

The
AREA PLAN COMMISSION
of Tippecanoe County

Ordinance Committee

Notice of Public Hearing

Date: August 1, 2018

Time: 4:35PM

Place: County Office Building

Tippecanoe Room

20 North Third Street

Lafayette, Indiana 47901

AGENDA

I. APPROVAL OF MINUTES FROM THE JUNE 6TH MEETING

Documents:

[ORD AND BYLAW 06.06.2018.PDF](#)

II. PROPOSED ZONING MAP FOR THE US 231 CORRIDOR:

A look at the draft zoning map (see attached) created based on the recently adopted US 231 Corridor Plan amendment to the Comprehensive Plan - Ryan O'Gara/Sallie Fahey

Documents:

[US 231 CORRIDOR REZONE.PDF](#)

III. PROPOSED CHANGES TO MULTI-FAMILY ZONES:

A discussion on some needed changes regarding height and density in the R3U and R3W zones - Kathy Lind

Documents:

[MULTI-FAMILY CHANGES.PDF](#)

IV. CITIZEN COMMENTS

V. ADJOURNMENT

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY
JOINT MEETING OF THE
ORDINANCE COMMITTEE & BYLAW COMMITTEE
MINUTES OF PUBLIC MEETING**

DATE.....JUNE 6, 2018
TIME.....4:45PM
PLACE.....COUNTY OFFICE BLDG.
20 N. 3RD STREET
LAFAYETTE, IN 47901

MEMBERS PRESENT

Tom Murtaugh
Jackson Bogan
Carl Griffin
Greg Jones
Vicki Pearl
Gary Schroeder
Jerry Reynolds

MEMBERS ABSENT

Jake Gray
Gerry Keen
Larry Leverenz
Dave Williams

STAFF PRESENT

Ryan O’Gara
Kathy Lind
Zach Williams, Atty.

OTHER APC MEMBERS PRESENT

OTHER ATTENDEES

Steve Clevenger

Chair Jackson Bogan called the meeting to order.

I. APPROVAL OF MINUTES

Gary Schroeder moved to approve the minutes from the May 2, 2018 Ordinance Committee meeting. Greg Jones seconded and the motion passed by unanimous voice vote.

II. PROPOSED BYLAW CHANGE:

A look at proposed changes to the requirements on letters from interested persons received for APC meetings (preliminarily agreed upon at the May meeting)

Kathy Lind said at the May meeting the Committee preliminarily agreed to a Bylaw change reducing the number of pages allowed for letters submitted to be read into the record at APC meetings from two pages to one page. She said the staff report included in the packet shows all the changes that will need to be made to the APC Bylaws shown in red. After the packet was distributed, staff noticed that the Bylaws regarding submitting a petition is very confusing. She then distributed a simpler version of the proposed Bylaw changes with the petition information clarified. We are proposing that submitted letters can contain no more than 300 words instead of going with the 11 point font, 1” margins, double-spaced limitation we have now. A hand-written letter was submitted for last month’s APC meeting and handwritten letters do not fit with the existing guidelines for submitted letters.

Tom Murtaugh pointed out that APC staff tested the hand-written letter.

Kathy Lind distributed the test letter of 300 words using 11-point font, 1" margins, and double-spaced. Staff then decided to look at petitions because if we are limiting letters we should be doing the same thing for petitions. Staff then had to look at what point a person forfeits their right to speak at the meeting and decided that those signing a petition with eight (8) or fewer signatures will forfeit their right to speak at the meeting.

Tom Murtaugh explained that proposing eight signatures or fewer was a number picked randomly to start the discussion. He said he asked Kathy Lind why we put a number in there at all and she told him that sometimes we get letters that are signed by two couples and all four of those people signing the letter cannot speak at the meeting. He agrees that there should be specific number included that makes a petition a "true" petition.

Kathy Lind thinks it is likely that four, six, or eight people signing a petition are more likely to have had a hand in crafting the petition and that is not the case with petitions signed by hundreds of people.

Carl Griffin asked what the second page of the staff report is.

