Wallick's major platform is affordable housing in both family and senior living. The proposed property is family or general occupancy. Wallick is a Midwest company that services nine Midwest states with 170 properties. There are 14 properties in Indiana with the closest in Indianapolis and Logansport.

Wallick is pursuing financing for this site through the Rental Tax Credit Program. Upon an award of tax credits from IHCD, Wallick would work with an intermediary to sell those credits to a large financial institution. They would enter into the proposed development as a limited partner. In exchange for those credits, they would provide equity to build the facility. This would be paired with a construction loan and a permanent loan that would make up the capital stack for the project. In exchange for the credits, commitments are made. The first is to only rent to people with a certain band of income. This property is measured on an annual household basis. The units could be rented to people on the low end of the band with a \$15,000 annual household income all the way up to the higher end of the band with a \$65,000 annual household income. The second commitment is to only charge people so much for rent. Residents still pay their own rent, but it is restricted to how much can be charged.

This 5-acre site would hold 60 multi-family housing units. He said they received a favorable market study that says this is a product that is needed in this community and that it would lease up in half the time a typical project would. Because there are 60 units, there is a great scale to manage it effectively. There is a property manager and maintenance professional on-site during normal business hours. American Structure Point is the engineer for this site. From a security perspective, the site will be properly lit and there will be security cameras throughout the site with IP addresses that can be shared with local law enforcement. He said they hope to start construction next summer and have construction completed by summer of 2022 to hopefully have a full vibrant building by the end of 2022. He respectfully requested approval.

Gary Schroeder asked if the market study could be given to staff so the Commission could see it.

Joe Hall, Wallick Communities, 160 West Main Street, New Albany, OH 43054, petitioner, said he will send it to staff tomorrow morning.

Jackson Bogan said we will have a one-minute pause for citizen comment. After the minute passed, he asked Ryan O'Gara if we received any citizen comments. There were none.

Zach Williams conducted a vote by roll call. The motion was approved 17 yes to 0 no.

**Yes-Votes**

Jackson Bogan  
Larry Leverenz  
Carl Griffin  
Roland Winger  
Vicki Pearl  
Lisa Dillum  
Diana Luper  
Gary Schroeder  
Michelle Long

**No-Votes**

Kathy Parker  
 Jerry Reynolds  
 Tom Murtaugh  
 Carla Snodgrass  
 Greg Jones  
 Perry Brown  
 Jake Gray  
 Tracy Brown

**V. ADMINISTRATIVE MATTERS**

None.

**VI. APPROVAL OF THE SEPTEMBER EXECUTIVE COMMITTEE AGENDA**

Jackson Bogan said there were no new subdivisions filed this month.

**VII. DETERMINATION OF VARIANCES – ABZA**

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

**BZA-2042 ZERN VESS.**

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

**VIII. DIRECTOR'S REPORT**

Ryan O'Gara said there was nothing new to report this month.

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

Jackson Bogan said there will be a one-minute pause for citizen comment and or grievances. After the minute passed, he asked Ryan O'Gara if there had been any additional comments received. There were none.

**X. ADJOURNMENT**

Gary Schroeder moved to adjourn.

The meeting adjourned at 7:07 pm.

Respectfully Submitted,

Chyna R. Lynch  
 Recording Secretary

Reviewed By,



Sallie Fahey