The
AREA PLAN COMMISSION
of Tippecanoe County

Notice of Public Hearing

Date: June 17, 2020
Time: 6:00pm
Place: County Office Building
Tippecanoe Room
20 North Third Street
Lafayette, Indiana 47901

AGENDA

I. PLEASE NOTE:

Due to the public health emergency, this will be a virtual meeting. Public comment on agenda items may be submitted prior to noon on the meeting day at apc@tippecanoe.in.gov. Comments must include name and address to be heard. Comments may also be made live on the streaming platforms. Members of the public may watch the livestream on Facebook at: https://www.facebook.com/TippecanoeCountyIndiana (you must have an account) or YouTube at https://www.youtube.com/channel/UCJIeeA9ZQo9EllGdZTdjurQ (you must be a subscriber to comment.) Links can also be found on the APC website at: www.tippecanoe.in.gov/apc.

II. BRIEFING SESSION

III. APPROVAL OF MINUTES

Documents:

APC MINUTES 05.20.2020.PDF

IV. NEW BUSINESS

APC BYLAW AMENDMENT RESOLUTION 2020-04: Designating a third plan commission member to sign subdivision final plats when the president and vice-president are unavailable.

Vote Results 12-Yes and 0-No

Documents:

APC RESOLUTION 2020-04.PDF

V. PUBLIC HEARING

A. REZONING ACTIVITIES

1. **Z-2783 CARR FAMILY FARM, LLC (A TO I3):**

Petitioner is requesting rezoning of three tracts totaling 97.806 acres east of I-65, south of Haggerty Lane and west of the T-intersection of CR 650 E with Haggerty Lane, adjacent to the north of the Dayton Town limits, specifically 6445 E 200 S, Sheffield 5 (NW) 22-3. With Commitment added February 19th. Continued from the February 19th and the May 20, 2020 APC meeting at petitioner's request. Final continuance.

Vote Results:
Commitment 13-Yes and 0-No
Rezone 10-Yes and 3-No

Documents:

Z-2783 CARR FAMILY FARM REVISED.PDF

VI. ADMINISTRATIVE MATTERS

VII. APPROVAL OF THE JULY EXECUTIVE COMMITTEE AGENDA

Documents:

07012020 EXEC AGENDA.PDF

VIII. DETERMINATION OF VARIANCES - AREA BOARD OF ZONING APPEALS

(No cases were filed this month.)

IX. DIRECTOR'S REPORT

X. CITIZENS' COMMENTS AND GRIEVANCES

XI. ADJOURNMENT

AREA PLAN COMMISSION OF TIPPECANOE COUNTY
MINUTES OF A PUBLIC HEARING

DATE.....May 20, 2020
TIME.....6:00 P.M.
PLACE..... County Office Bldg.
20 N. 3rd Street
Lafayette, IN 47901

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT
Roland Winger		Sallie Fahey
Jake Gray		Chyna Lynch
Vicki Pearl		Don Lamb
Larry Leverenz		Kathy Lind
Michelle Long		Ryan O'Gara
Tracy Brown		Zach Williams, Atty.
Tom Murtaugh		
Gary Schroeder		
Jackson Bogan		
Kathy Parker		
Lisa Dullum		
Perry Brown		
Dr. Carl Griffin		
Greg Jones		
Jerry Reynolds		
Al Beavers		
Diana Luper		

The Area Plan Commission of Tippecanoe County Public Hearing was held virtually on the 20th day of May 2020 at 6:00 P.M., pursuant to notice given and agenda posted as provided by law.

President Jackson Bogan called the meeting to order. He thanked everyone involved in making this meeting possible. He asked that everyone mute their microphones until they wished to speak or vote.

Attorney, Zach Williams, called the roll to establish members present.

I. BRIEFING SESSION

Sallie Fahey said there are two changes to the agenda. First, **Z-2783 CARR FAMILY FARM, LLC (A to I3)** has asked to be continued to the June 17, 2020 at petitioner's request. **Z-2790 DENISE STALL (AA to GB)** has withdrawn her request. All the paperwork for the remaining cases has been filed.

II. APPROVAL OF MINUTES

Gary Schroeder moved to approve the minutes from the February 19, 2020 meeting. Roland Winger seconded and the motion carried by unanimous voice vote.

III. NEW BUSINESS

Comprehensive Plan Amendment Resolution
RESOLUTION 2020-03 ELLSWORTH PROJECT:
A resolution determining that an amendment to the Consolidated Creasy/Central Lafayette Redevelopment Plan conforms to the Comprehensive Plan for Tippecanoe County, specifically the proposed Ellsworth Project to be built between South, 4th, 5th and Alabama Streets.

Gary Schroeder moved to hear and vote on Resolution 2020-03. Roland Winger seconded.

Sallie Fahey said we have had a number of these amendments recently which is great for our downtown. She referred to the aerial photograph and said this is the block that contains Regions Bank and they are willing to sell the east part of the lot to be developed. This step is to add the Ellsworth Project to the Economic Development Plan for the Creasy/Central TIF. She referred to the map of the Consolidated Central/Creasy TIF District to show the location of the Ellsworth Project then showed drawings of the proposed building. Staff's opinion is that this project complies with the Comprehensive Plan Land Use element and the Comprehensive Plan Housing element. Staff is recommending approval.

Jackson Bogan said Dennis Carsen has notified us that he has nothing to add. We will have a one-minute pause for citizen comment. After the minute passed, he asked Ryan O'Gara if we received any citizen comments. There were none.

Zach Williams conducted a vote by roll call. The motion was approved 16 yes to 0 no.

Yes-Votes	**No-Votes**
Jackson Bogan	
Larry Leverenz	
Carl Griffin	
Roland Winger	
Vicki Pearl	
Lisa Dullum	
Gary Schroeder	
Michelle Long	
Kathy Parker	
Jerry Reynolds	
Tom Murtaugh	
Al Beavers	
Greg Jones	
Perry Brown	
Jake Gray	
Tracy Brown	

Final Detailed Plans

RESOLUTION PD-2020-04: REDWOOD ACQUISITIONS, LLC (Redwood Apartments PD, Phase 1) Z-2764:
Final Detailed Plans for Phase 1 of the Redwood Apartments Planned Development. The approved preliminary plans allow for the construction of a multi-building, multi-family development containing a total of 173 units split between two phases (Phase 1 has 116 units, and Phase 2 has 57 units). The property is located on the south side of Twyckenham Boulevard just east of its intersection with Old US 231 in Lafayette, Wea 5 (NW) 22-4.

Gary Schroeder moved to hear and approve Resolution PD 2020-04. Carl Griffin seconded.

Ryan O'Gara presented the final detailed plans. He said this project was approved by APC on June 23, 2019 to rezone from R3 and GB to PDRS on approximately 25 acres. The preliminary plans allow for a multi-family complex containing 173 units over two phases. The first phase contains 116 of these units. Lafayette City Council approved the project July 1, 2019. This phase is the Twyckenham frontage that is primarily to the east and the west and will be three-quarters of the project. The final detail plans consist of construction plans and final plat. All the conditions are met at this time. The petitioner has requested permission to bond. Staff is recommending approval.

Jackson Bogan asked if the petitioner or their representative want to make a presentation and if there are any documents to share through GoToMeeting.

Russell Brown, 320 North Meridian Street, Indianapolis, IN 46204, representative for petitioner, said he did not have anything to add to staff's report.

Jackson Bogan said we will have a one-minute pause for citizen comment. After the minute passed, he asked Ryan O'Gara if we received any citizen comments. There were none.

Zach Williams conducted a vote by roll call. The motion was approved 16 yes to 0 no.

Yes-Votes	**No-Votes**
Jackson Bogan	
Larry Leverenz	
Carl Griffin	
Roland Winger	
Vicki Pearl	
Lisa Dullum	
Gary Schroeder	
Michelle Long	
Kathy Parker	
Jerry Reynolds	
Tom Murtaugh	
Al Beavers	
Greg Jones	
Perry Brown	
Jake Gray	
Tracy Brown	

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

Carl Griffin seconded, and the motion carried by voice vote

Gary Schroeder moved to continue **Z-2783 Carr Family Farm, LLC (A to I3)** to the June 17, 2020 Area Plan Commission meeting at petitioner's request.

