

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

DATE..... May 16, 2018
TIME..... 6:00 P.M.
PLACE..... County Office Bldg.
20 N. 3rd Street
Lafayette, IN 47901

MEMBERS PRESENT

Greg Jones
Michelle Long
Tom Murtaugh
Gary Schroeder
Jackson Bogan
Jerry Reynolds
Dave Williams
Gerry Keen
Perry Brown
Dr. Carl Griffin
Larry Leverenz
Roland Winger
Vicki Pearl

MEMBERS ABSENT

Jake Gray
Diana Luper
Tracy Brown
Tyrone Taylor

STAFF PRESENT

Sallie Fahey
Cat Schoenherr
Ryan O’Gara
Kathy Lind
Linda Underwood
Zach Williams, Atty.

The Area Plan Commission of Tippecanoe County Public Hearing was held on the 16th day of May, 2018 at 6:00 P.M., pursuant to notice given and agenda posted as provided by law.

President Tom Murtaugh called the meeting to order.

I. BRIEFING SESSION

Sallie Fahey said **Z-2721—ANGIE BELAND & JACOB ROHLER (R1 to A)** has been withdrawn by the petitioners. **S-4748—GULATI MINOR SUBDIVISION, A REPLAT OF LOT 199, HADLEY MOORS SUBDIVISION (minor-sketch)** will need to be continued to the June 6th Executive Committee meeting because the Journal & Courier failed to publish the legal ad. The petitioner for **Z-2727—HLH PROPERTIES, LLC (R1 to NB)** has requested a continuance to the July 17th APC meeting. The petitioner for **Z-2730—TIPPECANOE COUNTY PUBLIC LIBRARY (R1 & PDRS to NB)** has reduced the request to 10 acres and the PDRS zoned land is no longer included in the request.

II. APPROVAL OF MINUTES

Gary Schroeder moved to approve the minutes from the April 18, 2018 meeting. Greg Jones seconded and the minutes were approved by unanimous voice vote.

III. NEW BUSINESS

None

IV. PUBLIC HEARING

Tom Murtaugh 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.

Gary Schroeder moved to continue **S-4748—GULATI MINOR SUBDIVISION, A REPLAT OF LOT 199, HADLEY MOORS SUBDIVISION (minor-sketch)** to the June 6, 2018, Area Plan Commission Executive Committee public hearing and **Z-2727—HLH PROPERTIES, LLC (R1 to NB)** to the July 18, 2018 Area Plan Commission public hearing. Greg Jones seconded and the motion carried by voice vote.

A. ORDINANCE AMENDMENTS

UZO AMENDMENT #93--BUFFERYARDS:

The amendment strengthens bufferyard requirements and makes changes to the off-street loading berth requirements; the amendment would change Chapter 4 and Appendix E of the *Unified Zoning Ordinance*. TABLED AT THE APRIL APC MEETING

Gary Schroeder moved to hear and approve the **UZO AMENDMENT #93--BUFFERYARDS**. Greg Jones seconded.

Sallie Fahey said at the April APC meeting, our BZA President noted that there may have been two words missing in the amendment. Staff decided he was probably correct and APC tabled the amendment. On the second page of the amendment in Appendix E1 the word "deciduous" was added in the Type A kind of standard plant units between "six" and "shrubs". The word "evergreen" was added in the Type B bufferyard between "five" and "shrubs". When making the change staff decided to look at the entire amendment. She then gave examples of the types of clarifying changes that were made.

The Commission voted by ballot 13 yes to 0 no to recommend approval of the **UZO AMENDMENT #93--BUFFERYARDS**.

The amendment will be heard by all six jurisdictions at their June 4, 2018 meetings.

B. SUBDIVISIONS

1. **S-4749--WEST LAFAYETTE HIGH SCHOOL MINOR SUBDIVISION, A REPLAT OF LOTS 1-36, CHARLES W. ROSS ADDITION, PLUS UNPLATTED LAND (minor-sketch)**

Petitioner is seeking primary approval to replat several lots into one on 12.91 acres, located on the west side of Grant Street, between Leslie Avenue and Meridian Street, in West Lafayette, Wabash 18 (SE) 23-4.

