

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

DATE..... January 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**

Jackson Bogan  
Tom Murtaugh  
Bob Metzger  
Vicki Pearl  
Michelle Dennis  
Diana Luper  
Tracy Brown  
Jody Hamilton  
Kathy Parker  
Lisa Dillum  
Gary Schroeder  
Jerry Reynolds

**MEMBERS ABSENT**

Carla Snodgrass  
Perry Brown  
Greg Jones  
Jason Dombkowski  
Larry Leverenz

**STAFF PRESENT**

David Hittle  
Larry Aukerman  
Ryan O'Gara  
Eric Burns, Atty  
Jennifer Ewen  
Amanda Esposito  
Maureen McNamara

The Area Plan Commission of Tippecanoe County Public Hearing was held in-person on the 19th day of January 2022 at 6:00 P.M., pursuant to notice given and agenda posted as provided by law.

President Jackson Bogan called the meeting to order.

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

**I. ELECTION OF OFFICERS**

Eric Burns stated the first item of business is the election of officers for 2022.

Eric opened the floor to nominations for the office of president.

Gary Schroeder moved to nominate Larry Leverenz for President.

Vicki Pearl seconded.

Gary Schroeder moved that the nominations for President be closed.

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

Gary Schroeder moved to cast a unanimous ballot for Larry Leverenz for President.

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

In the absence of President Larry Leverenz by prior vote, Jackson Bogan will be in charge of the remainder of the meeting.

Jackson Bogan requested nominations for the office of Vice President.

Gary Schroeder moved that Gary Schroeder be nominated for Vice President.  
Vicki Pearl seconded.

Gary Schroeder moved that the nominations for Vice President be closed.  
Vicki Pearl seconded, and the motion carried by voice vote.

Gary Schroeder moved to cast a unanimous ballot for Gary Schroeder for Vice President.  
Vicki Pearl seconded, and the motion carried by unanimous voice vote.

Jackson Bogan requested nominations for the Executive Committee.

Gary Schroeder moved that Gary Schroeder and Tom Murtaugh be nominated to represent Tippecanoe County on the Executive Committee.  
Vicki Pearl seconded.

Gary Schroeder moved that Jerry Reynolds and Jackson Bogan be nominated to represent the City of Lafayette on the Executive Committee.  
Vicki Pearl seconded.

Gary Schroeder moved that Larry Leverenz and Kathy Parker be nominated to represent the City of West Lafayette on the Executive Committee.  
Vicki Pearl seconded.

Gary Schroeder moved that Greg Jones be nominated to represent the Towns of Dayton, Battle Ground, and Clarks Hill on the Executive Committee.  
Vicki Pearl seconded.

Gary Schroeder moved that nominations for the Executive Committee be closed.  
Vicki Pearl seconded, and the motion carried by unanimous voice vote.

Gary Schroeder moved to cast a unanimous ballot for Gary Schroeder, Tom Murtaugh, Jerry Reynolds, Jackson Bogan, Larry Leverenz, Kathy Parker, and Greg Jones for Executive Committee.  
Vicki Pearl seconded, and the motion carried by unanimous voice vote.

Jackson Bogan requested nominations for the Area Board of Zoning Appeals.

Gary Schroeder moved that Gary Schroeder and Michelle Dennis be nominated to represent the Area Plan Commission on the Area Board of Zoning Appeals.  
Vicki Pearl seconded.

Gary Schroeder moved that the Area Board of Zoning Appeals nominations be closed.  
Vicki Pearl seconded, and the motion carried by unanimous voice vote.

Gary Schroeder moved to cast a unanimous ballot for Gary Schroeder and Michelle Dennis for the Area Board of Zoning appeals.  
Vicki Pearl seconded, and the motion carried by unanimous voice vote.

Jackson Bogan thanked everyone for allowing the board to conduct their elections.

## II. BRIEFING SESSION

David Hittle stated the petitioner for **Z-2845 JETBOY, LLC (GB to I3)** and the petitioner for **Z-2846 BENITO MUNOZ (AA to A)** both have requested a continuance to the February 16<sup>th</sup> APC meeting. The other cases are set to go forward tonight.

## III. APPROVAL OF THE MINUTES

Gary Schroeder moved to approve the minutes from the December 15th, 2021 meeting. Vicki Pearl seconded, and the minutes, as submitted, were approved by unanimous voice vote.

## IV. NEW BUSINESS

None.

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

Gary Schroeder moved that **Z-2845 JETBOY, LLC (GB to I3)** and **Z-2846 BENITO MUNOZ (AA to A)** be continued to the February 16, 2022 APC public hearing agenda at the petitioner's request. Vicki Pearl seconded, and the motion carried by unanimous voice vote.

### A. Subdivisions

Eric Burns noted that the petitioner for the next case made a minor mistake in the legal ads. In one place it's stated "Wea Township" when it should have said "Wabash". Everything else within the ad was correct including the full legal description and the property address; therefore, it would be my opinion that it was an insubstantial error that does not interfere with continuing-on this evening with case **S-5050**.

Gary Schroeder moved to hear and vote on **S-5050 AUTOZONE #5535 SUBDIVISION, A REPLAT OF LOT 6, MEIJER #186 SUBDIVISION (minor-sketch)**. Vicki Pearl seconded.

#### 1. **S-5050 AUTOZONE #5535 SUBDIVISION, A REPLAT OF LOT 6, MEIJER #186 SUBDIVISION (minor-sketch plan):**

Petitioner is seeking primary approval to divide Lot 6, Meijer #186 Subdivision into two commercial lots on 10.52 acres, located at the northwest corner of CR 250 W and Sagamore Parkway, specifically, 2568 US 52 W, West Lafayette, Wabash 02 (NW) 23-5.

APC staff Maureen McNamara presented the zoning map, plat, and aerial photos. She stated the petitioner of AutoZone Development represented by Kevin Murphy and Associates is seeking primary approval to replat and divide Lot 6 of Meijer #186 Subdivision into two commercial lots, 6A and 6B, on 10.52 acres. AutoZone plans to purchase Lot 6B. It is the smaller of the two which totals about 1.1 acres, and Meijer has no current plans for the remaining 9.4 acres labeled Lot 6A on the screen, so that will remain undeveloped for now. The site is located at 2568 US 52 West in West Lafayette, and just south of the lot is where US

231 and US 52 "T's" with Sagamore Parkway; the entire lot is currently unimproved and is zoned GB. The surrounding land to the north, west, and south across Sagamore Parkway are also zoned GB; the areas east across CR 250 you have some neighborhood businesses, R1 zoning, and agricultural zoning. The adjacent GB to the north is where Blair Animal Clinic is located, and Maples Mobile Home is located to the east across the road. The more obvious neighbor is Meijer, and Belle Tire is right adjacent to the west. As far as traffic and transportation, Sagamore Parkway is divided primary arterial, and CR 250 is a rural local road per the adopted County Thoroughfare Plan. The required right-of-way for both frontages was dedicated to the public in 2013 when Lot 6 was originally platted, and the no vehicular access statement from the original plat has also been shown here on the replat along the entirety of all the existing frontages. Access to these lots will therefore be from the existing interior access easement adjacent to the west, so basically through Meijer's parking lot. The County Thoroughfare Plan includes the future continuation of US 231, US 52 where it currently T's into Sagamore Parkway, and it will run through the eastern half of Lot 6 in the future and continue to the northeast to eventually include a new interchange at I65. Though, this will not occur for another decade or so. Meijer, who owns the land, is aware of this plan. The USO allows the plan commission to require reservation on a plat when a road project is in a Thoroughfare Plan and is planned to be built across a subdivision request. However, this reservation is limited to a period of five years, and since it is so far out from now, we, as staff, decided the road reservation wasn't needed at this time. As for environmental and utility considerations, Indiana American water serves the site as well as American Suburban sanitary sewer. Drainage plans will be reviewed as part of the improvement location permit for AutoZone by the West Lafayette City Engineer's Office as such no condition for drainage approval is necessary. The correct setbacks have been shown; lot width scenarios are sufficient, and no bufferyards are required for any of these lots. Staff does recommend conditional primary approval based on five standard conditions. She offered to answer any questions.

Jackson Bogan called for the petitioner or the petitioner's representative.

Mike Wylie, Schneider Geomatics, 1330 Win Hentschel Blvd, Suite 260, West Lafayette, stated as noted by APC staff, this is a replat of what was one lot previously into two lots to create a developable lot for AutoZone located off of Sagamore Parkway. He stated they concur with staff's conditions. He offered to answer any questions.

Jackson Bogan asked if anyone wished to speak in favor or in opposition of this petition. There was no response. He asked for any questions. There were none. Mr. Bogan called for a vote and noted bonding is not being requested.