Carl Griffin seconded, and the motion carried by voice vote.

A. Subdivisions

S-4905 BELLE TERRA SUBDIVISION, REVISED (major-preliminary):
Petitioner is seeking primary approval to replace the original 77 lot (and 2 outlots) preliminary plat approved July 18, 2018 (S-4755) on the same 27.64-acre tract located at the northwest corner of CR 600 N and CR 75 E, in Tippecanoe 20 (SE) 24-4. The new layout will be for 79 single-family lots and 3 outlots, including a community building/clubhouse.

Gary Schroeder moved to hear and vote on S-4905 Belle Terra Subdivision, Revised (major-preliminary). Carl Griffin seconded.

Don Lamb presented the zoning map, plat, and aerial photos. He said this site is located on the north side of CR 600 N and west of CR 75 E just north of the Winding Creek subdivision. This property was rezoned in 2018 and was originally approved as a 77-lot subdivision with 2 outlots. This revision is to increase this to 79 lots and 3 outlots. Petitioner has removed a few streets and simplified the plan. The requested variance is to remove access to developable land nearby. This variance was approved by the County Commissioners and APC two years ago with the original approval. Because this site is being revised, they must go through the variance process again. County Commissioners have voted again to remove access to the adjacent land. The area to the north has been approved for another subdivision and does not require connectivity. Petitioner will be required to provide an emergency lane connection because both developments only have one entrance off CR 75 E. Staff recommended conditional primary approval contingent on the following:

A. Variances

1. A variance to waive the requirement to extend new streets to the boundary lines of the subdivision to connect to adjacent tracts for future development, per USO Section 5.3(1)(c)(v).

B. Conditions

CONSTRUCTION PLANS – The following items shall be part of the Construction Plans application and approval:

1. The conditional primary approval of Belle Terra Subdivision S-4755 shall be withdrawn.
2. An access adequate to accommodate emergency vehicles shall be constructed from the north boundary of the subdivision to an internal street to connect to the adjoining emergency access required in The Preserve Subdivision.
3. American Suburban Utilities, Inc. shall approve the sanitary sewer plans.
4. Indiana-American Water Company, Inc. shall approve the water plans.
5. The fire hydrants shall be approved by the Tippecanoe Township Fire Department. Plans for the actual placement of the hydrants shall be approved by the Indiana American Water Company in cooperation with the Fire Department.
6. An Erosion and Sediment Control Plan and a Stormwater Quality Management Plan meeting the requirements of 327 I.A.C. 15-5 shall be submitted to the Tippecanoe County Soil and Water Conservation District and shall also be approved by the Tippecanoe County Drainage Board as required by Tippecanoe County Ordinance #2011-27-CM.
7. The County Drainage Board shall approve the drainage plans.
8. An on-site utility coordinating sheet shall be approved and signed-off by the non-government utility companies. The assigned street addresses for each lot shall be included. If any of these utilities are being extended from an off-site location, this extension shall be made a part of the utility coordinating sheet.

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

9. Except for the approved entrance, a "No Vehicular Access" statement shall be platted along the CR 75 E and CR 600 N right-of-way lines.
10. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
11. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
12. Gateway signs, if any, shall be placed in an appropriate easement at the entrance.
13. All required building setbacks shall be platted.
14. The street addresses and County Auditor's Key Number shall be shown.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

15. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.
16. The purpose, ownership and maintenance of the outlots shall be specified.

Jackson Bogan asked if the petitioner or their representative wanted to make a presentation and if there are any documents to share through GoToMeeting.

Ryan Munden, 250 Main Street, Lafayette, IN 47901, representative for petitioner, said he concurs with the staff report and recommendations. In respect to the variance, this is an Epcot community that is designed to be marketed towards individuals that are 55 and up and is designed for quiet with minimal traffic. Safety concerns are addressed by the emergency access connection that is being built between Belle Terra and The Preserve. In respect to the difference between the original subdivision and the new plan, there are now 3 outlots rather than 2 outlots one of which will include a community building and clubhouse. He respectfully requested approval.

Lisa Dullum asked for Ryan Munden to show where the emergency connection will be.

Ryan Munden, 250 Main Street, Lafayette, IN 47901, representative for petitioner, said the connection will be between lots 10 and 11. He asked Tim Balensiefer to confirm.

Tim Balensiefer, 105 North 10th Street, Lafayette, IN 47901, representative for petitioner, said that is correct. You can see the areas between lots are wider on the plat.

Lisa Dullum asked if the reason is for removing the connection is traffic concerns.

Ryan Munden, 250 Main Street, Lafayette, IN 47901, representative for petitioner, said this is being removed because The Preserve did not require a connection. If the connection was made, it would lead to nothing. The variance is in respect to a north-east connection to minimize traffic.

Lisa Dullum asked if the land to the west could be developed in the future.

Ryan Munden, 250 Main Street, Lafayette, IN 47901, representative for petitioner, said that land has been in the Anthrop family for a long time and they have no plans to develop it outside of building homes for their family.

Tom Murtaugh said the Commissioners supported the variance because this community has a clubhouse and other amenities that you would not want other neighborhoods using.

Jackson Bogan said we will have a one-minute pause for citizen comment. After the minute passed, he asked Ryan O'Gara if we received any citizen comments. There were none.

Zach Williams conducted a vote by roll call to grant **VARIANCE #1.** The commitment was approved 16 yes to 0 no.

Yes-Votes	**No-Votes**
Jackson Bogan	
Larry Leverenz	
Carl Griffin	
Roland Winger	
Vicki Pearl	
Lisa Dullum	
Gary Schroeder	

Michelle Long
Kathy Parker
Jerry Reynolds
Tom Murtaugh
Al Beavers
Greg Jones
Perry Brown
Jake Gray
Tracy Brown

Zach Williams conducted a vote by roll call to conditionally approve **S-4905 BELLE TERRA SUBDIVISION, REVISED (major-preliminary)**. The motion was approved 16 yes to 0 no.

Yes-Votes	**No-Votes**
Jackson Bogan	
Larry Leverenz	
Carl Griffin	
Roland Winger	
Vicki Pearl	
Lisa Dullum	
Gary Schroeder	
Michelle Long	
Kathy Parker	
Jerry Reynolds	
Tom Murtaugh	
Al Beavers	
Greg Jones	
Perry Brown	
Jake Gray	
Tracy Brown	

S-4908 KKLM PLACE SUBDIVISION (minor-sketch):
Petitioners are seeking primary approval for a one lot subdivision on 1.885 acres, located on the west side of N. County Line Road East, approximately 1/2 mile north of SR 26 E, in Perry 24 (NE) 23-3.

Gary Schroeder moved to hear and vote on **S-4908 KKLM Place Subdivision (minor-sketch**). Carl Griffin seconded.

Kathy Lind presented the zoning map, plat, and aerial photos. She said this site is located on the west side of County Line Road East just half a mile north of SR 26 and is zoned Agricultural. This lot comes from a 17-acre parent tract to create 1.885-acre lot. Petitioner plans to build a house on the remining 15 acres. There is a county tile that goes through the 15-acre tract and a tile that runs east heading towards Clinton County that are both shown on the sketch plan. Petitioner has approval from the County Surveyor. Staff recommended conditional primary approval contingent on the following:

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

1. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.

2. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
3. All required building setbacks shall be platted.
4. The street addresses and County Auditor's Key Number shall be shown.

Jackson Bogan asked if the petitioner or their representative wanted to make a presentation and if there are any documents to share through GoToMeeting.

Karl Rhoads, 1517 South Grant Avenue, Crawfordsville, IN 47933, representative for petitioner, said this is a simple one-lot subdivision to create a lot around the existing home site to build a new home. He thanked the Commission and respectfully requested approval.