Gary Schroeder moved to hear and vote on **S-4749—WEST LAFAYETTE HIGH SCHOOL MINOR SUBDIVISION, A REPLAT OF LOTS 1-36, CHARLES W. ROSS ADDITION, PLUS UNPLATTED LAND (minor-sketch)**. Greg Jones seconded.

Sallie Fahey presented the zoning map, aerial photos and sketch plan. She referred to the aerial to show the location of the school property in the residential neighborhood. She explained that the School Corporation came in to talk about what will need to be done to add a new aquatic center onto the school. During that process everyone discovered that the school property is on 36 platted lots, two streets, and alleys and the property is not one, 12.91 acre tract. The West Lafayette Map that was used before we had digital zoning showed this as one open lot and staff never questioned that. The School Corporation has started this additional process to get rid of both the platted streets and alleys and to make the property one site. She said in order to comply with the urban secondary arterial standard, an additional 10' of right-of-way needs to be dedicated along the north side of Meridian Street. An additional 5' half-width right-of-way along the west side of Grant Street is also needed. Both Grant and Meridian Streets fully occupy the existing rights-of-way and dedicating the additional right-of-way would place the existing running track inside the public street right-of-way and potentially require the track to be relocated. Petitioner has requested variances to waive the additional right-of-way along Grant and Meridian Streets and the West Lafayette Board of Public Works recommended approval of both requests. Petitioner is in the process of vacating the rights-of-way of Hayes and Raymond Streets and the West Lafayette Common Council will have the second reading of the ordinance to vacate both rights-of-way on June 4th. Staff is recommending that the sidewalk easements be shown on the final plat because the sidewalks along the north side of Meridian and the south side of Leslie are currently located outside the

street right-of-way and are located on school property. The preliminary plat shows a 25' building setback from Meridian Street but a 40' setback is required because Meridian is a secondary arterial. She added that petitioner has requested four variances to allow the construction of an aquatic center and those requests will be heard by the Board of Zoning Appeals at its May 23rd meeting. She summarized the remainder of the staff report and concluded with a recommendation of approval, contingent on the following variances and conditions:

Subdivision Variances

1. A variance to not dedicate the additional 5-ft of right-of-way required along the west side of Grant Street.
2. A variance to not dedicate the additional 10-ft right-of-way required along the north side of Meridian Street.

Conditions

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

1. Submit a copy of the West Lafayette Common Council approval of Ordinance No. 11-18, which vacates all public ways in the Charles W. Ross Addition.
2. 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.
3. Pedestrian access easements shall be platted along the rights-of-way of the north side of Meridian Street and the south side of Leslie Avenue for the existing sidewalks.
4. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
5. All required building setbacks shall be platted.
6. The street addresses and County Auditor's Key Number shall be shown.

Kevin Riley, PO Box 280, Lafayette, IN 47902, attorney representing the petitioner, concurred with the staff report, agreed to the conditions and requested approval for both variances and the subdivision.

The Commission voted by ballot 13 yes to 0 no to approve **Variance #1 for S-4749—WEST LAFAYETTE HIGH SCHOOL MINOR SUBDIVISION, A REPLAT OF LOTS 1-36, CHARLES W. ROSS ADDITION, PLUS UNPLATTED LAND (minor-sketch)**.

The Commission voted by ballot 13 yes to 0 no to **Variance #2 for S-4749—WEST LAFAYETTE HIGH SCHOOL MINOR SUBDIVISION, A REPLAT OF LOTS 1-36, CHARLES W. ROSS ADDITION, PLUS UNPLATTED LAND (minor-sketch)**.

The Commission voted by ballot 13 yes to 0 no to grant conditional primary approval for **S-4749—WEST LAFAYETTE HIGH SCHOOL MINOR SUBDIVISION, A REPLAT OF LOTS 1-36, CHARLES W. ROSS ADDITION, PLUS UNPLATTED LAND (minor-sketch)**.

