

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

DATE.....February 19, 2020
 TIME.....6:00 P.M.
 PLACE..... County Office Bldg.
 20 N. 3rd Street
 Lafayette, IN 47901

MEMBERS PRESENT

Greg Jones
 Diana Luper
 Vicki Pearl
 Michelle Long
 Tracy Brown
 Tom Murtaugh
 Perry Brown
 Jackson Bogan
 Kathy Parker
 Al Beavers

MEMBERS ABSENT

Jake Gray
 Larry Leverenz
 Roland Winger
 Gary Schroeder
 Jerry Reynolds
 Lisa Dullum
 Dr. Carl Griffin

STAFF PRESENT

Sallie Fahey
 Chyna Lynch
 Larry Aukerman
 Ryan O’Gara
 Zach Williams, Atty.

The Area Plan Commission of Tippecanoe County Public Hearing was held on the 19th day of February 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.

I. BRIEFING SESSION

Jackson Bogan welcomed Jon Fricker’s Land Use Planning class to the meeting this evening.

Sallie Fahey said there are two cases that have asked for continuances. **Z-2783 CARR FAMILY FARM, LLC (A to I3)** and **Z-2784 THOMAS C. AND SUSAN L. RIEHLE (R2U to NBU)** have both asked to be continued to the March 18, 2020 meeting at petitioner’s request.

II. APPROVAL OF MINUTES

Tom Murtaugh moved to approve the minutes from the January 15, 2020 meeting.
Greg Jones seconded and the minutes were approved by unanimous voice vote.

III. NEW BUSINESS

RESOLUTION PD-20-02: EVERGREEN CAMPUS RENTALS, LLC (Evergreen Campus Rentals PD) (Z-2715):

Final Detailed Plans for the Evergreen Campus Rentals Planned Development. The approved preliminary plans allow for the construction of a 5-story multi-family apartment building containing 48 units with a maximum of 64 bedrooms atop a 23-space internal parking garage (with additional off-site parking being provided). A rental office is also an optional ground-floor use. The property is located at 111 E. Columbia Street, West Lafayette, Wabash 20 (NW) 23-4.

Tom Murtaugh moved to hear and vote on Resolution PD #2020-02: Final Detailed Plans for the Evergreen Campus Rentals Planned Development. Greg Jones seconded.

Ryan O’Gara presented the final detailed plans. He said this project was approved in late 2018. This site is in West Lafayette off Columbia Street and is a unique project in that it is a 5-story apartment building with 48 units, 64 bedrooms and a 23-space internal parking garage with the option for off-site parking. The city will get a new public alley out of this project. There is an alley in existence that has been maintained by the city but has been private. This project cleaned this area up by creating a formal alley that will be platted when the plan is recorded. The project meets all requirements for final detail plans. Staff is recommending approval of PD #2020-02.

Petitioner was present but did not wish to speak.

The Area Plan Commission voted by ballot 10-Yes to 0-No to approve **APC RESOLUTION PD 2020-02: FINAL DETAIL PLANS FOR EVERGREEN CAMPUS RENTALS PLANNED DEVELOPMENT.**

IV. PUBLIC HEARING

Jackson Bogan read the meeting procedures.

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

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

A. SUBDIVISIONS

S-4895 VITA OF WEST LAFAYETTE SUBDIVISION (minor-sketch):

Petitioner is seeking primary approval for a 2-lot subdivision on 10.69 acres, located on the northwest side of Cumberland Avenue, just west of the US 231 intersection, in West Lafayette, Wabash 11 (NW) 23-5.

Tom Murtaugh moved to hear and vote on **S-4895 VITA OF WEST LAFAYETTE SUBDIVISION (minor-sketch).** Greg Jones seconded.

