

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

DATE..... June 15, 2022
TIME..... 6:00 P.M.
PLACE..... County Office Building
20 North 3rd Street
Lafayette, IN 47901

This meeting was held in-person. Members of the public may watch the video of the meeting at <https://www.facebook.com/TippecanoeCountyIndiana> or <https://www.youtube.com/channel/UCJleeA9ZQo9E11GdZTdjurQ/featured>

MEMBERS PRESENT

Larry Leverenz
Bob Metzger
Carla Snodgrass
Tracy Brown
Perry Brown
Tom Murtaugh
Gary Schroeder
Kathy Parker
Jerry Reynolds
Jackson Bogan
Vicki Pearl
Lisa Dullum
Greg Jones
Jody Hamilton
Jason Dombkowski

MEMBERS ABSENT

Diana Luper
Michelle Dennis

STAFF PRESENT

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

The Area Plan Commission of Tippecanoe County Public Hearing was held in-person on the 15th day of June 2022 at 6:00 P.M., pursuant to notice given and agenda posted as provided by law.

President Larry Leverenz called the meeting to order.

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

I. BRIEFING SESSION

David Hittle stated all cases are ready to be heard this evening.

II. APPROVAL OF THE MINUTES

Gary Schroeder moved to approve the minutes from the May 18, 2022 public hearing as submitted. Greg Jones seconded, and the minutes, as submitted, were approved by unanimous voice vote.

III. NEW BUSINESS

None.

IV. PUBLIC HEARING

Larry Leverenz read the meeting procedures.

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

A. Ordinance Amendments

Gary Schroeder moved to hear and vote on **UZO AMENDMENT #103-A**. Greg Jones seconded.

1. UZO AMENDMENT #103-A:

This is the section of UZO Amendment #103 that was previously tabled, related to self-storage warehouse businesses within urbanized areas. It returns to the Area Plan Commission with amendments from the Lafayette City Council and the County Commissioners. CONTINUED FROM THE MAY 18TH APC MEETING.

APC staff David Hittle stated this is the self-storage ordinance amendment that has been in front of the Planning Commission a number of times this year. There were two different versions brought forward at the April Meeting. There was a January 2022 version, and that is what was recommended for approval by APC staff and by the City of Lafayette which initiated this request. The other version was the April 2022 version, and this version just had some language crafted and added at the end when it came before the Ordinance Committee. At the April Plan Commission meeting, the April 2022 version was voted on, and it was denied by a 13 to 2 vote. Following the state appointed path for Ordinance Amendments, it then went to the Town and City Councils, so there are 6 legislative bodies that this Plan Commission serves, and any recommendation on an Ordinance Amendment that is made here then goes to the Town Councils, City Councils, and the County Commissioners as the legislative bodies. They voted to amend the APC vote, so per State Code because the legislative bodies amended the recommendation that came from the Plan Commission, it goes back to the Plan Commission which is where it is tonight. By State Code there are two options, you can approve the amendment as it reached you back from the legislative bodies, and if you do that, it is essentially the end of the process. Otherwise, you can disapproved the amendment as it stands coming back to you from the legislative bodies which then sends it back to the legislative bodies, and they have 45 days to act on it as they will.

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

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

Gary Schroeder stated the language change from the Ordinance Committee was to make the existing self-storage units already in operation or being constructed being conforming byright, but they now have the option of getting a special exception in becoming conforming.

Larry Leverenz called for a vote on a yellow ballot.

David Hittle collected the ballots and noted 14-Yes to 1-No in favor of **UZO Amendment #103-A**.

Yes-Votes

Larry Leverenz
Tom Murtaugh
Gary Schroeder
Kathy Parker
Jerry Reynolds
Jackson Bogan
Lisa Dillum
Greg Jones

No-Votes

Vicki Pearl

Jody Hamilton
Jason Dombkowski
Perry Brown
Tracy Brown
Carla Snodgrass
Bob Metzger

B. Comprehensive Plan Amendments

Gary Schroeder moved to hear and vote on **RESOLUTION #2022-03**. Greg Jones seconded.

