

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

DATE..... April 20, 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
Jody Hamilton
Perry Brown
Tom Murtaugh
Gary Schroeder
Kathy Parker
Jerry Reynolds
Jackson Bogan
Vicki Pearl
Lisa Dillum
Michelle Dennis
Diana Luper
Tracy Brown

MEMBERS ABSENT

Jason Dombkowski
Greg Jones

STAFF PRESENT

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

The Area Plan Commission of Tippecanoe County Public Hearing was held in-person on the 20th day of April 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 the petitioner for **S-5065 STERRETT ACRES (minor-sketch)** has requested a continuance to the May 4th Executive Committee meeting in order to complete necessary soil testing, and the petitioner for **Z-2854 NEWCASTLE HOLDING, LLC (A to I3)** has requested a continuance to the May 18th APC public hearing. Also, **Z-2847 TIPPECANOE ACQUISITIONS, LLC (West Heights Condominiums) (R1 to PDRS)** the petitioner failed to achieve the required public notice; therefore, this case needs to be continued to the next APC public hearing on May 18th, and this is the second and final continuance for this case.

II. APPROVAL OF THE MINUTES

Gary Schroeder moved to approve the minutes from the March 16, 2022 public hearing as submitted. Vicki Pearl 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. Vicki Pearl seconded, and the motion carried by voice vote.

Gary Schroeder moved to continue **S-5065 STERRETT ACRES (minor-sketch)** to the May 4th Executive Committee meeting at the petitioner's request in order to complete the necessary soil testing, and he moved to continue **Z-2854 NEWCASTLE HOLDING, LLC (A to I3)** to the May 18th APC public hearing at the petitioner's request, and **Z-2847 TIPPECANOE ACQUISITIONS, LLC (West Heights Condominiums) (R1 to PDRS)** to the May 18th APC public hearing because the required public notice was not achieved. Vicki Pearl seconded, and the motion carried by unanimous voice vote.

A. Amendments

Gary Schroeder moved to hear and vote on **UZO AMENDMENT #103-A**. Vicki Pearl 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.

APC staff David Hittle presented. He stated this is UZO Amendment #103-A. This has been to the Ordinance committee a number of times and is here for the plan commission's review. It involves the old Coca-Cola bottling plant on the intersection of Salem and 6th Street. This is the site that spurred this. The property owner recently moved a self-storage facility into the building, and it prompted some concern on the part of the City of Lafayette staff about the suitability of that use here. He stated it is a use allowed byright in the I1 district which is what this site is zoned. Lafayette approached us concerned that is the case for self-storage warehouses in particular in this area which is the old part of Lafayette. This type of use is more appropriate in the outer areas of town. After it was brought to our attention and we spoke about it in AOs, we brought the following to the Ordinance committee: *Prohibit self-storage warehouses within the urbanized, sewered area*. He presented a map of the urbanized, sewered area and stated they used this because it is almost a perfect replication of the area that was built before WWII, so it is essentially old Lafayette. This is the area that we want to protect from these uses that don't necessarily fit there. At the Ordinance committee meeting it was discussed and recommended that instead of prohibiting it in the urbanized sewered area that instead it be required to obtain a special exception. The next month we brought it to the Ordinance committee there was a concern raised about legal non-conforming uses, so the question was raised what if the property owner didn't know that the zoning ordinance has changed therefore moving their property to legal non-conforming or grandfathered, and they didn't know they had to get a special exception, and the concern there was legal non-conforming use is directed by State Code and it says that when you own a site and the use is legal and then the ordinance is amended in a manner that makes your use not legal, you are still good because you are grandfathered and you can continue to operate your use as long as they don't expand it, as long as you don't abandon the site, as long as the property is not more than 50% destroyed, and also not changed. The big question there was what if it is destroyed by fire or anything destructive and it couldn't be redeveloped after a fire, but they may have

trouble with their lender or financial partners because they didn't have the right zoning in place, so at that Ordinance committee meeting it was recommended that we keep the original language of: *Proposed self-storage warehouse businesses located in a zone where they are permitted by right, but on property within an urbanized, sewerred area shall be required to obtain a special exception;*

and add the following: *Except for those businesses that have already received an Improvement Location Permit at the time of the adoption of this amendment, which will continue to operate in a "by-right" status but would not be allowed to further expand the use without first obtaining a special exception.*

Mr. Hittle stated he has some concerns with that. The concerns are it distorts the state-defined Legal Non-Conforming Use Code; it gives special treatment to grandfathered self-storage use over all other grandfathered uses; it is unnecessary because a remedy already exists, and that remedy is a special exception. If they get the special exception, it runs with the land; it allows full re-build according to submitted site plan; they can contemplate expansion, and the statutory findings are very lenient. He stated that they feel this is a valid and reasonable remedy, and it is easily obtained. He stated you have two different recommendations in front of you.