Sallie Fahey presented the zoning map, plat, and aerial photos. She said this site is zoned R3W and is located on the north side of Cumberland Avenue extended between US 231 to the east and Klondike Road to the west. There is NB zoning to the south and GB zoning to the north. There is an existing access that was established when Cumberland Avenue was extended that will stay. There are two other access points that will need to be reviewed by the County Highway Department. The care facility that is planned for Lot 1 includes 177 units in 7 buildings including nursing care, memory care and some independent living options. Cumberland Avenue is a secondary arterial; the road right-of-way exceeds the subdivision requirements for both pavement and right-of-way. It is likely the existing entrance in Lot 2 will primarily be used to access the land to the north. Sewer and water are available to serve the site. There is a large 40-foot sanitary sewer easement across the north end of the property. There is also a sanitary sewer easement on the west side. Indiana American Water is in the southwest corner of the site and can easily be brought in. There is a requirement for half of a 30-foot Type-C bufferyard. Petitioner plans to exceed that by installing a full 20-foot buffer on the south side of the drainage easement. When the adjoining property is developed, they will have to provide their 15-feet. Petitioner has filed a request with the Area Board of Zoning Appeals for a building height variance which will be heard on February 26, 2020. There was a subdivision platted on this land prior, so before the final plat for this subdivision is recorded, the owner will have to withdrawal their primary approval on the other subdivision. Staff is recommending conditional primary approval contingent on the following:

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

1. Withdrawal of S-4750 Cottages at Cumberland Subdivision conditional primary approval.
2. Except for the approved entrances, "No Vehicular Access" restrictions shall be platted along the Cumberland Avenue right-of-way line.
3. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
4. All required building setbacks shall be platted.
5. The West Lafayette corporation line shall be labeled.
6. The street addresses and County Auditor's Key Number shall be shown.

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

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

Daniel Teder, PO Box 280, Lafayette, IN 47902, representative of the petitioner, said they concur with the staff report and recommendation.

The Commission voted by ballot 10-Yes to 0-No for conditional primary approval of **S-4895 VITA OF WEST LAFAYETTE SUBDIVISION (minor-sketch).**

S-4897 STONEHENGE SUBDIVISION, PHASE 5 (major-preliminary):

Petitioner is seeking primary approval for a 26-lot addition to the existing Stonehenge Subdivision on 9.69 acres, located at the south end of Amesbury Drive, in Wabash 34 (SE) 24-5.

Tom Murtaugh moved to hear and vote on **S-4897 STONEHENGE SUBDIVISION, PHASE 5 (major-preliminary).** Vicki Pearl seconded.

Sallie Fahey presented the zoning map, plat, and aerial photos. She said this is the last section of the Stonehenge Subdivision. US 52 is south of the property which is zoned R1. There is remaining development in the Stonehenge Planned Development section to the east. They have started the approval process and negotiations for the planned development portion. There will be a connection between the two portions at Amesbury. The connection makes it obvious that it is going from public to private roads. Petitioner has proposed 26 lots. Sewer and water by Indiana American Suburban and American Water will be extended from the north. Storm water will be routed to the detention to the east of the planned development portion. Petitioner has requested permission to bond. Staff is recommending conditional primary approval contingent on the following:

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

1. American Suburban Utilities, Inc. shall approve the sanitary sewer plans.
2. Indiana-American Water Company, Inc. shall approve the water plans.
3. The fire hydrants shall be approved by the Wabash 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.
4. 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.
5. The County Drainage Board shall approve the drainage plans.

6. 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:

7. 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.
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 street addresses and County Auditor's Key Number shall be shown.

Patrick Cunningham, 309 Columbia Street, Lafayette, IN 47901, representative for petitioner, said he was one of the original developers of Stonehenge and has partial ownership in this property however, he is not the developer for this phase. He agreed with staff and the conditions required. He said they are excited to present the last portion of the development. He thanked the Commission and asked for approval.

Christy Rowdon, 3743 Capilano Drive, West Lafayette, IN 47906, said her property backs up to the very corner of Stonehenge. She said she is not opposed to the subdivision, but she did want to bring two things to the attention of the Commission. First, the properties in Capilano get a lot of the runoff water from Stonehenge and it is bad on their septic systems. Second, the neighborhood would love to see if they would be able to hook into the proposed sewer. She asked if this is the correct body to bring this to.

Jackson Bogan said this is not a question for this body. He asked if Sallie Fahey could speak on this issue.