Ryan O'Gara collected the ballots and noted 12-Yes to 0-No for conditional primary approval of **S-5050**.

**Yes-Votes**

Jackson Bogan  
Bob Metzger  
Vicki Pearl  
Lisa Dullum  
Diana Luper  
Michelle Dennis  
Kathy Parker  
Jerry Reynolds  
Tom Murtaugh  
Tracy Brown  
Jody Hamilton  
Gary Schroeder

**No-Votes**

(None)

Jackson Bogan recused himself from the next case, and he left the room.

Gary Schroeder moved to hear and vote on **S-5051 CHURCHWOODS MAJOR SUBDIVISION (major-preliminary)**. Vicki Pearl seconded.

2. **S-5051 CHURCHWOODS MAJOR SUBDIVISION (major-preliminary):**

Petitioner is seeking primary approval of a one lot multi-family subdivision consisting of 15 apartment buildings with a total of 261 dwelling units on 16.25 acres located on the south side of Elston Road, between Old Romney Road and South Beck Lane, in Lafayette, Fairfield 31 (SE) 23-4.

APC staff Maureen McNamara presented the staff report with several exhibits including a zoning map and aerial photos. She stated petitioner and property owner Blackthorn Holdings, LLC by representative Jackson Bogan is seeking primary approval of a one lot multi-family subdivision consisting of 15 apartment buildings with a total of 261 dwelling units on 16.25 acres. The site is located on the south side of Elston Road between Old Romney Road and South Beck Lane in Lafayette. The site is zoned R3 single, two, and multi-family residential. The oldest zoning map for this area did show this property to be zoned GB and R1; in 2008, however, the County Commissioners petitioned to rezone this site to GB in anticipation of filing a special exception request that would have been for a Juvenile Justice Center, but the request was withdrawn before the APC meeting, so that did not happen. Then in 2011, Wiser Investments requested a rezone to the R3 district; however, that apartment complex also did not occur, so that is how the R3 zoning came to be. The prevalent adjacent zones include other R3, GB, and R1. As for land use patterns, the site itself had been farmed for decades except for an area of woods at the property's southwest corner; that now has been identified as a wetland. A church and a few single-family homes are located on the south side of Elston Road nearby. There are several multi-family subdivisions in this area most of these are R3 areas. There is also scattered commercial and light industrial uses and some single family along Old Romney Road and South Beck as well. There is a good mixture in this area. As for traffic and transportation, Elston Road is a secondary arterial, and Old Romney Road and South Beck Lane are both urban local roads according to the adopted Thoroughfare Plan. The developer requested two variances to not have to improve a tiny piece on South Beck Lane and on Elston Road except for a CityBus pull off, a sidewalk to that bus stop, and a bus shelter all on Elston Road. A third variance was requested that would allow the developer to dedicate an additional 18 feet off the right-of-way along Old Romney Road, and that would provide an area for a cement pad for a bus stop closest to the entrance in lieu of doing required improvements on Old Romney Road. The additional right-of-way would allow for the future construction of Big 4 Trail and provide space for a potential third travel lane. All three of these variances were heard yesterday at the Lafayette Board of Works, and all three variances were approved. A single private entrance is proposed to serve the development, and the city is not requiring a no vehicular access statement. A total of 461 parking spaces are required, and the plat shows the 461 parking spaces, so all the parking is in order. Internal private drives will provide access to the parking lots and buildings, so three street names will need to be submitted and approved. Also, multi-family developments in Lafayette require one bicycle parking space per unit, so on the ILP site plan we will have to see those bike parking spaces as well. As for environmental and utility considerations, Lafayette water and sewer mains are in the Old Romney Road right-of-way and private mains will connect to these utilities to provide services for those 15 new apartments. Two large stormwater collections are also on site. One is on the east side of the wetlands, and the other larger one is on Old Romney Road. Pertaining to UZO requirements a 30-foot-wide Type C bufferyard is required whenever R3 zones are undergoing improvements and abuts a GB zone, but there are no bufferyard requirements when an R3 zone goes back to R1, so for this site, that means that there needs to be a bufferyard along the church, but then the rest doesn't require a bufferyard. The setbacks shown are correct and exceed the UZO standards. Lot width and area are sufficient and green space, lot coverage everything else looks good. Petitioner has requested permission to bond for these required public improvements, and staff does recommend conditional primary approval based on the three variances that were approved as well as the 10 standard conditions. She offered to answer any questions.

Gary Schroeder asked if the petitioner or the petitioner's representative wished to speak.

Todd Starr, Starr Associates, LLC, 215 Alabama Street, Lafayette, stated they have worked very diligently with the Area Plan Commission to put together this proposal. They worked with the City of Lafayette, City of Lafayette Fire Department, and CityBus to make sure that they were including everybody in this design process. We have about 1.67 acres of wetlands in the southwest corner; it is encompassed in trees, and that is going to remain untouched. Along the south and east property lines, there are tall mature trees and we do not plan to touch them unless there's an outlier tree that happens to stick out a little too far, but we

plan to keep that bufferyard between us and the residential. Even though there is not a bufferyard required between our zoning, the R3, and the R1 zoning to the east, we are going to keep that buffering in place because we think it is important to have that separation between the residential and the multi-family. Also working with the city, we are dedicating the additional 18 feet for the Big 4 Trail, and there are talks about expanding Old Romney Road and putting in a third lane and possibly the trail, so that 18 feet will allow that expansion, so they don't have to come-back and request or purchase anymore right-of-way. That was a later addition after we talked to the city. As Maureen stated, we are going to put a concrete standing CityBus at the southeast corner of Elston and Old Romney Road. That is currently where the bus stop is, and that is where CityBus wants it to remain, so we are going to give them a concrete pad there, and east of the church, that is where we are going to put the pull off for CityBus, and that is currently where they also have their other pull off, so we got a lot of feedback from them on that. We currently have a traffic study underway, so that could impact what the entrance looks like, but right now that is what we have in place. All the utilities are in place that we can utilize. He offered to answer any questions.

Gary Schroeder asked for any questions from the commission.

Jerry Reynolds asked will these apartments all be market rate.

Todd Starr, Starr Associates, LLC, 215 Alabama Street, Lafayette, responded yes, all the apartments are market rate, and that has been stated from day one. There is going to be a high finish to these; it's to get the market rate. Our client intends for these to be nice looking and maintained for a long time.

Jerry Reynolds asked will these be one, two, and three bedroom apartments.

Todd Starr, Starr Associates, LLC, 215 Alabama Street, Lafayette, responded that's correct. It is a mixture of one, two, and three bedrooms. He stated the clubhouse is going to be very nice with a lot of amenities and modern amenities. There will be a lot more technology built into this because one of the owners has a company that specializes in using your phone to turn on everything in your house from the temperature to the lights, so they plan to implement that here to make it a special place.

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

Gary Schroeder asked if any persons wished to speak in opposition of this petition. He asked those persons to come forward and state their name and address for the record.

Cindy Martin, 1590 Hurley Street, Lafayette, Indiana, stated she lives in one of the complexes in the Elston area. She stated she is very concerned that the infrastructure can't accommodate potentially 461 more vehicles and that many children on bicycles. The reason she is saying this is because she does live out there, and she does see what the activities are with the children going from complex to complex. Even though this might be at a different income level, they are going to have friends that they go to school with that are in these other complexes. There are currently over 100 police calls a month at Overlook Pointe alone. We have had a high of 160, so can our police force as it exists accommodate that many more individuals, children, and conflicts. They will be between Romney Meadows which has a very high police activity rate; Overlook Pointe which has a very high police rate, Elston, and Southridge. She stated she did hear someone mention they are going to have another traffic study; the one she looked up was done 10 or 15 years ago; that is not reflective. You are forgetting the semi-trucks that come from the elevator off Wabash that come through there. She doesn't know that a traffic study done in the next month or two would even give you an accurate look at what happens on those streets. She is terribly concerned. There are no sidewalks up and down Elston, and you are aren't planning any sidewalks on the front. There are going to be more people. Tonight, she had to go across the double yellow line because somebody was walking from Elston Point to Overlook Pointe. A year ago, someone was hit on a bicycle and was killed. Just this past week there have been drive offs because of trying to avoid people pulling in and out onto the shoulder. There are no shoulders there; you are directly into the grass and almost directly into someone's house because the houses are very close to the road. She is concerned with the general overall safety. She stated whatever complex does come in you need to consider street lighting. Overlook Pointe has no streetlights. Our security lights are very minimal. The lighting that is at the porches and the patios can be controlled by

unscrewing a light bulb which reduces the security out there. There are no security cameras. You are going to have behaviors between each of these complexes integrated there. We have people coming in from the outside to use the pool facilities. There is no on-site security. She doesn't know what the plans are for this complex, but how are you going to monitor the influx of people potentially abusing your complex, because that will happen. It is happening where she lives now. People from out of the community and other communities coming in, wild parties, and creating havoc. We have had the SWAT team out there. It is concerning. She wants to address the overall general safety, and the overall influx. What is happening now is different than what your studies were back when this was originally set-up. She stated she is not against competitive housing. We do need more housing, but it needs to be structured for safety and for integrity, so everyone feels comfortable where they are at.