APC staff is recommending the following: *Proposed self-storage warehouse businesses located in a zone where they are permitted by right, but on property within an urbanized, sewerred area, shall be required to obtain a special exception.*

The Ordinance Committee is recommending the following: *Proposed self-storage warehouse businesses located in a zone where they are permitted by right, but on property within an urbanized, sewerred area shall be required to obtain a special exception except for those businesses that have already received an Improvement Location Permit at the time of the adoption of this amendment, which will continue to operate in a "by-right" status but would not be allowed to further expand the use without first obtaining a special exception.*

Larry Leverenz asked if the commission members had any questions.

Lisa Dullum asked if this is only for the City of Lafayette.

David Hittle responded it is for Lafayette and West Lafayette, and West Lafayette is comfortable with it.

Lisa Dullum asked how many properties this is going to impact.

David Hittle responded two that we know of. There aren't any in the mapped area of West Lafayette, and they are comfortable requiring a special exception for any that wanted to move-in.

Ryan O'Gara stated there are also urbanized sewerred areas for towns, and Stockwell is an unincorporated town that has one, but there are no storage facilities in Stockwell.

Vicki Pearl asked why they did not discuss all the districts when this was at the Ordinance Committee. She thought this only affected the Urbanized Sewerred Area of Lafayette.

David Hittle responded this would be all of the Urbanized Sewerred Area maps.

Vicki Pearl stated since we did not discuss the other areas, we don't really know how many properties this would affect.

David Hittle responded there are no storage facilities in the mapped Urbanized Sewerred Areas.

Vicki Pearl stated we think there are only two, but there could be others that it could affect.

David Hittle stated from the best that we can tell there are two.

Larry Leverenz asked if any member of the audience would like to comment on this.

Dennis Carson, City of Lafayette Economic Development Director, he stated Mr. Hittle explained everything very well. The first amendment that was passed in January is the one they support, and it is

the one they are asking for the Board's support on as well, and that is this would be a legal non-conforming use by a special exception.

Eric Burns clarified what was recommended by the Ordinance Committee in April of 2022 is what is on the table, and this is what is being voted on today.

He clarified that the APC's processes are recommendations. The APC's recommendation goes to the Council and it is purely up to the Council to approve the recommendations. The bottom line is the legislative body in these cases always have the final word. Anything you pass here is just a recommendation; every single legislative body in the county has the final word.

Lisa Dillum asked for clarification from Dennis Carson on what he is in support of.

Dennis Carson, City of Lafayette Economic Development Director, stated he is in support of staff's recommendation which is the following: *Proposed self-storage warehouse businesses located in a zone where they are permitted by right, but on property within an urbanized, sewerred area shall be required to obtain a special exception.* He is not in support of the following wording: *except for those businesses that have already received an Improvement Location Permit at the time of the adoption of this amendment, which will continue to operate in a "by-right" status but would not be allowed to further expand the use without first obtaining a special exception.*

Larry Leverenz called for a vote on a yellow ballot.

David Hittle collected the ballots and noted 2-Yes to 13-No in opposition of **UZO Amendment #103-A**.

Yes-Votes

Vicki Pearl
Gary Schroeder

No-Votes

Lisa Dillum
Larry Leverenz
Diana Luper
Michelle Dennis
Kathy Parker
Carla Snodgrass
Jerry Reynolds
Perry Brown
Tracy Brown
Jackson Bogan
Bob Metzger
Tom Murtaugh
Jody Hamilton

David Hittle noted this will now be distributed to the localities for their vote.

B. Subdivisions

Gary Schroeder moved to hear and vote on **S-5064 DISCOVERY PARK DISTRICT THIRD AND MCCORMICK (major-preliminary)**. Vicki Pearl seconded.

1. S-5064 DISCOVERY PARK DISTRICT THIRD AND MCCORMICK (major-preliminary):

Petitioner is requesting preliminary approval of a one-lot, multi-family development on 3.11 acres of 402 units in a single G-shaped building located at the southeast corner of McCormick Road and Third Street, in West Lafayette, Wabash 24 (NE) 23-5.

APC staff David Hittle presented the zoning map, plat, and aerial photos. He stated this is a major-preliminary plat request. It is a 3.11-acre site zoned R4W, and it is in the Discovery Park Overlay District.

