

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

DATE.....June 17, 2020  
TIME.....6:00 P.M.  
PLACE..... County Office Bldg.  
20 N. 3<sup>rd</sup> Street  
Lafayette, IN 47901

**MEMBERS PRESENT**

Roland Winger  
Diana Luper  
Vicki Pearl  
Larry Leverenz  
Greg Jones  
Tracy Brown  
Tom Murtaugh  
Gary Schroeder  
Jackson Bogan  
Kathy Parker  
Lisa Dullum  
Perry Brown  
Carla Snodgrass

**MEMBERS ABSENT**

Jake Gray  
Jerry Reynolds  
Dr. Carl Griffin  
Michelle Long

**STAFF PRESENT**

Sallie Fahey  
Chyna Lynch  
Don Lamb  
Ryan O’Gara  
Zach Williams, Atty.

The Area Plan Commission of Tippecanoe County Public Hearing was held virtually on the 17th day of June 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 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 all cases were ready to be heard.

**I. APPROVAL OF MINUTES**

Gary Schroeder moved to approve the minutes from the May 20, 2020 meeting. Greg Jones seconded and the motion carried by unanimous voice vote.

**II. 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.

Gary Schroeder moved to hear and approve APC BYLAW AMENDMENT RESOLUTION 2020-04. Greg Jones seconded.

Sallie Fahey said this bylaw amendment was created out of concern by the Area Plan Commission President and Vice President’s and their ability to sign any documents that need to be recorded in a timely manner. At a joint Bylaw and Ordinance Committee meeting, a decision was made that when the President or Vice President are not available to sign documents that need recordation, either of the two County

Commissioners that are appointed to the APC may be authorized to perform that duty. If Jackson or Larry are not available to sign documents, there would be two other authorized members close by to sign the documents. This was unanimously recommended by the joint Bylaw and Ordinance Committees.

Zach Williams conducted a vote by roll call. The motion was approved 12 yes to 0 no.

**Yes-Votes**

Jackson Bogan  
 Larry Leverenz  
 Roland Winger  
 Vicki Pearl  
 Lisa Dullum  
 Gary Schroeder  
 Kathy Parker  
 Tom Murtaugh  
 Carla Snodgrass  
 Greg Jones  
 Perry Brown  
 Tracy Brown

**No-Votes**

**III. PUBLIC HEARING**

Jackson Bogan read the meeting procedures.

Gary Schroeder moved that there be incorporated into the public hearing portion of each application to be heard this evening and to become part of the evidence at such hearing, the Unified Zoning Ordinance, the Unified Subdivision Ordinance, the Comprehensive Plan, the By-laws of the Area Plan Commission, the application and all documents filed therewith, the staff report and recommendation on the applications to be heard this evening and responses from the checkpoint agencies

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

**A. Rezoning Activities**

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

Petitioner is requesting rezoning of three tracts totaling 97.806 acres east of I65, 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 MAY 20, 2020 APC MEETING AT PETITIONER'S REQUEST. FINAL CONTINUANCE.*

Gary Schroeder moved to hear and approve **Z-2783 CARR FAMILY FARM, LLC (A to I3)**. Greg Jones seconded.

Ryan O'Gara presented the zoning map and aerial photos. He said this site is east of I-65 near the Town of Dayton. The rezone commitment was created to prohibit uses like CAFOs, taxicabs, trash transfer stations, junkyards, truck stops or cemeteries. This site was originally zoned R1 but was rezoned to 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 three times starting in 2002. The site is outside of Dayton town limits but has access to public water. There is currently no public sewer available however Dayton anticipates serving this site with public utilities. Before development occurs, the standard utility service agreement with the town must be approved. The Town of Dayton is finalizing its joint EDA TIF district with the county which includes this rezone site. It is anticipated that the site will be annexed by the town, but the process is still unfolding. At the same time, staff is beginning work on a new Comprehensive Plan Amendment for the Town of Dayton to replace the amendment written almost 25 years ago. Staff believes this rezone petition is premature. The town and staff believe that until the annexation and Comprehensive

Plan amendment are done, rezoning this land is premature. Given the current land use plan in this area, staff would support a rezone to I1. This would be consistent with the existing future land use plan. If the petitioner is willing to change to the lighter industrial zoning, staff would recommend approval. Otherwise, staff recommended denial of I3 zoning.