1. **RESOLUTION #2022-03:**

A resolution to adopt into the *Comprehensive Plan*, the updated draft of the County's Multi-Hazard Mitigation Plan as required by the Federal Disaster Mitigation Act of 2000.

APC staff Larry Aukerman presented. He stated the Multi-Hazard Mitigation Plan is a process that gets updated every 5 years. It is a requirement of the Federal Disaster Act of 2000. The largest change this year is we were able to get the Town of Otterbein included in this amendment. They have been participating in this meeting, and we have added some goals for them also in our plan. The main goals are similar to what they were last time. There is a little bit more focus this time on more man-made disasters, accident and purpose driven. He noted that we are looking to move this on, and if there are any public comments tonight, add them to the plan, and then pass it onto each of the jurisdictions. That will keep us in compliance for some grants that the county is working toward.

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

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

Larry Leverenz called for a vote on a yellow ballot.

David Hittle collected the ballots and noted 15-Yes to 0-No in favor of **RESOLUTION #2022-03**.

Yes-Votes

Larry Leverenz
Tom Murtaugh
Gary Schroeder
Kathy Parker
Jerry Reynolds
Jackson Bogan
Lisa Dillum
Greg Jones
Jody Hamilton
Jason Dombkowski
Perry Brown
Tracy Brown
Carla Snodgrass
Bob Metzger
Vicki Pearl

No-Votes

C. Subdivisions

Gary Schroeder moved to hear and vote on **S-5071 WIGGINS FARM SUBDIVISION (major-preliminary)**.
Greg Jones seconded.

1. S-5071 WIGGINS FARM SUBDIVISION (major-preliminary):

Petitioner is requesting preliminary approval of a 78-lot, residential subdivision (with two outlots) on 29.61 acres located on the east side of N. Salisbury Street, ¼ mile north of Kalberer Road, in West Lafayette, Wabash 06 (NE) 23-4. CONTINUED FROM THE MAY 18TH APC MEETING BECAUSE PUBLIC NOTICE WAS NOT DONE.

APC staff David Hittle presented the zoning map, plat, and aerial photos. He stated this involves just under a 30-acre site zoned R1B which it was actually rezoned to R1B just about a year ago. There was a commitment included that obligates these individual lots to have a minimum width of 67 feet, whereas the zoning ordinance would typically require a minimum width of 50 feet. That was volunteered by the petitioner. This is located on the east side of Salisbury, and about a quarter of a mile north of Kalberer Road. It is in West Lafayette, and the proposed subdivision will have 78 units, and it would be accessed from Salisbury to the west, and Main Street would continue to the east and connect to the Estates of Arbor Chase. No variances have been requested. It does meet all subdivision standards, so staff is recommending approval.

Larry Leverenz called for the petitioner or the petitioner's representative.

Tim Balensiefer, TBIRD Design, 105 N 10th Street, Lafayette, stated they agree with all of staff's comments, recommendations, and conditions; we are requesting your approval.

Larry Leverenz asked if any member of the audience wished to comment on this petition. There was no response.

Larry Leverenz asked for any questions or comments from the Commission. There were none. He then called for a vote, and he noted they are requesting bonding.

David Hittle collected the ballots and noted 15-Yes to 0-No for conditional primary approval of **S-5071**.

Yes-Votes

Larry Leverenz
Tom Murtaugh
Gary Schroeder
Kathy Parker
Jerry Reynolds
Jackson Bogan
Lisa Dillum
Greg Jones
Jody Hamilton
Jason Dombkowski
Perry Brown
Tracy Brown
Carla Snodgrass
Bob Metzger
Vicki Pearl

No-Votes

David Hittle collected the ballots and noted 15-Yes to 0-No for bonding approval of **S-5071**.

Yes-Votes

No-Votes

Larry Leverenz
Tom Murtaugh
Gary Schroeder
Kathy Parker
Jerry Reynolds
Jackson Bogan
Lisa Dillum
Greg Jones
Jody Hamilton
Jason Dombkowski
Perry Brown
Tracy Brown
Carla Snodgrass
Bob Metzger
Vicki Pearl

Gary Schroeder moved to hear and vote on **S-5075 WABASH RIDGE SUBDIVISION (major-preliminary)**.
Greg Jones seconded.