Sallie Fahey said it is a good idea to bring this to the attention of the developer of Stonehenge because if there is a way to work it out, this is an early enough stage to plan for sanitary sewer connection. The health department would be thrilled to have people get off septic systems. Whether there is enough capacity to extend a line that Capilano residents could utilize in their development is unclear. She recommended that Christy speak to Mr. Cunningham.

Jackson Bogan said that this subdivision must go before the Drainage Board as well. This is not the final say; drainage is just out of this Commission's purview.

Christy Rowdon, 3743 Capilano Drive, West Lafayette, IN 47906, asked if they will be notified when this goes before that board.

Tom Murtaugh said the Drainage Board meets the first Wednesday of each month, but it is likely this will not be heard for another two months.

Nagabhushana Prabhu, 3740 Capilano Drive, West Lafayette, IN 47906, said he owns Lot 55 which adjoins Lots 164 and 165 of the proposed subdivision. There is a stream that runs next to these properties. It is unclear on the map how the stream will be effect. He said this is a matter of concern because his home has flooded before from the rain. The stream runs so close to the property that any alteration of its course may impact the structural integrity of the home. The developers have likely looked at the impact that this would have on the stream. He requested that this be seriously considered before any final decision is made. If the development takes the course of the stream away from the home, that would be great. It is unclear what the impact would be according to the plan. He said he is also concerned with the considerable erosion next to the stream that may impact Lots 162 and 163. He asked if there could be an erosion study for this area.

Jackson Bogan said this is outside the scope of what this Commission does, but it would be something the Drainage Board would like to hear.

Sallie Fahey said the county website will have the agenda for each meeting. She suggested that the neighbors check the agenda each month see when this subdivision will be heard.

The Commission voted by ballot 10-Yes to 0-No for conditional primary approval of **S-4897 STONEHENGE SUBDIVISION, PHASE 5 (major-preliminary).**

The Commission voted by ballot 10-Yes to 0-No to permit bonding for **S-4897 STONEHENGE SUBDIVISION, PHASE 5 (major-preliminary).**

S-4898 KAPPA DELTA THETA NU MINOR SUBDIVISION (minor-sketch):

Petitioner is seeking primary approval to replat four lots into one 0.61acre lot, located at the southeast corner of Northwestern and Fowler Avenues, in West Lafayette, Wabash 19 (NE) 23-4.

Tom Murtaugh moved to hear and vote on **S-4898 KAPPA DELTA THETA NU MINOR SUBDIVISION (minor-sketch).** Greg Jones seconded.

Sallie Fahey presented the zoning map, plat, and aerial photos. She said the site is on the corner of Fowler, Wiggins and Northwestern. The purpose of this subdivision is to condense four lots into one for a new sorority house. The four separate owners of these lots have consented to the platting of this into one lot. The site currently has a duplex and three apartment buildings. Northwestern and Fowler are urban primarily arterials that require an 80-foot wide right-of-way. The right-of-way is currently 60-feet wide. Instead of dedicating 10-feet of additional right-of-way from each street, the petitioner is seeking subdivision variances not to dedicate that additional right-of-way. For this to happen, there must be an approval by the West Lafayette Board of Works. They met on February 18, 2020 and recommended approval of the two variances not to require additional right-of-way. West Lafayette will require no vehicular access along Northwestern and Fowler. Instead, all access will come from the alley on the northeast side. Drainage will be dealt with by West Lafayette at the time of the building permit. Sewer and water are available to the site but there may be a requirement to upgrade the sewer system prior to the construction of the building. The Board of Zoning Appeals will be hearing variances for building height, parking and setbacks. If these zoning variances are approved, then any varied setbacks will need to be shown on the final plat. Staff is recommending conditional primary approval contingent on the following:

Variances

1. A variance to waive the required additional half width right-of-way dedication of 10-ft along the Northwestern Avenue frontage to create the total 40-ft half width right-of-way required for an urban primary arterial. (USO Section 5.3-3-b)
2. A variance to waive the required additional half width right-of-way dedication of 10-ft along the Fowler Avenue frontage to create the total 40-ft half width right-of-way required for an urban primary arterial. (USO Section 5.3-3-b)

Conditions

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

1. A "No Vehicular Access" statement shall be platted along the Northwestern and Fowler Avenue right-of-way lines.
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 as granted or denied by the ABZA with notes referencing BZA-2031.
4. The street address and County Auditor's Key Number shall be shown.