Gary Schroeder stated he has a comment to make. When we began this meeting as Mr. Bogan read in the procedures, when we hear requests to subdivide land, which we are hearing now, we are only concerned as whether the actual drawing shown division lots meet the technical requirements of our ordinance. The question of appropriateness has already been determined. Anyone wishing to make comments provide us with information regarding the subdivision petition will be given an opportunity to speak. Even though your concerns about traffic safety, lighting, sidewalks, and security are all important, this Board has no discretion to entertain that. We can't, and that is derived from a court case back in the seventies where we did not pass a subdivision, and the planning commission was sued, they lost, the court said we must approve, and the commission was admonished. Your concerns are real and are valid; we just don't have the authority to consider those.

Cindy Martin, 1590 Hurley Street, Lafayette, Indiana, stated she understands, but you know somebody who could do something possibly different, so I am bringing it to you. I am putting it on your conscience to respect very valid concerns, and I hope somebody gets involved somewhere along the line. She stated she is voicing her concern as a resident.

Gary Schroeder stated we do care, and this Board cared so much that one time they didn't approve, and they got sued, and they lost, so our attorney reminds us of that; the staff reminds us of that. Your concerns are valid; this is just not the Board to make those changes.

Cindy Martin, 1590 Hurley Street, Lafayette, Indiana, stated she doesn't know what to do next, but all she can say is she has seen drug overdoses in the roundabout where little kids have had to see and experience that. She has heard about sexual assaults and rapes out there. She has witnessed and called in domestic abuse. She stated it is a lot, and she is concerned.

Eric Nice, 2440 South Beck Lane, Lafayette, Indiana, stated he lives with his wife in the Historic Elston Schoolhouse, and they also bought the adjacent property, 2426 South Beck Lane. The tree line is a major concern to them. The trees have been there a very long time, and it is nice to hear that they are not going to touch the trees. He appreciates that. His question is, will the complex be single or double story. The higher you go, the more you can see into everyone's backyard right to your house, and that is not good. Rental properties usually can stagnate the prices or even drop value of the homes in that area. That is something we need to be aware of. As for traffic, there are a lot of semis, and there are speeders. There are kids in the area, and you are talking about cramming 261 people in that area. He asked about the court case that happened in the seventies how does that apply to what is going on right now.

Gary Schroeder responded this is a subdivision petition where all that they are doing is subdividing the land, and there are technical standards in our Subdivision Ordinance that if they meet those subdivision standards, then we have to approve that subdivision. The appropriateness when it was zoned R3 happened several years ago, and that was the time we could address the issues of appropriateness. I don't remember that case, but that was addressed and was approved for apartments at that time.

Eric Nice, 2440 South Beck Lane, Lafayette, Indiana, stated there are a lot of issues that comes with this, and he doesn't think some people have thought about it because they don't live in this area.

Gary Schroeder asked if anyone else wanted to speak. There was no response. He asked if the petitioner had a rebuttal.

Todd Starr, Starr Associates, LLC, 215 Alabama Street, Lafayette, stated they originally had an entrance that came off the south side of Elston Road, and we decided not to do that mainly for security reasons to have one entrance. There is not enough room off Beck Lane to access, and for security purposes, we decided we are going to have one entrance, and it is going to be off Old Romney Road. There is not going to be any other access to the property. They are three-story buildings. Our client is installing cameras for security, because one of the owners specializes in that, and one of the other things we have talked about was having limited access to the buildings; they plan to have key cards. There is going to be high technical items that are going to be used with technology to limit access to these buildings. We want to make sure that this is not access for more than one. When people come in, they are going to be on camera. If something happens, police can see footage. There are going to be plenty of cameras for that which hopefully will deter that type of activity.

Jerry Reynolds asked what type of lighting will be used.

Todd Starr, Starr Associates, LLC, 215 Alabama Street, Lafayette, responded it is going to be lit well. The parking lot will be well lit. Exactly how many lumens has not been designed yet; we are in the process. He stated he wanted to address the traffic study; there has been a traffic study done by the city. There are traffic counts, and those are legitimate traffic counts, so our traffic study takes the already performed traffic study and we subcontract with a gentleman who goes through the whole process using legitimate data. We don't have to start from scratch because the city has already spent money on traffic counts, and they allow people like us to use it to design these. For lighting if what the architects have mounted to the building is not enough lumens, we are going to add light posts and things like that to make sure it is well lit. From day one they have been about safety and technology, so there will be plenty of lighting in this area, and we are going to do everything we can to make sure the light doesn't spray off into residential neighborhoods. We went to the point that we will have Tesla charging stations. We have put in a lot of design. We are going to have a FedEx center in there, so people can key code and get their own deliveries. There has been a lot of effort put into the security and technology of this place. It is not going to be dimly lit. They are going to have cameras everywhere and the technology to help protect what they are building.

Gary Schroeder asked if there were any questions. There were none. He then called for a vote on **S-5051 CHURCHWOODS MAJOR SUBDIVISION.**

Gary Schroeder noted we will be voting on three different ballot items. He stated the first ballot is the variance ballot, and we are voting on the approval of **Variance #1, Variance #2, and Variance #3** that the City of Lafayette has approved already.

Ryan O'Gara collected the ballots and noted 11-Yes to 0-No for approval of **Variance #1, Variance #2, and Variance #3** for **S-5051 CHURCHWOODS MAJOR SUBDIVISION (major-preliminary).**

**Yes-Votes**

Vicki Pearl  
Bob Metzger  
Lisa Dullum  
Diana Luper  
Michelle Dennis  
Kathy Parker  
Jerry Reynolds  
Tom Murtaugh  
Tracy Brown  
Jody Hamilton  
Gary Schroeder

**No-Votes**

(None)



Gary Schroeder called for a vote on a subdivision ballot for conditional primary approval of **S-5051 CHURCHWOODS MAJOR SUBDIVISION with bonding.**

Ryan O’Gara collected the ballots and noted 11-Yes to 0-No for conditional primary approval of **S-5051 CHURCHWOODS MAJOR SUBDIVISION (major-preliminary).**

**Yes-Votes**

Lisa Dullum  
Diana Luper  
Michelle Dennis  
Kathy Parker  
Jerry Reynolds  
Tom Murtaugh  
Tracy Brown  
Jody Hamilton  
Gary Schroeder  
Bob Metzger  
Vicki Pearl

**No-Votes**

(None)

Ryan O’Gara noted 9-Yes to 2-No for the bonding request of **S-5051 CHURCHWOODS MAJOR SUBDIVISION (major-preliminary).**

**Yes-Votes**

Lisa Dullum  
Bob Metzger  
Diana Luper  
Michelle Dennis  
Kathy Parker  
Jerry Reynolds  
Tracy Brown  
Gary Schroeder  
Vicki Pearl

**No-Votes**

Tom Murtaugh  
Jody Hamilton

Eric Burns confirmed that the conditional primary approval along with the bonding request have both been approved for **S-5051 CHURCHWOODS MAJOR SUBDIVISION (major-preliminary) with bonding.**

Jackson Bogan returned to the meeting.

**B. Rezoning Activities**

Gary Schroeder moved to hear and vote on **Z-2844 INTERNATIONAL CHURCH OF THE FOURSQUARE GOSPEL (PDRS to NB).** Vicki Pearl seconded.

1. **Z-2844 INTERNATIONAL CHURCH OF THE FOURSQUARE GOSPEL (PDRS to NB):**  
Petitioner is requesting rezoning from PDRS (for land that is part of the Ravenswood at Hickory Ridge PD) to NB for property located at the northwest corner of Mondavi Blvd and Concord Road, specifically, 2502 Mondavi Blvd, Wea 15 (SW) 22-4. With Commitment. CONTINUED FROM THE DECEMBER APC PUBLIC HEARING AT PETITIONER’S REQUEST. LAST CONTINUANCE.

