The Area Plan Commission of Tippecanoe County Public Hearing was held in-person on the 20th day of October 2021 at 6:00 P.M., pursuant to notice given and agenda posted as provided by law.

President Jackson Bogan called the meeting to order.

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

I. BRIEFING SESSION

David Hittle noted that all cases on the agenda are set to go forward tonight.

II. APPROVAL OF THE MINUTES

Gary Schroeder moved to approve the minutes from the September 15th, 2021 meeting. Greg Jones seconded, and the motion carried by unanimous voice vote.
III. NEW BUSINESS

Gary Schroeder moved to hear and vote on RESOLUTION PD-21-06 BRIXMOR PROPERTY GROUP (SAGAMORE PARK CENTRE 2021 PD) Z-2838 Greg Jones seconded.

FINAL DETAILED PLANS RESOLUTION PD-21-06: BRIXMOR PROPERTY GROUP (SAGAMORE PARK CENTRE 2021 PD) Z-2838

Final Detailed Plans, consisting of a revised permitted use table and reference to the originally recorded Construction Plans and Final Plat for the Sagamore Park Centre Planned Development. Located on approximately 14.66 acres in the City of West Lafayette and zoned PDNR, 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 final detailed plans. He stated if you all remember the rezone effort that took place about a month ago, the original plan development from 2016 this is the latest version of the plan development; it has gone through several over the decades. It left out some uses that they now want to bring to the site. This is prompted by a veterinarian use that does other things as well and is interested in coming-in. Working with the city staff, we developed a list of essentially prohibited uses, so it is everything allowed in the GB except what is on this list. We are using this as our first change-of-use plan development. We are in the process of amending the PD ordinance to put this in the code as a track that a plan development can take when there’s no physical changes being programmed, and the administrative officer feels that parking and other important issues would not be affected by these changes in use to allow for an expedited process, so that they don’t have to completely redo all the plans. It will save a lot of money and time. As we get that ordinance together, we went ahead and did what we could with our current ordinance to get this case through, so that this veterinarian use business can go ahead and move-in. Westside Council did give their approval and final detailed plans are very limited to that document and then the reference document that connects it to the original recorded final detailed plans, so everything is in order. There’s no bonding necessary. Staff recommended approval of Resolution PD-21-06.

Jackson Bogan asked if the commission members had any questions. There were none.

Jackson Bogan called for the petitioner or petitioner’s representative.

Ryan O’Gara stated the petitioner stated to him they would not be able to send a representative.

Jackson Bogan asked if anyone wished to speak in favor or against this petition. There was no response. Mr. Bogan asked for any questions. There were none. He then called for a vote on a yellow ballot.

Ryan O’Gara collected the ballots and noted 14-Yes to 0-No for approval of RESOLUTION PD-21-06.

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. Subdivisions

Gary Schroeder moved to hear and vote on S-5028 QT 7260 ADDITION, REPLAT OF LOTS 1-4 IN GATEWAY PARK COMMERCIAL (minor-sketch plan). Greg Jones seconded.

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. CONTINUED FROM THE OCTOBER EXECUTIVE COMMITTEE MEETING DUE TO DEFICIENT PUBLIC NOTICE. FIRST CONTINUANCE.

APC staff John Burns presented the zoning map, plat, and aerial photos. He stated the property is in Battleground, and it consists of four different lots all zoned HB. These four lots were originally platted in 2008, and since that time, there has been no developments. Just to the south of this property, you can see the foundation of the former Holiday Inn hotel. We are talking about the land just north of that. Looking at the plat, you will see what is cross hatched are some of the easements that were put in place in 2008 when this was four separate lots. Now, that there’s a user for all four of these lots together, they’re asking to replat the lots into one, and they will remove some of these easements that no longer make sense for drainage, utilities, and create new easements for the new user of this lot. He stated QT, QuickTrip, is the potential user of this lot, a gas station convenience store, and we can let the petitioner’s representative answer any questions about that. Staff is recommending conditional primary approval.

Jackson Bogan called the petitioner or the petitioner’s representative.

