DATE................................................................................................................. Sep. 15, 2021  
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  
Vicki Pearl  
Bob Metzger  
Carla Snodgrass  
Larry Leverenz  
Diana Luper  
Michelle Dennis  
Tracy Brown  
Tom Murtaugh  
Jackson Bogan  
Perry Brown  
Kathy Parker  
Lisa Dullum  
Gary Schroeder  
Jerry Reynolds  
Jason Dombkowski  
Greg Jones  
Jody Hamilton

MEMBERS ABSENT  
David Hittle  
Ryan O’Gara  
Maureen McNamara  
Larry Aukerman  
Kathy Lind  
Eric Burns, Atty

STAFF PRESENT  

The Area Plan Commission of Tippecanoe County Public Hearing was held in-person on the 15th day of September 2021 at 6:00 P.M., pursuant to notice given and agenda posted as provided by law.

I. BRIEFING SESSION

David Hittle noted that all cases on the agenda are set to go forward tonight. He also noted that rezoning case Z-2840 has been amended to rezone from NB to R1U, instead of the advertised rezoning from NB to R1. He also noted that a phone call was received earlier in the day noting that the public notice sign placed at the property at the intersection of Russell and 4th Streets, the subject of rezoning petition Z-2835 incorrectly listed the hearing date as September 16, 2021, rather than September 15, 2021. The mailed notice did indicate the correct date, as did the published notice. Only the on-site sign indicated the incorrect date. He also noted that the Plan Commission can vote to waive its own rules or a portion of a rule, and so could vote to hear the matter tonight despite the incorrect date being listed on the public notice sign.

Attorney Eric Burns noted specifically that the Plan Commission could first choose to suspend its bylaws by vote with a motion and second, and then could vote to determine that the deficient sign represented only a non-substantial defect, therefore allowing the matter to go forward with a hearing tonight.

Gary Schroder motioned and Greg Jones seconded for both acts, and both acts were agreed to by voice vote unanimously.
II. APPROVAL OF THE MINUTES

Gary Schroeder moved to approve the minutes from the August 18th 2021 meeting. Greg Jones seconded and the motion carried by unanimous voice vote.

III. NEW BUSINESS

IV. PUBLIC HEARING

Jackson Bogan 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

1. USO AMENDMENT #12:
   This amendment to the Unified Subdivision Ordinance removes outdated applications and forms and revises the definition of “lot” to match the definition of “lot” in the Unified Zoning Ordinance.

Gary Schroeder moved to hear and vote on USO AMENDMENT #12. Greg Jones seconded.

APC staff Don Lamb presented the staff report, indicating that the proposed amendment would bring the Unified Subdivision Ordinance in line with recent changes to the Unified Zoning Ordinance, and also updates and replaces certain subdivision forms and applications.

Jackson Bogan asked for questions from the plan commission members and the audience. There were none.

The Area Plan Commission voted by ballot 17-Yes to 0-No to recommend approval for USO AMENDMENT #12.

B. Subdivisions

Gary Schroeder moved to hear and vote on S-5022 Colburn Minor Subdivision (minor-sketch). Greg Jones seconded.

1. S-5022 COLBURN MINOR SUBDIVISION (MINOR-SKETCH):
   Petitioner is seeking primary approval for three lots (plus one outlot) on 11.25 acres located on the northwest side of Soldiers Home Road, approximately ¼ mile southwest of the CR 75 E intersection, in West Lafayette, Tippecanoe 32 (SW) 24-4.

APC staff Don Lamb presented the staff report with several exhibits including a zoning map and aerial photos. He indicated that the request proposes three lots with road frontage, in addition to a rear outlot. Staff supports the request, along with the standard conditions included in the staff report.

Attorney Dan Teder, representing the petition, concurred with the staff report and asked for approval.

Jackson Bogan asked if any persons opposed to the request would like to speak.
Sharon Baker spoke, stating that her family lives in the neighborhood and witnesses accidents frequently. She has concerns about an increase in accidents. She also voiced concerns about drainage and the presence of underground springs which may be disturbed with new construction.

Dennis Schlodt, 3751 Litchfield Place, reiterated the concern about drainage, noting that water retention is problematic in the area.

Jackson Bogan noted that the issue of drainage would be dealt with by the drainage board at a later date. He called for a vote.

The Area Plan Commission voted by ballot 17-Yes to 0-No to recommend approval for S-5022 COLBURN MINOR SUBDIVISION (MINOR-SKETCH)

Gary Schroeder moved to hear and vote on S-5023 Wood Row Subdivision, Phase 2 (major-preliminary). Greg Jones seconded.

