

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

DATE.....July 15, 2020
 TIME.....6:00 P.M.
 PLACE..... County Office Bldg.
 20 N. 3rd Street
 Lafayette, IN 47901

MEMBERS PRESENT

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

MEMBERS ABSENT

Jackson Bogan
 Dr. Carl Griffin

STAFF PRESENT

Sallie Fahey
 Chyna Lynch
 Don Lamb
 Ryan O’Gara
 Zach Williams, Atty.

The Area Plan Commission of Tippecanoe County Public Hearing was held virtually on the 15th day of July 2020 at 6:00 P.M., pursuant to notice given and agenda posted as provided by law.

Vice President Larry Leverenz called the meeting to order. 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

Sallie Fahey said **S-4922 BLACKER MINOR SUBDIVISION (minor-sketch)** must be continued to the August 5th, 2020 Executive Committee meeting because of failure to post signs and send letters to interested persons.

II. APPROVAL OF MINUTES

Gary Schroeder moved to approve the minutes from the June 17, 2020 meeting. Greg Jones seconded and the motion carried by unanimous voice vote.

III. NEW BUSINESS

Final Detailed Plans

RESOLUTION PD-20-06: 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-20-06**. Greg Jones seconded.

Ryan O’Gara presented the final detail plans. He said this site is located on the west side of the county. A few months back, the construction plans for phase 1 and 2 were approved and recorded. The final plat consists of two phases. Phase 1 is in the southwest corner of the intersection of State Street and Airport Road and will consist of multi-family apartments and retail. Phase 2 is a small portion of the single-family detached environment and contains five single-family lots. There are street and alley dedications to provide access to these areas. This phase will allow the developer to get the lots platted and building permits. The single-family detached lots will be able to be sold. Bonding is being requested and plans meet all the requirements for this stage of development. Once this has been approved, recorded and bonding has been accepted, they will be cleared to begin formal construction on the buildings. Staff recommended approval.

Larry Leverenz asked if the petitioner or the representative wanted to make a presentation. Curtis Sattison from Old Town Companies did not. Larry 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 15 yes to 0 no.

Yes-Votes

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

No-Votes

IV. PUBLIC HEARING

Larry Leverenz read the meeting procedures.

Gary Schroeder moved that there be incorporated into the public hearing portion of each application to be heard this evening and to become part of the evidence at such hearing, the Unified Zoning Ordinance, the Unified Subdivision Ordinance, the Comprehensive Plan, the By-laws of the Area Plan Commission, the application and all documents filed therewith, the staff report and recommendation on the applications to be heard this evening and responses from the checkpoint agencies

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

Gary Schroeder moved to continue **S-4922 BLACKER MINOR SUBDIVISION (minor-sketch)** to the August 5th, 2020 Executive Committee 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.

Sallie Fahey presented the ordinance amendment. She said the purpose of the amendment is to consolidate freestanding signs into a neat package like what is seen in an integrated center where the name of the center has a listing and signage for all the tenants. This amendment was written to try to get the

same kind of signage available for commercial subdivisions. After numerous discussions, staff came up with the definition of a business park which is a commercial subdivision that has internal public streets, more than two lots, a gateway directory sign that is located near the main entrance from the perimeter street that accesses the entire development. The second new definition is a gateway directory sign which has a minimum of 25% of the sign's supporting structure having to be brick, masonry, or stone. The name of the business park would have to be at least 20% of the total sign area. The size and height of the sign directory would follow the same requirements as section 4-8. It would be required that the gateway directory sign would have to be erected within a sign easement which would be part of the subdivision plat. There is some additional guidance on how signage is calculated for a gateway directory sign. The signage is calculated based on the zoning district, how many acres are within the entire development and the speed of the adjacent roadway. The height maximum and the setback are the same as any other freestanding sign which is the same as the sign's height. Originally there was a section that would have limited the number of freestanding signs at a standalone commercial lot. However, the Ordinance Committee voted to remove that section of the amendment at the meeting in July. It is staff's opinion that the playing field needs to be leveled in order to make this work. The only way to level the playing field and promote these business park gateway directory signs is if there is no additional advantage for a standalone lot to have multiple freestanding signs in excess of what a lot in a business park could have. Taking this section out takes away the level playing that was trying to be established. In the staff report is Attachment A which is the way the amendment came out of the Ordinance Committee and Attachment B which is the way the amendment was originally proposed and in staff's opinion keeps the playing field level. If the Commission wants to discuss Attachment B, staff will offer a compromise for Attachment B in section 3.

Chad Spitznagle, City of West Lafayette Building Commissioner, said he agreed with Sallie that the original intent was to level the playing field and not pollute the standalone lot with multiple freestanding signs. Several of the lots will have more than one frontage and will have plenty of sign area they can put on their building. Directional signage can also have a logo, so the back side of a building could have a business sign or logo. After the work on this, Attachment B is the best option.