Wes Meyers, Farnsworth Group Engineering and Surveying, 2211 W. Bradley Avenue Champaign, IL, stated this is, basically, a replat of four lots that have been existing for some time and with any replat you have specific issues. Basically, sheet one of the minor-sketch plan is, in a sense, erasing some of the old easements that no longer make sense for the current development. There were some that were serving the hotel property to the south. The second sheet is putting the easements back into place. The 60-foot wide easement that comes around off of Northgate Court will serve as a new access to the hotel property. The sanitary sewer, the one easement that was shown as angling easement on the property, is going to be run out into the right-of-way of SR 43 to come down to serve to the property. All the infrastructure and access to the hotel property is going to be maintained with the current development. He stated, he should also mention, that QuickTrip wants us to continue with the platting process, so they can close on the property. He stated, he has been told, they intend to put this site into inventory, and that means that they’re not going to construct it right away. He stated he doesn’t know for how long, and the two agents that he deals with from QuickTrip don’t know how long either as that is a corporate level decision. Mr. Meyers wanted to make everyone aware of the fact it is going to be put into inventory for a while. What they intend to do with the easement situation, assuming that it is moved forward with the re-establishment of the easements, until such time that they do construct the property, they will create an agreement or a license with all of the users and the parties that have interest in these easements to continue to use them as they are until the new construction occurs. So, in a sense, nothing will change. He offered to answer any questions.
Jackson Bogan asked if anyone wished to speak in favor or in opposition of this petition. There was no response. He asked for any questions. There were none. Mr. Bogan called for a vote.

Ryan O’Gara collected the ballots and noted 14-Yes to 0-No for conditional primary approval of S-5028.

Gary Schroeder moved to hear and vote on S-5036 ARBOR CHASE BY THE LAKES, SECTION 6, PHASE 1 (major-preliminary). Greg Jones seconded.

2. S-5036 ARBOR CHASE BY THE LAKES, SECTION 6, PHASE 1 (major-preliminary):
   Petitioner is seeking primary approval for a 42-lot addition to the existing subdivision on 20.46 acres, located north of the north end of Westmoreland Drive, in West Lafayette, Wabash 32 (SW) 24-4.

APC staff David Hittle presented the staff report with several exhibits including a zoning map and aerial photos. He indicated that the request constituted a major plat, and it is just under 20.5 acres. He stated it is zoned R1 for single-family development, and it is entirely wooded at the moment. It is in the City of West Lafayette, and the proposal is to legally establish Phase 1 of Section 6 of the Arbor Chase by the Lakes Subdivision. This phase would include 42 lots. Staff has reviewed and determined that it does meet all the technical requirements of the R1 classification. For an overview, in terms of lots what is propped here would be a typical lot detail of about a 90-foot lot width and a 16,200 square-foot lot area. Where as R1 requires a 75-foot minimum lot width and a minimum 10,000 square foot area, so it meets those requirements. A couple other notes unique to this case are there are wetlands on site, and perhaps, mostly wetlands. What is notable here is this body does not regulate wetlands. They are regulated by the IDEM, Indiana Department of Environmental Management Water Division and by the US Army Corps of Engineers, so any permissions that are necessary for development in the wetlands for mitigation of wetland development, anything like that, will have to be acquired by those bodies before they can turn any shovel in the ground here. We are recommending approval, because they meet the technical requirements, and they are requesting permission to bond. I believe, they are agreeable to the conditions that are mentioned in the staff report.

David Hittle opened the floor for any questions. Mr. Hittle stated this is located at the Northern terminus of Westmoreland Road, and it is about an equal distance from Salisbury Street on the west and Soldiers Home Road on the east.

Jackson Bogan asked if the petitioner or the petitioner's representative wished to speak.

Attorney Kevin Riley with Reiling Teder & Schrier, representing the petitioner, stated they agree that the request meets all the technical requirements of the ordinance. With respect to the wetlands, we have received confirmation from the Corps that these areas don’t fall within their regulations. We have reached out to IDEM, and we will abide by any requirements IDEM has when we begin to develop these lots. He stated bonding has been requested, and the petitioner is willing to comply with all the conditions set forth in the staff report, and we request your approval. He offered to answer any questions.

Jackson Bogan asked Kevin Riley if 42 is the correct number of lots. Mr. Bogan stated he was counting 47 or 48 lots.