It contemplates a 402-unit single structure just west of campus. This is a one lot subdivision, and it does meet all of the subdivision requirements, and staff is supportive. He noted Condition #2 which reads: *American Suburban Utilities Inc. shall approve the sanitary sewer plans* will be deleted, and it is everyone's opinion that the remaining conditions take care of the sanitary sewer issue. He stated staff is supportive and offered to answer any questions.

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

Jeremy Slater, Purdue Research Foundation, 1281 Win Hentschel Blvd. Suite 2500, West Lafayette, stated he is the petitioner. He agrees with the staff report, and he offered to answer any questions.

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-5064**.

Yes-Votes

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

No-Votes

David Hittle collected the ballots and noted 15-Yes to 0-No for bonding approval of **S-5064**.

Yes-Votes

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

No-Votes

Gary Schroeder moved to hear and vote on **S-5066 MEEKS MINOR SUBDIVISION, PHASE 2, A REPLAT OF MEEKS MINOR LOT 2 (minor-sketch)**. Vicki Pearl seconded.

2. **S-5066 MEEKS MINOR SUBDIVISION, PHASE 2, A REPLAT OF MEEKS MINOR LOT 2 (minor-sketch):**

Petitioner is requesting preliminary approval of a two-lot replat of existing Meeks Minor Lot 2 (7.77 acres), located east of Progress Drive and southwest of the I-65 southbound entrance ramp, in Lafayette, Fairfield 25 (NW) 23-4.

APC staff David Hittle presented the zoning map, plat, and aerial photos. He stated this is a request for a minor subdivision; it will be subdividing the original Lot 2 of the Meeks Minor into two lots. It will be Lot 2A and Lot 2B. He stated this is just west of the I-65 on ramp going south, and just south of SR 26. It is unimproved except for in the southeast corner there is a wireless transmission tower that is zoned I1; otherwise, it is all zoned HB for Highway Business, so this would allow for a new development. It does meet all of the subdivision requirements, and they have not requested any subdivision variances. Staff is supportive as requested.

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

Patrick Williams, TBIRD Design, 105 N. 10th Street, Lafayette, stated he is here representing Meeks Real Estate Holdings. They concur with all of staff's comments, and they are respectively requesting conditional approval. He offered to answer any questions.

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.

David Hittle collected the ballots and noted 15-Yes to 0-No for conditional approval of **S-5066**.

Yes-Votes

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

No-Votes

C. Rezoning Activities

Gary Schroeder moved to hear and vote on **Z-2846 BENITO MUNOZ (AA to A)**. Vicki Pearl seconded.

1. **Z-2846 BENITO MUNOZ (AA TO A):**

Petitioner is seeking a rezone of 25.3 acres, in anticipation of filing a special exception in the A zone, in order to make conforming a rodeo/concert venue located at the northeast corner of CR 1300 S and CR 400 E in Lauramie 25 (SW) 21-4. CONTINUED FROM THE MARCH APC MEETING BY INCONCLUSIVE VOTE. FINAL CONTINUANCE.

APC staff Larry Aukerman presented the staff report with several exhibits including a zoning map and aerial photos. He stated the property is currently zoned AA, and the surrounding property is zoned A. Petitioner is rezoning 25 acres in order to apply for a special exception in order to make an existing rodeo/concert venue conforming. This rezone is a result from complaints from neighbors. Petitioner has been hosting rodeos and concerts on site. This rezone is the first step in the process, and the second step would be a special exception. This site has been used as a horse farm for 40 years, and those uses are not permitted in the AA zone. Staff is recommending approval to change the AA zone because that use to be conforming will need to be located in the A zone. Staff's recommendation is based on the zoning only. He stated there are two letters of opposition to read into the record when it is time.

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

Gaye Martin, GL Martin Accounting & Tax Service, 2484 Glick Street, Lafayette, stated she is Mr. Munoz's accountant, and she has worked with him for approximately 20 years. He is a good businessman, and he owns property in Lafayette, and he has a business in Frankfort. By starting this up, he is trying to do something for the community. This property that he bought it was implied that it would be grandfathered in that they could do rodeos and other events on that property, and then we found out it was not grandfathered in. The people who owned this property before had other events besides it just being a horse farm. There were remarks made at the last meeting regarding illegal activities that were going on at the farm and nothing is further from the truth. The sheriff's department was out there working with Mr. Munoz and the activities. He is a family man, and this would be good for the Lafayette community.