Kathy Lind replied that the first part of the proposed change are changes to the APC Bylaws and the second part of the staff report are the proposed changes to the "Notice to Interested Parties" (required certified mailings) form. A lot of the wording is the same but staff wanted to add the following paragraph:

Please note that said hearing may be continued from time to time for various reasons. Cases continued before the close of business on the day of the meeting will be so noted on the agenda on the APC website. Additionally, one may call the APC office at 765-423-9242 for updates on cases to be heard.

Carl Griffin said he has questions on a different paragraph. He understands why letters or petitions submitted after the deadline should not be read into the record but it is suggested that the letters/petitions "may" be passed at the meeting for the Commissioners to look at.

Kathy Lind said that section was written that way to let people know that letters or petitions submitted after the deadline or documents that are over 300 words will not be read into the record but may be passed among the Plan Commissions.

Jackson Bogan asked why a letter submitted after 5:00pm the day of the meeting is not accepted.

Kathy Lind says she likes the noon cut-off because that gives staff a couple of hours to look through all the letters and prepare to read them into the record. Often petitioners' legal counsel asks to see the letters so they can prepare their rebuttal.

Jackson Bogan said the letters are for the public's benefit in lieu of speaking at the public hearing where those attending can speak at the hearing for or against a request. He feels we are contradicting ourselves.

Kathy Lind said that is the reason we added that the letters coming in after the deadline will not be read but passed.

Carl Griffin asked what will happen if he handed in a petition of more than 300 words prior to the deadline.

Kathy Lind said a petition like that will be passed around.

Carl Griffin thinks we are looking at two issues. The first issue is a letter or petition of over 300 words and the second issue is letters or petitions submitted after the deadline. He asked if both those issues are separate issues or if they are tied together.

Kathy Lind agrees that they are two separate issues.

Carl Griffin asked what will happen to a petition of more than 300 words that is submitted before the deadline.

Tom Murtaugh said we are proposing an “and/or” situation.

Zach William said by its nature a letter or petition of more than 300 words does not qualify to be read.

Kathy Lind said she will remove the word “and”.

Carl Griffin apologized because he missed the “and/or” in the proposal and realized it can be done by just including the word “or”.

Vicki Pearl asked if previously those signing a petition could not speak at a meeting.

Tom Murtaugh said currently those signing a petition are allowed to speak at the meeting if the petition is under 300 words.

Zach Williams said the old version bars anyone from speaking at the meeting if they signed “any written material on which four or fewer signatures appear or any petition of more than 300 words”. That means a person signing a 50-word petition would be able to speak at the meeting.

Vicki Pearl asked if that would stay the same under this new proposal

Kathy Lind said that would change under the new proposal.

Vicki Pearl asked if those signing a large petition (100 or more signatures) can still speak at a meeting.

Kathy Lind said currently those signing a petition of less than 300 words can still speak at the meeting. Those signing a petition that is over 300 words forfeit their right to speak at the meeting. She thinks that is why generally we do not receive petitions that are more than 300 words. We do not count the number of signatures.

Vicki Pearl said we have had issues with the same people coming up and saying the same things over and over again even though those people signed a petition.

Kathy Lind thinks the authors of a petition should be the ones not allowed to speak.

Vicki Pearl thinks those signing a petition should understand what they are signing. Being allowed to speak at the meeting is a different issue.

Jackson Bogan recommended lowering the limit to four or five people.

Gary Schroeder concurred.

Jackson Bogan said he is thinking that way because of the Gregg Sutter case where “sliding” was referenced in the staff report. Three or four neighbors were very upset and signed a petition but APC needed to have those people speak to explain what was really going on.

The Committee recommended changing the number of signatures on a petition or letter to four (4). The Committee then asked why the number is not zero.

Kathy Lind asked what the difference is between a letter and a petition. Doing that would mean that four people signing a letter cannot speak but four people signing a petition can speak. That does not make sense. Petitions are typically less than 300 words mainly because that is the number in the Bylaws and is the same word restriction we put on letters.

Gary Schroeder does not recall petitions of less than 300 words being read into the record. He remembers the petitions being passed.