Debbie Mann, 6925 E 96TH Street, Indianapolis, IN 46250, said Sallie and her staff have worked with Mann Properties on this amendment. What staff is trying to do makes sense. The original intention was for the Sagamore Commons development to have the integrated sign. She said they did not want to also put up a pylon sign, so they proposed to take some of the signage away from the individual lot owners. The lot owners would still have fascia signs and a possible monument sign instead of each lot having a large freestanding sign. As a developer, they never want to take signage away from retailers, but this seemed like a fair option. If it is not a business park and it is a standalone lot, they have more signage.

Jerry Reynolds said he thought sections 3 and 5 were eliminated at Ordinance Committee.

Sallie Fahey said that is correct. Attachment A shows the changes made at Ordinance Committee where sections 3 and 5 are eliminated and section 4 becomes the new section 3. Attachment B is the amendment as it was originally proposed and keeps sections 3 and 5.

Zach Williams said there is also the 'up to 2 frontages' language in section 2 that was removed twice.

Gary Schroeder asked if he made a motion for Attachment A.

Sallie Fahey said he made a motion for Attachment A. To do what staff is proposing would need to a motion substituting Attachment B for Attachment A.

Gary Schroeder asked if Attachment A represents what was approved at the Ordinance Committee meeting.

Sallie Fahey said that is correct.

Zach Williams said Attachment A is what Ordinance Committee passed forward and that is what is currently on the floor. If there are changes made after discussion, a motion will have to be made.

Larry Leverenz said Attachment A is currently on the floor as it stands. That is what is being discussed and voted on at this point. If anyone wants to change it, an amended motion would need to be made.

Tom Murtaugh asked why the changes were made at the Ordinance Committee meeting.

Gary Schroeder said there are some locations like at SR 26 and US 52 that have signs on both sides. The original example was the Speedway at SR 38 and Creasy Lane with the 2 perpendicular signs each facing the different traffic directions. This is something the Board of Zoning Appeals would approve so the Committee did not want to make an ordinance against something that is appropriate. This ordinance would make a lot of signs non-conforming. These signs typically happen when a business is on a corner. Some businesses put up an angled sign and some put one on each road. Regarding the Speedway, it is a busy intersection and their signage is appropriate.

Sallie Fahey said if there was some concern about corner lots or three-sided lots, staff has a change they are willing to make as a compromise between the two attachments. In section 3, where it says '1 per 2,000 total linear feet of all frontages' if the Commission is willing to go back to Attachment B, then staff would be willing to propose that this part say '1 per each road frontage up to a maximum of 2 signs.' If a lot had 2 or 3 road frontages, they could still have 2 signs. If it had 1 road frontage, it could have 1 sign. What staff does not want to happen is to have a lot with 3 sides and get 3 freestanding signs whereas a lot in a business park in that situation would be on the business park sign and get one freestanding sign. Staff is concerned this amendment would not encourage people into a business park if they could choose a lot not in a business park and get much more signage. The intent was to encourage consolidated signage through this business park amendment. This proposed compromise in section 3 of Attachment B allows a corner lot or a three-sided lot to still get at least 2 signs.

Larry Leverenz asked if section 5 would go back in if the compromise was agreed upon.

Sallie Fahey said that is correct because that really affects other things, not just the freestanding signs.

Gary Schroeder said Attachment A has been worked on and agreed to. There are a few people that are on the Ordinance Committee that are not here this evening. He proposed that motion on the floor be approved and Attachment B be sent back to the Ordinance Committee to be discussed.

Jerry Reynolds said he agreed. We are fixing one problem and then causing other people to no longer be compliant. He said he drove by the Speedway and other locations in Lafayette that would no longer be compliant.

Larry Leverenz asked if Attachment A is passed, if it will go to the jurisdictions to be passed. It does not make sense to pass Attachment A to the jurisdictions for approval and we come back with something else after Ordinance Committee. If there are enough questions, this should be taken back to Ordinance.

Tom Murtaugh said he thinks that is a better solution.

Roland Winger said he agreed.

Carla Snodgrass said she also agreed.

Perry Brown moved to table **UZO AMENDMENT #97** and send it back to Ordinance Committee. Gary Schroeder seconded.

Zach Williams conducted a vote by roll call. The motion was approved 15 yes to 0 no.

Yes-Votes

Larry Leverenz

Diana Luper

No-Votes

Roland Winger	Tracy Brown
Vicki Pearl	Jake Gray
Lisa Dullum	Perry Brown
Gary Schroeder	Greg Jones
Michelle Long	Carla Snodgrass
Kathy Parker	Tom Murtaugh
Jerry Reynolds	

B. Rezoning Activities

Z-2796 STEVEN D. HABY (GB to R1B):

Petitioner is requesting rezoning of the northwest corner of Elston Road and Old Romney Road, specifically, 2360 Old Romney Road and 410 Elston Road (there are two houses on one lot), Lafayette, Fairfield 31 (SE) 23-4.

