

AREA BOARD OF ZONING APPEALS OF TIPPECANOE COUNTY

MINUTES OF A PUBLIC HEARING

DATE SEPTEMBER 28, 2022
TIME 6:00 P.M.
PLACE COUNTY OFFICE BUILDING
20 N. 3RD STREET
LAFAYETTE, IN 47901

This meeting was held in-person, with no virtual option.

MEMBERS PRESENT

Steve Clevenger
Robert Novak
Michelle Dennis
Gary Schroeder

MEMBERS ABSENT

Tom Andrew
Ed Butz
Dustin Grove

STAFF PRESENT

David Hittle
Larry Aukerman
Austin Hammerli
Kristina Lamb
Eric Burns, Attorney

The Area Board of Zoning Appeals of Tippecanoe County public hearing was held in-person on the 28th day of September 2022 at 6:00 P.M., pursuant to notice given and agenda posted as provided by law.

Steve Clevenger called the meeting to order at 6:04 PM.

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

I. APPROVAL OF MINUTES

Gary Schroeder moved to approve the minutes from the August 24, 2022 BZA public hearing as submitted. Michelle Dennis seconded.

Steve Clevenger asked if there were any comments or corrections. There were none. The minutes, as submitted, were approved by unanimous voice vote.

II. NEW BUSINESS

None.

III. PUBLIC HEARING

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 Board of Zoning Appeals, 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.

Michelle Dennis seconded, and the motion carried by unanimous voice vote.

Steve Clevenger read the meeting procedures.

Gary Schroeder moved to hear and vote on **BZA-2088 PURDUE RESEARCH FOUNDATION**. Michelle Dennis seconded.

BZA-2088 PURDUE RESEARCH FOUNDATION

Petitioner is requesting a variance to allow 116 total parking spaces (110 spaces plus 6 ADA spaces) instead of the required 180 parking spaces (or 64.44% of the total required) to allow for a proposed Rolls Royce office space/lab addition on a 21.37-acre property located at 1801 Newman Road, West Lafayette, Wabash 24 (SW) 23-5. (UZO 4-6-3)

APC staff David Hittle presented the site plan and aerial photos. The area is zoned OR for office research in the Purdue Discover Park area. The petitioner is proposing an expansion of the building inward into the site, which would take part of the existing parking lot. With the expansion, the building will become an office and research facility, lowering their parking requirements. The petitioner has indicated the existing parking configuration will provide more parking spaces than they will need, even though it is less than the zoning ordinance requires. The ordinance is driven by square footage of the building, rather than the number of employees in the building. With a workforce that is not onsite all the time and not all at the same time, APC is comfortable with granting the variance for 116 parking spaces instead of the 180 required.

Steve Clevenger stated there was an issue with the proof of publication for this case. He asked the attorney to speak on what action the Board needs to take.

Eric Burns said the important matter is that the publication did occur. The state statute and our bylaws require there be a proof of publication. Instead of delaying this case, we can move forward without a proof, if the petitioner understands they must follow-up with that proof. If it came to pass and the petitioner could not provide the proof of publication, then the case determination would not be an effective action. He asked the Chairman to ask for a motion to approve this procedure.

Gary Schroeder asked if providing the proof of publication should be made a condition of the approval.

Eric Burns stated the Board could make it a condition.

Gary Schroeder moved to hear and vote on **BZA-2088 PURDUE RESEARCH FOUNDATION**, without proof of publication, but with a condition of approval added.

Michelle Dennis seconded, and the motion carried by unanimous voice vote.

Steve Clevenger called for the petitioner or the petitioner's representative.

Paul Bercot, 7643 US 231S, Purdue Research Foundation, thanked the Board, agrees with the staff report and is available to answer questions.

Steve Clevenger asked if anyone wished to speak in favor of this petition. There were none.

Steve Clevenger asked if anyone wished to speak in opposition of this petition. There were none.

Steve Clevenger asked if the Board had any questions or comments.

Robert Novak said he was not familiar with the site topography. He asked if there was something preventing expansion of the parking lot on the site as presented.

Paul Bercot, Purdue Research Foundation, said to the south there is Todd's Creek, which cannot be infringed upon. To the west there is a dry detention basin needed for stormwater runoff and then US 231 and Newman Road run along the north and east.

Robert Novak referred to the information provided and mentioned the potential of an auxiliary lot to the north. He asked about the safety of the road and if there is a marked crosswalk for people crossing Newman Road.