2. S-4750--COTTAGES AT CUMBERLAND SUBDIVISION (major-preliminary):

Petitioner is seeking primary approval for a two lot multi-family subdivision on 10.69 acres with 108 units in 54 buildings, located on the northwest side of Cumberland Avenue, just west of the US 231 intersection, in Wabash 11 (NW) 23-5.

Gary Schroeder moved to hear and vote on **S-4750—COTTAGES AT CUMBERLAND SUBDIVISION (major-preliminary)**. Greg Jones seconded.

Sallie Fahey presented the zoning map, aerial photos and preliminary plat. She said this acreage is flat, open and has been in agricultural production along with adjoining properties to the north, southeast, and directly across the road. She highlighted the existing drive access that was created when Cumberland was extended through his property and added that petitioner is also seeking an additional entrance that will provide access to the 54-two-unit building shown on Lot 1. It was suggested at the sketch plan review meeting that the Block A (second lot) area be kept open to allow for future Cumberland Avenue access to the GB properties to the north.

Tom Murtaugh asked if the access further to the east will be blocked off.

Sallie Fahey agreed there is another access point that potentially will be closed off. She went on to say staff spoke with the County Highway Department because Cumberland was built as a Federal aid project. Staff learned there was no purchase of limited access rights so it is possible to move the access points or add an additional one if necessary. She highlighted the three proposed detention ponds and added that petitioner is required to install a Type C bufferyard along the GB zoned land abutting to the north.

She summarized the remainder of the staff report, said petitioner has requested permission to bond, and concluded with a recommendation of approval, contingent on the following conditions:

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

1. The entrance and drainage plans shall be approved by the West Lafayette City Engineer.
2. American Suburban Utilities, Inc. shall approve the sanitary sewer plans.
3. Indiana-American Water Company, Inc. shall approve the water plans.
4. The fire hydrants shall be approved by the West Lafayette 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.
5. 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.
6. The required bufferyard shall be shown with the standard plant unit details. The bufferyard shall be installed as part of required public improvements.

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

7. Except for the approved entrances, a "No Vehicular Access" statement shall be platted along the Cumberland Avenue right-of-way line.
8. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
9. All required building setbacks shall be platted.
10. The West Lafayette corporation line shall be labeled.
11. The street addresses and County Auditor's Key Number shall be shown.

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

12. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

Mike Wylie, 1330 Win Hentschel Boulevard, West Lafayette, IN 47906, surveyor representing the petitioner, concurred with the staff report, agreed to the conditions and requested approval.

The Commission voted by ballot 13 yes to 0 no to grant conditional primary approval for **S-4750—COTTAGES AT CUMBERLAND SUBDIVISION (major-preliminary)**.

The Commission voted by ballot 13 yes to 0 no to permit bonding for **S-4750—COTTAGES AT CUMBERLAND SUBDIVISION (major-preliminary)**.

A. REZONING ACTIVITIES

1. Z-2722--W.K. BALDWIN (NB to GB):

Petitioner is requesting rezoning of 1.192 acres located on the west side of Sagamore Parkway, just north of Union Street, more specifically, 820 Sagamore Parkway, in Lafayette, Fairfield 22 (NW) 23-4. **WITH COMMITMENT CONTINUED FROM THE APRIL APC MEETING IN ORDER TO FILE A COMMITMENT**

Gary Schroeder moved to approve the **COMMITMENT for Z-2722—W.K. BALDWIN (NB to GB)** and approve **Z-2722—W.K. BALDWIN (NB to GB) with COMMITMENT**. Greg Jones seconded.