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

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

Daniel Teder, PO Box 280, Lafayette, IN 47902, representative of the petitioner, said they concur with the staff report and recommendation. He thanked the Commission and asked for approval.

The Commission voted by ballot 10-Yes to 0-No to approve **VARIANCE #1** for **S-4898 KAPPA DELTA THETA NU MINOR SUBDIVISION (minor-sketch)**.

The Commission voted by ballot 10-Yes to 0-No to approve **VARIANCE #2** for **S-4898 KAPPA DELTA THETA NU MINOR SUBDIVISION (minor-sketch)**.

The Commission voted by ballot 10-Yes to 0-No for conditional primary approval of **S-4898 KAPPA DELTA THETA NU MINOR SUBDIVISION (minor-sketch)**.

S-4899 WOOD ROW MINOR SUBDIVISION (minor-sketch):

Petitioner is seeking primary approval for a two-lot subdivision on 5.06 acres, located on the west side of CR 675 E, approximately 1/4 mile south of SR 26, in Perry 29 (NE) 23-3.

Tom Murtaugh moved to hear and vote on **S-4899 WOOD ROW MINOR SUBDIVISION (minor-sketch)**.
Greg Jones seconded.

Sallie Fahey presented the zoning map, plat, and aerial photos. She said this site is in the central east portion of the county. This request is for two lots zoned R1. The property is part of an original 80-acre tract that was divided by the construction of McCarty Lane. This side of the property has 36 acres and has been rezoned by the developer to R1B zoning. The proposal is for the two lots to be developed which is a combined 5.06 acres. They are proposed not to be adjacent because there is a ravine that runs between them. They both have frontage on 675E which is classified as a local rural road. A 30-foot right-of-way is required, but the highway department is not requiring any restriction on access along the frontages of the lots because 675E is a low volume road. There is a letter from the Health Department that both parcels contain areas that be considered for a shallow trench subsurface absorption system, however there will have to be perimeter drains created for both lots. There is an outlet not requiring an easement which could be the ravine in the middle of the lots. Staff is recommending 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 Drainage Board or the County Surveyor shall approve any required drainage plans in compliance with Tippecanoe County Ordinance #2011-27-CM.
5. The street addresses and County Auditor's Key Number shall be shown.

Patrick Williams, 105 North 10th Street, Lafayette, IN 47901, representative for petitioner, said they concur with the staff report and recommendation. He thanked the Commission and requested approval.

The Commission voted by ballot 10-Yes to 0-No for conditional primary approval of **S-4899 WOOD ROW MINOR SUBDIVISION (minor-sketch)**.

B. REZONING

Z-2776 TAMMY APPELBAUM (GB to AW):

Petitioner is requesting rezoning of 0.721 acres located at 9036 Mill Street in the unincorporated town of Stockwell, Lauramie 9 (NW) 21-3.

Tom Murtaugh moved to hear and approve Z-2776 TAMMY APPELBAUM (GB to AW). Greg Jones seconded.

Ryan O'Gara presented the zoning map and aerial photos. He said the proposal is to rezone from GB to AW to build a single-family residence. This area has a scattering of zoning. Petitioner owns several tracts that are adjacent to each other. There was a residence on this site previously that was removed in 2006. The site is served by the town sanitary sewer, but it is on private water with a well. The rezoned area would potentially need to be combined with the adjacent lot in order to establish the residential use. Petitioner has communicated that they are interested in expanding the commercial lot. Established policy would say that agricultural rezones would not be supported if sewer is present; sewer is present in this proposal. There is R1 zoning across the street and is much more appropriate to establish a residence instead of going backwards with an AW zone. When this zoning was first established, it is likely there was not sewer present. Now that it is present, it is more fitting to be zoned residentially. Staff feels there are different ways for this to be rezoned to allow for a single-family home to be built. Staff is recommending denial.