Jackson Bogan asked if the petitioner or their representative wanted to make a presentation. Sallie will share Mr. Teder's photos.

Daniel Teder, 250 Main Street, Lafayette, IN 47901, representative for petitioner, said petitioner is requesting a rezone from A to I3 with commitment. The commitment prevents inappropriate uses on the site. If the commitment is approved, it will stay with the land. I3 is an appropriate zone for this tract because the site is bordered by I3 zoning to the south and the west. The Area Plan Commission and Dayton Town Council have approved I3 in this area previously. Staff recommended denial for I3 zoning based on a 25-year-old amendment to the land use plan but would support I1 zoning. There have been many changes in this area in the last 25 years and he thinks an amendment to the land use plan would show this area to be I3. He presented pictures of I3 zoned sites as examples of the type of buildings that would potentially come to this site. He said the Toyota Tsusho plant that is 350,000 square feet on Haggerty Lane is just half a mile away from the site in this request. The I3 zone is needed for outside storage. The lighter industrial zoning does not permit outside storage. The outside storage is needed to store semi trailers. Petitioner would build something similar to the examples presented and would be complimentary to the SIA plant. There will be direct access to the site from Haggerty Lane. With the push to have off-shore critical manufacturing back in the United States, we need to have shovel ready sites. Site selectors for these industries demand that these sites have zoning and environmental in place. They typically make their decision within 30 days.

Last year, Dayton said they wanted to stay small. This year they want to do an annexation. There was a voluntary annexation on the south side of Dayton that took over 2 years. This annexation would not be voluntary at this point. The annexation is premature because the area needs buildings like this in I3 in order to make the TIF work. The tax assessment in this area is around \$1,000 but with a larger building it will be in the \$100,000 range. As a result, the TIF will be implemented and the proposed improvements to Yost Drive can be done. The proposed rezone is appropriate and will have a minimal impact on the area. He respectfully requested approval for the rezone and commitment.

Lisa Dullum asked if Dayton wants to eventually annex this land.

Daniel Teder, 250 Main Street, Lafayette, IN 47901, representative for petitioner, said it is not clear because Dayton has said they will not annex this land if it is rezoned. There is a non-exclusive agreement for sewer and water. If this is not annexed, Dayton can decide to not give this land water and sewer. This would indicate that it is non-exclusive, and the petitioner can go other places to get water and sewer. There is water and sewer on the north side of Haggerty.

Ryan O'Gara read a letter in opposition from the following:

Ron Koehler, President Dayton Town Council PO Box 557, Dayton, IN 47941.

Kevin Bol, 903 Columbia Street, Lafayette, IN 47901, said he was involved in the Toyota Tsusho project. There are a lot of requests from developers in this area. When developers are asking for sites to be submitted, they must be shovel ready. If the site is not ready to go, they will not even make the list of potential sites. This site was recently considered for an 850,000 square foot facility but was passed up because it was not ready. The site will not be seriously considered until it is shovel ready.

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. He asked if petitioner's representative had a rebuttal.

Daniel Teder, 250 Main Street, Lafayette, IN 47901, representative for petitioner, said the County and Dayton are in the middle of finalizing a TIF district. In order to make a TIF district successful, there must be

tax assessment that is more than just farm land, parks or NB zoned areas. This location is close to the interstate, the SIA plant and other I3 zoning. This site will not have a negative effect on the area. The site will allow the TIF district to work with the larger tax assessment. If Dayton does not annex this site, they will not have to provide water and sewer. This allows the petitioner to go to other providers. If that is not allowed, it would be absurd because it would hold back development. There must be an option to get water and sewer. This site is not within Dayton city limits; they should not be able to control development in this area. The previous annexation took over 2 years and was voluntary. This will not be voluntary and will take longer. This proposal is very reasonable and will benefit the community. He respectfully requested a favorable recommendation.

Carla Snodgrass said she is familiar with what is going on in Dayton. She agreed with the letter that was read and thinks this rezone should be held off until the annexation is completed. This process has been hampered due to COVID-19 restrictions. The Dayton Town Council would like for the rezone to hold off until they annex, so they have some say in what will happen in this area. This site is at the edge of town. The town is looking at the TIF district and how they want the town to appear. This rezone is not in the best interest for Dayton currently.