Ryan O’Gara said the petitions are read but not the names of the signers. We just say how many people sign a petition.

Gary Schroeder said a lot of petitions are brought to the meeting and those petitions are passed and not read.

Ryan O’Gara added that most petitions are not very long and more to the point.

Carl Griffin asked if the only remaining issue is the number of signers to a petition or letter that forfeits the right to speak.

Zach Williams asked if the Committee is in agreement on the shorter version.

The Committee agreed on the shorter version Kathy Lind distributed at the start of the meeting.

Steve Clevenger, 4011 Black Forest Lane, West Lafayette, IN 47906, asked if multiple copies of a petition with only three or four signatures on each one are turned in will it count as one petition even if they are handed in separately.

Zach Williams said it is hard to say if something is a duplicate unless they all say exactly the same thing. He thinks if the petitions are exactly the same he would advise to treat them as one petition.

Kathy Lind said for controversial cases usually four or five people go out to different areas to get signatures. In those cases the petitions are exactly the same.

Zach Williams said that is the case when we get four or five copies of the same letter.

Kathy Lind said this Bylaw amendment is on the agenda for the June APC meeting and asked if anyone has any additional comments or changes.

Zach Williams asked Kathy Lind to take the word “and” out because it can be confusing.

Tom Murtaugh moved to recommend removal of the word “and” in the second to the last paragraph, changing the signatures on the letter to “four or fewer”, and recommend approval of the Bylaw Amendment to the Area Plan Commission. Gary Schroeder seconded and the motion was approved by unanimous voice vote.

Gary Schroeder and Tom Murtaugh complimented Kathy Lind on the nice job she did on crafting the Bylaw change.

Kathy Lind said the staff report mentions she has talked to the Current Planners about mentioning to petitioners and remonstrators that APC Commissioners do not really like form letters and to try to avoid them.

III. CITIZEN COMMENTS:

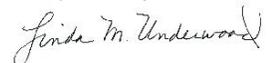
None

VI. ADJOURNMENT:

Gary Schroeder moved to adjourn the meeting. Greg Jones seconded.

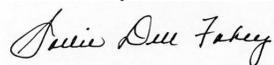
The meeting adjourned at 5:10 p.m.