Attorney Kevin Riley asked Cameron Seymour with Schneider Geomatics, and Cameron Seymour confirmed, from the audience, the correct number of lots is 42.

Jackson Bogan asked Kevin Riley if he could review the number of lots for the true count, because he is counting more than 42 lots.

Attorney Kevin Riley stated there is some carryover on the second page from the first page.
Jackson Bogan stated he didn’t account for that. Thank you.

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

Jackson Bogan asked if any persons wished to speak in opposition of this petition. He asked those persons to come forward and state their name and address for the record.

Kathleen Abbott, 3839 Westmoreland Drive, stated in reviewing the US Army Corps of Engineers map there are wetlands north of us to the left, kind of, where the intersection is and a little bit to the left of what I am looking at. So, that quadrant has, I think, 0.1 acres, and the US Army Corps of Engineers report does say that they are not regulating that, and it does not fall into Section 404 of the Clean Water Act. However, it is identified as a form of wetlands. The conservation aspect is important to me, but if the decision is made that you are going to build-over it, then I don’t have much say. I do want to make sure that the drainage is going to be appropriate, and that something is going to happen for the native plants and wildlife. We do not have many trees. This is our one wooded area, so we would like as much conservation as possible. However, I know that as soon as I moved-in, I had to pay $1500 for drainage in my backyard, because our easements do not drain very well, and my neighbors have also had to pay to have their drainage fixed, so we do not want to have construction come in and more drainage issues. That is something I would like to bring up. My next point would be the roads connecting. It looks like from the plans that I have seen, there is no clarity on when the roads will connect if they will ever connect east west to Soldiers Home Road and to Salisbury Street or CR 50, and there are no plans for it to connect to CR 50. It seems that this whole area is going to just be through Westmoreland Drive from the south, so from a safety aspect if there’s only the one entrance for fire, police, and all of that, I feel, that’s a safety issue and for all the traffic in the neighborhood. We know we are getting all the construction traffic when it’s happening, which I am not thrilled about, but we can put up with it for short-term if we know that there are plans that will eventually connect, and we will not be the only access point. My last point will be the Tippecanoe School Corporation has not really been answering too many questions about what their plans are with all the new subdivisions, this one especially, for how they are going to do the enrollment, because for us we already saw that record enrollment for kindergarten this year at TSC. We have a lot of children in Arbor Chase, and if this is a very similar neighborhood, they are also named Arbor Chase, I am sure their homes are going to be similar, and they are probably also going to be having a lot of children, and we already have issues with busses and with enrollment, so I just want Tippecanoe School Corporation to be aware of all of these homes going in and figure-out what their plans are for how they are going to accommodate all of that enrollment.

Tim Johnson, 3759 Litchfield Place, stated his property is back-up against about four of these lots, and there are already water issues coming into his property. He stated there is a section back in there that people can support, and I appreciate the neighbors that are doing that, but there are neighbors that aren’t doing it and my concern is what’s going to be done with this over here.

Jackson Bogan asked if anyone else wanted to speak. There was no response.

Jackson Bogan stated he wanted to explain a couple things. Drainage is one of the items that is not before us tonight. I am not saying it is not a concern, but it is not this body that does it. There is a separate drainage board for the county, so should this get approved this will have to go before the City of Engineering.

Jackson Bogan asked Ryan O’Gara if he knows when that would take place.

Ryan O’Gara responded it is part of their review that they would do. He stated after they were approved, they would have to get their construction plans together. Before those plans would get approved and recorded, they would’ve had to have the drainage approved, so the timing would depend on when they would get their construction plans together.
Jackson Bogan asked for any questions.

Tim Johnson asked if it would be noted that there is a drainage sensitivity in your report.

Jackson Bogan responded it is noted. It is on the record.

Jackson Bogan asked for the rebuttal.

Attorney Kevin Riley said there was a stated concern about drainage, but we don’t know for sure if that’s actually an issue. He stated they are not aware of any concerns from the school corporation with respect to this. We’ve already touched on drainage being addressed elsewhere.

Jackson Bogan asked if there were any questions. There were none. He then called for a vote on a white ballot with bonding for S-5036 ARBOR CHASE BY THE LAKES.

Ryan O’Gara collected the ballots.