**2. S-5023 WOOD ROW SUBDIVISION, PHASE 2 (major-preliminary):**

   Petitioner is seeking primary approval for a 4-lot subdivision on 20.86 acres, located on the north side of CR 50 S, between CR 675 E and McCarty Lane, in Perry 29 (NE) 23-3.

APC staff Don Lamb presented the staff report with several exhibits including a zoning map and aerial photos. He indicated that the request constituted a major plat, rather than a minor plat, because it seeks four lots. Otherwise, there are no public improvements proposed, as would normally be the case with a major plat. Mr. Lamb noted that the plat proposal includes a variance seeking a slight deviation from street standards along 675 E. Staff supports both that variance request, as well as the major plat, subject to the conditions listed in the staff report.

Attorney Dan Teder, representing the petitioner, spoke in favor of the request and asked for approval of the plat and the associated variance request, as well as bonding.

Jackson Bogan asked if there was any additional comment from any party. There was none. He called for a vote for the variance, plat, and bonding.

The Area Plan Commission voted by ballot 17-Yes to 0-No to recommend approval for S-5023 WOOD ROW SUBDIVISION, PHASE 2 (major-preliminary), with a variance, with bonding.

C. Rezoning Activities


**1. Z-2835 PCM Properties, LLC (RUSSELL STATION PD)(R3W to PDMX):**

   Petitioner is requesting rezoning of approximately 0.47 acres for a single-lot, 4-story, mixed-use building containing 51 residential units, over 5,000 square feet of ground-floor retail, and a 31-space ground-level parking garage. The property is located at the southeast corner of Russell and 4th Streets, 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. He noted that the subject property is in the West Lafayette neighborhood known as “The Island”, specifically at the corner of 4th and Russell. The property currently is improved with an historic fraternity mansion. The petitioners propose to rezone to remove the existing fraternity building, and to develop a 4-story mixed-use building with ground-level commercial use and upper-story residential use.
Mr. O’Gara noted asserted that the building design is similar to other mixed-use buildings developed in the recent past, and that its design and mix of uses would be well-suited for the area. He finally stated that staff is in support of the request.

Attorney Dan Teder, representing the petitioners, spoke in favor of the request. He noted that the petitioners have had numerous meetings with APC staff, have met with the Purdue/West Lafayette Joint Board, and have met with West Lafayette emergency services, and have incorporated comments from all parties into the proposed development. He also asserted that Purdue University Housing is interested in leasing the residential portions of the property once it is built.

Jackson Bogan asked for questions from the plan commission members.

(Inaudible question.) Mr. Teder responded, saying that the property is not under the jurisdiction of any local historic preservation commission, and that it is on the National Register of Historic Place. He asserted that that listing places no restriction on what a non-federal owner may do with the property, including destruction.

Mr. Bogan called for comments from remonstrators.

Steve Schultz, general counsel for Purdue University, spoke against the request. He noted that Purdue is generally supportive of private sector improvements such as is proposed here, but ultimately opposes this proposal as it is inconsistent with the university’s master plan. He noted that Purdue has completed approximately $175 million worth of recent projects in the area, and that the proposed development conflicts with the intended character of the area, which is chiefly residential and academic in nature.

Kieran O’Cormack, 501 North Russell Street, spoke against the request, noting specifically that the project’s architecture would fit poorly within the existing context of the built form of the area. He also noted inadequate proposed parking.

Pris Gerdy, 8303 Tyler Road, Battle Ground, representing Kappa Kappa Gamma fraternity, a neighbor to the east, spoke against the request. She noted that the project would be inconsistent with the look and feel of the cooperative living arrangements common to the area. She also voiced concerns about parking and vehicular access.

Garen Young, Six Ross Ade Drive, spoke against the request. He noted that he passes the subject property every day and believes that the proposed development would throw off the entire area. He was also concerned with parking, and with the loss of an historic structure.

Daniel Fenari, 501 Russell Street, spoke in opposition to the request. He noted that he understands the need for new housing, but was unhappy with the problems that might come from increased parking demand, and bemoaned the potential loss of an historic and important building.

Castie Leshentien, 519 N University Street, spoke against the request. She noted that “The Island” is a part of Purdue’s history, and that the loss of the existing building would be unfortunate. She also is concerned with parking and traffic, especially as there is a lack of parking even now.

Wade R. Miller, 600 Northridge Drive, West Lafayette, primary adviser to Phi Gamma Delta fraternity, also spoke against the request. He was particularly concerned with the lack of parking, and noted that the proposed building looked more like a Days Inn than a building fit for Purdue’s campus.