Jackson Bogan said we will have a one-minute pause for citizen comment. After the minute passed, he asked Ryan O'Gara if we received any citizen comments. There were none.

Zach Williams conducted a vote by roll call. The motion was approved 16 yes to 0 no.

Yes-Votes	**No-Votes**
Jackson Bogan	
Larry Leverenz	
Carl Griffin	
Roland Winger	
Vicki Pearl	
Lisa Dullum	
Gary Schroeder	
Michelle Long	
Kathy Parker	
Jerry Reynolds	
Tom Murtaugh	
Al Beavers	
Greg Jones	
Perry Brown	
Jake Gray	
Tracy Brown	

B. **REZONING ACTIVITIES**

Z-2784 THOMAS C. AND SUSAN L. RIEHLE (R2U to NBU):
Petitioners are requesting rezoning of one lot located on the east side of N. 13th Street between Union and Elizabeth Streets, specifically, 723 N. 13th Street, Lafayette, Fairfield 21 (SW) 23-4.

Gary Schroeder moved to hear and approve **Z-2784 Thomas C. and Susan L. Riehle (R2U to NBU).** Carl Griffin seconded.

Kathy Lind presented the zoning map and aerial photos. She said the site is located on the east side of North 13th Street. The site and the surrounding properties are currently zoned R2U except the property across the alley which is zoned NBU. This property is narrow at 22 feet wide and 100 feet deep and currently has a single-family house. Petitioner plans to add a commercial kitchen to the first floor and retain an apartment on the second floor. The kitchen would be used to prepare food that is catered off-site on food trucks. The required parking will be provided off-site with an approved off-site parking agreement. A bufferyard would be needed if the property is rezoned. This property is at the confluence of two neighborhood plans; Union-Salem Corridor Plan to the north and the Historic Jeff Neighborhood Plan. Both

plans want to keep commercial properties where they are with the alley being the boundary to the north and residential to the south. In support of these plans, staff recommended denial.

Jackson Bogan asked if the petitioner or their representative wanted to make a presentation and if there are any documents to share through GoToMeeting.

Tom Riehle, 1624 Cottonwood Circle, Lafayette, IN 47905, petitioner, said we have been at this business for a few years after taking over Mom's Place which is now called Riehle's Neighborhood Bar and Grill. He said he has lived here his whole life and this business is a big part of the neighborhood. We are hoping to install a kitchen to accommodate the catering for their mobile food business. The kitchen at the bar works for the 80 seats there but is not enough to handle more. There is a lot of negative in this part of the old Jeff Neighborhood. There are old dilapidated properties that need some work. We are proposing to bring in positive business influence in this area to make it nicer. People leaving West Lafayette drive by this neighborhood and we want people to see a positive side of Lafayette. This neighborhood needs help and we want to invest the time and energy to do so. There will be nothing sold from this business. It will be used to prepare food to be taken and sold at other businesses and catering events. He said he hopes he can change the Commissioner's mind and see their vision to help this neighborhood.

Tyler Ochs, 201 Main Street, Lafayette, 47901, representative for petitioner, said this is a great project for Lafayette and the surrounding area. The staff report mentions a snowball effect for this area. There is an adjoining NBU property that makes it easy to make sure no legal precedent is set in terms of commercial property spreading sporadically in the area. The City of Lafayette has studied this neighborhood and they spoke with Tom Riehle about what they want in this neighborhood going forward. They think this business will be great for the city and will improve this neighborhood.

Jerry Reynolds said Mr. Ochs said that city council has given their support but as a city council member, he has not heard anything about this.

Tyler Ochs, 201 Main Street, Lafayette, 47901, representative for petitioner, said to clarify, the City of Lafayette has not given their official backing. The support has been given while conducting the study and conversations with the petitioner. The City is in preliminary talks and will have an official meeting regarding the businesses. They told Tom that they are in favor of this going forward.

Jerry Reynolds said with the construction on the new streets in this area, he is not sure this is the right time to do this.

Tyler Ochs, 201 Main Street, Lafayette, 47901, representative for petitioner, said this food truck business is already operating. It has gotten to the point where the demand is causing them to expand which is why they need the commercial kitchen. Either way, the business will continue to operate; this will just allow them to grow.

Jackson Bogan asked if this business grows, will there be trucks loaded and where are they loaded currently.

Tyler Ochs, 201 Main Street, Lafayette, 47901, representative for petitioner, said the trucks are currently being loaded at Riehle's Neighborhood Bar and Grill in the lot just to the north. The trucks are loaded and leave from the lot where the bar is currently.

Jackson Bogan confirmed that the trucks are not being loaded on the roads.

Tyler Ochs, 201 Main Street, Lafayette, 47901, representative for petitioner, said part of the reason they are requesting this rezone is so that they would not have to go on public roads to load. This would be a commercial kitchen that would allow them to match the demand of output.

Jerry Reynolds said he has an issue with the lot being narrow right in the middle of the construction.

Carl Griffin asked Jerry to expand on the street construction.

Jerry Reynolds asked Sallie about the street expansion of the intersections off 14th Street.

Sallie Fahey said she is not aware of anything that is happening in a neighborhood plan.

Jerry Reynolds said he supports their plan, but he was unsure about the traffic in the area.

Perry Brown asked if the petitioner had spoken with the Historic Jeff Neighborhood Association.

Tyler Ochs, 201 Main Street, Lafayette, 47901, representative for petitioner, said he has not but Joe Bumbleburg or Tom Riehle may have.

Perry Brown said he believes they will not have a problem with this rezone. Even though they are about to do another neighborhood plan, they will likely not have a problem with this because it is an established neighborhood business. Petitioner moving across an alley will not have an effect on the neighborhood. He said he would appreciate support on this.

Tom Riehle, 1624 Cottonwood Circle, Lafayette, IN 47905, petitioner, said he spoke with Margie from the Redevelopment Office at the City of Lafayette. She was supportive of what we are trying to accomplish in this neighborhood. There will be a meeting to discuss the businesses that will be going in the Historic Jeff Neighborhood.

Jackson Bogan said we will have a one-minute pause for citizen comment. After the minute passed, he asked Ryan O'Gara if we received any citizen comments. There were none.

Zach Williams conducted a vote by roll call. The motion was approved 16 yes to 0 no.

Yes-Votes	**No-Votes**
Jackson Bogan	
Larry Leverenz	
Carl Griffin	
Roland Winger	
Vicki Pearl	
Lisa Dullum	
Gary Schroeder	
Michelle Long	
Kathy Parker	
Jerry Reynolds	
Tom Murtaugh	
Al Beavers	
Greg Jones	
Perry Brown	
Jake Gray	
Tracy Brown	

Diana Luper left the meeting.

Z-2786 HERON BAY DEVELOPMENT, LLC – GREG MILAKIS (STONEHENGE PD, PHASE 4) (R1 & PDRS to PDRS):

Petitioner is requesting rezoning for a single-family development totaling 107 lots and 6 outlots on private streets. The property is located roughly southeast of the intersection of Amesbury and Monument Drives in Stonehenge subdivision, Wabash 34 (NW) 24-5.

Gary Schroeder moved to hear and approve Z**-2786 Heron Bay Development, LLC – Greg Milakis (Stonehenge PD, Phase 4) (R1 & PDRS to PDRS).** Carl Griffin seconded.

Ryan O'Gara presented the zoning map and aerial photos. He said this is the final phase of the PD portion of the Stonehenge project. There are two aspects to the project; the planned development side and the conventional zoning side. Both have been implemented and constructed together. This portion calls for 107 single-family homes and 6 outlots on a private street network that connects with the previous phases of this planned development. There are 5 off-street parking areas in the Phase 4 portion of this development because the private streets being extended into the development are too narrow for on-street parking. The trail network that currently exists will be pulled in to create a large loop. Staff believes this phase combines the best aspects of the previous PD petitions while still maintaining high-quality aesthetic, landscaping and amenities which include a pond feature. Staff is recommending conditional approval contingent on the following:

1. All sheets (other than preliminary plat) that make up the approved Preliminary Plan;
2. Planned Development construction plans per UZO Appendix B-2;
3. A final plat per UZO Appendix B-3 as applicable;
4. Appropriate surety submitted with Final Detailed Plans;
5. Final landscape plan and plant schedule shall be approved by APC staff as part of the submission of the Final Detailed Plans;
6. Street addressing and private street name applications shall be made with APC prior to the submission of the Final Detailed Plans;
7. Drainage Board approval shall be secured prior to the submission of the Final Detailed Plans;
8. Draft proposed amended covenants, incorporating Phase 4 into Stonehenge, shall be submitted with the Final Detailed Plans for approval and recordation.