The Area Plan Commission voted by ballot 14-Yes to 0-No to recommend approval for S-5036 ARBOR CHASE BY THE LAKES, SECTION 6, PHASE 1 (major-preliminary), with bonding.

Gary Schroeder moved to hear and vote on S-5037 PARK 350 INDUSTRIAL PARK (minor-sketch). Greg Jones seconded.

3. S-5037 PARK 350 INDUSTRIAL PARK (minor-sketch):
   Petitioner is seeking primary approval for 3 lots on 9.901 acres, located at the southwest corner of Veterans Memorial Parkway and David Howarth Drive, in Lafayette, Wea 11 (SE) 22-4.

APC staff John Burns presented the staff report with several exhibits including a zoning map and aerial photos. He stated in this case we are on the south side of Lafayette. On the north side of this property is Veterans Memorial Parkway and running along the eastern side of the property is David Howarth Drive. The purpose of this application is to re-instate the primary approval for the last 9.9 acres of these 125 acres of this greater development. The 9.9 acres are the last to be platted. Originally, it was granted approval in 2005; there were multiple two-year extensions after that; however, the last one lapsed in April, so they had to come back and do a minor subdivision to create these lots here. The three lots will have access to the south on Burr Swezey Drive. There is a no vehicular access statement platted on the south side of Veterans Memorial Parkway and David Howarth Drive. All the utilities and the right-of-way has been in place for a few years, so this is the last piece of the puzzle. We are recommending conditional primary approval.

Jackson Bogan asked if the petitioner or the petitioner’s representative wished to speak.

Cameron Seymour, Schneider Geomatics, representing the petitioner stated they agree with what is in the staff report, and we are respectfully requesting approval. He offered to answer any questions.

Jackson Bogan asked if any persons wished to speak in favor of this petition. There was no response. He asked if any persons wished to speak in opposition of this petition. There was no response.

Jackson Bogan asked for any questions from the Commission. There were none.

Jackson Bogan called for a vote on a white ballot for S-5037 PARK 350 INDUSTRIAL PARK.
Ryan O’Gara collected the ballots.

The Area Plan Commission voted by ballot 14-Yes to 0-No to recommend approval for **S-5037 PARK 350 INDUSTRIAL PARK (minor-sketch)**.

### B. Rezoning Activities

Gary Schroeder moved to hear and vote on **Z-2841 BROWNSTONE DEVELOPMENT, LLC (BROWNSTONE CONDOMINIUMS PD) (CB to PDCC)**. Greg Jones seconded.

1. **Z-2841 BROWNSTONE DEVELOPMENT, LLC (BROWNSTONE CONDOMINIUMS PD) (CB to PDCC):**
   
   Petitioner is requesting rezoning of approximately 0.34 acres to convert an existing three-story, multi-family apartment building into 12 residential condominiums units. The property is located on the east side of S. 4th Street between Romig and Alabama Streets, in Lafayette, Fairfield 29 (NW) 23-4.