APC staff Ryan O’Gara presented the staff report with several exhibits including a zoning map and aerial photos. He stated this is located on the south east side of Lafayette in the unincorporated county. It has been developing residentially over the last few decades. To the northeast you have Benjamin Crossing,

and a host of other subdivisions surrounding it. The original site came into a couple of phases of two different plan developments about 20 years ago. Most of the site was all zoned R1 or A, but in 2003 the first version of what was called The Havens at Hickory Ridge Plan Development was brought to the floor. They changed the name later, and that project is what incorporated this site into a planned development zone. It was never meant to develop residentially. The church that was there just continued in with the project, and that first version of Hickory Ridge Plan Development began its construction but didn't complete. Then in 2010 another plan development Ravenswood at Hickory Ridge was brought to essentially complete the original concept with some changes in the architecture instead of the four-plex units they provided an alternative. The rest were all the single-family, larger lot projects up to all the subdivisions to the west, and the other plan development small lot, single-family detached to the south, but in terms of the zoning rules for the church site, the original plan development from 2003 basically said anything allowed in the R1 zone would work here, and that original plan development only allowed for a single lot with those use restrictions, so what was R1. Churches are allowed in the R1, so it's a conforming site. In terms of the location, Mondavi is the public street that the church currently has access off of. We have Concord Road along the eastern frontage. There are no existing curb cuts there, and the county highway has been reluctant to grant any because of the lay of the land and other streets in the vicinity that might conflict with turning movements. Public utilities are available for the site. In a rezone of this to NB if a redevelopment were to occur of any kind, then the 30-foot Type C bufferyard requirement would kick in for that portion of the property that abuts a residential plan development, so essentially this western boundary. Whether the church were to expand or redevelop or the proposal for the Isaiah 117 House, the moment those permits are initiated or in this case a minor commercial subdivision were to take place post rezone, then that bufferyard would have to be brought in; an evergreen bufferyard. Essentially because of the issue with access the Isaiah 117 House, which is a social service use, their proposal is to put the use in the southern part of the property, and then extend a driveway to connect with the church parking lot so they can utilize the current curb cut on to Mondavi; Mondavi is the lone public street. Silverado Circle to the west is a private street with that plan development, so that is not available to them unless the owners of that property consent to an access point, so that's the proposal. The Isaiah House is meant to look like a home, so it is a fairly low scale structure certainly less intense than the church building that it would be next to. He stated he has been talking with this church ownership for a couple years now and the Isaiah House people about half that time, and the current plan development zone is pretty restrictive to the R1, so if the church was running this operation as a ministry of their church, it would essentially be an accessory use to the church. We see that in a lot of churches; Faith Church being one of the bigger examples, but that is not the case here. This property owner is interested in subdividing and selling a lot to the Isaiah 117 House, so that they can do their operation. It was our opinion that SIC Code 83, Social Service Use, met this proposed use met that standard which is essentially like an office; a place where social services are dispensed. Staff does not live there. Foster children do not live there, but services are provided, and foster children are then sent to the homes. He stated he will let them speak to their operations more eloquently. That was the use that we landed on, but that really is reserved for commercial uses non-residential zones, so we landed on the NB zone as an appropriate place for this location given its frontage along Concord Road; it is a highly visible site; churches are also permitted in the NB zone, so we are not creating any non-conformity problems. When it is watered and sewerred, as this site is, there aren't a lot of restrictions, so they will be able to split off a lot to accommodate this Isaiah House, and the church would then have some more freedom to further subdivide if they wanted to. Presently, the plan development locks them into one lot. R1 uses only. The PD did not contemplate further subdivision of this site, so unless the PD is redone to allow that, they are limited to this lot. It was unusual that this site was brought into the original PD; he is not sure why as it was so long ago. Since they have no part to play with the residential part of the PD, it might be worth it to rezone themselves out, so that way they can have some flexibility with this site. At the time since churches are allowed in virtually every zone, it didn't matter the zone. What is driving this is the proposed use; otherwise, they could rezone this back to its original R1 state and do some dividing if they wanted to, so we felt the neighborhood

business zone made sense here given its visibility from Concord Road; it is a less intense zone than general business, and the commitment that has been provided does restrict a host of items. It is in our staff report, and it is a list of items that they felt would not be welcome in the neighborhood, and staff was certainly supportive of the NB zone by itself, and we have absolutely no problem with the commitment; it's just things get stricter for them. We are recommending approval with the commitment. He offered to answer any questions.

Ryan O'Gara stated he has 21 letters of opposition and one signed petition that has about 74 signatures in opposition. When you are ready, he can read the letters.

Jackson Bogan asked if the petitioner or the petitioner's representative wished to speak.

Joe Bumbleburg, Ball Eggleston, PC, PO BOX 1535, Lafayette, stated he didn't realize until he saw this case that there was a social service need that this case addressed. The question of what happens to a dependent child who is taken from their home, and where does that child go until we find a place or foster home for them. It just didn't dawn on him that things didn't move as smoothly as he would have thought, so when Foursquare came along suggested this project, it opened up an idea in Tippecanoe County where there was a need, and Lafayette and Tippecanoe County have been generous in their history with satisfying the needs of people, and here is one that we weren't doing that with, and now here is a chance to do that. The concept of providing a service to assist these children who are awaiting foster care placement, only really comes to bear on the people who are either in the business or if at some point, you understood what the trauma is when you are taken from your home and put into the foster care. The staff report is accurate. It spells out all the zoning details, and Ryan did a good job of telling you what the history is. He stated he has three letters of support from Chief Troy Harris from the West Lafayette Police Department, Mayor Tony Roswarski from Lafayette, and the Indiana Department of Child Services. Having the support of these three agencies shows there is a particular need. To address this, we met with the neighbors. He met with the neighbors two times, and Pastor Holden met with them more than that, and they are all concerned, and we provided, based upon their first effort, a commitment; then over the weekend Pastor Holden met with some more neighbors, and they provided us with a list because our commitment didn't satisfy them. He has the list at the meeting tonight, and he stated he is prepared to offer this as an addendum to the first commitment as an addition to the first commitment.

Gary Schroeder asked Ryan O'Gara what is the rule on changing commitments; is there a time frame.

Ryan O'Gara stated he had a conversation with the attorney about this a few hours ago.

Eric Burns stated we had a conversation about that, and his concern is always if someone wants to have less restrictions then the public needs to know about that. If they are imposing upon themselves more restrictions, the only person hurt by that is the owner of the property, so in this case they are making more restrictions and therefore they can do them at any time because they are in favor of the public. It is getting better for the public not worse, so it can be changed at any time.

Ryan O'Gara stated then the APC will be in the position of redoing the motion to vote on the amended commitment if that is your intention Joe.

Joe Bumbleburg, Ball Eggleston, PC, PO BOX 1535, Lafayette, responded yes, it is. He stated you have a list of the amendments to his commitment that one group in the neighborhood wants, and that is all these items that are highlighted in red on the sheet he just handed out. He stated the items that have a cross in front of it are the items on this commitment that the neighbors would like to have that we cannot agree to. We have agreed; even though it is an agreement that he is not particularly comfortable with, it is one that would let us, in this circumstance, do what we are trying to do in this particular area. He stated you now have the need analysis by the State of Indiana Child Services, and the thought of the Mayor of Lafayette and the Police Chief of West Lafayette. We have restricted this use to as tight as the people in this group in the neighborhood wanted us to do it. The concept has been what happens if the Isaiah House fails and down the road somebody else comes and wants to put it to use, and the answer is they have to fit

themselves into the system that the commitment says. It is that simple. We have tried to make ourselves as accessible to the neighbors as we possibly could. He stated we request that you grant our zoning, so that we can build the Isaiah House and start to take care of these children who are, by everybody's definition, in need of service.

Jackson Bogan stated there will need to be a motion to add these to the commitment, and he wants to make sure that they amend this properly.

Eric Burns stated to Mr. Bumbleburg this is essentially your list, and he just identified it as an addendum. He has indicated that any of the items that are stricken out on this list which he is going to go through, so everybody hears what he is going to strike out and what is being omitted. He stated this is a six-page document; it is going to be an addendum to the commitment that has been submitted in Z-2844. The ones that are going to be stricken are physical fitness facilities on page 4, nursing and personal care facilities on page 4, individual and family social services on page 5, community neighborhood senior citizen youth center indoor only on page 5, community neighborhood senior citizen youth centers indoor outdoor or outdoor only on page 5, childcare centers on page 5, services not elsewhere classified on page 5, and offices not elsewhere classified. He asked Joe what his intentions are for the two items that are not highlighted in red, and they do not have cross next to it.

Joe Bumbleburg, Ball Eggleston, PC, PO BOX 1535, Lafayette, responded they would stay.

Eric Burns stated we will use this paper as the official copy and make sure we get it into the record and any reference could be made to this exhibit.

Tom Murtaugh asked for clarification adult daycare centers and the religious organizations would be allowed.

Jackson Bogan responded yes.

Vicki Pearl asked if everything highlighted in red is not allowed.

Eric Burns stated he is going to start from the beginning and try to be a little more clear than he has been. We have a commitment, and it has in the body a list of items that they have committed that will never be on this property. We have now amended that to make it a whole lot bigger; it is six pages.