Jackson Bogan asked staff to clarify the difference between R1 and AW zoning.

Sallie Fahey said she wanted to make clear that this has been a challenge to staff because petitioner owns the AW zoned lot to the east. Staff does not understand why petitioner did not put their house on that property. The rezone and possible subdivision would not be necessary. They would retain plenty of land to expand their business which is what they would like to do.

Ryan O'Gara said the petitioner could get permits tomorrow to build a house on the AW portion of their property and leave the GB zoned area the way it is to expand their shop. Agricultural zones offer mostly agricultural uses that are true rural areas that are off a sewer grid. That is established Comprehensive Plan policy. As an area is urbanized, they naturally need to shed the agricultural zoning. Since public sewer is available, R1 would be appropriate.

Joseph Bumbleburg, PO Box 1535, Lafayette, IN, 47902, representative for petitioner, said this property has an interesting history. The previous owners had a car repair business in one of the out buildings and lived in the house that was there. The house was not removed; the house burned down and was not rebuilt. This rezone has been pending since last September because it has been a struggle to get DNR to give them a flood plain elevation. The staff report says this area has a rural feel because of the street conditions, lack of pavement, no urban gutters and the lack of density in the area. This piece is just being put back like it was. There is a benefit to Stockwell to having a new dwelling unit in town. Another added benefit is that Tammy and Paul run their business on the properly zoned piece of land. The rural feel is one that has been there for a long time and will continue to be there if this house is built. This piece of property will be a good new development that does not offend anyone in the town of Stockwell. He thanked the Commission and requested a favorable recommendation to the Tippecanoe County Commissioners.

Tom Murtaugh asked why they did not rezone the property to R1.

Joseph Bumbleburg, PO Box 1535, Lafayette, IN, 47902, representative for petitioner, said they had been looking at the closest GB zoned property which cannot have a home. With the surveyor's drawings, this seemed the most effective way to do this.

Tom Murtaugh asked instead of AW, why did you not request R1.

Joseph Bumbleburg, PO Box 1535, Lafayette, IN, 47902, representative for petitioner, said they knew they could put a house in AW.

Tom Murtaugh said it would have been approved in R1.

Joseph Bumbleburg, PO Box 1535, Lafayette, IN, 47902, representative for petitioner, said this couple is trying to place their house where it is supposed to be in their planning process. A government agency suddenly deciding where a house needs to be built is an invasion of property rights.

Tom Murtaugh said he was curious why they did not zone it R1.

Joseph Bumbleburg, PO Box 1535, Lafayette, IN, 47902, representative for petitioner, said when they were drawing this, AW seemed more appropriate.

Tom Murtaugh asked what made AW more appropriate.

Joseph Bumbleburg, PO Box 1535, Lafayette, IN, 47902, representative for petitioner, said the house can be there and that is the way the properties were joined together. He said he does not have a surveyor with him this evening to explain it. The key thing to remember here is that this is good for the town of Stockwell.

Tom Murtaugh said he does not think the house being there is problem; R1 just seems to make more sense. Is there something in R1 that the petitioner does not agree with.

Jackson Bogan asked if something is allowed in AW that is not allowed in R1.

Joseph Bumbleburg, PO Box 1535, Lafayette, IN, 47902, representative for petitioner, said we did not look at it that way. They saw that a house was permitted in AW and there was other AW land around the property. The whole area is a mixed bag of zoning.

Tracy Brown asked if the business can be expanded on to AW.

Joseph Bumbleburg, PO Box 1535, Lafayette, IN, 47902, representative for petitioner, said the business cannot be expanded into AW. The fact of the matter is, this process has taken since October and there is no longer the thought of expanding the business.

Vicki Pearl asked if the property next to this one is R1.

Ryan O'Gara said the property across the street is R1.

Jackson Bogan asked if the property immediately adjacent is AW.

Sallie Fahey said the piece where the business is located, and the proposed site are currently zoned GB. Everything that is green on the map is AW.