Paul Bercot, Purdue Research Foundation, said there is not a marked crosswalk. In the past, the lot has been used as overflow parking. There is an agreement with Purdue University, when they were in this building beforehand, and that agreement would carry over to Rolls Royce, as they become the single occupant of the building. It would be infrequent that Rolls Royce would require overflow parking. As part of the safety concern, if they have an event, they will address the status and determine whether additional flag people or patrolmen would be needed for those infrequent uses.

Robert Novak said Mr. Hittle described how the workplace is changing, with a lot of people working from home. He asked how many people would be physically working at the location, once the addition is done and Rolls Royce has everyone show up.

Paul Bercot, Purdue Research Foundation, said Rolls Royce would need 100 parking spaces on any given day. The normal workflow is obviously much less than that, and especially with the research areas they use. The type of testing they do involve four or five people in a large testing area at any given time.

Robert Novak asked if there is a possibility of street parking if they were to lose the auxiliary lot.

Paul Bercot, Purdue Research Foundation, said there is not an option for permanent street parking along that section of Newman Road.

Steve Clevenger replied if they had a special event that required more parking, they would most likely come up with alternatives, possibly bussing people in.

Steve Clevenger called for a vote on a ballot.

Attorney Eric Burns collected the ballots and noted the Board voted 4-Yes to 0-No to grant the requested Variance with the added Condition.

<u>Yes-Vote</u>		<u>No-Vote</u>
Steve Clevenger	Robert Novak	
Michelle Dennis	Gary Schroeder	

Gary Schroeder moved to hear and vote on **BZA-2089 JAMES D. HALL PS, VESTER & ASSOCIATES, INC.** Michelle Dennis seconded.

BZA-2089 JAMES D. HALL PS, VESTER & ASSOCIATES, INC.

Petitioner is requesting a variance to reduce the front setback to 24 feet from the minimum required 60 feet from Sagamore Parkway for the construction of an ATM on property located at 3457 Bethel Drive, West Lafayette, Wabash 2 (SW) 23-5. (UZO 2-17-7)

APC staff David Hittle presented the zoning map, site plan, and aerial photos. The request is to allow for a freestanding ATM machine at the northwest corner of the property, between the drive area and an existing pole sign. The ordinance requires a 60-foot setback of any structure, including uninhabitable unoccupied structures such as ATM machines. The thought is the ATM would not have a footprint much larger than a table, allowing for more efficient use of the space available. APC staff reasoned that it would have the same impact and function similarly to an air pump at a gas station, not attracting a line, but serving one person at a time. The existing maneuverability area will serve the machine as it is proposed to be built. APC is supportive of the request.

Steve Clevenger called for the petitioner or the petitioner's representative.

James Hall, Vester & Associates, 309 Columbia Street, Lafayette, said this is the only logical location on the lot for an accessory structure for the benefit of the client, First Merchants Bank, due to the parking lot configuration and traffic flows. He agrees with staff comments and asks for approval of the variance.

Steve Clevenger asked if anyone wished to speak in favor of this petition. There were none.

Steve Clevenger asked if anyone wished to speak in opposition of this petition. There were none.

Steve Clevenger asked if the Board had any questions or comments.

Steve Clevenger asked the petitioner how this would affect current parking or a reduction in spaces.

James Hall, Vester & Associates, said there would be no reduction in space. He referred to the aerial photo and described the drive lane for regular travel. The ATM sign would be on the left, or highway side, towards the corner of the lot, out of the paved area in the grass behind the curb. There should be no affect, other than someone waiting a few seconds while a transaction occurs, to maneuver safely out of the parking lot.

Steve Clevenger said if there was a queue of two cars, it might block a couple of parking spaces temporarily.

James Hall, Vester & Associates, confirmed and referred to a truck shown in the aerial photo as an example.

Steve Clevenger called for a vote on a ballot.

Attorney Eric Burns collected the ballots and noted the Board voted 4-Yes to 0-No to grant the Variance.

<u>Yes-Vote</u>		<u>No-Vote</u>
Steve Clevenger	Robert Novak	
Michelle Dennis	Gary Schroeder	

IV. ADMINISTRATIVE MATTERS

Steve Clevenger stated the Board has a new member, Dustin Grove, who will take the place of Jen Dekker.

V. ADJOURNMENT

Steve Clevenger stated unless any member has an objection the chair will order the findings of each member casting a vote for the majority decision of the Board to be the collective findings of the Board in support of the decision of the Board. Hearing none, it is so ordered.

Gary Schroeder moved for adjournment.

The meeting adjourned at 6:32 P.M.

Respectfully submitted,
Kristina Lamb
Recording Secretary

Reviewed by,



David Hittle
Executive Director