Jackson Bogan stated he is going to try to help clarify some of the confusion. He stated we are using the word stricken and everybody's thinking that means we are removing these items. It is not removing the items from the use; it is removing the items from the list that is not usable, so what we are saying is all of these are not allowed per the commitment with the exception of the 10 items which Mr. Burns read, and those are allowed. He stated the items that are allowed in this area are physical fitness facilities, nursing and personal care facilities, individual and family social services, community neighborhood senior citizen and youth centers, community neighborhood senior citizen youth centers indoor outdoor or outdoor only, adult daycares, childcare centers, religious organizations, services not elsewhere classified, offices not elsewhere classified, and that is all.

Vicki Pearl asked if that is the list of what is allowed.

Jackson Bogan responded correct, that is the list that is allowed.

Vicki Pearl stated 10 allowable uses.

Jackson Bogan responded yes, 10 allowable uses.

Gary Schroeder stated 10 allowable uses off of this list; in addition to anything else that is allowable in the ordinance, so there could be things that we have not talked about.

Ryan O'Gara stated right. Including the SIC Code 83 Social Service use.

Gary Schroeder moved to amend his motion to hear and vote on **Z-2844 INTERNATIONAL CHURCH OF THE FOURSQUARE GOSPEL PDRS to NB with commitment and the amended commitment as submitted and read into the record.** Vicki Pearl seconded, and the motion carried by unanimous voice vote.

Jackson Bogan asked if the commission members had any questions. There were none.

Lisa Dullum asked if both the Isaiah House and the church will be zoned NB.

Ryan O'Gara responded correct. The entire yellow boundary would be zoned NB, and then if rezoned, a minor commercial subdivision would have to be submitted and come before all of you for approval to create the lot for the Isaiah 117 House. When that is done, then they can get permits and build.

Jackson Bogan stated for Lisa's clarification, the church will not own that piece of property that the proposed petitioner will be there. They will not be operating it.

Ryan O'Gara stated he doesn't know the truth behind that. Joe and his client could speak to that.

Jerry Reynolds stated someone said there would not be overnight and then somebody else said there would be overnight, and according to your staff comments, that zone does not allow overnight use.

Ryan O'Gara responded it is not a residence.

Jerry Reynolds stated they could be held for 24 hours is that what you are saying. If they are living there, it is a residence, correct.

Ryan O'Gara responded not necessarily. The way that they described their use is that there is a period of time that the child is waiting there to be sent to their foster home. The foster home is going to be their residence.

Jerry Reynolds stated it could be one day or two weeks.

Ryan O'Gara stated it is not meant to be a home where they live. It is not their foster home. If you have questions about Isaiah 117 and their operations, you should ask the petitioner.

Jackson Bogan asked Mr. Bumbleburg if the children would be staying overnight at the facility and will the Isaiah 117 House be owned by the church.

Joe Bumbleburg, Ball Eggleston, PC, PO BOX 1535, Lafayette, stated it is his understanding that the church will not own it, but the deal with the people who will own it is if the Isaiah House ever ceases, they have to deed it back to the church. The time that a child stays there is the amount of time it takes to find a foster parent. The history is it takes about four or five hours to find someone; depending on the circumstances, it could be a little bit longer than that, but this is not intended to be a full-time residence. It is intended to be a holding unit for this child to try to restore this child to some semblance of order. Currently, when they take a child away from their family that child waits in a conference room or a room like that until somebody can take them. Sometimes the child has no clothes, so you have to clothe them; you have to feed them, and you just have to care for them a little bit They are totally disrupted children in need, and this is a way to try to put some semblance of order back into their life.

Jackson Bogan stated for clarification if this project should fail, it would be deeded back to the church.

Joe Bumbleburg, Ball Eggleston, PC, PO BOX 1535, Lafayette, responded that is what he understands.

Jackson Bogan stated and that is in the contractual documents.

Billy Holden responded yes.

Jackson Bogan asked if any persons wished to speak in favor of this petition.

Bryan Burden, 5740 South 800 East, Lafayette, Indiana, stated he is the Assistant Pastor at Innovation. When you are a pastor and you are speaking you look at the group that you are talking to and you see a lot of different things, and when he looked through this group, he saw a lot of shaking heads of people who don't seem to understand what the Isaiah House is about. It is meant to be a stopover place for kids, so they don't have to sit in the police station. They have what looks and appears to be like a home to them. We will have toys and different gear just like a home would have, but it is only meant to be four to six hours generally speaking. We are talking about maybe three to five cars a day in the area. That is the increase, and they will come in through our parking lot. We are not talking about 30 kids a night coming to this place or during the day; we are talking one, two, maybe three a week depending on what is going on in the atmosphere. This is for the kids; this is a house that will blend in with the surroundings, and it won't add to anybody's needs at all. He stated it amazes him sometimes when he thinks about some people and they worry about what they have, and what they don't have; they are not thinking about these kids at all. They are worried about this looking ugly. The house will be brand new, and it will look new and will blend in with the neighborhood, and the church will make sure that it stays that way. He stated they are not selling this property to them; we are giving it to them. He isn't so sure if anybody in the crowd who is against this would be willing to do that themselves. It seems like they have forgotten the true meaning of this which is the kids. We are not here trying to upset anybody or do anything. We gave in for all kinds of different things that we thought were great and reasonable; then they wanted more. They gave us a list of 100 items, and we only took 10 items off; items that would help a community even more. His question to them is why are you really trying to stop this. Is this because you are worried about your houses or your neighborhood for the five hours that an eight-year-old has to stay in the house before they are put with somebody else or is there something else going on here. This is the part where we are allowed to say these things. This is for the kids. It is not for the church itself. Yes, we are giving them the property for this, and we will be alongside them to help them, but this is for the kids in our community that are in need. He hopes before they get-up here and start thinking about the things they hate about us think about the children; think about what is going on and the fact that there is very little impact on their neighborhood with this.

Jay Orrell, 2425 Estancia Lane, Lafayette, Indiana, stated his question is if the zoning is approved and then the whole entire parcel sold, does this commitment grandfather into the next property?

Jackson Bogan asked Jay Orrell if he is speaking in favor of this petition or is this a question.

Jay Orrell, 2425 Estancia Lane, Lafayette, Indiana, responded it's a question. I am here to speak in favor, but he has that question.

Jackson Bogan stated the commitment goes with the land.

Jay Orrell, 2425 Estancia Lane, Lafayette, Indiana, stated okay. He stated he has known Pastor Billy for 10 years. He has lived in Hickory Ridge for 11 years. He has served on the HOA Board. He stated Pastor Holden has always been transparent with the community. A matter of fact, he opened his church to have their meetings, and his heart goes out to children in need. He does a lot for the community, and he is hoping that the question he just asked will help some of his neighbors. It is going to grandfather in, so if that entire parcel sold, there is not going to be a gas station there.

Darla McCoy, 2425 Estancia Lane, Lafayette, Indiana, stated she recently moved into the area about six months ago. She stated the Isaiah House is a non-profit organization, and it is a place of refuge. It is a place for children to go to get food or maybe a bath. If you have ever seen abused or neglected children, they are very dirty; they may have lice. They need care, and it is a very temporary place. She stated she

works in pathology, and she has worked in a school corporation for many years, and it is extremely heartbreaking to see a child who has been abused and neglected and you have to be the one to hold them back for the authorities to come and get them, and they don't know where to take them. A church she attended previously co-founded a Isaiah House, and we cleaned it, and we donated food and car seats. It is a place to raise awareness. She brought up pathology because if these children do not get taken out of their home and maybe the parents re-educated on how to be a parent and get the opportunity to be better, it could end in my field of expertise. Sometimes bruises are not on the outside for people to see; it is during an autopsy, and then you understand the pain that child went through. If there are more places like the Isaiah House, there is a greater opportunity for these children to be removed from abuse and parents re-educated. We have to remember these little people are our future.

Tiffany Palacio, 2807 Speedwell Lane, Lafayette, Indiana, stated she is a current resident of Benjamin Crossing; she is a single mother; she has two children, and she attends church regularly. The one thing that has given us over and over again are the opportunities to do better for everyone around us to surround ourselves with the appropriate people so that we can raise our children in the settings that are most valuable to them. When my children thought about this idea, and we talked about it, he is 17 and special needs, and it is important to him, and it is very important to her soon to be 11-year-old that they are able to help other children that are in these scenarios. They go to school with children that are in these scenarios. They see it every day, and they are not able to do anything about it, but we are, and we should. That is what we should expect from one another, because they will be there to care for us later.

Nathan Corder, 4795 Leeward Lane, Lafayette, Indiana, asked what child services are already allowed in PDRS.

