

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

DATE..... May 17, 2023
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/C/TippecanoeCountyGovernment>

MEMBERS PRESENT			MEMBERS ABSENT	STAFF PRESENT
Larry Leverenz	Vicki Pearl	Greg Jones	Michelle Dennis	David Hittle
Gary Schroeder	Perry Brown	Lisa Dullum	Tom Murtaugh	Ryan O’Gara
Jerry Reynolds	Diana Luper	Bob Metzger	Tracy Brown	Kathy Lind
Jody Hamilton	Carla Snodgrass	Kathy Parker		Austin Hammerli
Jackson Bogan	Jason Dombkowski			Eric Burns, Atty

The Area Plan Commission of Tippecanoe County Public Hearing was held in-person on the 17th day of May 2023 at 6:00 P.M., pursuant to notice given and agenda posted as provided by law.

Larry Leverenz called the meeting to order.

Attorney Eric Burns called roll to establish members present.

I. BRIEFING SESSION

David Hittle stated the cases were ready to move forward.

II. APPROVAL OF THE MINUTES

Gary Schroeder moved to approve the minutes from the April 19, 2023 public hearing as submitted. Greg Jones seconded, and the minutes, as submitted, were approved by unanimous voice vote.

III. NEW BUSINESS

A. Ratify Administrative Action

Attorney Eric Burns explained the necessity of the administrative action. The Executive Committee agenda had only administrative matters, no cases for public hearing, and therefore the presiding officer took administrative action to move this body forward. Anytime the presiding officer takes this action, this body will be made aware of it and will ratify the action. A ratification is a vote to say there is agreement with what was done. The record will reflect that this body looked at the administrative actions that were taken by the presiding officer and approve of them by ratification. This process will only occur when there are no other agenda items for a public hearing. The other option is to continue everything until the next meeting, which does not promote the public’s, nor this body’s interest, and increases the chances of forgetting something.

Gary Schroeder moved to ratify the Administrative Action that occurred on May 2, 2023 that approved the May APC & BZA public hearing agendas, the Determination of Variances, and the April budget report. Greg Jones seconded, and the motion passed by unanimous voice vote.

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. **COMPREHENSIVE PLAN AMENDMENT RESOLUTION**

RESOLUTION 2023-04: WEST LAFAYETTE PARKS AND OPEN SPACE PLAN:

Per request of the city council, an amendment to the Comprehensive Plan's Park Recreation and Open Space Plan. This amendment provides for recommendations on new proposed park and trail locations within West Lafayette city limits and its vicinity, along with strategies to implement the plan's recommendations.

Gary Schroeder moved to hear and vote on **RESOLUTION 2023-04: WEST LAFAYETTE PARKS AND OPEN SPACE PLAN.** Greg Jones seconded.

Ryan O'Gara explained that the West Lafayette Council approved a resolution in October 2021 that authorized APC to 'study parks and open spaces for sustainable growth of the West Lafayette park system.' Officials encouraged APC to dream big. West Lafayette had already done extensive planning work for existing facilities and speculation of new locations. APC saw this effort as an addendum to what the City had already started. In early spring of 2022, a group of stakeholders was identified including Purdue University, Niches Trust, and Tippecanoe County Parks staff. There is an inner and outer green belt of areas that are inter-connected with parks and paved and natural trails. This plan builds on the existing system and then expands it outwards. The inner greenbelt idea is within city limits and the outer belt takes into consideration future growth of the city. The plan identifies park facilities as an active park space (ball fields, Rec Center, dog park) or a passive park space (natural conservation areas); with some areas having elements of both, Happy Hollow Park for example. Working from what already exists, future areas were considered, many of them in floodplain environments with steep slopes, wetlands and areas that cannot be built. These areas have some type of natural beauty to them and might be worthy of conservation or repurpose as a partial park space. Plans also include trail design to connect the spaces with hard, paved trails, usually in rights-of-way along major and minor roads, and natural trails that may crisscross the natural environments, which would likely be acquired by easement. Plans were presented to the stakeholder group last fall and adjustments were made based on feedback. The plans were delivered to the Parks Board at the end of 2022. The draft plan was formally heard at their February 2023 public hearing and again in March, where the final version was unanimously recommended for approval. He explained this would be a policy document, meant to provide guidance and inspiration for where the park system might grow. These plans also fold into the township planning effort taking place in Wabash and Tippecanoe townships.