Benito Munoz, 12711 S 400 E, Romney, stated he felt offended when people said there were illegal activities going on at the last meeting. He stated they close at 10 PM, but he is willing to close at 9 PM if that is what needs to happen. He is willing to work with everyone. He didn't know this was going to happen, and he has \$100,000 invested in bands, and he doesn't want to lose it. That is a lot of money to lose in the six events that they have this year. He believes he is a good, hardworking man, and he believes this would bring a lot of tourism into Lafayette, and that is good for the local businesses.

Larry Leverenz asked if any persons wished to speak in favor of this petition.

Shan Sheridan, Clinton County Chamber of Commerce and Economic Development, Frankfort, stated Mr. Munoz has been a strong business partner in Frankfort for many years. He stated they greatly appreciate his partnership and collaboration with the Chamber. If any changes need to be made in his establishments, he steps-up and does what is right. He stated they are working with Mr. Munoz with another event venue in Clinton County. They are in the process going through all of the steps, and they are excited about it. He thinks it will be a great opportunity for Clinton County and the region.

Maria Campos, 1429 Kenilworth Drive, Lafayette, stated she is a realtor, and she sold him the property. The house at this property was in really bad shape, but Mr. Munoz fell in love with the property. He is using this as his primary residence, and he is remodeling and restoring it. We were sure he could do these events because the former owner let us see how much she was making holding these events. We were sure he could do these events because the previous owner was holding events.

Diana Garcia, 4103 Chase Lane, Romney, stated she supports Benito. She is his neighbor; she owns 9 acres north of this property. Her family has been to his events. They are family friendly, and the security

was thorough. The musicians he brings to the community are surprisingly famous. We are very proud of him and of his accomplishments.

Randy Young, 8949 Tyler Road, Battle Ground, stated this request of rezoning that he is asking for is completely reasonable, and the APC staff concurs. The issue regarding rodeos and a special exception is a different matter that the BZA would hear and decide at a future time. APC staff correctly pointed this out in their report.

JB Love, 5503 N 500 W, Thorntown, stated he is with Anytime Outhouse, and he has helped out with his events by providing temporary facilities at his events. He stated Mr. Munoz has made a lot of improvements to this property, and he takes care of it. When they go back after events to pick up their equipment, all of the trash has been picked up, everything is back inside and organized. He stated Mr. Munoz orders enough facilities from Anytime Outhouse to take care of what is occurring at the property. The brief time he has been at the events there is security everywhere and kids everywhere; it seems to be a family friendly occasion.

Francisco Munoz, 2410 Farmington Place, Lafayette, stated he is the son of Benito Munoz, and his father has been working here for 30 years. These events are not super common. This is not something that happens every week; it is only when it is warm. The sheriffs are always there. This would bring more tourism, and it is something fun to have in Lafayette.

Tanner Lewis, 3600 E County Line Road S, Romney, stated he lives about a mile away, and he can't hear anything noise at his property. He has been at these events before with his children. Mr. Munoz has employees working these events, and he is providing jobs when he has these events.

Miguel Munoz, 2410 Farmington Place, Lafayette, stated he is Mr. Munoz's youngest son. He has attended a lot of these events since he was little, and they are a lot of fun. He thinks since Benito has been here, the Hispanic community has grown and with that so has the culture, and this is a celebration of that. It also brings in revenue for the city. He works very hard.

Benny Munoz, 2410 Farmington Place, Lafayette, stated he is Mr. Munoz's middle son, and his father has been working very hard his whole life. He reiterated that there are not illegal activities going on at these events. Seeing his father work as hard as he does, he deserves an opportunity for this. His family and friends enjoy these events.

Larry Leverenz asked if any persons wished to speak in opposition of this petition.

Kris Bowers, 4020 Chase Lane, Romney, stated she has lived on Chase Lane for 12 years, and the events that were happening prior were barrel races; there were not huge concerts going on. She stated she loved the horse farm and the events that they had there, but the concerts have disrupted the quiet country living. Her windows shake from the vibration of the music, and her son can't sleep because it is so loud. Events go on all day Saturday and all-day Sunday until 11 PM. When her son finally falls asleep, then the gun fire begins, and he is up again, and he is scared. She has had a case of beer dumped in her front flower bed. She is requesting this rezone is not approved and allow the horse farm to run like it has for years as a safe family-friendly venue without the concerts.

Jim Lutterloh, 12444 S 400 E, Romney, stated he lives across the road on the north end of this property. This rezone should be denied because of the noise, trash, and traffic. All the roads are gravel, and traffic has been backed-up all the way to Hwy 28. The area is not appropriate for the kind of functions they intend to hold.