Jackson Bogan asked if the petitioner or their representative wanted to make a presentation and if there are any documents to share through GoToMeeting.

Daniel Teder, 250 Main Street, Lafayette, IN 47901, representative for petitioner, said this completes the remaining PD phase from the north. The lots in this phase will be larger than the PD to the north. The depth of the lots may change based on the amenities the homeowner wants like a patio or four-season room. Staff has indicated there are many amenities in this project like the trail and pond. The landscape plan is exceptional. In addition to the amenities in this portion, there is an additional club house, pool, soccer field, and volleyball court. There is a Homeowner's Association with fees of $140 which will include mowing, snow removal and cleaning the gutters. He respectfully requested approval.

Jackson Bogan said we will have a one-minute pause for citizen comment. After the minute passed, he asked Ryan O'Gara if we received any citizen comments. There were none.

Zach Williams conducted a vote by roll call. The motion was (not) approved 16 yes to 0 no.

Yes-Votes	**No-Votes**
Jackson Bogan	
Larry Leverenz	
Carl Griffin	
Roland Winger	
Vicki Pearl	
Lisa Dullum	
Gary Schroeder	
Michelle Long	

Kathy Parker
Jerry Reynolds
Tom Murtaugh
Al Beavers
Greg Jones
Perry Brown
Jake Gray
Tracy Brown

Z-2788 ANTIQUE CANDLE WORKS, INC. (GB to I2):
Petitioner is requesting rezoning of a 1-acre tract located at the southeast corner of Schuyler Avenue and N. 16th Street, specifically 1611 Schuyler Avenue, Lafayette, Fairfield, Longlois Reserve (SW) 234.

Gary Schroeder moved to hear and approve **Z-2788 Antique Candle Works, Inc. (GB to I2**). Carl Griffin seconded.

Kathy Lind presented the zoning map and aerial photos. She said the site is located on the southeast corner of Schuyler and North 16th Street. The site and most surrounding property are zoned GB except the property to the north that is zone I3. Adjacent to the east is Star Lanes Bowling Alley. The R3 zoned property to the south is Northfield Commons. If this rezone is approved, a bufferyard would be required on the south and the east property lines. The petitioner will relocate their candle manufacturing business to this property. This use is permitted by right in the GB zone only if the ground area is less than 5,000 square feet. It can be extended to 10,000 square feet if a retail element is included however petitioner only sells the product online. If the use is in an industrial zone, there is no limit on the gross floor area. This site is part of the St. Lawrence-McAllister neighborhood and one of its goals is to limit the commercial businesses lining Schuyler Avenue. Staff does not mind this rezone but would prefer it be rezoned to I1. I1 would allow this use but no outside storage of materials or outdoor loading facilities. Because there are residences to the south, I1 is preferable. Staff would recommend approval of I1 but recommended denial of I2.

Jackson Bogan asked what the major difference is between I1 and I2.

Kathy Lind said the major difference between I1 and I2 is that I2 allows outside loading. Loading in I1 would be all indoors or at a loading dock with a truck flush with the wall.

Jackson Bogan asked if I2 allows more intense uses that I1 would not allow.

Kathy Lind said yes, I1 is the lightest industrial.

Jackson Bogan asked if the site already has a loading dock.

Kathy Lind said yes, they have a loading dock.

Vicki Pearl asked if petitioner can use the loading dock in I1 but just cannot load outside of it.

Jerry Reynolds clarified that outside storage is permitted in I2 and not I1.

Vicki Pearl asked if the petitioner can ask for a variance in the existing zoning.

Kathy Lind said no, that would be a use variance.

Jackson Bogan asked if the petitioner or their representative wanted to make a presentation and if there are any documents to share through GoToMeeting.

Daniel Teder, 250 Main Street, Lafayette, IN 47901, representative for petitioner, said in the footnotes for I2, it states that everything takes place indoors except outdoor loading operations only. It does not state anything about storage being allowed outdoors. The site is surrounded by GB and a block away from I3. This is a 1.1-acre tract of land that supports the 16,000 square foot building and the required parking. There is a loading dock on the south side of the building. The reason for I2 instead of I1 is because the loading dock is not flush with the parking lot. It is raised on a concrete platform and would occasionally be in violation of I1 with the use of the loading dock. The I2 zoning allows for the flexibility to use the loading dock when needed. Other than this difference, all other uses conform with I1. He said he is extremely proud of his client as she started her candle business from scratch and it has grown in the last 7 years. They are sold online in over 150 stores in the United States and Canada. The City of Lafayette is in support of the request. He respectfully requested approval for the I2 zoning.

Vicki Pearl asked if the building has been vacant for a while.

Daniel Teder, 250 Main Street, Lafayette, IN 47901, representative for petitioner, said yes, it has been vacant. The bones of building are beautiful. Petitioner plans on spending over $1 million on improvements as well. This will be a wonderful addition to the area.

Perry Brown said he wanted to reiterate that this project would be a wonderful addition to the north end. He said this will be a great project for this neighborhood and would appreciate support.

Jackson Bogan said we will have a one-minute pause for citizen comment. After the minute passed, he asked Ryan O'Gara if we received any citizen comments. There were none.

Zach Williams conducted a vote by roll call. The motion was approved 16 yes to 0 no.

Yes-Votes	**No-Votes**
Jackson Bogan	
Larry Leverenz	
Carl Griffin	
Roland Winger	
Vicki Pearl	
Lisa Dullum	
Gary Schroeder	
Michelle Long	
Kathy Parker	
Jerry Reynolds	
Tom Murtaugh	
Al Beavers	
Greg Jones	
Perry Brown	
Jake Gray	
Tracy Brown	

Z-2789 SPRING VALLEY MANAGEMENT, LLC (R2U & R3U to R3U):
Petitioner is requesting rezoning to legitimize an existing four-unit apartment building in order to renovate the building. The property is located downtown on the east side of S. 8th Street, specifically 9 South 8th Street, Lafayette, Fairfield 29 (NE) 23-4.

Gary Schroeder moved to hear and vote **on Z-2789 Spring Valley Management, LLC (R2U & R3U to R3U).** Carl Griffin seconded.

Ryan O'Gara presented the zoning map and aerial photos. He said the purpose of this petition is to legitimize an existing 4-unit apartment building to renovate it. The site is located on the east side of South

8th Street in the Ellsworth-Romig Historic Neighborhood. The building was originally a duplex that has been converted over the years. The Ellsworth-Romig Neighborhood does have a plan and staff's comments quote this plan that leads to the recommendation. The plan recommends residential moderate density in this stretch of the neighborhood. This land use category is defined in the plan as single-family or two-family housing. The plan recommends any new multifamily housing to be on the 100 block of S. 3RD Street and 100, 200, 300 block of S. 4TH. The plan suggests multifamily be above the ground floor to allow for commercial activity. The neighborhood plan is very specific about future land use. There is no guarantee that the structure could not be razed one day, and more intense housing be put in place of the existing historic building. The main goal of the plan is to maintain the historic character of the neighborhood. The plan recommends that these structures be rehabilitated and reused. While this rezone attempts to do that, there are no guarantees, given the blanket R3U zone. Staff recommended denial.

Jackson Bogan asked if the petitioner or their representative wanted to make a presentation and if there are any documents to share through GoToMeeting.