Larry Leverenz asked if anyone in the audience wished to speak in favor or opposition.

Derrin Sorenson, 3323 Shrewsbury Drive, West Lafayette, a developer in the area, said this is the first time he has heard of these plans. He said this plan is asking the Board to approve other people's private property. He does not believe these people have had a chance to comment. He would like to see the plans continued until there is input from the people that are going to be affected by this.

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

Vicki Pearl said she would second Mr. Sorenson. She has not seen or heard anything about these plans. She asked if anyone that lives in the area had been included or spoken to. She was curious to know what group, outside of the City of West Lafayette, has heard about these plans.

Ryan O'Gara replied that the plans were advertised and presented to the Parks Board, the group APC was responding to for the City of West Lafayette. Two public hearings took place. There had been extensive public outreach within the city for the park planning effort that occurred prior to APC's involvement.

Jason Dombkowski asked if private property owners affected by this were contacted, notified, or engaged.

Ryan O'Gara replied that they were not individually contacted.

Jackson Bogan questioned that if the owners have not been notified, there is a chance that their piece of land could now be deemed park and they are not aware of that. He asked if this becomes part of the *Comprehensive Plan*, then staff make their decisions from the plan going forward.

Ryan O’Gara responded that it is policy. The rights they have on the currently zoned land stays.

Jackson Bogan questioned Ryan O’Gara and said if this resolution becomes part of the *Comprehensive Plan* and someone wants to come and take their piece of land to make it R3 zoning, and it is in the park area, staff will need to follow the *Comprehensive Plan* and thereby deny the request. He asked if he was understanding correctly.

Ryan O’Gara said staff would recommend denial and would reach out to the locality to tell them the area was targeted as being appropriate park space based on criteria that was developed. It would be the locality to decide. They could use the current subdivision ordinance park reservation system, where the locality can reserve land, for five years, that they are interested in acquiring, and find a way to compensate the owner of the land. He added this is not eminent domain and does not want to get ahead of the process.

Jason Dombkowski said he understands this is not eminent domain but would possibly affect the owner’s right to develop a property, or add a layer of complication, if the land is inside a park plan when the petition goes before this Board or City Council.

Ryan O’Gara replied legally, if only the subdivision ordinance is followed, and if the locality makes use of the park land reservation system, then the locality does have a right to have the land reserved. Funds would need to be available to strike a deal within the five-year timeframe, or the reservation ceases. It is his knowledge that the ordinance has never been triggered so there is not much interest from the localities to pursue it. The locality can work with the property owner to come to an arrangement if the locality is interested in acquiring land or an easement.

Gary Schroeder asked what the procedure is to invoke a five-year reservation and what body it goes before.

Attorney Eric Burns said it is up to the municipality, not the Area Plan Commission.

Ryan O’Gara said if the land is within the county, the County Parks Board would decide. If it falls within city limits it would go before the city’s parks department at their discretion. At the sketch plan stage, when a subdivision is being scrutinized, these big picture items are brought to the table. There are a few clauses that concern special natural areas or areas of historic interest, varying degrees of things that can be reserved and requested for preservation. The request would be part of the comments section of the sketch plan. He gave an example of a major residential subdivision development where the parks department is interested in having some of the lots for a park. The sketch plan would say where the ideal spot would be for the park and a negotiation would take place with the developer.

Gary Schroeder quoted the staff report: ‘reviewing existing and proposed tools for the acquisition of these sites as permitted by Indiana Code’ and asked if the Parks Board has put together a budget or a plan to acquire these lands.

Ryan O’Gara said this document is dreaming and aspirational. Currently, no budget or funds are available for these plans. West Lafayette was trying to create a vision for something greater than what they already have. It is safe to say none of the finances are there to acquire any of this land. He added if there is political support, support from residents, taxpayers, and owners for these sorts of concepts, then those ideas could be brought to the elected officials to say this is a great idea and should be made a priority to the city. Then the negotiations would begin with the owners to make a deal and acquire the land. Most of the sites in this plan are undeveloped and already out of bounds, as floodplain areas.