Ryan O'Gara responded the plan development zone is a negotiated zone, so at the time that it was laid down, it was residential, and then on this lot any use allowed in the R1 zone which is primarily residential, but it does allow some non-residential uses like churches, schools, a post office, a public park, those sort of things.

Nathan Corder, 4795 Leeward Lane, Lafayette, Indiana, asked would a neighbor in the neighboring community be allowed to have an in-home daycare.

Ryan O'Gara responded on the residential part probably not. They would have covenants that would likely speak to allowing a home-based use like that. He stated without researching he can't answer that question.

Nathan Corder, 4795 Leeward Lane, Lafayette, Indiana, stated it was more the point of confusion he had that particularly needy kids had been zoned out of this area that in prior times you could have had child services there but not for the social services is that correct.

Ryan O'Gara responded yes, you couldn't have this proposed use in an R1 zone.

Nathan Corder, 4795 Leeward Lane, Lafayette, Indiana, stated it was a point of confusion of why we weren't already helping kids and it sounded to him it was because they were foster kids that we had to make something special. He stated he commends the church; he is a new member at the church. He lives a mile away and would be passing this every day. He appreciates the clarification.

Mandy Holden, 5740 S 800 E, Lafayette, Indiana, stated she is the wife of Pastor Billy Holden, and she wanted to speak on why we embrace this so much. She stated they started fostering four years ago, and they got twin babies for their first placement right-out of the hospital, so they didn't have to go into this situation, and we wound up adopting them. They are part of our family, and she knows that their lives are forever changed from the situation that they were in, and through fostering these children, she really started to get a passion for foster families. She started a foster closet on their site, and they average about two or three families a week that come to the foster closet to get clothing, basic care items, car seats, diapers, and the heartbreaking stories that she hears over and over again and the neglect that a lot of these kids go through is absolutely heartbreaking. She stated imagine being a child and being in a situation that is harmful to us but that is all we have ever known, and then we are ripped apart from our family; the only family that

we have ever known, and we are taken to the DCS office or to some random place, and we are sat there listening to the DCS worker that is talking about the trauma of what happened if it was abuse or neglect or drugs. These children are more than likely in the same room as the DCS worker, and they are hearing the story over and over again. How traumatizing that is for that child. They usually call family members first because they always try to match them with a relative for placement first and to hear a family member say they don't want to take the child. Just to imagine to be that little kid that keeps getting that trauma over and over again; they are hearing that. Isaiah 117 is designed, so it looks like a house. It is a white building with a red door. They have a play area and a family room, and it has games. They have a kitchen, so they can feed them or make cookies. They have a bedroom, so if it is in the middle of the night, they can go lay down and sleep until they are able to find the relative or foster family for placement. This is only meant to be a few hours 24 hours at the most, but she doubts that will ever happen. The DCS worker has an office with a window, so they can see the child playing, and the child is not hearing about the trauma over and over. This is such a wonderful blessing for our community because we are taking a little bit of that trauma away from these kids. They will have volunteers, and if the children do come in filthy, they will bathe these children; they will treat them for lice; they will send them off with brand new clothing; they send the kids off with car seats. They will try to do everything they can to help make the transition easier for that foster family. Billy and I see the importance of what this ministry can be to our community; that is why we are choosing to give a piece of our land to this ministry because we see the importance of it. We see that these kids need loved, and this is how we want to bless them in our community.

Jordan Myrick, 2649 Narragansett Way, Lafayette, Indiana, stated this is going to look just like a house. We want it to stay very much like a house. We don't want it to shine out, and we have really been trying to do that with our church in general. We have been putting time and effort into transforming the church and making it look nice. We are going to make sure it is taken care of. The road leading into it will be shared with the church, so we will always be maintaining it, and we want it to keep growing with the community behind it because I know the houses behind it are beautiful, and we want to keep adding to it. We tried to rebuild our sign; we really are trying to continue matching our exterior to make it new. The land will be well taken care of. Once again if something does happen to it, it will immediately go back to the church, and we are still restricted as far as what we can use it for.

David Condon, 4732 Autumn Lane, Lafayette, Indiana, stated people need to remember they are not trying to rezone this for a business; this is about the kids. God put everybody here to take care of the kids. It is a place to go to make them feel normal and not like a burden. We are not trying to rezone this for gas stations. We are trying to make it a place for the kids. It is not about businesses. People need to remember why they are rezoning this. This is about the kids.

Jackson Bogan asked if anyone else wished to speak in favor of this petition. There was no response.

Jackson Bogan asked if any persons wished to speak in opposition of this petition.

Per the attorney's direction, the 21 letters of opposition were passed around for the commission members to read.

Letter of opposition, Faith Huffman, 2434 Silverado Circle, Lafayette, Indiana

Letter of opposition, Garnet L. and O. Fred Roesel, 2485 Silverado Circle, Lafayette, Indiana

Letter of opposition, James Sarjent, 2542 Silverado Circle, Lafayette, Indiana

Letter of opposition, Marie Wienhoft, 2445 Silverado Circle, Lafayette, Indiana

Letter of opposition, Judith Marten, 2438 Silverado Circle, Lafayette, Indiana

Letter of opposition, Cynthia Warren, 2456 Silverado Circle, Lafayette, Indiana

Letter of opposition, JoEllen Conover, 2517 Silverado Circle, Lafayette, Indiana



Letter of opposition, Ann Brown, 2540 Silverado Circle, Lafayette, Indiana

Letter of opposition, Wilma Ann Beauchamp, 2538 Silverado Circle, Lafayette, Indiana

Letter of opposition, Etta Pilotte, 2536 Silverado Circle, Lafayette, Indiana

Letter of opposition, Marilyn Cioni, 2543 Silverado Circle, Lafayette, Indiana

Letter of opposition, Joe Mathews, 2520 Silverado Circle, Lafayette, Indiana

Letter of opposition, John Henderson, 2514 Silverado Circle, Lafayette, Indiana

Letter of opposition, James and Dawn Smith, 2452 Silverado Circle, Lafayette, Indiana

Letter of opposition, James and Judith Auter, 2419 Silverado Circle, Lafayette, Indiana

Letter of opposition, Stephen and Betty Muehl, 2494 Silverado Circle, Lafayette, Indiana

Letter of opposition, David Lee, 2404 Silverado Circle, Lafayette, Indiana

Letter of opposition, Dan Larson, 2417 Silverado Circle, Lafayette, Indiana

Letter of opposition, Paul and Marilyn Ziemer, 2486 Silverado Circle, Lafayette, Indiana

Letter of opposition, Linda Johnson, 2414 Silverado Circle, Lafayette, Indiana

Letter of opposition, Warren and Connie Burget, 2510 Silverado Circle, Lafayette, Indiana

Dan Crowell, 4615 Beringer Drive, Lafayette, Indiana, asked if the property is zoned NB and if the church is not there in 10 years, what would the zoning be.

Jackson Bogan responded it would be the same, and it would be restricted.

Dan Crowell, 4615 Beringer Drive, Lafayette, Indiana, stated he has a problem with that because then it is open to anything. It could be sold to a developer. He stated he was never invited to any meetings to hear anything. There was a petition on Facebook, but he does not use Facebook or any social media. He stated he doesn't care who sent letters saying this is great because that is easy to send. He stated he has a problem with all the property being zoned NB. He stated he built his home two years ago and spent \$300,000 on a house, and he didn't expect this. He stated he is opposed to it.

Jackson Bogan noted for clarification purposes if an actual letter was written and signed not the petition but a letter, that is deemed to be that person's turn to speak.

Denise Alkire, 2400 Estancia Lane, Lafayette, Indiana, stated she is in opposition, and she is going to share a few things that have come out in our communications over the past three months. The initiators of this have not been forthright and honest. We have not had dialogue that has been consistent across the board. We only learn about it when there is a posting put out at the minimum, 10 days before one of these meetings, and we have to drop our work our kids everything we are doing to try to get in and find out what they have been doing. This process has been going on for over two years and no one objects Isaiah House. When this petitioner approached the APC, they were given a list of properties in Tippecanoe County that are already zoned and ready for them to do this. They could have accomplished this mission two years ago, so there is no need to rezone this property to accomplish that mission. The Isaiah House Mission is a noble mission there is not anyone in here who is going to disagree with that. Is there a need; no one has the DCS need analysis; we have everyone's opinion on what would be supported; what would be good for our

community; what she has seen as a person versus the next person, and we do need social services; that is not the issue. The issue is they want to put this house at the entrance of our subdivision. We purchased in these subdivisions for a collective set of reasons. The church was amenable; and neighborhood businesses were not. That was not something that we opted for. One of our other concerns is that in the paperwork that we have been provided written on it was that it is non-binding, and when we asked that question in one of the meetings, we were told that if something were to happen in the relationship where the Isaiah House were to fall through, the property would still be zoned; in other words, they don't have to build Isaiah House here once you rezone it, correct.