Rob Beck, 12431 S 400 E, Romney, stated he lives about a half-mile north of this property. He has lived here for three years with his wife and two sons. He has never been to an event at this property, but the property is very beautiful. He has no problem with the horse farm; however, when these events started, the noise level is incredibly loud. His windows shake. When it happens on Sunday nights, it is a concern because his children have school the following day. After these events, he has had drag racing outside of

his house. He has had gunfire from moving vehicles outside of his house. He has had a tremendous amount of litter on his property.

Matt Bowers, 4020 Chase Lane, Romney, stated he had a nice conversation with Mr. Munoz after the last meeting, and he has no issues with Mr. Munoz or his family. He also has no issues with the horse farm, and he wishes him the best. He does not want this rezoned approved to help facilitate the special exception that will need to be filed in the future. He stated there is a disregard for following the law. Concerts have been going on this past summer and fall with very loud music. He stated the sheriff's department should have records of several complaints. He stated liquor has been served without a license and liquor has been served to minors. There is racing at excessive speeds following the concerts, and guns are being fired late at night. This is not in the best interest of Tippecanoe County and the surrounding community.

Maria Campos, 1429 Kenilworth Drive, Lafayette, stated she processed the wine and beer permits for Mr. Munoz under her name and his name. She stated all the events have the permit for wine and beer, and she can show them to anyone who would like to see them.

Larry Leverenz asked for staff to read the letters of opposition into the record.

Ryan O'Gara read a letter in opposition from the following:

Mary and Ted Springer, 46896 State Road 28 E, Lafayette, IN 47909

Ryan O'Gara read a letter in opposition from the following:

Janie and Andrew Sumner, 4102 Chase Lane, Romney, IN 47981

Larry Leverenz called for the rebuttal from the petitioner.

Gaye Martin, GL Martin Accounting & Tax Service, 2484 Glick Street, Lafayette, stated from the letters that have been written and what has been said, none of these people have contacted Mr. Munoz when any of these issues came about, and because of that he did not know that he was bothering his neighbors.

Benito Munoz, 12711 S 400 E, Romney, stated he wished his neighbors would have told him about the noise being an issue. He is here to work with his neighbors. He stated he has not had a complaint from the sheriff's department either. He stated he is not aware of any shots being fired, and he does not allow guns inside of his events. He wants everyone to be safe.

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

Lisa Dullum asked for clarification regarding how often these events would occur.

Maria Campos, 1429 Kenilworth Drive, Lafayette, responded approximately six during the summer and fall. The plan is not to have them every weekend; it is only during the summer and the fall. Most of the concerts are held on Sunday, but Benito is in agreement to hold them on Saturday, so he is not bothering the neighbors. Mr. Munoz is willing to have the concerts end at 9 or 10 PM also. She stated they are willing to work with everyone.

Larry Leverenz noted what is being voted on tonight is only for the rezoned of the property.

Tom Murtaugh asked how many people are attending these events.

Maria Campos, 1429 Kenilworth Drive, Lafayette, responded between 300 or 400 people. She stated not everyone comes at the same time. Some people will come and enjoy the food and music and then leave.

Tom Murtaugh asked where everyone is parking.

Maria Campos, 1429 Kenilworth Drive, Lafayette, responded everyone parks on site, and there are people directing the parking.

Tom Murtaugh asked if most of the events take place outside.

Maria Campos, 1429 Kenilworth Drive, Lafayette, responded yes, most of them are outside.

Larry Leverenz called for a vote on **Z-2846 BENITO MUNOZ (AA to A).**

Ryan O’Gara collected the ballots and noted the Area Plan Commission voted 7-Yes to 8-No an inconclusive vote for the rezone of **Z-2846 BENITO MUNOZ (AA to A).**

Yes-Votes

Vicki Pearl
Larry Leverenz
Perry Brown
Kathy Parker
Lisa Dullum
Jackson Bogan
Michelle Dennis

No-Votes

Gary Schroeder
Jody Hamilton
Diana Luper
Bob Metzger
Tom Murtaugh
Tracy Brown
Carla Snodgrass
Jerry Reynolds

Larry Leverenz noted this was an inconclusive vote, and this was the second hearing for this rezone request.

Gary Schroeder moved to forward this rezone request to the County Commissioners with no recommendation from the APC. Vicki Pearl seconded, and the motion carried by unanimous voice vote.

Gary Schroeder moved to hear and vote on **Z-2849 SUBTEXT ACQUISITIONS, LLC – BRANDT STILES (Verve West Lafayette PD) (R3W & PDRS to PDMX).** Vicki Pearl seconded.