Larry Leverenz asked if a piece of property is developed, does it stay within the *Comprehensive Plan* as a possible part and what happens until the Plan is amended to clean things up.

Ryan O’Gara said there are provisions to routinely go through and amend them when they are out of date. That does happen from time to time but is not automatic. There are examples in neighborhood plans where things did not go according to plan. Zoning is the law, the policy is a suggestion, and that is the difference. He gave an example of the New Chauncey neighborhood having a proposed boundary for the historic district that does not meet the legal boundary of the local historic district in New Chauncey, because the local historic district was approved after the plan. For some reason, they did not look at it or ignored it, because it is policy, they did not have to follow it. The City Council determined what they believed should be the boundary and that is what was adopted and what’s law.

Gary Schroeder added that because questions that have been raised, and property owners not being contacted to have an opportunity to give their input, he proposed continuing the resolution to the Ordinance Committee for discussion purposes. He asked if staff could contact the owners to involve them and hear their input.

Gary Schroeder moved to continue **RESOLUTION 2023-04** to the June Ordinance & Bylaws Committee meeting. Jason Dombkowski seconded. Attorney Eric Burns conducted a roll call vote.

<u>Yes-Votes</u>			<u>No-Votes</u>
Vicki Pearl	Kathy Parker	Gary Schroeder	Carla Snodgrass
Bob Metzger	Jody Hamilton	Jackson Bogan	Lisa Dullum
Greg Jones	Jerry Reynolds	Perry Brown	
Diana Luper	Larry Leverenz	Jason Dombkowski	

Larry Leverenz concluded discussions and stated **Resolution 2023-04** would be placed on the June Ordinance & Bylaws Committee agenda.

B. Subdivisions

Gary Schroeder moved to hear and vote on **S-5123 ARBOR CHASE, SECTION 6, PHASE 2 (major-preliminary)**. Greg Jones seconded.

S-5123 ARBOR CHASE, SECTION 6, PHASE 2 (major-preliminary):

Petitioner is seeking preliminary plat approval of a 59-lot single-family residential subdivision on 39.98 acres, located east of the intersection of Westmoreland Drive and Millingden Trail, west of Soldiers Home Road, and south of Lauren Lakes Subdivision, in West Lafayette, Wabash 32 (SW) 24-4. CONTINUED FROM THE APRIL 19TH MEETING AT PETITIONER'S REQUEST. FIRST CONTINUANCE.

David Hittle explained this petition was partially presented last month. He referred to aerial and zoning maps. The subdivision will be bridging development between the existing Arbor Chase subdivision and Lauren Lakes subdivision. The forty-acre lot is half wooded and half farmed. Access would be gained from Millingden Trail from the south and would continue northward and connect to Demeree Way. There would be three east/west roads within the development. The petitioner's counsel did indicate a desire to speak to the Public Works Director of West Lafayette and indicated that they may want to bond, rather than build for a portion of street three on the plat. That is a standard request and staff has no objection to that. Staff recommends approval subject to the conditions that are indicated in the staff report.

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

Kevin Riley, Reiling Teder & Schrier, 250 Main Street, Lafayette, representing the petitioner, stated they would comply with the conditions and concur with staff's recommendations. He clarified that bonding would only apply to the approximately 180 square feet of road that is not being built, referred to as street three.

Larry Leverenz asked if members of the audience wished to comment on the petition. There were none.

Larry Leverenz asked if the Board had any questions. There were none.

Larry Leverenz called for a vote on a white ballot.

David Hittle collected the ballots and noted the Area Plan Commission voted 14-Yes to 0-No recommending approval of **S-5123 ARBOR CHASE, SECTION 6, PHASE 2 (major-preliminary)**. The Area Plan Commission also voted 14-Yes to 0-No to permit bonding.

<u>Yes-Votes</u>				<u>No-Votes</u>
Vicki Pearl	Kathy Parker	Gary Schroeder	Perry Brown	(none)
Bob Metzger	Jody Hamilton	Jackson Bogan	Lisa Dullum	
Greg Jones	Jerry Reynolds	Carla Snodgrass		
Diana Luper	Larry Leverenz	Jason Dombkowski		

C. Rezoning Activities

Gary Schroeder moved to hear and vote on **Z-2876 CERES SOLUTIONS COOPERATIVE, INC. (AA to I3)**. Greg Jones seconded.