Eric Burns responded correct.

Denise Alkire, 2400 Estancia Lane, Lafayette, Indiana, stated okay. A few other concerns are once it becomes residential business it could affect our tax base. It is going to affect the traffic. It is going to affect future planning. There is a lot of farmland out there. A lot of opportunity for other people to want to be rezoned, and then 10 years from now we have a strip mall who knows. The point is, today in order to provide the mission support and success for Isaiah House, which is what this discussion is actually about, they could go to the commission get a long list of properties that are already approved for this zoning; they could go out and do the exact same fundraising that they have to do in order to create this house and establish it that they would for any other property in Tippecanoe County.

Carl Covely Junior, 2441 Silverado Circle, Lafayette, Indiana, stated he is representing the condo owners in Ravenswood at Hickory Ridge. For a pastor to stand up here and accuse us of hate is unacceptable. He can't believe he would do that. For the gentleman that was talking about all the nice things we do, we have the zoning enforcement form at the building commission downstairs complaining about outdoor storage which is illegal on that church property, and it has been like that for years. He stated it sounds like to him something was changed on the list of restrictions, and if there was a change, we have never seen that change. That just happened in the last day or two. This has been a moving target. First, they say child, but it is children. They could go in and take five children away from a family in the middle of the night and put them in there. Whenever we think we understand it something changes. We understand this rezone is so the Isaiah House can be built on the Church property. Ravenswood property owners object to the rezone, and the construction of the Isaiah House because we don't like the planned location of the house, and we don't think it is a good place regardless of the value to this community. There are other places it could go. It is shoehorned into about a half an acre. We are not sure how it will turn out. We are told it will have 30-foot pine tree buffer, and we are not sure how tall the trees will be. The pastor told us the other day that it was going to have an earthen mound, and we don't know what that is. We are concerned about the damage to our property and our mature street trees by the contractors. We don't want a small tree planted to replace mature trees. Mondavi Boulevard is only 32-feet-wide, and it is curved, so if the contractors park their pickup trucks on both sides of that, we are down to 12 feet. If it is dry, our condos will be subject to dust on our patios and windows after just paying in the spring to have our windows cleaned. If it is wet, they track mud out into the street on every construction site, so we will have to drive through that mud to get in and out of the subdivision. It seems there are other places that this could go and not have a negative impact on Ravenswood. We still oppose the rezone, and 71 of 80 condo owners have signed a petition against the rezoning, and you have a bunch of letters opposing this.

Wendy Salazar, 1869 Paloma Court, Lafayette, Indiana, stated she has a petition with about 150 additional signatures. She stated she is on the HOA Board for Hickory Ridge, and we are against this. She stated their concerns are not about the Isaiah House our concern is the zone itself. A question she has is how long will the restrictions stay.

Eric Burns responded it is forever.

Wendy Salazar, 1869 Paloma Court, Lafayette, Indiana, stated there are a couple categories in there that are vague. For example, other services; there are a lot of things that it could be. The property does abut against a big farming area that we know in the coming years will be commercialized, so we would like to keep just this little corner. We are also concerned about the city coming out further. Does that bring sales taxes; does that bring taxes to our homes; city taxes that we don't currently pay. They were provided with

many opportunities of already zoned properties for them to choose from for this particular use, but they are choosing to rezone this for just a very small portion of it, and I realized that it has great road frontage space and all the wording and everything that comes along with that tells us there is more to it than just the Isaiah House.

Brenda Milie, 2432 Silverado Circle, Lafayette, Indiana, stated she lives very close to the church, and she has a few comments to what was said earlier. They said they would take care of the property; my driveway looks out onto their burn circle, and it was piled very high for a very long time. When they finally burned it, they had rodents coming into our community. She stated she knows of at least two people who have got rodents in their garage that they haven't got rid of because of the pile. Their grass has often been knee-high or higher. That is not taking care of property. She stated her concern is not about the Isaiah House; her concern is what is going to happen to that property when the property right next to it that's a farm opens up possibly a road along the north edge of it. Even if the restrictions stay, she will be looking at the back of possibly a strip mall. We are a community of older people who have invested our life savings in our homes; this is what I am going to give my kids when I am gone. If the value of it goes down, I won't have anything to give them.

Candice Highhouse, 4700 Chimney Rock Court, Lafayette, Indiana, stated she has done some research and there are more families that are needed to foster children, so it is not the denial that there may be a need for a foster home, but not at the front of our subdivision. She stated she understands there is a need for a place for children to go, but from the research she has done, there is a greater need for more people to take in foster children, so maybe more of us should get out there into the community and be a foster parent. Her fear too is that if it falls under this neighborhood business and this Isaiah House doesn't pan out and it goes back to the church and they decide to make it something else under social services, for example an addiction center, that is going to impact all of us who live in that subdivision.

Charlie Nelson, 2547 Silverado Circle, Lafayette, Indiana, stated his biggest concern is the activity, and what kind of activity. These kids come from broken homes and most of them are going to be broken themselves. They say they won't be staying there but only a few hours. There is no guarantee of that. If you get an 18-year-old, who is going to foster an 18-year-old. They are hard to find, so they are going to be staying there until they find a foster home. We are going to have teens running around our neighborhood. These homes were built specifically for elderly people. It is going to really disrupt not only our property values but our way of life. That house they are building is probably about 30 feet away from a residence. There is no reason for it. They can go somewhere else. There are plenty of places they can go. He asked if the petitions that were sent in were going to be read.

Eric Burns responded they are being passed around for all the members to read, and they will be part of the record. They are being read by the members.

Charlie Nelson, 2547 Silverado Circle, Lafayette, Indiana, stated we have had problems over there. Their skids pile up, and they stack them right along our property. We have to look at that junk. He has these little buildings up there; it doesn't look good. It is devaluing our property. We have had people on that side look at houses and turn away and won't buy them because they are valued probably \$50,000 below the regular homes that are in there. There isn't any place in Lafayette or West Lafayette like Ravenswood where you can go and expect to be completely private. There is one way in and one way out. We pave our own streets; we are responsible for that. We keep our property up. Their yard looks like a sea of dandelions in the spring, and they blow all over the place. They are not that great in taking care of their property and making sure their neighbors are happy.

Bonnie Easterday, 2150 Mondavi Blvd., Lafayette, Indiana, asked why can't the Isaiah House only rezone that one corner; why does it have to be all of that property. What is going to stop the church or anybody else coming through and putting other facilities for mental health, addiction in the other part.

Michael Highhouse, 4700 Chimney Rock Court, Lafayette, Indiana, stated there may be some confusion on his part, but Emily, who is in charge of the Isaiah House, has not been to the meetings that he has been to. He has been told that she was told by Isaiah House not to show-up because it is only about zoning and

not about the Isaiah House, so I think some of us have come in this thinking that this is all about zoning, and none of us are against the Isaiah House. That is not what this is about. He wishes Emily could have been present at the meetings to let us know what the plans are, and he thinks that they are being left with some misinformation from time to time. We are not getting a clear picture of what is really being done.

Jackson Bogan asked if anyone else wished to speak in opposition of this petition. There was no response. He called on the petitioner for his rebuttal.

Pastor William Holden, Innovation Church, 2502 Mondavi Blvd., Lafayette, Indiana, stated the added paperwork and the added commitments prove everything that we have been for. Seven years ago, we were approached by a foster agency in town because they desperately needed to support their parents and have a support group. We opened up free of charge. After seeing that group grow after being there running sound and running the powerpoints, just like he has for the HOA meetings for the past 10 years, we saw a greater need in our area. We saw the numbers growing. His wife and himself were doing childcare for them when their childcare workers didn't show up. We saw what was happening in our city. In 2017, we did a series called Summer of Love and challenged our church and we have spoken now at about 10 other churches in Lafayette about foster care encouraging churches to be the difference that the world needs to see. Just stand up and open up their homes and their hearts. If every church in America which is close to 400,000 if just one family opened up their home, that need would be met. That hasn't happened yet, but he is still pushing for it. In the past seven years, we don't get any credit for any housing increases prices, but supposedly in the next seven years we are the reason that the houses have dropped. He stated the paper that you have with all the red marks that paper came from the Ravenswood HOA. He met with the leader. We proved why we were doing it and only why we are doing it with those letters with those commitments that far outlast him. He leaves with this; as another person said, you know we are all Christian in here. In James 1:27, it says pure and genuine religion in the sight of God the father means caring for the orphans and the widows in distress and refusing to let the world corrupt you. We went for this to continue to make a difference. You have heard of our foster closet, and you have heard of our foster care. DCS is in our building about once a quarter. Never have any of our neighbors had any issues with any foster kids that attend our church or that have been at the hundreds of events that have been on our site. That is just for this forgotten group for those in distress, and we have said the church can meet a need here. The church has eight acres, and we can parcel off a section and give it freely to those that are in distress.