Ryan O’Gara presented the zoning map and aerial photos, and said Red Lobster previously occupied this site and the site is currently being used to park rental cars and used cars for adjacent businesses. He summarized the zoning history and referred to the aerial to highlight other area land uses. He explained that this site is one of only a few Neighborhood Business sites remaining along the corridor and petitioners want this lot to have the same standards for use and development as adjacent properties. He said petitioner continued this case from the April APC meeting to add a commitment prohibiting “Motor Vehicle Dealerships (Used Only) SIC group 5521”. If the commitment is approved the used cars on the lot will need to be removed. Staff believes GB zoning is appropriate for this location because of its location on a major thoroughfare and said staff’s original recommendation of approval is only strengthened by the commitment. He concluded with a recommendation of approval.

Daniel Teder, PO Box 280, Lafayette, IN 47902, attorney representing the petitioner, said it makes sense for this property to be zoned GB. He pointed out that there is already a buffer between this site and the R1B zoned property to the west. He reminded the Commission that the commitment runs with the land. He requested a positive recommendation.

The Commission voted by ballot 13 yes to 0 no to approve the **COMMITMENT for Z-2722—W.K. BALDWIN (NB to GB)**.

The Commission voted by ballot 13 yes to 0 no to recommend approval of **Z-2722—W.K. BALDWIN (NB to GB) with COMMITMENT** to the Lafayette Common Council.

This case will be heard by the Lafayette Common Council at its June 4, 2018 meeting. Petitioner or his representative must appear.

2. Z-2726--BROWNING INVESTMENTS (Convergence – Discovery Park District PD) (A to PDNR):

Petitioner is requesting rezoning for two new lots. This first proposed lot, at approximately 1.29 acres, will contain a 5-story, 143,329 square foot commercial office building with ground floor retail. The second proposed lot, at approximately 1.76 acres, will contain a 5-story parking garage containing (in its total build out) 1,161 parking spaces. The properties are located south of State Street and just west of S. MacArthur Drive, West Lafayette, Wabash 24 (SE) 23-5.

Gary Schroeder moved to hear and approve Z-2726—BROWNING INVESTMENTS (Convergence – Discovery Park District PD) (A to PDNR). Greg Jones seconded.

Ryan O’Gara presented the zoning map, aerial photos, site plan, topography drawings, and front & back renderings of the completed office/retail building. He recapped the history and plans to date for the Discovery Park District. He said through this planned development, PRF is dedicating rights-of-way for two new public streets bounding the new office building property and extending the right-of-way on South MacArthur Drive to allow access to the project’s parking garage. In addition to the parking spaces assigned for the office and retail space, 266 additional spaces will be assigned to the residents in the adjacent Innovation Place Apartments. The parking garage phase of the project will consolidate the parking for multiple uses to maximize the pedestrian potential of the emerging urban district. The garage also has room to expand if needed for future development. He said two, 10’ trails, with segments on both streets, will be included as the first installment of a larger trail network that will be expanded into the Discovery Park District. The planned streetscape and landscape will serve the office and retail uses. He then explained that the office building will be constructed first and then the garage about six months later. He concluded with a recommendation of approval, contingent on meeting all requirements of UZO 2-28-10 and the following for submission of Final Detailed Plans, signed off by those noted in that section to include:

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. FAA Determination shall be submitted with the Final Detailed Plans;
6. Final landscape plan and plant schedule approved by the West Lafayette Greenspace Administrator that is in conformance with the approved Preliminary Plan;
7. A Phasing Plan shall be submitted with the Final Detailed Plans subject to the approval of the Administrative Officer indicating the following: Phase 1 shall include the office building on Lot 1 and an approximate 300 space surface parking lot on PRF land south of the Birck Nanotechnology Center (BNC) to serve as a temporary parking solution from the anticipated completion of the office building in December of 2019 to the completion of the parking garage (Phase 2) on Lot 2 in August of 2020. These 300 spaces would replace the approximately 200 space lot west of the BNC that will be removed with the construction of S. MacArthur Drive plus cover the first six months of the office building’s parking needs until the garage is completed in the summer of 2020 as part of Phase 2.
8. Street name and addressing applications shall be made with APC prior to the submission of the Final Detailed Plans.