2. S-5075 WABASH RIDGE SUBDIVISION (major-preliminary):

Petitioner is requesting preliminary approval of a multi-family subdivision of one lot of 10.89 acres with one clubhouse and five apartment buildings with 240 total units, located on the northwest side of Paramount Drive at the Genoa Drive intersection in Wabash 2 (NE) 23-5.

APC staff David Hittle presented the zoning map, plat, and aerial photos. He stated this would be for a multi-family proposed development; the subject site is just under 11 acres, and it is zoned R3 for multi-family. The location is west of Paramount Drive, and about a quarter of a mile north of Sagamore Parkway in West Lafayette. The proposal would provide for five multi-family buildings with a total of 240 units maximum, and a clubhouse building at the south end of the development. There was a variance granted in January of this year to allow for 357 parking spaces whereas the ordinance would ordinarily require 480. Notably, the petitioner is working with CityBus to design and find an optimal location for a new bus stop at the site. They would also be providing new sidewalks along the west side of paramount drive. Other than the variance for parking, no other variances have been requested, and it meets all other major subdivision standards.

Larry Leverenz called for the petitioner or the petitioner's representative.

Tim Balensiefer, TBIRD Design, 105 N 10th Street, Lafayette, stated they agree with all of staff's recommendations and comments, and they are requesting approval.

Larry Leverenz asked if any member of the audience wished to comment on this petition. There was no response.

Larry Leverenz asked for any questions or comments from the Commission. There were none. He then called for a vote, and he noted bonding is being requested.

David Hittle collected the ballots and noted 15-Yes to 0-No for conditional primary approval of **S-5075**.

Yes-Votes

Larry Leverenz
Tom Murtaugh
Gary Schroeder
Kathy Parker
Jerry Reynolds

No-Votes

Jackson Bogan
Lisa Dullum
Greg Jones
Jody Hamilton
Jason Dombkowski
Perry Brown
Tracy Brown
Carla Snodgrass
Bob Metzger
Vicki Pearl

David Hittle collected the ballots and noted 15-Yes to 0-No for bonding approval of **S-5075**.

Yes-Votes

Larry Leverenz
Tom Murtaugh
Gary Schroeder
Kathy Parker
Jerry Reynolds
Jackson Bogan
Lisa Dullum
Greg Jones
Jody Hamilton
Jason Dombkowski
Perry Brown
Tracy Brown
Carla Snodgrass
Bob Metzger
Vicki Pearl

No-Votes

D. Rezoning Activities

Gary Schroeder moved to hear and vote on **Z-2856 BET RENTALS, LLC (R1 to GB)**. Greg Jones seconded.

1. Z-2856 BET RENTALS, LLC (R1 to GB):

Petitioner is requesting rezoning of 1.716 acres located on the north side of Brady Lane, east of Concord Road, specifically, 3416 Brady Lane, Lafayette, Wea 3 (NE) 22-4.

CONTINUED FROM THE MAY 18TH APC MEETING AT PETITIONER'S REQUEST TO EXCEPT OUT LAND IN THE FLOOD PLAIN.

APC staff Ryan O'Gara presented the staff report with several exhibits including a zoning map and aerial photos. The main purposed of this is to legitimize an existing non-conforming business the Twin City Electric Group. The current GB zoning that was approved by Council just east of this site sort of set the stage for this to join with that zoning pattern as well as making an existing non-conformity conforming. It is a simple petition. The existing conditions are going to continue, and then the site would have to operate under the new zoning district. City utilities are available. It has been used commercially for many years, so there is no objection from staff and are recommending approval.

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

Brad Neely, Reiling Teder & Schrier, 250 Main Street, Lafayette, stated BET Rentals filed this petition with the consent of the owner. They agree with the staff's report, and they appreciate the time and effort from

the staff on this matter. Also, there are no plans to develop or redevelop this site. They are respectively requesting approval.

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

Larry Leverenz asked if any persons wished to speak in opposition of this petition. There was no response.

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

Larry Leverenz called for a vote on a yellow ballot.

Ryan O’Gara collected the ballots and noted the Area Plan Commission voted 15-Yes to 0-No recommending approval of **Z-2856 BET RENTALS, LLC (R1 to GB)**.