Christopher Shelmon, 250 Main Street, Lafayette, IN 47901, representative for petitioner, said the local developer that has purchased this site has an aptitude for preserving and rehabbing outdated historic structures. This request is quite modest as the property is surrounded on both sides by R3U zoning. The petitioner would like to rezone to R3U to renovate the existing 4-unit building. The building is structurally sound but needs to be renovated for any desirable future. The parcel to the south is also owned by the petitioner but it is not being requested for rezone. On the north side, there are significantly larger multifamily structures. He presented pictures of the site and two of the petitioner's previous projects in the area. Petitioner recently renovated the Lauffer Apartments which are similar in size to this site. The site was previously a duplex that was converted into 4 units about 30 years ago. Petitioner wants to put in a significant amount of money to bring the building back to life. The staff report speaks of a hypothetical redevelopment as the main concern. He said we are presenting you with a current project that is likely to be done. It is important to note that this site is split into two lots with separate ownership. The lot where the structure is located is only 3,200 square feet. Pursuant to the R3U zone, only one lot could be built on the lot by right without a rezone, variance or planned development. If the two lots were combined, only 3 units would be allowed. It is very unlikely that something would happen and if something were rebuilt, it would not be a large-scale project. It is unlikely this site will be razed by the developer. There is a lot of time and effort involved to preserve the historical charm. Petitioner looks forward to continuing the investment in Lafayette. He respectfully requested approval.

Jackson Bogan asked if this is not approved today, if the building will have to deteriorate because there are no other zoning options.

Ryan O'Gara said because of the site's grandfathered status, maintenance repairs can be done without violating zoning.

Christopher Shelmon, 250 Main Street, Lafayette, IN 47901, representative for petitioner, said they would not be able to update the electric in the unit pursuant to the City of Lafayette.

Gary Schroeder said this looks like a project that blends into other multifamily houses in the area. Despite this not abiding by the plan, it is always good when someone wants to rehab a building like this instead of letting it continue in its current use.

Vicki Pearl said this property is currently zoned R2U and R3U. She asked if the parking lot is in the R3U area.

Christopher Shelmon, 250 Main Street, Lafayette, IN 47901, representative for petitioner, said the parking is a sliver on the north side.

Jackson Bogan said we will have a one-minute pause for citizen comment. After the minute passed, he asked Ryan O'Gara if we received any citizen comments. There were none.

Zach Williams conducted a vote by roll call. The motion was approved 16 yes to 0 no.

Yes-Votes	**No-Votes**
Jackson Bogan	
Larry Leverenz	
Carl Griffin	
Roland Winger	
Vicki Pearl	
Lisa Dullum	
Gary Schroeder	
Michelle Long	
Kathy Parker	
Jerry Reynolds	
Tom Murtaugh	
Al Beavers	
Greg Jones	
Perry Brown	
Jake Gray	
Tracy Brown	

Z-2791 HABITAT FOR HUMANITY OF LAFAYETTE, INC. (PDRS to R1B): Petitioner is requesting rezoning of two lots within Crosser Commons PD on the east side of Powder House Lane, specifically 2211 & 2217 Powder House Lane, north of Elston Road in Lafayette, Fairfield 31 (SE) 23-4.

Gary Schroeder moved to hear and **approve Z-2791 Habitat for Humanity of Lafayette, INC. (PDRS to R1B)**. Carl Griffin seconded.

Don Lamb presented the zoning map and aerial photos. He said this is an unusual rezone going from PDRS to a non-PD zone. The purpose of this is to achieve a replat that would otherwise not be allowed in a PDRS zone. These two lots are a remnant of the Crosser Commons Planned Development. There is an existing house on one of the lots that will be demolished. The original Crosser Commons plans have been replaced by Crosser Sports Complex. The parking lot is directly east of these lots. The purpose of this rezone is to allow petitioner to submit a replat of the lots to R1B sized lots. The intent is to plat an outlot that is about 40 feet wide and deed it to the park. Staff is recommending approval.

Jackson Bogan asked if the petitioner or their representative wanted to make a presentation and if there are any documents to share through GoToMeeting.

Daniel Teder, 250 Main Street, Lafayette, IN 47901, representative for petitioner, said the R1B zone allows for 50-foot lots. Habitat for Humanity wants to build a home like the house they built a block to the west of this site. If the rezone is approved, the existing building will be razed. The replat will result in two 50-foot lots and an additional 40-foot outlot that will be deeded to the Lafayette Parks Department. He respectfully asked for approval.

Jackson Bogan said we will have a one-minute pause for citizen comment. After the minute passed, he asked Ryan O'Gara if we received any citizen comments.

Ryan O'Gara said no additional comments received. He read one letter of opposition from:

Kyle Swaby, 16 Walker Court, Lafayette, IN 47909.

Carl Griffin asked if there are empty lots that are developable in between houses on Walker Court.

Sallie Fahey said it is not clear if Habitat for Humanity owns that. It looks like there is a small house or garage that faces Walker Lane. It could be assumed that whoever owns that, owns the rest of that land.

Carl Griffin asked Daniel Teder if that piece of land is owned by Habitat for Humanity.

Daniel Teder, 250 Main Street, Lafayette, IN 47901, representative for petitioner, said to his knowledge, it is not owned by Habitat for Humanity. The Lafayette Parks Department and the City of Lafayette support this request to build these houses.

Carl Griffin said in respect to the concerns in the letter, there is more property in this area that could have homes built on them by anyone.

Jerry Reynolds asked if the parking lot of the sports complex is behind the site.

Sallie Fahey said that is correct.

Daniel Teder, 250 Main Street, Lafayette, IN 47901, representative for petitioner, said this request is supported by the City of Lafayette. Habitat is giving part of the property to the parks department and adding two more houses. This will not have a significant impact in this area. As indicated, there are large lots in this area that could be used by other people.

Gary Schroeder said there is a second entrance to that neighborhood on Wabash Avenue that would mitigate the concern for traffic in the neighborhhod. Habitat has done a nice job in this area.

Zach Williams conducted a vote by roll call. The motion was approved 16 yes to 0 no.

Yes-Votes	**No-Votes**
Jackson Bogan	
Larry Leverenz	
Carl Griffin	
Roland Winger	
Vicki Pearl	
Lisa Dullum	
Gary Schroeder	
Michelle Long	
Kathy Parker	
Jerry Reynolds	
Tom Murtaugh	
Al Beavers	
Greg Jones	
Perry Brown	
Jake Gray	
Tracy Brown	

Z-2792 TBIRD DESIGN SERVICES CORPORATION (GB to I3):
Petitioner is requesting rezoning of two 5-acre tracts located on the south side of Veterans Memorial Parkway and north of Old CR 350 S, east of Sagamore Parkway, specifically 4418 E Old 350 S and the unimproved 5 acres adjacent to the east, in Wea 12 (NW) 22-4.

Gary Schroeder moved to hear and approve **Z-2792 TBIRD Design Services Corporation (GB to 13).** Carl Griffin seconded.

Kathy Lind presented the zoning map and aerial photos. She said this property is on the south side of Veteran's Memorial Parkway and north of Old CR 350 S. These two 5-acre tracts are currently zoned GB and is surrounded by I3 zoning. The petitioner owns the tent business on the corner to the northeast. They plan to use the two tracts for additional business storage. This property was part of the 1,400-acre industrial rezone by Greater Lafayette Progress that was done in 1997. In 2010, the property was rezoned to GB to legitimize a retail garden center that is no longer in business. Staff recommended approval.

Jackson Bogan asked if the petitioner or their representative wanted to make a presentation and if there are any documents to share through GoToMeeting.

Daniel Teder, 250 Main Street, Lafayette, IN 47901, representative for petitioner, said the rezone will allow Lafayette Tent and Events to store materials for their tent business. They own the adjacent property to the east and plan on relocating their locations in Lafayette to this site. They purchased this business from Lafayette Tent and Awning. Staff indicated that this rezoning would be compliant with the Comprehensive Plan. He respectfully asked for approval.

Jackson Bogan said we will have a one-minute pause for citizen comment. After the minute passed, he asked Ryan O'Gara if we received any citizen comments. There were none.

Zach Williams conducted a vote by roll call. The motion was approved 16 yes to 0 no.