1. Z-2876 CERES SOLUTIONS COOPERATIVE, INC. (AA to I3):

Petitioner is requesting rezoning of 4.72 acres (amended from 10 acres by petitioner on 5/8/23) located adjacent to the west and south of 601 SR 28 W, approximately 3000' west of US 231 S near Romney, in Randolph 19 (NW) 21-4. CONTINUED FROM THE MARCH 15TH APC MEETING AT PETITIONER'S REQUEST. FIRST CONTINUANCE.

David Hittle referred to zoning and aerial maps. The site is currently zoned AA, select agricultural, the indicator for prime farmland. The property adjoins to an existing agricultural gas and fuel storage facility. Petitioner owns the operation and is looking to expand to the west with a 4.72-acre lot. Initially the request was for ten acres, but staff was directed by the *Comprehensive Plan* to protect agricultural farmland, especially select agricultural. The petitioner was questioned as to whether the full ten acres was necessary.

The request was reduced to the 4.72-acres. The site is not agricultural as a use, but certainly serves agricultural uses and is located at the intersection of a state road and a railroad, making plenty of sense. Staff is supportive of the request.

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

Chris Shelmon, Gutwein Law, 250 Main Street, Lafayette, representing the petitioner, said Ceres Solutions provides agricultural supplies such as fertilizers and fuel to local area farmers. The intent of the expansion is to allow for construction of a new office and maintenance garage to service the fleet of fuel vehicles. He agrees with the staff report and requested recommendation of approval.

Larry Leverenz asked if any persons wished to speak in favor of this petition. There were none.

Larry Leverenz asked if any persons wished to speak in opposition of this petition. There were none.

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 14-Yes to 0-No recommending approval of **Z-2876 CERES SOLUTIONS COOPERATIVE, INC. (AA to I3)**.

<u>Yes-Votes</u>				<u>No-Votes</u>
Vicki Pearl	Kathy Parker	Gary Schroeder	Perry Brown	(none)
Bob Metzger	Jody Hamilton	Jackson Bogan	Lisa Dullum	
Greg Jones	Jerry Reynolds	Carla Snodgrass		
Diana Luper	Larry Leverenz	Jason Dombkowski		

Gary Schroeder moved to hear and vote on **Z-2879 SHN HOLDINGS, LLC (332 Brown Street PD) (CBW to PDNR)**. Greg Jones seconded.

2. Z-2879 SHN HOLDINGS, LLC (332 Brown Street PD) (CBW to PDNR):

Petitioner is requesting rezoning of approximately one acre for a proposed hotel development. The proposed seven-story hotel is planned to contain 149 guest rooms and a 147-space internal, structured parking garage. The property is located at 332 Brown Street, West Lafayette, Wabash 20 (SW) 23-4.

Ryan O'Gara referred to the zoning and aerial maps to show the property in West Lafayette's downtown riverfront area on Brown Street. The site is an existing, now abandoned, PFCU ATM branch location. The Levee Plaza shopping area is to the north and a private driveway into the parking lot is to the east of this site. The proposal fits nicely into the site relative to the future Levee street grid concept from the *West Lafayette Downtown Plan*. The one-acre site proposal is a very innovative hotel concept with the parking garage integrated into the building, with the building essentially wrapping the garage. It is an extremely efficient use of one-acre of land. The hotel would be seven stories with 149 rooms and a 147-space garage. The main entrance would be off Brown Street with an upgraded streetscape. The project is positioned

where if a new Levee street grid occurs, the site could potentially have another street frontage. The building's design is sensitive to that possibility and has a nice southeast corner element. The fifth floor incorporates an outdoor patio area off the main amenity spaces as well as a bistro and meeting space. It is very urban in character and extremely appropriate for this neighborhood and fits perfectly with a lot of policy directives of the *Downtown Plan*. Staff recommends approval with standard conditions for planned developments.

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

Kevin Riley, Reiling Teder & Schrier, 250 Main Street, Lafayette, representing the petitioner, said they will be redeveloping an underutilized site that will be a welcomed addition to the Levee. They agree with the staff report and request approval.