Gary Schroeder said it seems that the annexation can still happen after the rezone. TIF districts are important. This is a well-positioned site for industrial development with what surrounds it. This is would be valuable not only to Dayton but the whole community. This will provide growth, tax income and jobs. Development comes in cycles. Rezoning now would be better than waiting to get this on the list for development. He said he would be in favor of this rezone.

Roland Winger said staff noted in the comments that the Comprehensive Plan did not anticipate I3 use when it was drafted 25 years ago. I3 zoning has come into this area especially to the west of the interstate. There are rarely areas that are so well-organized in going from A to I3 like this. He asked if there is anything else about this area that would not be suitable for I3 zoning.

Sallie Fahey said based on the Comprehensive Plan, staff has recommended denial for each of the requests for I3 rezones in this area. Yet, the rezones were approved by the town. There may have been a shift in the thinking of the Town Council. Staff was more concerned about the McAllister rezone because it was on the east side of Yost Drive. The current plan suggested there be facilities in place that could act as a buffer between industrial development and the existing town. The update of the plan would be largely guided by the interest of the town but also keeping in mind the TIF district in this area. For the TIF district to work, there must be development beyond residential. A town park may be desirable, but it would not benefit the TIF district. The town is concerned about their 20% share of the Yost Drive project. The TIF funds would help the town be able to meet their 20% match for the Yost Drive construction. Right now, there is a contract for engineering, but construction is years away.

Roland Winger said to clarify, the agricultural zoned property and the residential zoned property is also in consideration for the annexation.

Sallie Fahey said that is correct.

Tom Murtaugh asked how long an involuntary annexation takes.

Sallie Fahey said an involuntary annexation takes longer because there are more steps in the process.

Zach Williams said the laws regarding annexation change almost yearly. Regardless of the annexation being voluntary or involuntary, there will be a lot of steps that have their own timeline.

Daniel Teder, 250 Main Street, Lafayette, IN 47901, representative for petitioner, said if the annexation was voluntary and everything went perfect, it would take 9 months. In the previous annexation, there was a

lawsuit filed because there was a disagreement about the fiscal plan and the annexation took over 2 years. The petitioner is concerned about the fiscal plan in this annex. For this annexation to work, there needs to be a fiscal plan in place for it to be completed. This means police, fire, water and sewer are needed. Without having the tax assessment, this will cause problems to make the annexation take longer.

Carla Snodgrass said to clarify, the reason it took so long for the rezone had nothing to do with the annexation. The area Mr. Teder is referring to had already been annexed into town. The issue was regarding the zoning and following through with the fiscal plan.

Jackson Bogan asked Ryan O’Gara if there had been any public comments. There were none.

Zach Williams conducted a vote by roll call to allow the commitment. The commitment was approved 13 yes to 0 no.

**Yes-Votes**

Jackson Bogan  
 Larry Leverenz  
 Roland Winger  
 Vicki Pearl  
 Lisa Dullum  
 Gary Schroeder  
 Kathy Parker  
 Tom Murtaugh  
 Carla Snodgrass  
 Greg Jones  
 Perry Brown  
 Tracy Brown  
 Diana Luper

**No-Votes**

Zach Williams conducted a vote to rezone by roll call. The rezone was approved 10 yes to 3 no.

**Yes-Votes**

Jackson Bogan  
 Larry Leverenz  
 Roland Winger  
 Vicki Pearl  
 Gary Schroeder  
 Kathy Parker  
 Tom Murtaugh  
 Perry Brown  
 Tracy Brown  
 Diana Luper

**No-Votes**

Greg Jones  
 Carla Snodgrass  
 Lisa Dullum

**IV. ADMINISTRATIVE MATTERS**

None.

**V. APPROVAL OF THE JULY EXECUTIVE COMMITTEE AGENDA**

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

**VI. DETERMINATION OF VARIANCES – AREA BOARD OF ZONING APPEALS**

None.

**VII. DIRECTOR'S REPORT**

Sallie Fahey said there is not much to add to the report. She officially welcomed Carla Snodgrass as the new representative for the Town of Dayton. She handled the meeting and technology admirably this evening.

Jackson Bogan welcomed Carla to the Commission.

**VIII. 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.

**IX. ADJOURNMENT**

Gary Schroeder moved to adjourn.

The meeting adjourned at 6:54 pm.

Respectfully Submitted,

Chyna R. Lynch  
Recording Secretary

Reviewed By,



Sallie Fahey