2. Z-2849 SUBTEXT ACQUISITIONS, LLC – BRANDT STILES (Verve West Lafayette PD) (R3W & PDRS to PDMX):

Petitioner is requesting rezoning on approximately 1.64 acres for a proposed single-lot, mixed use, planned development. The proposed seven-story building would contain a maximum of 247 residential units with 763 bedrooms, approximately 5,000 square feet of ground floor retail and a 231-space parking garage. The property is located on the south half of the block bounded by a public alley, Chauncey Avenue, Wood Street, and Salisbury Street, in West Lafayette, Wabash 19 (NW) 23-4

APC staff Ryan O’Gara presented the staff report with several exhibits including a zoning map and aerial photos. Stated this site is in West Lafayette in the downtown core area. This site is bounded by Chauncey Avenue, Wood Street, and Salisbury Street. What we have is a mixed-use seven-story building with two garage levels. This is a challenging site because it is on a slope. Ground floor retail would extend almost to the corner on the side of the building on Chauncey Avenue. It would have outdoor seating, and the sidewalk would be extended. It is 247 units with a maximum of 763 bedrooms and about 5,000 square feet of ground floor retail on Chauncey Avenue. There will be a 231-space parking garage with the upper level of the garage being accessed from the alley, and the lower level of the garage will be accessed from Salisbury Street. Retail parking will be on the upper level of the garage. There will be a charging station in the garage for the residents to use for their vehicles, and a public charging station located on Wood

Street. Public utilities are available to serve the site. The conditions are all fairly standard, and staff is recommending conditional approval.

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

Ryan Munden, Reiling Teder & Schrier, 250 Main Street, Suite 601, Lafayette, stated he is here on behalf of the petitioner. The petitioner is very excited about this project, and the design team came-up with a very attractive structure. In addition to the 231 residential spaces the commercial areas will have 14 dedicated parking spaces. There will be two charging stations to accommodate four vehicles in the parking garage. There will be 230 bicycle parking and storage spaces. All the apartments will be furnished. The commercial space will have outdoor seating areas along Chauncey Avenue. It will also have 6,000 square feet of study space which is important to Purdue. Yesterday, this project was presented to the Purdue/West Lafayette joint Board, and they voted unanimously to support the project. They concur with the staff report and recommendations, and they 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 **Z-2849 SUBTEXT ACQUISITIONS, LLC – BRANDT STILES (Verve West Lafayette PD) (R3W & PDRS to PDMX).**

Ryan O'Gara collected the ballots and noted the Area Plan Commission voted 15-Yes to 0-No recommending approval of the petition **Z-2849 SUBTEXT ACQUISITIONS, LLC – BRANDT STILES (Verve West Lafayette PD) (R3W & PDRS to PDMX).**

Yes-Votes

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

No-Votes

Gary Schroeder moved to hear and vote on **Z-2851 MONTEREY APARTMENTS, LLC – DUSTIN ZUFALL (Monterey Apartments PD) (R3W to PDRS).** Vicki Pearl seconded.

3. Z-2851 MONTEREY APARTMENTS, LLC – DUSTIN ZUFALL (Monterey Apartments PD) (R3W to PDRS):

Petitioner is requesting rezoning on approximately 0.45 acres for a proposed single-lot, multi-family residential planned development. The proposed five-story building would contain a

maximum of 68 units with 103 bedrooms and a 36-space ground-floor parking garage. The property is located near the southeast corner of Pierce and Wood Streets in West Lafayette, Wabash 19 (SE) 23-4.

APC staff Ryan O’Gara presented the staff report with several exhibits including a zoning map and aerial photos. This site is bounded by Pierce Street, Wood Street, Chauncey Avenue, and Harrison Street. The proposal is a five-story building with a maximum of 68 units with 103 bedrooms and a 36-space ground-floor parking garage. This will be all residential which staff favors because it is in an all residential area. The Pierce Street right-of-way is already sufficient and did not need any dedication. The alley along the north frontage will have some right-of-way dedication to expand it to 15 feet. This project is just outside the West Lafayette Downtown Plan. The overhead utilities will be going underground with this project. The conditions are fairly standard, and staff is recommending conditional approval.

Larry Leverenz asked if the petitioner or the petitioner’s representative wished to speak.