Larry Leverenz asked if any persons wished to speak in favor of this petition. There were none.

Larry Leverenz asked if any persons wished to speak in opposition of this petition. There were none.

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 14-Yes to 0-No recommending approval of **Z-2879 SHN HOLDINGS, LLC (332 Brown Street PD) (CBW to PDNR)**.

<u>Yes-Votes</u>				<u>No-Votes</u>
Vicki Pearl	Kathy Parker	Gary Schroeder	Perry Brown	(none)
Bob Metzger	Jody Hamilton	Jackson Bogan	Lisa Dullum	
Greg Jones	Jerry Reynolds	Carla Snodgrass		
Diana Luper	Larry Leverenz	Jason Dombkowski		

Gary Schroeder moved to hear and vote on Z-2880 DON KOEHLER (R1U to NBU). Greg Jones seconded.

3. Z-2880 DON KOEHLER (R1U to NBU):

Petitioner is requesting a rezone of 2.2 acres located on the west side of Dayton Road, south of Walnut Street and north of the railroad tracks, specifically 304 Dayton Road, in the Incorporated Town of Dayton, Sheffield 9 (NW) 22-3. CONTINUED FROM THE APRIL 19TH APC MEETING AT PETITIONER'S REQUEST. FIRST CONTINUANCE.

Kathy Lind referred to zoning and aerial maps of the town of Dayton. The site is 2.2-acres on the west side of Dayton Road. State Road 38, or Walnut Street, is a bit to the north and the railroad tracks runs along the southern border. Surrounding property to the north is zoned NBU, to the east GB and to the south is NB. On the site is an existing house, damaged by fire, that the petitioner has plans to raze. The property was zoned commercially until 1998 when the current zoning ordinance was adopted, and because the site had a house, probably received residential zoning. Now that the house will be razed, there will no longer be a residence. The site has commercial zoning on three sides. The *Distinctively Dayton Town Plan*, a pending town-initiated planning project, shows a commercial future for the site. Staff recommends approval of the request.

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

Ron Koehler, 749 Shady Lane, Dayton, was present but had no comment.

Larry Leverenz asked if any persons wished to speak in favor of this petition. There were none.

Larry Leverenz asked if any persons wished to speak in opposition of this petition. There were none.

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 14-Yes to 0-No recommending approval of **Z-2880 DON KOEHLER (R1U to NBU)**.

<u>Yes-Votes</u>				<u>No-Votes</u>
Vicki Pearl	Kathy Parker	Gary Schroeder	Perry Brown	(none)
Bob Metzger	Jody Hamilton	Jackson Bogan	Lisa Dullum	
Greg Jones	Jerry Reynolds	Carla Snodgrass		
Diana Luper	Larry Leverenz	Jason Dombkowski		

Gary Schroeder moved to hear and vote on Z-2884 VAN ROOY PROPERTIES, INC. – Russ Seiler (The Uplands at Park East PD) (GB to PDRS). Greg Jones seconded.

4. Z-2884 VAN ROOY PROPERTIES, INC. – Russ Seiler (The Uplands at Park East PD) (GB to PDRS):

Petitioner is requesting rezoning of approximately 20 acres for a multi-family apartment development. The proposed multi-building project is planned to contain a maximum of 312 units and approximately 585 surface-lot parking spaces with additional parking in both attached and detached garages. The property is located on the east side of Park East Blvd, just north of the Kettle Circle intersection, Lafayette, Fairfield 25 (NW) 23-4.

Ryan O’Gara referred to zoning and aerial maps of Lafayette’s east side, along Park East Boulevard and south of the Wal-Mart shopping area. A residential duplex subdivision is to the west, a senior living facility is to the south and the east remains undeveloped. This is one of the last, undeveloped tracts with direct frontage on Park East Boulevard. The site has wetlands within it and was one of the main reasons the planned development route was used. The project incorporates the wetland areas into the design, preserving them and highlighting them as amenity spaces. The clubhouse is located at the front of the property and has an extensive inter-connected sidewalk network within the facility that connects directly to the existing sidewalk on Park East. The plan was to have an identified path to Wal-Mart, not just a cow path. There is a drainage facility to the north, dividing the site from Wal-Mart, which creates separation and will deter people walking through. The back end of the property is stubbed, with the future of the site to the east currently open-ended. The city has big plans for major infrastructure, drainage and road facilities that are evolving, and this site may have a part to play and potentially may get a back door into the site. Emergency services would appreciate this as another means of navigating. The proposal is 312 units in three-story buildings with 585 parking spaces, scattered between surface lots, internal garages, and detached buildings throughout the site. Park East Boulevard is largely non-residential and institutional and offers an interesting, diverse mix. Staff recommends approval with standard conditions.