Jackson Bogan asked if the commission members had any questions.

Tracy Brown asked Jackson Bogan if he could read through the list just to clarify for everyone all of the things that will not be allowed under the commitment.

Jackson Bogan stated he would read the list of items that cannot go into the area that we are speaking of. He read the following list:

Major Group 55 (Automobile Dealers and Gas Service Station), Major Group 75 (Automobile Repair, Services and Parking), Major Group 581 (Eating and Drinking Places), Industry Number 5411 (Grocery Stores, Convenience Food Stores, retail), Industry Number 5921 (Liquor Stores), Industry Number 5947 (Gift, Novelty, and Souvenir Shops), and Industry Number 5993 (Tobacco Stores and Stands). Also included in items not allowed, Landscape counseling and planning; Forestry; Building construction-general contractors and operative builders; Asphalt or concrete paving: roads, highways, public sidewalks, and streets-contractors; Construction-special trade contractors; Bakery products; Micro Production of Alcoholic Beverages; Specialty Food Production; Apparel and other finished products made from fabrics and similar materials; Dog Grooming; Pedigree record services for pets and other animal specialties; Agricultural production – crops; Household furniture; Paper and allied products; Leather and leather products; Pottery and related products; Watches, clocks, clockwork operated devices and parts; Misc. manufacturing industries; Stations operated by or for railway companies; Stations operated by or for local and intercity bus companies; Courier services, except by air; Self-storage warehouse business; US Postal Service; Water transportation; Pipelines, except

natural gas; Arrangement of passenger transportation; Electrical, gas and sanitary service; Electrical power transmission; Community-scale Solar Energy Systems; Natural gas transmission; Water supply system; Sewerage systems; Refuse systems; Recycling collection facilities; Paint, glass and wallpaper stores; Hardware stores; Retail nurseries, lawn and garden supply stores; Food store; Automotive dealers and gasoline service station; Auto and home supply stores; Gasoline service stations; Apparel and accessory stores (including retail custom tailors and seamstresses); Eating and drinking places with or without drive through service; Drug stores and proprietary stores; Liquor stores; Used merchandise stores; Sporting goods stores and bicycle shops; Book stores; Stationery stores; Jewelry stores; Hobby, toy and game shops; Camera and photographic supply stores; Gift novelty and souvenir shops; Luggage and leather good stores; Sewing and needlework and piece goods stores; Nonstore retailers; Florists; Tobacco stores and stands; News dealers and newsstands; Optical goods stores; Miscellaneous retail stores, not elsewhere classified; Depository institutions; ATMs; Nondepository credit institutions; Garment pressing and agents for laundries and drycleaners; Coin operated laundries and dry cleaning; Noncustom tailors and seamstresses; Photographic studios, portrait; Beauty shops; Barber shops; Shoe repair shops and shoeshine parlors; Funeral homes; Crematories; Misc. personal services; Advertising; Security and commodity brokers, dealers, exchanges and services; Insurance carriers; Insurance agents, brokers and services; Real Estate; Holding and other investment offices; Offices not elsewhere classified; Motion picture theaters, except drive-ins; Outdoor advertising services; Consumer credit reporting agencies, mercantile reporting agencies, adjustment and collection agencies; Mailing, reproduction, commercial art and photography and stenographic services; Services to dwellings and other buildings; Disinfecting and pest control services; Misc. equipment rental and leasing; medical equipment renting and leasing; Personnel supply services; Computer programming, data processing and other computer related services; Misc. business services; Photofinishing laboratories; Misc. repair shops; Medical equipment repair, electrical; Medical equipment repair, except electrical; Video tape rental; Coin operated amusement devices; Membership sports and recreation clubs; Swimming clubs; Tennis clubs; Amusement and recreation services, not elsewhere classified (indoor); Offices and clinics of doctors of medicine; Offices and clinics of dentists; Offices and clinics of doctors of osteopathy; Offices and clinics of other health practitioners; Medical and dental laboratories; Home health care services; Misc. Health and allied services, not elsewhere classified; Legal services; Elementary and secondary schools; Colleges, universities, professional schools and junior colleges; Libraries; Vocational schools; Schools and education services not elsewhere classified; Job training and vocational rehabilitation services; Sheltered workshop and rehabilitation centers; Child care homes; Social services, not elsewhere classified; Museums and art galleries; Arboreta and botanical or zoological gardens; Public parks; Membership organizations; Engineering, accounting, research, management and related services; Agricultural research, commercial; Research, development and testing services (other than Agricultural research, commercial); Executive, legislative and general government, except finance; Justice, public order and safety; Police protections; Correctional institutions; Fire protection; Public finance, taxation and monetary policy; Administration of human resource programs; Administration of housing programs; Administration of environment quality and housing programs; Administration of economic programs; Military recruiting offices; International affairs.

Jackson Bogan asked if there were any other questions from the commission members.

Vicki Pearl asked just for clarification if this would have stayed R1 there was no way to subdivide it and allow that to be in an R1 zone with a variance or anything.

Ryan O'Gara responded no, the use they are proposing is not allowed in the R1 zone so because of its plan development zone being tied to R1 uses by extension, it is prohibited.

Jackson Bogan called for a vote for **Z-2844 INTERNATIONAL CHURCH OF THE FOURSQUARE GOSPEL (PDRS to NB).**

Ryan O’Gara collected the ballots and noted the Area Plan Commission voted 12-Yes to 0-No in support of the commitment for **Z-2844 INTERNATIONAL CHURCH OF THE FOURSQUARE GOSPEL (PDRS to NB).**

**Yes-Votes**

Jackson Bogan  
Bob Metzger  
Vicki Pearl  
Lisa Dullum  
Diana Luper  
Michelle Dennis  
Kathy Parker  
Jerry Reynolds  
Tom Murtaugh  
Tracy Brown  
Jody Hamilton  
Gary Schroeder

**No-Votes**

(None)

Ryan O’Gara collected the ballots and noted the Area Plan Commission voted 12-Yes to 0-No for recommend approval of **Z-2844 INTERNATIONAL CHURCH OF THE FOURSQUARE GOSPEL (PDRS to NB).**

**Yes-Votes**

Jackson Bogan  
Bob Metzger  
Vicki Pearl  
Lisa Dullum  
Diana Luper  
Michelle Dennis  
Kathy Parker  
Jerry Reynolds  
Tom Murtaugh  
Tracy Brown  
Jody Hamilton  
Gary Schroeder

**No-Votes**

(None)

Ryan O’Gara stated this case will now advance and be heard at the County Commissioners meeting next month.

**VI. ADMINISTRATIVE MATTERS**

None.

**VII. APPROVAL OF THE FEBRUARY EXECUTIVE COMMITTEE AGENDA**

No cases have been filed.

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

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-2069 WABASH LOFTS, LLC.**

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

## **IX. DIRECTOR'S REPORT**

David Hittle stated the director's report was emailed out earlier. He offered to answer any questions. He introduced Amanda Esposito as the new planner for the APC.

Vicki Pearl asked regarding Stockwell, who were the people in the report that you were not referencing.

David Hittle responded they have two residents who have done a lot of small-scale development in the town over the years, and their names are Dan Harkelroad and Chris Tabor. He stated we are putting together design standards for new development in the area because they are very concerned about that, so we thought that the folks who have been building would be a good place to start.

## **X. CITIZEN'S COMMENTS AND GRIEVANCES**

Steve Clevenger had a procedural comment to make. He stated there is notice that goes out to the public that states you will read those letters into the record, so that needs to be changed if we are not going to read those into the record.

Eric Burns responded his interpretation of that is that they are in the record because they have been made part of the record, and the letters were passed around, and every member had the opportunity to read them, but we are looking at it.

Steve Clevenger stated they need to be read into the record.

Gary Schroeder stated he agrees with Steve, and it was a question he was going to raise. That is something we have always done and maybe we need to discuss how to reduce that or summarize them.

Steve Clevenger stated the expectation is that the letters will be read into the record per the current notice that goes out.

Eric Burns stated Jackson Bogan asked the question, and my answer was that the letters should be passed around to every member, so everyone was able to look at them. If that needs to be changed for future meetings, he will certainly work on that.

Steve Clevenger stated thank you.

## **XI. ADJOURNMENT**

Gary Schroeder moved to adjourn.

Meeting adjourned at 8:28 PM.

Respectfully Submitted,

Jennifer A. Ewen  
Recording Secretary

Reviewed by,

A handwritten signature in black ink, appearing to read "D. L. Hittle", with a horizontal line underneath the name.

David L. Hittle  
Executive Director