Tom Murtaugh asked how all the land in this area can still be zoned A (Agricultural).

Ryan O’Gara replied that at one time all the land in this area was owned by the Purdue Trustees and they are exempt from zoning. Years ago staff debated what to do with Trustee-owned land because it has to be zoned. It was decided that A would be the default zone. Something has to be done with A zoned land now that PRF has acquired the land and it has come on the tax roles. Staff plans to fix this issue with the US 231 Corridor Rezone because the plans are to eliminate all the A zoning in the corridor.

Joseph Bumbleburg, PO Box 1535, Lafayette, IN 47902, attorney representing the petitioner, said the staff report is right-on. This mixed-use urban retail/office/educational project will be a great asset to the Discovery Park

development. He said there is a narrative that spells out this project in great detail. This project is the second phase in the master plan for this area. He requested a positive recommendation.

The Commission voted by ballot 13 yes to 0 no to recommend approval of **Z-2726—BROWNING INVESTMENTS (Convergence – Discovery Park District PD) (A to PDNR)** to the West Lafayette Common Council.

This case will be heard by the West Lafayette Common Council at its June 4, 2018 meeting. Petitioner or his representative must appear.

3. **Z-2728--CALL, LLC (GB to I1):**
Petitioner is requesting rezoning of 100' x 100' piece of land to make an existing nonconforming primary communications tower conforming at 3824 South 18th Street, Lafayette, Wea 9 (SW) 22-4.
4. **Z-2729--CALL, LLC (GB to I1):**
Petitioner is requesting rezoning of 63' x 30' piece of land to make a second existing nonconforming primary communications tower conforming at 3824 South 18th Street, Lafayette, Wea 9 (SW) 22-4.

Gary Schroeder moved to hear **Z-2728—CALL, LLC (GB to I1)** and **Z-2729—CALL, LLC (GB to I1)** together and approve separately. Greg Jones seconded.

Kathy Lind presented the zoning map and aerial photos and said both towers are located on a large GB-zoned parcel but petitioner is only requesting rezoning for two small areas that encompass the two towers. Both towers have been on the site since the 1960's before the County had zoning and the towers are nonconforming. A special exception request for a new cell tower on land to the north prompted petitioner to initiate this process to legitimize these two, nonconforming towers. Staff attended a neighborhood meeting held to discuss the request for the new cell tower where most of the homeowners, Mayor Roswarski, and the District 1 Council Member discouraged construction of a new cell tower. Those attending the meeting wanted to know if it would be possible to reuse these existing non-conforming towers but these two nonconforming towers cannot be expanded. Staff cannot say that rezoning the towers will allow co-location to eliminate the need for a 3rd tower because there are other issues that need to be addressed. Approval of these requests will make the first tower conforming but petitioner would still need to seek relief from development standards to legitimize the second tower. Historically both APC and city staff have encouraged co-location of antennas on existing cell towers where possible. She concluded with a recommendation of approval for both requests.

Kyle Dietrich, PO Box 280, Lafayette, IN 47902, attorney representing the petitioner, concurred with the staff report. He said these requests were filed in response to a request for a special exception by Horvath Towers to construct a cell phone tower. Approval of these rezoning requests will allow a cell service provider to co-locate on one of these existing towers and hopefully eliminate the need for a 3rd tower. Approval will also allow the towers to be upgraded. He requested approval.

Jackson Bogan asked if the third tower will not be built if these requests are approved.

Kyle Dietrich replied that the 3rd tower is being proposed on a different site that is not owned by his client. The fact that the existing towers cannot be expanded is the reason a third tower is being proposed.

Jerry Reynolds added that he is the Council representative for this district and the City of Lafayette supports this request. The mayor, Sallie Fahey, the petitioner, and he had a neighborhood meeting with all the surrounding neighborhoods and everyone who attended agreed that they would like to make the existing towers conforming so maintenance upgrades can be performed and allow for co-location.