Respectfully submitted,



Linda Underwood
Recording Secretary

Reviewed by,



Sallie Dell Fahey
Executive Director

ORDINANCE COMMITTEE OF THE AREA PLAN COMMISSION

US 231 CORRIDOR REZONE

July 26, 2018

BACKGROUND

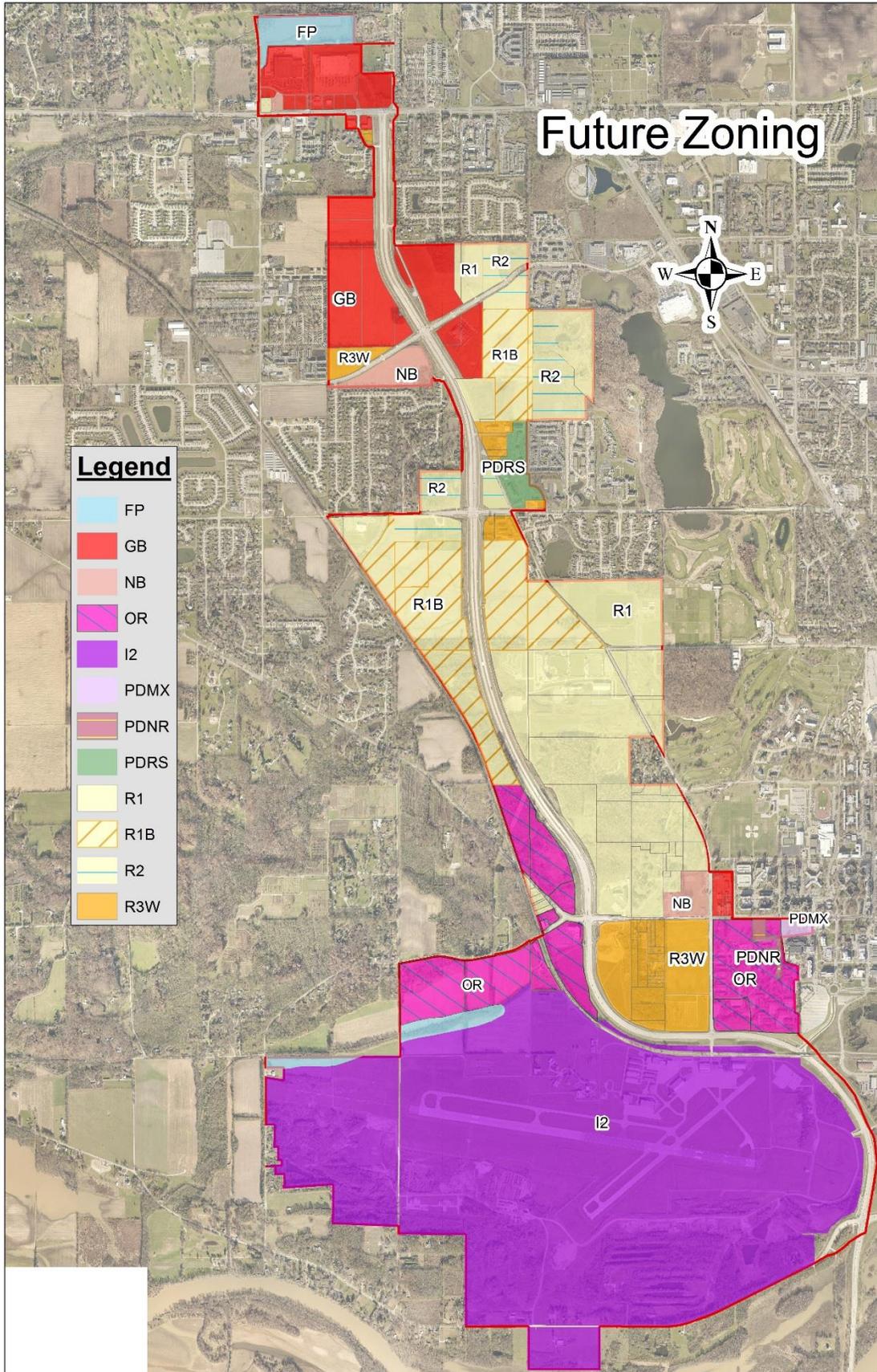
Just a few months ago the City Council for West Lafayette adopted the *US 231 Corridor Plan* as an amendment to the *Comprehensive Plan*. One important implementation strategy in that document was to rezone the corridor so that it best conforms to the future land use plan that is found inside the *Plan*.

THE PROCESS

APC staff is proposing a conventional rezone of the corridor utilizing the zoning districts presently available to us in the Unified Zoning Ordinance. The proposed zones all fall within the future land use plan's recommendations, with many properties already zoned correctly per the *Plan*.

NEXT STEPS

The US 231 Corridor Plan Steering Committee members have endorsed this rezone proposal and the largest property owner in the corridor, the Purdue Research Foundation, has also endorsed the proposal. Also, PRF's Discovery Park District is currently under scrutiny – as recommended by the *Plan* - for the creation of a form-based overlay to guide this unique area's development. Discussions between staff and PRF are already underway and, if an agreement on a path forward can be reached, staff will present the Ordinance Committee a draft form-based overlay as an amendment to the Unified Zoning Ordinance at a later date.



Memorandum

TO: APC Ordinance Committee
FROM: Kathy Lind, Senior Planner
SUBJECT: Proposed Changes to Multi-Family requirements
DATE: July 26, 2018

Topics up for debate at Ordinance Committee:

- In the R3U zone, the maximum height is 35' but the ordinance states "a building may be erected to a height in excess of the limits...if its setbacks exceed minimum requirements: 2' of additional height for each 1' of additional setback over the minimum requirement on all sides." In an urban zoning district, it is preferred that buildings be built closer to the sidewalk, which is why the minimum setback is 15' from the front, not 25', 40' or 60' as it is in other R3 zones. I don't believe we want to encourage developers in our urban zones to build further from the property lines. (This should also apply to R1U and R2U...)
- If we are eliminating the "1' up / 2' over" rule should we instead allow a height limit of 40' in the R3U?
- The R3W and R4W zones have a bizarre height restriction that dates to the time when the West Lafayette Fire Department didn't have the equipment to fight fires in buildings taller than 2 1/2 stories. The definition of Building Height states, "In R3W and R4W zones, the vertical distance from the lowest point of the average finished ground level all around the building to the finished floor of the upper story." And that height limit is 14'. In R3 the height limit is 35' measured to the top of the building. I propose making the height in R3W and R4W either 35' or 40'.
- It's time to get rid of the 15 units per acre density cap in the R3W zone. PD's are routinely approved with much higher densities, not just the new high rises in the Village but in surrounding neighborhoods. Without the density cap, there's no reason to have an R4W zone, since the only difference between R3W and R4W is the density cap.

Two easily (?) fixable issues involving multi-family dwellings:

Height:

- R3: no change (35' and allows UZO 4-5-1c height bonus)
- R3U: maximum height of 40' (instead of 35') and eliminate UZO 4-5-1c
- R3W: eliminate R3W and R4W mention in the Building Height definition. Make maximum height 40' (or use 35' like R3?) Allow UZO 4-5-1c.
- CB: no change (100')
- CBW: maximum height of 50' or 60' (instead of 35') Leave this for now...this will be addressed with the proposed changes following the downtown West Lafayette Plan.
- NBU: no change (35')
- MR and MRU: no change (35' for residential and allows UZO 4-5-1c height bonus)

Density Cap:

- R3: no change (no density cap)
- R3U: Eliminate density cap of 15 units per acre
- R3W: Eliminate density cap of 15 units per acre
- R4W: Eliminate this zone since the only difference between R3W and R4W is the density cap.
- CB: no change (no density cap)
- CBW: no change (no density cap)
- NBU: no change (no density cap)
- MR & MRU: no change (no density cap)

ABZA variance requests for multi-family dwellings in the last ten years (2018-2008)
for reduced parking (9 requests), increased building height (6 requests), and reduced bike parking (2 requests)

BZA Case #	Petitioner/Complex	Address	Zone	Date heard	Variance Request	Variance Request
1987	Mezzanine 7, LLC	234 Marsteller St.	R3W	7/18	0.5 parking spaces/unit (5 spaces, not 10)	
1986	Pure Development	Kalberer/Yeager	R4W	7/18	50% bike parking	35' bldg. height
1970	Farm House Assoc.	1028 State	R3W	1/18	(43 spaces, not 56)	
1959	Lambda Iota	640 N. Russell	R3W	4/17	39' bldg. height	10 bikes/57 req.
1950	Phi Sigma Kappa	302 Waldron St.	R3W	12/16	60' bldg. height	
1946	Christian Campus House	1000 W. State	R3W	10/16	51' bldg. height	(15 spaces, not 125)
1945	Sigma Alpha Epsilon	406 Littleton	R1	9/16	(29 spaces, not 76)	
1941	Jacktown Trace	111 & 117 W. State	CBW	Withdrawn	58.5 bldg. ht. not 35'	(75 spaces, not 121)
1877	Farm House Assoc.	1028 State	R3W	3/13	39' bldg. height	(32 spaces, not 42)
1860	Basham Rentals	320-6 S. Chauncey	R4W	7/12	(36 spaces, not 54)	
1853	Gutwein	249 Littleton	R3W	4/12	(35 spaces, not 47)	
1842	Southworth Bldg.	308 W. State	CBW	12/11	(0 spaces, not 41 for a change of use)	

Rezoning for R4W zoning (because of the density cap in R3W)

Rezone Case #	Petitioner/Complex	Address	From and To	Date heard
Z-2409	Cochran	202 S. River Road	R3W & GB to R4W	9/09
Z-2491	Basham	320-6 S. Chauncey	R3W to R4W	7/12
Z-2735	Pure Development	Kalberer/Yeager	OR to R4W	7/18