APC staff Ryan O’Gara presented the staff report with several exhibits including a zoning map and aerial photos. He stated just south of downtown on south 4th street you may have seen a lot of activity over the last couple of years. This project came-in first; we had a development group that was interested in developing both sides of the street then the development group, kind of, split and one group took one side of the street and the other group took the other side of the street. We have the Nova Tower that has been recently completed and fully-leased out; that is a 77-unit project. This building has been around a bit longer, and it was purpose built for condominiums, but they didn’t have the zoning. Mr. O’Gara noted you can only do a residential or non-residential condo through plan development. So, it was essentially a multi-family apartment building, but it was never utilized as such. They did complete it, and we did a walk-through during stage 1 of the units, and then it just sat there. Now, they are finally ready to get started on the condo, and that will require this rezone effort. Again, it was purpose built 12 units, each unit is two stories, so the first units are sub level, then a ground level, and then there’s the next round of these six units which are the second and third floors. They each have a single-space garage located in the back. There are two detached garage buildings that contain the garage units. There are public allies on the north side and on the east side, so they have direct access into these garages from there. The site is fully complete. Gates are there for key-fob access. There is a handicap surface space, so there is an additional parking space for any visitor or resident that wants to make use of that. This is an interesting project. We did a walk-through last week, and they have two patio spaces that they have constructed. They have made the most of this very tight urban space. One of the walkout patios is right on top of the garage building, so the upper units have direct access onto it. It is a common space for them, so the Condo Association would take care of all of this. They also have a lower patio at grade with the driveway. It is right-off the driveway, and it is treated with a brick pattern with an open seating area. It is very secluded and very private it works well with the over-all concept. Every unit has front and back doors. There are two sets of stairs to the first level, and then there are two staircases that go to the upper deck where you can get to the back doors of the upper units, and, of course, all the units have a front door on the front. The lower units have a lightwell from the descending staircase, and the upper units have a grander staircase to get to the top. City utilities are present at the property, and it is ready to move-in.
Mr. O’Gara noted we haven’t had a PDCC rezone petition in over 12 years; the condo market died after
the Great Recession. For those that remember, there was a slew of downtown Lafayette condo
conversions; all sorts of different projects came-in. Mostly, converting old commercial buildings from a
bygone day into residential, so we had all these factory condos including the condo right next to this
building, and the cracker factory, the puzzle factory, all sorts of factories that used to make things and
now there are condos. The living situations were very unique, but proved there was, at that time, an
interest in downtown residential home ownership, so we are very encouraged to see this petition come
forward thinking that the demand and interest may be coming back. He stated the staff enthusiastically
approve. The conditions are standard for a PDCC including proof that the Articles of Incorporation have
been filed and approved by the State. He noted it is different from a standard plan development that we
normally see.

Jackson Bogan asked if the petitioner or the petitioner’s representative wished to speak.

Christopher Shelmon, Gutwein Law, 250 Main Street, stated he would like to thank the staff for their
support and help on this project, and it has been a pleasure to bring this trailblazing project before you.
The developer representative, Jim Rao, the principal of Brownstone Development, is present tonight, and
this is the culmination of labor of love for him. He has really put a lot of time, thought, and energy into it,
and the result is certainly a unique expansion of our near downtown area and a significant investment
which hopefully trailblazes us into generations to come along that location of town. He stated we
ultimately agree with the staff report. They accept all the conditions and look forward to taking the next
step and wrapping this project up and, hopefully, ushering new homeowners into the near downtown
area. He offered to answer any questions.

Jackson Bogan asked if any persons wished to speak in favor of this petition. There was no response. He
asked if any persons wished to speak in opposition of this petition. There was no response.

Jackson Bogan asked if the commission members had any questions. There were none.

Jackson Bogan called for a vote on Z-2841 BROWNSTONE DEVELOPMENT, LLC.

Ryan O’Gara collected the ballots.

The Area Plan Commission voted by ballot 14-Yes to 0-No to recommend approval for Z-2841
BROWNSTONE DEVELOPMENT, LLC.

Ryan O’Gara stated this case will now advance to the City Council next month.

V. ADMINISTRATIVE MATTERS

None.

VI. APPROVAL OF THE NOVEMBER EXECUTIVE COMMITTEE AGENDA

Gary Schroeder moved that the following request for subdivision be placed on the November 3, 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-5039 NORFLEET COMMERCIAL SUBDIVISION, PART 4, A REPLAT OF LOT 3 IN
PART 3 (minor-sketch).
Greg Jones seconded, and the motion carried by unanimous voice vote.

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-2062 JAMES M. TYLER AND JENNIFER L. NEVILLE;
BZA-2063 RESONS INC.; and
BZA-2064 MARK YOUR SPACE, MICHAEL SOBEL.

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

VIII. DIRECTOR’S REPORT

David Hittle stated he emailed out the report yesterday. Mr. Hittle introduced Jennifer Ewen as the new meetings secretary and payroll clerk for the APC.

Jackson Bogan stated to Mr. Hittle he liked the format of the director’s report. He stated the summary page is extremely helpful.

IX. CITIZEN’S COMMENTS AND GRIEVANCES

Vicki Pearl wanted clarification and asked APC staff Ryan O’Gara if the NOVA was, in fact, full.

Ryan O’Gara responded yes.

X. ADJOURMENT

Gary Schroeder moved to adjourn.

Meeting adjourned at 6:39 PM.

Respectfully Submitted,

Jennifer A. Ewen
Recording Secretary

Reviewed by,
David L. Hittle
Executive Director