Joe Bumbleburg, Ball Eggleston, PC, 201 Main Street, Lafayette, stated he is representing the petitioner, and the staff report accurately details the project. They agree with the conditions and 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 **Z-2851 MONTEREY APARTMENTS, LLC – Dustin Zufall (Monterey Apartments PD) (R3W to PDRS).**

Ryan O’Gara collected the ballots and noted the Area Plan Commission voted 15-Yes to 0-No recommending conditional approval of the petition **Z-2851 MONTEREY APARTMENTS, LLC – Dustin Zufall (Monterey Apartments PD) (R3W to PDRS).**

Yes-Votes

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

No-Votes

Gary Schroeder moved to hear and vote on **Z-2852 PURDUE RESEARCH FOUNDATION – Jeremy Slater (Source at Discovery Park District PD) (CBW to PDRS).** Vicki Pearl seconded.

4. **Z-2852 PURDUE RESEARCH FOUNDATION – Jeremy Slater (Source at Discovery Park District PD) (CBW to PDRS):**

Petitioner is requesting rezoning on approximately 2.08 acres for a proposed single-lot, residential condominium planned development. The proposed four-story building would contain a maximum of 57 residential condominium units with a 70-space, ground-floor parking garage. The property is located on the south half of the block bounded by Airport Road, State Street, soon-to-be-extended McCutcheon Drive, and soon-to-be-realigned Harrison Street in West Lafayette, Wabash 24 (SE) 23-5.

APC staff Ryan O’Gara presented the staff report with several exhibits including a zoning map and aerial photos. He stated this is in the Discovery Park District. This project is unique because it is a condominium. Nimitz Drive will be vacated and essentially realigned for an extension of Harrison Street to Airport Road. The curb cut will be repurposed for an entry point into the garage of the new building. There is a lot of infrastructure work to do with this project. Public utilities are available to be extended. This location is part of the 231 Corridor Plan. It is in the innovation mixed use category which allows a wide variety of uses. Having home ownership available in Discovery Park is a great addition to that mix of uses. Staff does support this effort to bring these units to market. The conditions are fairly standard except because of the issues with the infrastructure, they will build a little flexibility into this PD at the Construction Phase, and that is outlined in Condition #11. Staff is recommending conditional approval.

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

Jeremy Slater, Purdue Research Foundation, 1281 Win Hentschel Blvd., Suite 260, Lafayette, stated the staff report did a good job of outlining the specifics about the building. He stated they are trying to bring diversity of housing typology within the district. This building will have two bedroom and three-bedroom condos and four-bedroom executive suites. The first floor is a 70-space garage and then three levels of condos. There are about 19 condos per each floor. They are hoping to begin construction on the streets in September of this year and be wrapped up by the end of next year. The condo itself will start construction later this year, and it is about an 18-to-24-month build, so we will be wrapping up in 2024. He is 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 **Z-2852 PURDUE RESEARCH FOUNDATION – Jeremy Slater (Source at Discovery Park District PD) (CBW to PDRS).**

Ryan O’Gara collected the ballots and noted the Area Plan Commission voted 15-Yes to 0-No recommending approval of the petition **Z-2852 PURDUE RESEARCH FOUNDATION – Jeremy Slater (Source at Discovery Park District PD) (CBW to PDRS).**

Yes-Votes

Vicki Pearl
Gary Schroeder
Diana Luper
Michelle Dennis
Kathy Parker
Carla Snodgrass
Jerry Reynolds

No-Votes

Perry Brown
Tracy Brown
Jackson Bogan
Bob Metzger
Tom Murtaugh
Jody Hamilton
Lisa Dillum
Larry Leverenz

Gary Schroeder recused himself for the next case. He left the room.

Vicki Pearl moved to hear and vote on **Z-2853 TIPPECANOE LAND HOLDING, INC. C/O Habitat for Humanity of Lafayette (R1 to R1B)**. Jackson Bogan seconded.

5. **Z-2853 TIPPECANOE LAND HOLDING, INC. C/O Habitat for Humanity of Lafayette (R1 to R1B):**

Petitioner is requesting rezoning of 1.304 acres located at the southwest corner of Powder House Lane and Walker Court, specifically, 2334 Powder House Lane in Lafayette, Fairfield 31 (SE) 23-4.

APC staff Amanda Esposito presented the staff report with several exhibits including a zoning map and aerial photos. She stated the petitioner is requesting a rezone of 1.304 acres from R1 to R1B. This lot and surrounding lots are zoned R1. There are mostly single-family homes here, and further out is a mix of uses. Powder House Lane and Walker Court are both urban local roads, and public utilities serve the site. If the rezone is successful, the petitioner plans to demolish the existing home and create six additional buildable lots through the major subdivision process. A rezone of a similar nature, also requested by Habitat for Humanity, was approved in 2017 to the north on Powder House Lane. Staff is recommending approval.