Yes-Votes	**No-Votes**
Jackson Bogan	
Larry Leverenz	
Carl Griffin	
Roland Winger	
Vicki Pearl	
Lisa Dullum	
Gary Schroeder	
Michelle Long	
Kathy Parker	
Jerry Reynolds	
Tom Murtaugh	
Al Beavers	
Greg Jones	
Perry Brown	
Jake Gray	
Tracy Brown	

Z-2793 MURTAUGH LAW, LLC (R1 to GB):
Petitioner is requesting rezoning a triangular-shaped half an acre of land located between Old SR 25 N and Aretz Lane, south of CR 300 N, specifically 10 Aretz Lane, in Fairfield 11 (NW) 23-4.

Gary Schroeder moved to hear and approve **Z-2793 Murtaugh Law, LLC (R1 to GB).** Carl Griffin seconded.

Kathy Lind presented the zoning map and aerial photos. She said the site is slightly smaller than half an acre and is surrounded by R1 and GB zoning. This was at one time part of Aretz Airport. There is no sewer on site but there is a septic system that was constructed in 2008 to serve a storage building that has since been razed. Based on conversations with the Health Department, the system could be put into use by a future building depending on the size and use. The Comprehensive Plan stipulates that commercial

development must be connected to sewer systems. Staff can find no reasons for keeping this half acre site R1 zoned when it is surrounded by industrial and commercial developments. Staff recommended approval.

Jackson Bogan asked if the petitioner or their representative wanted to make a presentation and if there are any documents to share through GoToMeeting.

Reid Murtaugh, 1527 Kossuth Street, Lafayette, IN 47905, petitioner, said the petitioner's business is currently located on a separate parcel. The owners are working on a site plan to construct a storage building. They understand that any building would be limited to two or three bathrooms. He respectfully asked for approval.

Jackson Bogan said we will have a one-minute pause for citizen comment. After the minute passed, he asked Ryan O'Gara if we received any citizen comments. There were none.

Zach Williams conducted a vote by roll call. The motion was approved 16 yes to 0 no.

Yes-Votes	**No-Votes**
Jackson Bogan	
Larry Leverenz	
Carl Griffin	
Roland Winger	
Vicki Pearl	
Lisa Dullum	
Gary Schroeder	
Michelle Long	
Kathy Parker	
Jerry Reynolds	
Tom Murtaugh	
Al Beavers	
Greg Jones	
Perry Brown	
Jake Gray	
Tracy Brown	

Perry Brown left the meeting.

Z-2794 TECUMSEH DENTAL PROPERTIES, LLC (R1B to NB):
Petitioner is requesting rezoning of three lots at the southwest corner of Teal Road (US 52) and S. 18th Street in order to expand an existing dentist's office, at 1709 Teal Rd., Lafayette, Fairfield 33 (SW) 23-4.

Gary Schroeder moved to hear and approve **Z-2794 Tecumseh Dental Properties, LLC (R1B to NB).** Carl Griffin seconded.

Kathy Lind presented the zoning map and aerial photos. She said the site is located on the southwest corner of Teal Road and South 18th Street. The site and surrounding properties are zoned R1B except for the Lafayette Learning Center which is zoned NB. The existing structure was granted a special exception for a chiropractor office in 1973. This site has been in use as a medical professional office since this approval. The dental business was opened in 1984 and currently covers the eastern two lots. The third lot on the west side in this request was purchased by petitioner in 2016. Although it has a single-family house, petitioner has been using this lot for paved employee parking. Petitioner would like to expand the existing business. The use could be expanded but the addition would have to meet the current standards. The proposed expansion, based on the site plan, will need a setback variance from Teal Road. Staff would normally argue that rezoning this site could lead to additional unwanted expansion of the business zone

along Teal Road to the west. However, because this has been a medical establishment for over 40 years, staff feels the residences to the west are safe from commercial creep. Staff is recommending approval.

Jackson Bogan asked if the petitioner or their representative wanted to make a presentation and if there are any documents to share through GoToMeeting.

Sarah Wyatt, 201 Main Street, Lafayette, 47901, representative for petitioner, said to address the setback variance requirement, the petition is on file with the city, however because of the health crisis, the scheduling of that petition will be in June. This is a modest expansion of the dental office and improvement of parking. The site currently only has about 10 parking spaces. She respectfully requested approval.

Jackson Bogan said we will have a one-minute pause for citizen comment. After the minute passed, he asked Ryan O'Gara if we received any citizen comments. There were none.

Zach Williams conducted a vote by roll call. The motion was (not) approved 15 yes to 0 no.

Yes-Votes	**No-Votes**
Jackson Bogan	
Larry Leverenz	
Carl Griffin	
Roland Winger	
Vicki Pearl	
Lisa Dullum	
Gary Schroeder	
Michelle Long	
Kathy Parker	
Jerry Reynolds	
Tom Murtaugh	
Al Beavers	
Greg Jones	
Jake Gray	
Tracy Brown	

Z-2795 K & K HOMES, LLC (R1A to R1B):
Petitioner is requesting rezoning of 27.57 acres (Belle Terra Major Subdivision) at the northwest corner of CR 600 N and CR 75 E in Tippecanoe 20 (SE) 24-4. With Commitment.

Gary Schroeder moved to hear and approve **Z-2795 K & K Homes, LLC (R1A to R1B)** with commitment. Carl Griffin seconded.

Don Lamb presented the zoning map and aerial photos. He said this is a repeat agenda item for the Belle Terra Subdivision heard earlier in the meeting. This petition is to rezone the property from R1A to R1B. The lots in this plan have R1A standards. The request to rezone with the commitments listed is to increase the maximum building coverage. R1A allows 30% of building coverage while R1B allows for 35% of building coverage. There will be no change in density with this commitment. Staff is recommending approval.

Jackson Bogan asked if the petitioner or their representative wanted to make a presentation and if there are any documents to share through GoToMeeting.

Daniel Teder, 250 Main Street, Lafayette, IN 47901, representative for petitioner, said petitioner is requesting to rezone from R1A to R1B. This was heard earlier for conditional primary approval for the subdivision. Petitioner acquired the franchise for Epcot homes which was successful on Morehouse Road. We are hoping for the same success. This product is for empty nesters and will have a pool and a clubhouse on site. This commitment allows for additional amenities like a four-season room or extra closet space. The

only change from the R1A standard is the increase in building coverage. He respectfully requested approval.

Jackson Bogan said we will have a one-minute pause for citizen comment. After the minute passed, he asked Ryan O'Gara if we received any citizen comments. There were none.

Zach Williams conducted a vote by roll call to allow the commitment. The commitment was approved 15 yes to 0 no.

Yes-Votes	**No-Votes**
Jackson Bogan	
Larry Leverenz	
Carl Griffin	
Roland Winger	
Vicki Pearl	
Lisa Dullum	
Gary Schroeder	
Michelle Long	
Kathy Parker	
Jerry Reynolds	
Tom Murtaugh	
Al Beavers	
Greg Jones	
Jake Gray	
Tracy Brown	

Zach Williams conducted a vote to rezone by roll call. The rezone was approved 15 yes to 0 no.

Yes-Votes	**No-Votes**
Jackson Bogan	
Larry Leverenz	
Carl Griffin	
Roland Winger	
Vicki Pearl	
Lisa Dullum	
Gary Schroeder	
Michelle Long	
Kathy Parker	
Jerry Reynolds	
Tom Murtaugh	
Al Beavers	
Greg Jones	
Jake Gray	
Tracy Brown	

V. ADMINISTRATIVE MATTERS

None.

VI. APPROVAL OF THE JUNE EXECUTIVE COMMITTEE AGENDA

Jackson Bogan said there were no new subdivision requests this month.

VII. DETERMINATION OF VARIANCES – AREA BOARD OF ZONING APPEALS

Jackson Bogan said this was already done at the May Executive Committee meeting.