Carl Griffin explained that any action taken tonight or by the Lafayette Council will have no bearing on whether or not the 3rd tower is built in the A zone to the north. The Board of Zoning Appeals will make the decision on the proposed 3rd tower.

Sean Henady, 1315 Stone Ripple Circle, Lafayette, IN 47909, said he lives in the Waterstone Subdivision that is adjacent to the site of the proposed 3rd tower. He is one of the local residents who helped coordinate the community meeting to try to get everyone together to make sure the requests are approved and the Horvath tower is denied. He thinks approval of these requests will provide the same opportunity for increased cell coverage needed. He believes allowing a 3rd tower to be built will limit the opportunities for these two towers. He went on to say the existing towers are very thin and blend into the surrounding area. A 3rd tower will severely diminish the broadcasting capabilities of the first two towers. The existing towers are very thin and blend into the surroundings but the Horvath tower will be

massive and very noticeable. The neighbors have put together imagery for next week's meeting. He said the mayor does not want too many new towers going up and added that the future library and water tower by Wea Ridge Elementary School will provide opportunities for cell providers.

The Commission voted by ballot 13 yes to 0 no to recommend approval of **Z-2728—CALL, LLC (GB to I1)** to the Lafayette Common Council.

The Commission voted by ballot 13 yes to 0 no to recommend approval of **Z-2729—CALL, LLC (GB to I1)** to the Lafayette Common Council.

Both cases will be heard by the Lafayette Common Council at its June 4, 2018 meeting. Petitioner or his representative must appear.

5. Z-2730--TIPPECANOE COUNTY PUBLIC LIBRARY (R1 & PDRS to NB):

Petitioner is requesting rezoning of 25 10 acres located at the northwest corner of S. 18th Street and CR 430 S, across the county road from Wea Ridge elementary school in Lafayette, Wea 16 (NW) 22-4.

Gary Schroeder moved to hear and approve **Z-2730—TIPPECANOE COUNTY PUBLIC LIBRARY (R1 & PDRS to NB)**. Greg Jones seconded.

Kathy Lind presented the zoning map, aerial photos and original and amended site plans. She summarized the zoning history and patterns and referred to the aerial to highlight the neighboring uses. Petitioner's representative has stated that the library board plans to build in the southeast corner of the property. The plans include story trails and other outdoor library activities and to connect with the area trails and sidewalks. Staff thought requesting a 25-acre NB rezone for the library was excessive and feared future library board members may find subdividing and selling some acreage to a commercial user lucrative and irresistible. A solution was to submit a smaller legal description that will still allow the library room to grow and not require subdividing when the Diocese sells the land to the library board. Submitting a smaller legal description would also protect the adjacent neighborhoods from potentially incompatible land uses (strip malls, fast food restaurants, gas stations). Prior to today's meeting, the petitioner submitted a new site plan on 10 acres as staff suggested and added that the PDRS portion was removed from the request. She concluded with a recommendation of approval.

Zach Williams said the motion to put this case on the floor stated that the request was for NB zoning from R1 & PDRS zoning when the PRDS zoned land was removed when the legal description was reduced. The Commission is voting on a request to rezone from R1 to NB zoning and he asked that that be noted in the minutes.

Kathy Lind read a letter of opposition from:

Andy Melvin, 1503 Norcross Way, Lafayette, IN 47909

Christopher Shelmon, 250 Main Street, Suite 590, Lafayette, IN 47901, attorney representing the petitioner, said this is the fulfillment of a promise made to the community by the Tippecanoe County Public Library to open a library branch on the south side of Lafayette when the Ivy Tech branch closed. This location is ideal for the library because the property is on two major roads that were recently redone and expanded and also along neighborhood trails and near a school. The library is looking forward to using all 25 acres at some point for story walks and other outdoor projects related to library purposes.

David Kenny, 4324 Wea Ridge Road, Lafayette IN 47909, thanked all the Commissioners for serving our county and for the opportunity to speak tonight. He owns two properties in the area and is also representing the Wea Ridge Subdivision. He agreed with staff when they said 25 acres was too large but since the request has been reduced to 10 acres he is speaking in support of the request.