Albert Johnson, 501 N Russell Street, spoke against the proposal. He noted that a commercial center, literally in the middle of campus, would detract from the area’s appeal.
Jackson Bogan called for rebuttal from the petitioner.

Dan Teder, attorney representing the petitioners, noted that he was offended that they had worked long and diligently with stakeholders, including Purdue University, only to learn at the 11th hour that Purdue planned to remonstrate. He asserted that Purdue is trying to control the property that the petitioners own, and that that was inappropriate. He also noted that Purdue owned commercial property immediately across the street.

Plan Commission member Vickie Pearl commented that Purdue Housing seems to be comfortable with the proposal, but another part of Purdue is not…? Mr. Teder agreed, stating that the opposition from Purdue’s general counsel was a surprise.

Jackson Bogan called for a vote. Ryan O’Gara collected and counted the ballots, noting 12 in favor and 5 against. The recommendation of approval will be brought to the West Lafayette City Council.

Gary Schroeder moved to hear and vote CASON & EARL, LLC (MURDOCK GARDENS PHASE 2 PD) (I3 & NB to PDRS). Greg Jones seconded.

2. Z-2837 CASON & EARL, LLC (MURDOCK GARDENS PHASE 2 PD) (I3 & NB to PDRS):
   Petitioner is requesting rezoning on approximately 2.14 acres for a single-lot, multi-family apartment complex containing a maximum of 50 residential units. The property is located at the southeast corner of the intersection of 30th Street and Cason Street, in Lafayette, Fairfield 22 (SW) 23-4.

APC staff Ryan O’Gara presented the staff report with several exhibits including a zoning map and aerial photos. He noted that the subject property is located in a unique part of the traditional city grid, and that the proposed project would provide for a lower-density hybrid apartment complex of the garden apartment and townhouse variety. He stated staff’s support for the request subject to the conditions indicated in the staff report.

Attorney Dan Teder, representing the petitioner, spoke in favor of the request. He noted that the site had been improved with a manufacturing facility but has been vacant for many years. He noted that the petitioner had met with the APC staff and the mayor, and concurred with staff’s recommendation.

Jackson Bogan asked if there were any remonstrators present.

Randy Stude, 3014 Ferry Street, mentioned that he lived just south of the subject site. He voiced concerns about increases in traffic and drainage, and a loss of privacy.

A woman, Yesenia Gutierrez, 3010 Ferry Street, spoke. She voiced concerns about drainage and traffic.

Attorney Dan Teder provided the rebuttal. He noted that the drainage issue would be dealt with by the drainage committee, and that traffic impacts are anticipated to be minimal.

Jackson Bogan called for a vote.

Ryan O’Gara gathered and counted the ballots, noting 17 in favor, 0 against.

Gary Schroeder moved to hear and vote Z-2838 BRIXMOR PROPERTY GROUP (SAGAMORE PARK CENTRE PD) (PDNR to PDNR) Greg Jones seconded.

3. Z-2838 BRIXMOR PROPERTY GROUP (SAGAMORE PARK CENTRE PD) (PDNR to PDNR):
Petitioner is requesting rezoning for an existing commercial planned development to expand the permitted uses. The two-lot planned development currently contains an expanded Payless store, a gas station, and a variety of commercial businesses. The subject property is bounded by Sagamore Parkway and Salisbury Street, West Lafayette, Wabash 7 (NW) 23-4.

APC staff Ryan O’Gara presented the staff report with several exhibits including a zoning map and aerial photos. He noted that the property had been rezoned many times, most recently in 2016, to make way for an expansion of the development. He indicated that the rezoning would result in no material changes to the property, but would rather add a list of additional allowed uses, specifically allowing for “veterinarian” use, which is the petitioner’s primary and original intent.

Attorney Joe Bumbleburg, representing the petitioner, spoke in favor of the request. He noted that this new, abbreviated and expedited approach to amending Planned Unit Development use tables is useful and appreciated.

Jackson Bogan asked if there were any additional parties wishing to speak on the matter. There were none. He called for a vote.

Ryan O’Gara gathered and counted the ballots, noting 17 in favor, 0 against.

Gary Schroeder moved to hear and vote Z-2839 JOHN CHRISTODOULAKIS (GB to R3). Greg Jones seconded.

4. Z-2839 JOHN CHRISTODOULAKIS (GB to R3):
   Petitioner is requesting rezoning for 1.224 acres located on the south corner of Paramount Drive and Genoa Drive, just north of Sagamore Parkway West, Wabash 2 (NE) 23-5.