Yes-Votes

Larry Leverenz
Tom Murtaugh
Gary Schroeder
Kathy Parker
Jerry Reynolds
Jackson Bogan
Lisa Dullum
Greg Jones
Jody Hamilton
Jason Dombkowski
Perry Brown
Tracy Brown
Carla Snodgrass
Bob Metzger
Vicki Pearl

No-Votes

Gary Schroeder moved to hear and vote on **Z-2860 RICHARD & GAIL MICHAEL (NB to NBU)**. Greg Jones seconded.

2. Z-2860 RICHARD & GAIL MICHAEL (NB to NBU):

Petitioners are requesting rezoning of 911 N. 18th Street, located on the northeast corner of Salem and N. 18th Streets, in Lafayette, Fairfield 21 (NE) 23-4.

APC staff Ryan O’Gara presented the staff report with several exhibits including a zoning map and aerial photos. In the late seventies, this site was rezoned from R3 to LB, and then the LB zoning district became NB. The objective being that this was a commercial area and even though the site had a house on it, it would likely redevelop, and that did not happen. The site in question does have a single-family dwelling on it built before 1900, and currently, there is a mental health provider leasing space on the first floor, and the second floor has an empty residential unit; these uses have continued for many years. In terms of commercial ground floor and residential above, the NBU zone was made for these sorts of situations. City utilities serve the site, and staff is recommending approval.

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

Brad Neely, Reiling Teder & Schrier, 250 Main Street, Lafayette, stated they agree with the staff’s report, and they appreciate the time and effort from staff for this rezone. The purpose of this rezone is to allow the portion upstairs to be residential. At this time, there are no plans to divide the property, and they are respectively requesting approval.

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

Larry Leverenz asked if any persons wished to speak in opposition of this petition. There was no response.

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

Larry Leverenz called for a vote on a yellow ballot.

Ryan O’Gara collected the ballots and noted the Area Plan Commission voted 15-Yes to 0-No recommending approval **Z-2860 RICHARD & GAIL MICHAEL (NB to NBU)**.

Yes-Votes

Larry Leverenz
Tom Murtaugh
Gary Schroeder
Kathy Parker
Jerry Reynolds
Jackson Bogan
Lisa Dullum
Greg Jones
Jody Hamilton
Jason Dombkowski
Perry Brown
Tracy Brown
Carla Snodgrass
Bob Metzger
Vicki Pearl

No-Votes

V. ADMINISTRATIVE MATTERS

None.

VI. APPROVAL OF THE JULY EXECUTIVE COMMITTEE AGENDA

No subdivision cases have been filed for this meeting.

VII. DETERMINATION OF VARIANCES—Area Board of Zoning Appeals

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

BZA-2080 JAMES ALAN AND TRACI BRATTON;
BZA-2081 PATRICK R AND MELINDA C O’NEIL, TRUSTEES OF THE PATRICK R O’NEIL AND MELINDA C O’NEIL REVOCABLE LIVING TRUST; AND
BZA-2082 RIVERSIDE CONSTRUCTION, LLC.

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

VIII. DIRECTOR’S REPORT

David Hittle stated the director’s report was emailed out earlier today, and he offered to answer any questions. He stated the City of Lafayette has commissioned an external planning firm several times over the past few years to do neighborhood plans. MKSK is the name of the firm, and they have mostly been

economic development plans, but some of them leaned into the land use arena, which is what we do, but because they weren't done in partnership with APC, they were never brought to the APC for adoption, and they don't have the full force of being an adopted component of the plan. This plan that is going to be for the Lincoln Neighborhood we are going to be working with them. We are going to have one of our staff act as a liaison for that process and make sure they meet the benchmarks that we need to be able to be comfortable to bring it to the Planning Commission for adoption.

IX. CITIZEN'S COMMENTS AND GRIEVANCES

None.

X. ADJOURMENT

Gary Schroeder moved to adjourn.

Meeting adjourned at 6:38 PM.

Respectfully Submitted,

Jennifer A. Ewen
Recording Secretary

Reviewed by,

A handwritten signature in black ink, appearing to read "D. Hittle", with a horizontal line extending to the right.

David L. Hittle
Executive Director