Jackson Bogan asked Sallie if there is anything in AW that would be a negative.

Sallie Fahey said minimum lot size is bigger in AW than in R1 but there is not a negative that she can think of.

Tom Murtaugh said 4-H animals are allowed in AW zoning.

Sallie Fahey said a chicken coop is allowed in AW and not in R1.

There was discussion away from the microphone that was not recorded.

Jackson Bogan asked Sallie if there is anything negative that could happen with the AW zoning that would hurt the town.

Sallie Fahey said no but it is odd to serve agricultural land with sanitary sewer.

The Commission voted by ballot 6-Yes to 4-No for no majority. **Z-2776 TAMMY APPELBAUM (GB to AW)** will be heard again next month.

Yes-votes

Vickie Pearl
Al Beavers
Jackson Bogan
Diana Luper
Tom Murtaugh
Perry Brown

No-votes

Michelle Long
Tracy Brown
Greg Jones
Kathy Parker

Z-2782 ALLOY CUSTOM PRODUCTS, LLC (A to I3):

Petitioner is requesting rezoning of slightly more than 4 acres including a platted lot located at 9297 Old SR 25 N and a tract adjacent to the northeast, just east of the CR 1075 N intersection, Washington 1 (NE) 24-3.

Tom Murtaugh moved to hear and approve **Z-2782 ALLOY CUSTOM PRODUCTS, LLC (A to I3)**. Greg Jones seconded.

Ryan presented the zoning map and aerial photos. He said this site is in the far northeast corner of the county. This rezone paves the way for a potential expansion of the existing Alloy Custom Products which has been in the community for a long time. The legal description was amended to leave out a small portion of flood plain. The Comprehensive Plan called this area an urbanizing rural sector. This is an area that was not supposed to be cast in concrete to allow flexibility if it slowly starts to urbanize. This would favor commercial septic. The Comprehensive Plan had foreseen this area developing further. The petitioner does not plan to develop this area immediately, but they will have the correct zoning to do so. Staff is recommending approval.

Joseph Bumbleburg, PO Box 1535, Lafayette, IN, 47902, representative for petitioner, said when he received this assignment, he was given a tour of the plant. It was interesting to see them create the tanks. This company has a nation-wide status in this industry. They would like to have their whole site zoned industrial. He asked for a positive recommendation and thanked the Commission.

The Commission voted by ballot 10-Yes to 0-No to recommend approval to the Tippecanoe County Commissioners for **Z-2782 ALLOY CUSTOM PRODUCTS, LLC (A to I3)**.

Vicki Pearl recused herself due to a conflict of interest.

Z-2785 ELLIOT ROSE, LLC d/b/a FUEL COFFEE SHOP (R2 to NBU):

Petitioner is requesting rezoning of two lots located a block south of the Five Points intersection, on the southwest corner of Alabama and S. 16th Streets, specifically 106 S. 16th Street, Lafayette, Fairfield 28 (NW) 23-4.

Tom Murtaugh moved to hear and approve **Z-2785 ELLIOT ROSE, LLC d/b/a FUEL COFFEE SHOP (R2 to NBU)**. Greg Jones seconded.

Rabita Foley presented the zoning map and aerial photos. She said this site is location on the southwest corner of 16th Street and Alabama in the City of Lafayette. It is currently zoned R2 with an existing home which was used as an engineering consultant firm. The original structure was built in 1910 and expanded in 1917. This area is the Valley Center neighborhood which is predominantly residential with patches of commercial uses. This piece of land is part of the Five Points study area which recognizes this as a potential commercial development area. There is small retail strip mall across the street and a liquor store cattycorner to the property. This general area lacks prepared food options. Petitioner plans to relocate Fuel Coffee Shop from its Main Street location to the site. Petitioner has established rapport with the city engineer's office to figure out a way to repurpose the existing structure for the coffee shop. Staff is recommending approval.