APC staff David Hittle presented the staff report with several exhibits including a zoning map and aerial photos. He noted that the area surrounding the subject site contained uses including multifamily, ministorage, shopping, and similar uses, which commercial generally along Sagamore parkway, and decreasing intensity of use going north. This request would honor that pattern, and so staff supports it.

Attorney Dan Teder, representing the petitioner, spoke in favor of the request. He noted that the petitioner plans to develop approximately 30 units, which would not be geared for student rental.

Jackson Bogan asked if anyone wished to speak in opposition. There was no one. He called for a vote.

David Hittle gathered and counted the ballots, noting 17 in favor, 0 against.

Gary Schroeder moved to hear and vote Z-2840 GARRISON PROPERTIES, LLC (NB to R1). Greg Jones seconded.

5. Z-2840 GARRISON PROPERTIES, LLC (NB to R1):
   Petitioner is requesting rezoning of 4 lots located between Commercial Street & Orchard Street, specifically, 9004 Orchard St. in the unincorporated town of Stockwell, Lauramie 8 (NE) 21-3.

APC staff David Hittle presented the staff report with several exhibits including a zoning map and aerial photos. He noted that the request seeks to rezone four small lots from NB to R1 to allow for the construction of one single-family dwelling. The area is zoned NB, but has historically been used residentially, and in fact a home recently burned down on the subject property. Staff sees the request as reasonable and appropriate, and recommends its approval.

Attorney Chris Shelmon, representing the petitioner, spoke in favor of the request.
Jackson Bogan called for a vote.

David Hittle gathered and counted the ballots, noting 17 in favor, 0 against.

V. Administrative Matters

None.

VI. Approval of the October Executive Committee Agenda:

Gary Schroeder moved that the following requests for subdivision be placed on the October 6, 2021 Area Plan Commission Executive Committee agenda at petitioner’s request, placement thereon being without reference to compliance or noncompliance with the adopted subdivision ordinance:

1. S-5028--QT 7260 ADDITION, REPLAT OF LOTS 1-4 IN GATEWAY PARK COMMERCIAL (minor-sketch plan):
   Petitioner is seeking primary approval to replat four commercial lots into one lot on 7.993 acres, located on the south side of Northgate Court and west side of SR 43, in Battle Ground, Tippecanoe 28(NE)24-4.

2. S-5030--BLUFFS OF BUCK CREEK 2 (minor-sketch plan):
   Petitioner is seeking primary approval for 4 lots on 8.062 acres, located on the north side of CR 450 N just west of SR 25, in Washington 32(NE)24-3.

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

VII. Determination of Variances – Area Board of Zoning Appeals

1. BZA-2061 QUIKTRIP CORPORATION:
   Petitioner is requesting the following sign variances for a proposed gas station/truck stop in an HB (Highway Business) zone:
   a) To allow a 100’ tall freestanding sign instead of the maximum sign height of 36’ (UZO 4-8-6);
   b) To allow a freestanding sign of 632.6 square feet instead of the maximum permitted 40 square feet (UZO 4-8-6); To allow a sign setback of 3.17’ instead of the required setback of 17’ (sign setback is equal to sign height) (UZO 4-8-6); and
   c) To allow a total sign area of 909.7 square feet instead of the maximum permitted 207.5 square feet (UZO 4-8-6);

   on property located at 1973-1887 Northgate Court, (lots 1-4 in Gateway Park Commercial Subdivision), Battle Ground, Tippecanoe 28 (NE) 24-4.

2. BZA-2062 JAMES M. TYLER AND JENNIFER L. NEVILLE
   Petitioner is requesting the following setback variances for a proposed 14 x 28 swimming pool in a R1 (Single Family Residential) zone:
   a) To reduce a front setback to 4 feet from the minimum requirement of 25 feet from the front lot line (UZO 2-1-7) and
   b) To reduce a side setback to 4 feet from the minimum requirement of 25 feet from the front lot line (UZO 2-1-7)

   on property located at 705 Bexley Road, (Lot 16 in Hills and Dales Addition), West
Lafayette, Wabash 18 (SE) 23-4.

VIII. Director’s Report:

David Hittle noted that he emailed the director’s report earlier and called special attention to the new comprehensive planning project involving Stockwell.

IX. CITIZEN’S COMMENTS AND GRIEVANCES

None.

X. ADJOURMENT

Gary Schroeder moved to adjourn.

Meeting adjourned at 7:56 PM.

Respectfully Submitted,

David Hittle