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

Kevin Riley, Reiling Teder & Schrier, 250 Main Street, Lafayette, representing the petitioner, agrees with the summary of the project and with the staff report. This will add much needed housing to the area. The proposal is consistent with the *Comprehensive Plan* and meets all requirements of the ordinance. He requested approval.

Larry Leverenz asked if any persons wished to speak in favor of this petition. There were none.

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

Nicholas Esposito, 8 Kettle Circle, Lafayette, said he received a certified letter about this development, and as far as he knows, was the only resident to receive a letter. He spoke to his neighbors and they did not know about it. His concern is the traffic. The way he sees the property, the only way out is either on Progress Drive near Harley Davidson, or at Park East Boulevard. This would be adding traffic to Park East, a short street, with talks about it going all the way to 38, but that has not yet happened. He assumed there would be an exit on Progress Drive.

Jean Esposito, 8 Kettle Circle, Lafayette, said she would have never bought this house if she had known there would be the amount of traffic on Park East Boulevard. She believes this will affect the value of her home. She mentioned incidents that have occurred in the area that relate to safety. Examples were a man using her hose in the fenced backyard, police being called to check their garage for entry, and people knocking on their door asking to use the phone. She worries about the traffic and adding hundreds of cars.

Rita Singer, 232 Kettle Circle, Lafayette, said she had not spoken to anyone who received a certified letter. She was not aware Nicholas Esposito received one.

Connie Dykstra, 323 Kettle Circle Lafayette, said her concern was with the traffic and no traffic light to stop traffic. Adding 312 units will be unreal to navigate in the area.

Kevin Riley, Reiling Teder & Schrier, 250 Main Street, Lafayette, was allowed a rebuttal. He said notices were sent to the people who they were required to send to under the ordinance. He said the neighbors that did not receive them may not be within the area where they had to provide the notice. Notices were sent to who was entitled to receive them. Park East is a four-lane road and was there before Kettle Circle was developed. The road provides the access to that development, so the road has been there. As part of the planned development process, they met with the city and Area Plan. The city engineer has had input and there were no concerns raised about traffic during those meetings. He requested approval.

Jerry Reynolds asked Kevin Riley if these were market rate apartments.

Kevin Riley, Reiling Teder & Schrier, 250 Main Street, Lafayette, answered yes. He also said the development, as planned, meets the requirements of the underlying zoning. They did a planned development because that is what the city wanted them to do, and he thought that was important to know.

Jean Esposito, 8 Kettle Circle, Lafayette, was permitted to speak again. She said she understands Park East Boulevard was there before Kettle Circle. She has lived there fourteen years. Her husband asked the mail carrier how many people in the development received a certified letter and the mail carrier said they were the only house to get a letter. She asked if they got a letter because they are the corner house and no one else mattered. She said that is not notifying people of what is going on. She added that people cannot always arrange to be at the hearing. She said if the developers are doing something that affects everybody there, they have the right to know what is going on.

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

Larry Leverenz called for a vote on a yellow ballot.

Ryan O’Gara collected the ballots and noted the Area Plan Commission voted 14-Yes to 0-No recommending approval of **Z-2884 VAN ROOY PROPERTIES, INC. – Russ Seiler (The Uplands at Park East PD) (GB to PDRS))**.

<u>Yes-Votes</u>				<u>No-Votes</u>
Vicki Pearl	Kathy Parker	Gary Schroeder	Perry Brown	(none)
Bob Metzger	Jody Hamilton	Jackson Bogan	Lisa Dullum	
Greg Jones	Jerry Reynolds	Carla Snodgrass		
Diana Luper	Larry Leverenz	Jason Dombkowski		

Gary Schroeder moved to hear and vote on **Z-2891 RAMEY MASCREEN (NB to R1)**. Greg Jones seconded.