Colleen Mathews, 1801 Wilson Street, Lafayette, IN 47904, petitioner, said Fuel has been in business since 2014 and has been an anchor business on the north side of Main Street. They have seen 15% in growth in the last 6 years and have outgrown their current location. This new location is a great space and it will kickstart the Five Points redevelopment. She thanked the Commission and respectfully asked for approval.

The Commission voted by ballot 9-Yes to 0-No to recommend approval to the Lafayette Common Council for **Z-2785 ELLIOT ROSE, LLC d/b/a FUEL COFFEE SHOP (R2 to NBU)**.

Vicki Pearl rejoined the meeting at 7:08 pm.

Tom Murtaugh moved that **Z-2783 CARR FAMILY FARM, LLC (A to I3)** and **Z-2784 THOMAS C. AND SUSAN L. RIEHLE (R2U to NBU)** be continued to the March 18th, 2020 APC meeting at petitioner's request. Greg Jones seconded and the motion passed by unanimous voice vote.

V. ADMINISTRATIVE MATTERS

Sallie Fahey said one of the bills introduced in this year's legislative session, known as Senate Bill 100 is not a good thing for local government and planning. This bill would take away the Commission's right to determine nonconforming uses of single-family homes. It would require that every single-family home, if destroyed or damaged, would have to be allowed to rebuild. She said she does not like when the state takes away local government control and control from elected officials. There are parts of the bill that are not very well worded that could be subverted by a home owner. The terms damaged and destroyed are not tied to an act of god or a natural disaster. A homeowner could destroy their 100-year old shack and they would have to be allowed to build in the same footprint. This would also apply to flood plains. This Commission have been very protective of our flood plains. This bill passed out of the Senate and went to the House. She said she had a conversation with the House sponsor of the bill. At the end he asked what would make this bill acceptable. She told him to not allow single family homes in flood plains to automatically rebuild. He did not get back with her however emailed an amendment that will be offered to excluded reconstruction in the flood plain. She said she plans to go to the committee hearing to make sure that they accept the amendment.

Tom Murtaugh said he attended a dinner yesterday evening in which the speaker referred to this bill as one of the worst bills that has been introduced this year. He suggested that in Sallie's testimony she could say that the Tippecanoe County Area Plan Commission voted that they are overwhelming against this bill because of the portion regarding the flood plain. He asked Zach Williams for advice on phrasing the motion.

Zach Williams said the chair will need to ask for a motion from the Commission to find that the Commission is against SB 100 in its current form and believes it will create an increased risk to property owners.

Jackson Bogan asked if Sallie is testifying.

Tom Murtaugh said she will testify if the amendment to the bill is not made.

Zach Williams said he thinks the motion would be that this body is strongly against SB 100 because it raises grave concern for personal safety and property for areas in the flood plain that will be changed if this bill is passed in the current form.

Tom Murtaugh moved that this body is strongly against SB 100 because it raises grave concern for personal safety and property for areas in the flood plain that will be changed if this bill is passed in the current form. Greg Jones seconded and the motion carried by unanimous voice vote.

VI. APPROVAL OF THE MARCH 4TH EXECUTIVE COMMITTEE AGENDA

No new subdivision requests this month.

VII. DETERMINATION OF VARIANCE – AREA BOARD OF ZONING APPEALS

Tom Murtaugh moved that the following request for variance from the Unified Zoning Ordinance is not a request for use variance, prohibited by ordinance and statute:

**BZA-2031 THETA NU HOUSING, LLC; and
BZA-2032 JAMES L. AND SHEILA A. COCHRAN.**

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

VIII. DIRECTOR'S REPORT

Sallie Fahey said Chyna Lynch and Daelen Ogas passed their 6-month probation with flying colors. She said Kathy Parker and Al Beavers spent about two hours going through an orientation and they will be great Commission members.

IX. CITIZEN'S COMMENTS AND GRIEVANCES

None.

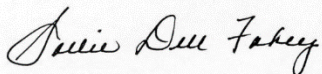
X. ADJOURMENT

Tom Murtaugh moved to adjourn.
Meeting adjourned at 7:17 p.m.

Respectfully Submitted,

Chyna R. Lynch
Recording Secretary

Reviewed By,



Sallie Fahey