Jerry Reynolds thanked the petitioner for reducing the request to 10 acres. The City of Lafayette was afraid of NB zoning for 25 acres but now supports the request to rezone only 10 acres to NB. He thanked the Library Board and staff for working together to come up with a reduced request. He thinks the McCutcheon FFA will continue to farm the ground.

Vicki Pearl asked what was on this 10-acre site.

Jerry Reynolds replied that the site has always been farmed but has been zoned R1 for quite a while.

The Commission voted by ballot 13 yes to 0 no to recommend approval of **Z-2730—TIPPECANOE COUNTY PUBLIC LIBRARY (R1 & PDRS to NB)** to the Lafayette Common Council.

This case will be heard by the Lafayette Common Council at its June 4, 2018 meeting. Petitioner or his representative must appear.

V. ADMINISTRATIVE MATTERS

1. Discussion of proposed bylaw amendment regarding reading citizen letters at public hearings

Sallie Fahey said the Ordinance and Bylaw Committees were asked to look at what would happen if submitted letters of support and opposition to APC requests were not read into the record at the public meeting. At the lively and interesting joint meeting there was a lot of discussion on why we should and should not read the letters. Staff will be bringing a Bylaw amendment to the full Commission that states letters will continue to be read into the record at the public meeting but the allowable length will be reduced from *two pages, 11 point font, double spaced, and with 1" margins* to *one page, 11 point font, double spaced, and with 1" margins* to reduce the amount of time it takes to read the letters. She wanted to give the full Commission an update for those not on either committee to ask questions of those who are on the committees.

She went on to say that the motion Gary Schroeder read at the start of the public hearing is a little longer. Staff realized that the APC motion was not the same as the motion used at BZA meetings because the APC motion did not include the staff report, the Bylaws, the checkpoint agencies responses, etc.

Roland Winger asked if hand-written letters are allowed or prohibited.

Sallie Fahey replied that hand-written letters have always been allowed but the hand-written letters will be scaled like typed letters and also be limited to one page.

Tom Murtaugh said the conversation at the joint meeting was lively.

Sallie Fahey agreed and added that it was also a valuable conversation because staff had the opportunity to hear all sides of the issue.

Tom Murtaugh said for him it was compelling when the Committees started talking about how the APC is a public meeting and that some folks cannot attend the meeting and others do not feel comfortable standing up in public to voice their opinion. He went on to say that when a case goes on to the next rezone phase there is no option for reading letters.

VI. APPROVAL OF THE JUNE EXECUTIVE COMMITTEE AGENDA

No new cases filed

VII. DETERMINATION OF VARIANCES – AREA BOARD OF ZONING APPEALS

Gary Schroeder moved that the following request for variances from the Unified Zoning Ordinance is not a request for use variance, prohibited from consideration by ordinance and statute:

BZA-1982—WEST LAFAYETTE JUNIOR-SENIOR HIGH SCHOOL BUILDING CORPORATION

Greg Jones seconded and the motion was approved by unanimous voice vote.

VIII. DIRECTOR'S REPORT

Sallie Fahey said that after a lot of frustration with Office 360 and the Cloud she was finally able to get the Director's Report out late this afternoon. She realizes most Commissioners have not had an opportunity to read the report, so she asked everyone to email her with any questions.

IX. CITIZEN COMMENT AND GRIEVANCES

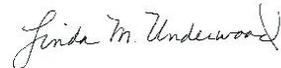
Gary Schroeder said he likes when all the technology in the meeting room works because it makes it very nice for the audience and the Commissioners. When technology works it is a good thing.

X. ADJOURNMENT

Gary Schroeder moved to adjourn. Greg Jones seconded and the motion carried by voice vote.

The meeting adjourned at 7:10p.m.

Respectfully Submitted,



Linda M. Underwood
Recording Secretary

Reviewed By,



Sallie Fahey
Executive Director