VIII. DIRECTOR'S REPORT

Sallie Fahey said she did not prepare a written Director's Report, but she will disperse the information on building permits and financial receipts to the office. She said staff has performed wonderfully and were innovative on how to work from home using OneDrive and SharePoint. She said she is glad to be back in the office. She thanked the Commissioners for providing PPE and sanitizer for staff. She thanked everyone for being flexible with the virtual meetings.

IX. CITIZEN'S COMMENTS AND GRIEVANCES

Jackson Bogan said there will be a one-minute pause for citizen comment and or grievances. After the minute passed, he asked Ryan O'Gara if there had been any additional comments received. There were none.

X. ADJOURNMENT

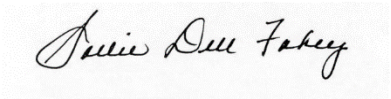
Gary Schroeder moved to adjourn.

The meeting adjourned at 8:45 pm.

Respectfully Submitted,

Chyna R. Lynch
Recording Secretary

Reviewed By,



Sallie Fahey

APC RESOLUTION
2020-04

RESOLUTION AMENDING THE BYLAWS
OF THE
AREA PLAN COMMISSION OF TIPPECANOE COUNTY

Be it resolved that the Area Plan Commission of Tippecanoe County hereby amends its Bylaws as follows:

By changing the section titled **Duties** to add the following at the end of the paragraph:

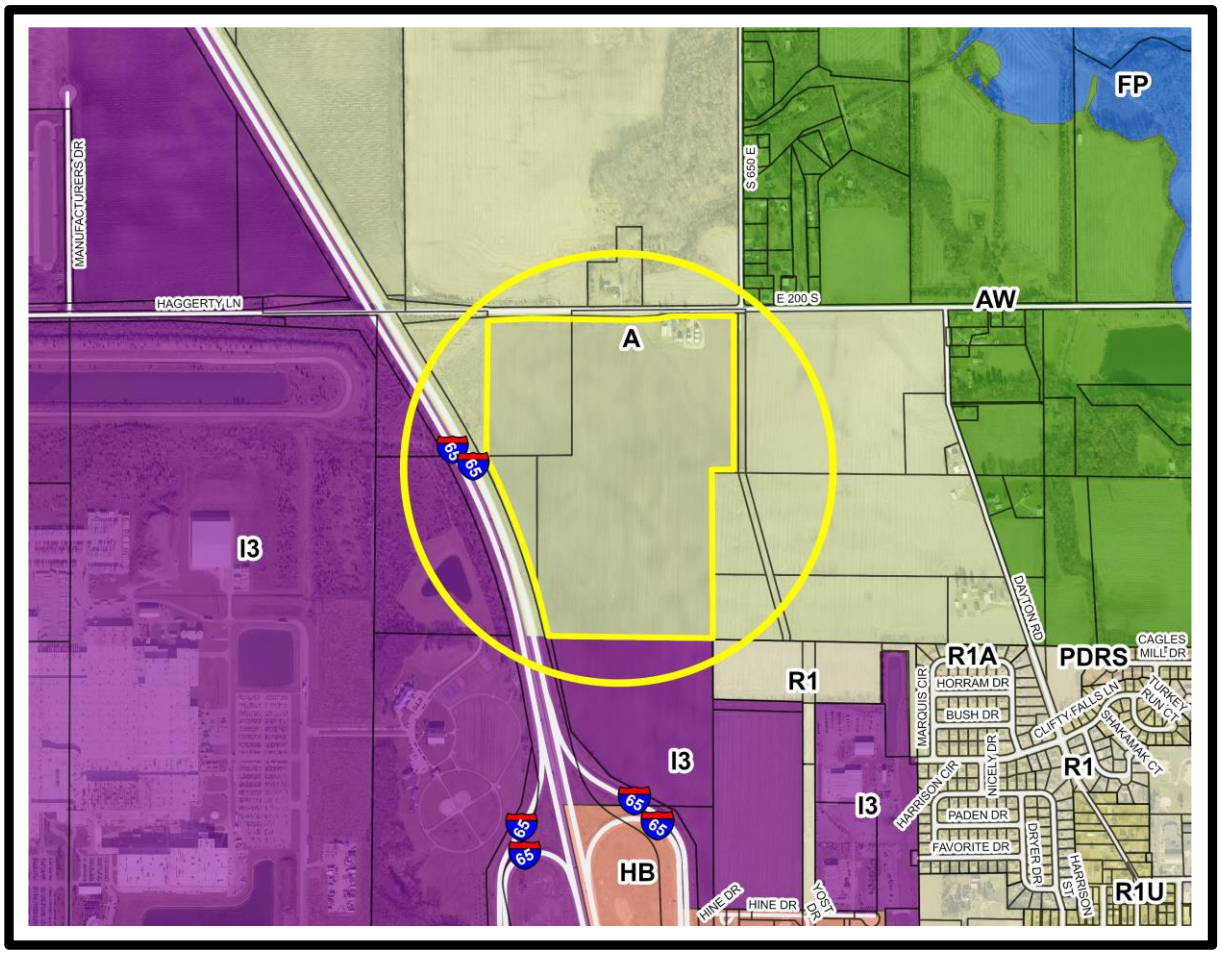
When the President and Vice President are not available to sign documents required for recordation, either of the two County Commissioners appointed to serve on the Area Plan Commission are designated as nominees authorized to perform that duty.

Adopted this 17th day of June 2020.

Jackson W. Bogan President	Sallie Dell Fahey Secretary

Z-2783
CARR FAMILY FARM, LLC
(A to I3)

REVISED STAFF REPORT
March 12, 2020



Z-2783
CARR FAMILY FARM, LLC
A to I3

Revised Staff Report
March 12, 2020

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner and property owner, Carr Family Farm, LLC, by member Guthrie P. Carr, represented by attorneys Daniel Teder and Kevin Riley, is requesting rezoning of three tracts totaling 97.806 acres east of I-65, south of Haggerty Lane and west of the T-intersection of CR 650 E with Haggerty Lane, adjacent to the north of the Dayton Town limits, specifically 6445 E 200 S, Sheffield 5 (NW) 22-3. Petitioner has no specific plans for the land in the rezone request, other than to make the land "shovel ready" for future industrial businesses.

Note: This request was continued from the February APC meeting to add a zoning commitment. This commitment would prevent the following uses from locating on site if this I3 rezone request is approved:

1. Confined feeding operations (SIC Major Group 02);
2. Ordnance & accessories, except vehicles and guided missiles (SIC Major Group 348);
3. Taxicabs (SIC 4121);
4. Trash transfer stations, recycling collection facilities and recycling processing facilities (SIC 4212);
5. Scrap & waste material and junkyards (SIC 5093);
6. Motor vehicle parts, used (SIC 5015);
7. Truck stops (SIC 554);
8. Cemeteries (SIC 726) and
9. Truck tire mobile sales and service (SIC 754).

ZONING HISTORY AND AREA ZONING PATTERNS:

Originally zoned R1, Single-family Residential, this site became zoned Agricultural in 1983 with the overall rezone of Sheffield Township. Land to the south of this site, located in the Town of Dayton, has been rezoned to I3 over the years as shown below.

- Z-2724: Carr Family Farm, A & HB to I3, approved July 2018
- Z-2723: McCoy Group, R1 & HB to I3, approved May 2018
- Z-2612 and three other rezone requests: MacAllister Machinery, all to I3, approved between 2015 and 2002.

Land adjacent to the east and north is also zoned Agricultural. AW, Agricultural Wooded zoning exists to the northeast; 15 acres of R1 zoning is in place to the southeast. Land west

of the interstate and adjacent to the south of the rezone site is zoned I3. A triangular-shaped tract of land located southeast of the Haggerty Lane bridge and adjacent to the east of the interstate is not part of this request and is owned by the state. The Lafayette corporate boundary runs along the I-65 western right-of-way line, crosses the interstate at Haggerty, then extends due north across the road from this site. Also, the Dayton town limits run along the southern line of this rezone request. The Town of Dayton is in the process of annexing all of the land in this request as well as properties to the east to Dayton Road.