5. Z-2891 RAMEY MASCREEN (NB to R1):

Petitioner is requesting a rezone of two lots totaling 9.52 acres in area, located on the east side of SR 43 N, south of SR 225 and west of Midnight Drive, specifically replatted Lots 3 and 4 in Mystic Woods subdivision, Tippecanoe 22 (NW) 24-4.

David Hittle referred to zoning and aerial maps of Mystic Woods Subdivision. This request is 9.52-acres, lots three and four, from neighborhood business zoning to single family residential. It was originally zoned R1 like the surrounding area but was rezoned to NB in 2007 with the intention of an Odd Fellows Lodge to be constructed that never happened. This is corrective rezoning back to R1. This is within the area of the *Battle Ground Town Plan* from 1998, although not within the boundaries of Battle Ground. Comprehensive plans typically stretch their future land use maps beyond the borders of the town to correspond with potential future annexation area. This area is within that Plan and recommends low density residential use for this property. The site is not served by public water or sewer. This is a down zoning from NB to R1, in compliance with the plan, on a lot that cannot serve commercial development. Staff is supportive of the request.

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

Ramey Mascreen, 4605 S 175 W, Lafayette, was present and chose not to comment.

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

Paul Wenthold, 6651 Midnight Drive, West Lafayette, said he is in favor, and no offense to the Odd Fellows, but would much rather have a dozen new neighbors than a fellowship hall. His concern or question was if an expansion of the subdivision size would trigger any requirements for streetlights. There are no streetlights in the subdivision and the HOA does not allow them. If there was a zoning requirement for streetlights of a subdivision of X number of houses, then they would not be able to comply with that.

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

Sonya Shidely, 6534 Midnight Drive, West Lafayette, referred to an access drive that exists onto Midnight Drive. She thinks that should be denied and they should have access to SR 43. That much traffic going through the little subdivision would be very great. She asked if anything can be done to deny access onto Midnight Drive. She referred to the aerial photo displayed on the screen, relating how large the development is to how small the drive is and thinks it would be too much traffic on the little road.

Larry Leverenz asked David Hittle for clarification that this is only for rezoning and that there is no replatting or anything like that occurring.

David Hittle said it is two lots for a rezoning. If there is a desire to subdivide, that would be another petition.

Justin Dyer, 6501 Midnight Drive, West Lafayette, said he has the first house on the right when you pull in. He has lived there ten or eleven years and when he bought the home was given a map that showed future development. The letter that came in the mail said something about manufactured homes or trailers and that is his only concern and what it would do to his property value.

Rich Beecher, 6601 Midnight Drive, West Lafayette, agreed with Justin Dyer and said they do not want manufactured homes.

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 14-Yes to 0-No recommending approval of **Z-2891 RAMEY MASCREEN (NB to R1).**

<u>Yes-Votes</u>				<u>No-Votes</u>
Vicki Pearl	Kathy Parker	Gary Schroeder	Perry Brown	(none)
Bob Metzger	Jody Hamilton	Jackson Bogan	Lisa Dullum	
Greg Jones	Jerry Reynolds	Carla Snodgrass		
Diana Luper	Larry Leverenz	Jason Dombkowski		

V. ADMINISTRATIVE MATTERS

VI. APPROVAL OF THE JUNE EXECUTIVE COMMITTEE AGENDA

There have been no subdivisions 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-2106 PURDUE RESEARCH FOUNDATION, and
BZA-2107 PURDUE RESEARCH FOUNDATION.**

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

VIII. DIRECTOR'S REPORT

David Hittle said the report was distributed earlier in the day and has nothing to add. He offered to answer questions. There were none.

IX. CITIZEN'S COMMENTS AND GRIEVANCES

X. ADJOURMENT

Gary Schroeder moved to adjourn. Meeting adjourned at 7:09 PM.

Respectfully Submitted,
Kristina Lamb
Recording Secretary

Reviewed by,

A handwritten signature in black ink, appearing to read "D. Hittle". The signature is stylized with a long horizontal line extending from the end of the name.

David Hittle
Executive Director