Gary Schroeder moved to hear and approve Z-2796 STEVEN D. HABY (GB to R1B). Greg Jones seconded.

Ryan O’Gara presented the zoning map and aerial photos. He said this area in Lafayette is quite a patchwork of zoning districts. The site is located on the northwest corner of the intersection and is zoned GB. There are currently two houses on the site that are connected to sewer by one tap and share a well. The plan after the rezone is to submit a minor subdivision petition to formally divide the land so that there is one lot per house. The houses will then be individually connected to city utilities. Prior to the 1998 Ordinance, residential uses were permitted in the GB zone, so the uses are legally non-conforming. This petition is an effort to clean up the non-conformities. The first step will take care of the zoning aspect and the subdivision down the road will correct the lack of separate lots. Staff recommended approval.

Larry Leverenz asked if the petitioner or the representative wanted to make a presentation.

Steven Haby, 1129 Ocala Avenue, Lafayette, IN 47904, petitioner, thanked the commission and respectfully requested approval.

Don Lamb said the subdivision has been submitted. It is called Elston Acres Subdivision and will be heard at the August 5th, 2020 Executive Committee meeting.

Larry Leverenz 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 15 yes to 0 no.

Yes-Votes

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

No-Votes

Z-2797 RESONS, LLC (PDRS to R4W):

Petitioner is requesting rezoning of 1 lot located at the northeast corner of Chauncey Avenue and North Street, specifically, 302 N. Chauncey Avenue (formerly the Chauncey Townhomes PD) in West Lafayette, Wabash 19 (NE) 23-4.

Gary Schroeder moved to hear and approve Z-2797 RESONS, LLC (PDRS to R4W). Greg Jones seconded.

Ryan O’Gara presented the zoning map and aerial photos. He said this is an unusual rezone going from PDRS back to a residential zone. This planned development was approved back in 2004 with the intent to create a structure that conformed with the R3W zone. That PD had a strict clause not easily undone that prohibited units in the basement level. This rezone petition would allow the residential density to expand because R4W does not have a density cap. There will not be many changes structurally to the outside. If rezoned, they would have to abide by R4W standards if they made any changes. As far as conforming to the new West Lafayette Downtown Plan, this block is described as a transition zone for residential densities moving from the core area of the Village north to the New Chauncey Neighborhood. This proposal conforms with the idea of having a variety of densities. Staff recommended approval.

Larry Leverenz asked if the petitioner or the representative wanted to make a presentation.

Christopher Shelmon, 250 Main Street, Lafayette, IN 47901, representative for petitioner, said he agreed with the staff report. The petitioners plan on leaving everything as is and adding a bedroom with access in the basement. He thanked the Commission and respectfully requested approval.

Larry Leverenz 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 15 yes to 0 no.

Yes-Votes

Larry Leverenz
Roland Winger
Vicki Pearl
Lisa Dullum
Gary Schroeder
Michelle Long
Kathy Parker
Jerry Reynolds

Diana Luper
Tracy Brown
Jake Gray
Perry Brown
Greg Jones
Carla Snodgrass
Tom Murtaugh

No-Votes

V. ADMINISTRATIVE MATTERS

None.

VI. APPROVAL OF THE AUGUST EXECUTIVE COMMITTEE AGENDA

Gary Schroeder moved that the following requests for subdivision be placed on the August 5, 2020 Area Plan Commission Executive Committee agenda at petitioner’s request, placement thereon being without reference to compliance or noncompliance with the adopted subdivision ordinance:

S-4927 AYALA MINOR SUBDIVISION (minor-sketch);

S-4928 FRANKS FIELD MINOR SUBDIVISION (minor-sketch);

S-4929 NORFLEET COMMERCIAL SUBDIVISION, PART 3, A REPLAT OF PARTS 1 & 2 (minor-sketch); and

S-4930 ELSTON ACRES MINOR SUBDIVISION (minor-sketch).

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

VII. DETERMINATION OF VARIANCES – ABZA

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

BZA-2038 BILL J. PHILLIPS;

BZA-2040 PURDY O’NEALL FARM, LLC; and

BZA-2041 MURTAUGH LAW, LLC.

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

VIII. DIRECTOR'S REPORT

Sallie Fahey said unless there are questions, she had nothing to add to the report she sent out.

IX. CITIZEN'S COMMENTS AND GRIEVANCES

Larry Leverenz said there will be a one-minute pause for citizen comments 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 6:54 pm.

Respectfully Submitted,

Chyna R. Lynch
Recording Secretary

Reviewed By,



Sallie Fahey