AREA LAND USE PATTERNS:
These 97 acres are gently rolling farmland with an existing farmstead including a house and several agricultural-related structures near its northeast corner. Current surrounding land uses are all agricultural except for one residence to the north and a couple of houses farther to the east along Dayton Road. Farther to the southeast is MacAllister Machinery. South of the rezone site, on the west side of Yost Drive extended, a 26 acre site rezoned to I3 in 2018 will soon be home to a Daimler truck dealership; construction is due to begin this spring. West of I-65 and north of Haggerty is a Toyota commercial warehouse and the Lafayette Armory; the 608 acres south of Haggerty stretching to SR 38 is home to the Subaru automotive plant.

TRAFFIC AND TRANSPORTATION:
Haggerty Lane is classified as a rural secondary arterial by the adopted *Thoroughfare Plan*. Yost Drive, which will eventually connect SR 38 to the south with CR 650 E at Haggerty will be a collector and will provide about a quarter mile of frontage to the rezone site. The Town of Dayton is currently using federal funds to develop the necessary engineering on this road project. A small piece of right-of-way is still needed and will be obtained in fiscal year 2024 with the actual construction of the road occurring after that.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:
The site in question has water from the town, but currently not sewer. There is a water main located in the Yost Drive right-of-way to Haggerty. Sewer exists just to the south of the rezone site. An agreement between Dayton and Lafayette states that Dayton will serve this area south of Haggerty Lane with utilities. Before development can occur, the standard utility/service agreement with Dayton would have to be approved.

A type C bufferyard is a requirement between I3 and Agricultural zoned land and would be necessary along two sections of the rezone site's property line.

STAFF COMMENTS:
In 1996, the Town Board of Dayton as well as the County Commissioners adopted the *Second Amendment to the Adopted Land Use Plan for Dayton and Vicinity*. (The first amendment was done in 1987 when the announcement of the SIA plant was made.) This *Second Plan* was very specific regarding future land uses between the town proper and the interstate and SR 38 and Haggerty Lane to the north. The Plan calls for Office Research/Light Industrial on the site in question on the west side of Yost Drive, extended.

Currently the town is finalizing the "Dayton & Tippecanoe County Joint EDA-TIF district that includes this rezone site; this area is also in the process of being annexed by the town. Once this is completed, APC staff will begin work on a new Comprehensive Plan Amendment for this area to replace the amendment written almost 25 years ago.

Until the annexation is completed and the new plan amendment is finished, staff feels it is premature to rezone this land currently under the jurisdiction of the County Commissioners. However, if the hearing moves forward, staff can only recommend rezoning to the I1, Light Industrial district since that is what the adopted plan currently in place recommends. While the commitment added to this rezone request places some limits on uses that may locate here, it would still allow outside storage of materials. Based on the plan currently in place, staff still feels the I1 zone would best fulfill the plan's recommendation.

STAFF RECOMMENDATION:
Denial
If revised to I1, Light Industrial, staff recommends approval

Key Number 118-00500-0025
Key Number 118-00500-0014

COMMITMENT

Commitment made on February 20, 2020, by Carr Family Farm LLC (the "Petitioner") pursuant to Indiana Code Section 36-7-4-1015.

1. Petitioner makes this commitment as the owner (the "Owner") of certain real estate (the "Real Estate") located in Tippecanoe County, Indiana, commonly known as three (3) tracts totaling approximately 97 acres east of I-65, south of Haggerty Lane, and west of the T-intersection of CR 650 E with Haggerty Lane and more particularly described on Exhibit A which is attached hereto and incorporated by reference herein.

2. Petitioner has filed a request with the Area Plan Commission of Tippecanoe County, Indiana (the "APC"), to rezone the Real Estate from A to I3 which request is pending before the APC as case no. Z-2783.

3. Petitioner hereby agrees and makes the following commitment in connection with the rezoning request in case no. Z-2783:
The following uses shall not be permitted:

1. Confined feeding operations (SIC Major Group 02)
2. Ordnance & Accessories, Except Vehicles and Guided Missiles (SIC Major Group 348)
3. Taxicabs (SIC 4121)
4. Trash Transfer Stations, Recycling Collection Facilities and Recycling Processing Facilities (SIC 4212)
5. Scrap & Waste Material and Junkyards (SIC 5093)
6. Motor Vehicle Parts, Used (SIC 5015)
7. Truck Stops (SIC 554)
8. Cemeteries (SIC 726)
9. Truck Tire Mobile Sales and Service (SIC 754)

4. Petitioner understands and agrees that this commitment is given to the APC and the Tippecanoe County Commissioners (the "Legislative Body") as an inducement for the recommendation for and approval of the rezoning request in case no Z-2783. Petitioner further understands and agrees that the approval of the rezoning request in case no. Z-2783 by the Legislative Body constitutes good and valuable consideration for the giving of this commitment.

5. This commitment shall be a covenant running with the Real Estate and binding and enforceable against Petitioner, any subsequent owner, or any other person who acquires any interest in the Real Estate. Any change or modification of this commitment shall only be made with the approval of the APC at a public hearing in accordance with all rules and regulations of the APC.

6. Petitioner agrees that each of the following shall each be a "specially affected person" under Indiana Code Section 36-7-4-1015(d)(3) who shall each independently be entitled to bring an action to enforce the terms and conditions of this commitment in the Circuit or Superior Courts of Tippecanoe County, Indiana:

a. the APC,

b. the Area Board of Zoning Appeals of Tippecanoe County, Indiana,

c. the appropriate Administrative Officer designated in the Unified Zoning Ordinance for Tippecanoe County, Indiana,

d. Tippecanoe County Commissioners

CARR FAMILY FARMS, LLC

Guthrie P. Carr

By: Guthrie P. Carr, Member

STATE OF INDIANA)
) SS:
COUNTY OF Tippecanoe)

Before me, the undersigned, a notary public, personally appeared Guthrie P Carr, and acknowledged the execution of the foregoing commitment on February 19, 2020.

Amy R. Walker
Tippecanoe County
My Commission # NP0715988
Expires September 21, 2026

Amy R. Walker, notary public

Resident of Tippecanoe County

My commission expires:

9-21-2026

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Daniel A. Teder

This instrument prepared by: Daniel A. Teder of the law firm Reiling Teder & Schrier, LLC, 250 Main Street, Suite 601, P O Box 280, Lafayette IN 47902. Telephone: (765) 423-5333 Email: dat@rtslawfirm.com

THE
AREA PLAN COMMISSION
OF TIPPECANOE COUNTY

EXECUTIVE COMMITTEE
NOTICE OF PUBLIC HEARING

DATE.....JULY 1, 2020
TIME.....4:30 P.M.
PLACE ..... COUNTY OFFICE BUILDING
20 N. 3RD STREET
LAFAYETTE, IN 47901

Due to the public health emergency, this will be a virtual meeting. Public comment on agenda items may be submitted prior to noon on the meeting day at apc@tippecanoe.in.gov*. Comments must include* ***name*** *and* ***address*** *to be heard. Comments may also be made live on the streaming platforms. Members of the public may watch the livestream on Facebook* https://www.facebook.com/TippecanoeCountyIndiana *(you must have an account) or YouTube* https://www.youtube.com/channel/UCJleeA9ZQo9EllGdZTdjurQ *(you must be a subscriber to comment). Links can also be found on the APC website at:* www.tippecanoe.in.gov/apc*.*

(TENTATIVE)
A G E N D A

I. APPROVAL OF MINUTES

II. NEW BUSINESS

III. PUBLIC HEARING

IV. APPROVAL OF THE JULY APC PUBLIC HEARING AGENDA

V. APPROVAL OF THE JULY ABZA PUBLIC HEARING AGENDA

VI. DETERMINATION OF VARIANCES

A. Lafayette Division of the Area Board of Zoning Appeals

VII. REVIEW AND APPROVAL OF JUNE BUDGET REPORT

VIII. OTHER BUSINESS

IX. ADJOURNMENT

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the Area Plan Commission of Tippecanoe County will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. For more information visit www.tippecanoe.in.gov/ada