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

Ryan Munden, Reiling Teder & Schrier, 250 Main Street, Lafayette, stated he is here on behalf of the petitioner, Tippecanoe Land Holding, Inc. The conceptual layout did show seven buildable lots, but after talking with the engineer and surveyor the intent would be to utilize the seventh lot for drainage facilities and not to build on. This project for this house is to reunite a disbursed family. The mayor and the city are in support with this rezone. They concur with the staff's report and recommendation and 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 **Z-2853 TIPPECANOE LAND HOLDING, INC. C/O Habitat for Humanity of Lafayette (R1 to R1B)**.

Ryan O'Gara collected the ballots and noted the Area Plan Commission voted 14-Yes to 0-No recommending approval of the petition **Z-2853 TIPPECANOE LAND HOLDING, INC. C/O Habitat for Humanity of Lafayette (R1 to R1B)**.

Yes-Votes

No-Votes

Vicki Pearl
Diana Luper
Michelle Dennis
Kathy Parker
Carla Snodgrass
Jerry Reynolds
Perry Brown
Tracy Brown
Jackson Bogan
Bob Metzger
Tom Murtaugh
Jody Hamilton
Lisa Dullum
Larry Leverenz

Gary Schroeder returned to the meeting.

Gary Schroeder moved to hear and vote on **Z-2855 AMY GAETA (NB to GB)**. Vicki Pearl seconded.

6. Z-2855 AMY GAETA (NB TO GB):

Petitioner is requesting rezoning of a lot located on the southwest corner of Schuyler and N. 19th Street, specifically 1827 Schuyler Avenue, in Lafayette, Fairfield, Longlois Reserve (S 1/2) 23-4.

APC staff David Hittle presented the staff report with several exhibits including a zoning map and aerial photos. He stated this is a request to rezone just under a quarter of an acre from NB to GB. He noted this site is at the southwest corner of Schuyler and 19th Street. The only structure on the site is a building from 1958 which was originally a service station. The petitioner is requesting this rezone not for a specific use but to make it more marketable. This site is located in the St. Lawrence/McAllister Neighborhood Plan area, and per that plan, this site is recommended to be NB. The other concern is the lot is smaller than a lot of the residential lots in this area, and it is almost not developable for an intense commercial use. In staff's opinion, it not only doesn't meet the plan, but it is an over intensification of the site. Staff is recommending denial.

Larry Leverenz asked if the petitioner or the petitioner's representative wished to speak.

Amy Gaeta, 2350 Sagamore Parkway N, Lafayette, stated she is representing her parents and Gaeta Rentals. They purchased this property with the intent to open another small dealership but decided to rent it out to someone else. Someone contacted us about this property, and he is wanting to use it for a repair shop, and that type of business requires GB zoning. She noted when they purchased this property they also purchased the house and garage on the property directly behind this site as well.

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.

Jackson Bogan asked for clarification regarding if a repair shop is or is not allowed in the NB zone.

David Hittle responded a repair shop is not allowed in the NB zone.

Larry Leverenz called for a vote on **Z-2855 AMY GAETA (NB to GB).**

David Hittle collected the ballots and noted the Area Plan Commission voted 4-Yes to 11-No recommending denial of the petition **Z-2855 AMY GAETA (NB to GB).**

Yes-Votes

Perry Brown
Diana Luper
Bob Metzger
Michelle Dennis

No-Votes

Vicki Pearl
Gary Schroeder
Kathy Parker
Carla Snodgrass
Jerry Reynolds
Tracy Brown
Jackson Bogan
Tom Murtaugh
Jody Hamilton
Lisa Dillum
Larry Leverenz

V. ADMINISTRATIVE MATTERS

None.

VI. APPROVAL OF THE MAY EXECUTIVE COMMITTEE AGENDA

Gary Schroeder moved that the following requests for subdivisions be placed on the May 4, 2022 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-5067 GRACE WOODS ESTATES, A REPLAT OF LOTS 3 AND 4 (minor-sketch); AND S-5068 PIERCE – LAH MINOR SUBDIVISION (minor-sketch).

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

VII. DETERMINATION OF VARIANCES—Area Board of Zoning Appeals

No new variances on the April ABZA agenda.

VIII. DIRECTOR'S REPORT

David Hittle stated the director's report was emailed out this morning, and he offered to answer any questions.

IX. CITIZEN'S COMMENTS AND GRIEVANCES

None.

X. ADJOURMENT

Gary Schroeder moved to adjourn.

Meeting adjourned at 8:20 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 underneath the name.

David L. Hittle
Executive Director