I. BRIEFING SESSION
   A. CONTINUED CASES
      Continue the following rezone request so that petitioner can add a zoning commitment:
      
      - Z-2763 American Realty of Lafayette, LLC (R1 to I3)

II. APPROVAL OF MINUTES

   Documents:

   APC 04.17.2019 MINUTES.PDF

III. NEW BUSINESS

IV. PUBLIC HEARING
   A. REZONING ACTIVITIES
      1. Z-2761 JEFFERY A. ISOM FOR JAI HOLDINGS, LLC (R3U TO NBU):
         Petitioner is requesting rezoning of one lot located at the corner of Wabash Avenue and Green Street, more specifically, 522 Wabash Avenue, Lafayette, Fairfield 29 (NW) 23-4.

         Vote Results  15-Yes to 0-No

   Documents:

   Z-2761 ISOM.PDF
2. Z-2762 MIKE & GINA KORNAFEL (I3 TO GB):
   Petitioners are requesting rezoning of 2.180 acres located at the
   northeast corner of Concord Road and Brady Lane, Lafayette, Wea
   3 (NE) 22-4.  *With Commitment.*

   **Vote Results**

   *Commitment 15-Yes to 0-No
Committee 15-Yes to 0-No
Rezone with Commitment 15-Yes to 0-No*

   Documents:

   Z-2762 KORNAFEL AND COMMITMENT.PDF

3. Z-2763 AMERICAN REALTY OF LAFAYETTE, LLC (R1 TO I3):
   **Continue to the June 19th APC meeting at petitioner's
   request.**
   Petitioner is requesting rezoning of a 20 acre tract located on the
   east side of CR 100 W approximately 650' north of CR 275 S in
   Lafayette, Wea 6 (SW) 22-4.

V. ADMINISTRATIVE MATTERS

VI. APPROVAL OF THE JUNE EXECUTIVE COMMITTEE AGENDA

   Documents:

   06052019 EXEC AGENDA.PDF

VII. DETERMINATION OF VARIANCES - AREA BOARD OF ZONING APPEALS
   (No new variances will be heard this month.)

VIII. DIRECTOR'S REPORT

IX. CITIZENS' COMMENTS AND GRIEVANCES

X. ADJOURNMENT
The Area Plan Commission of Tippecanoe County Public Hearing was held on the 17th day of April 2019 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

Tom Murtaugh asked for the Briefing Session. Sallie Fahey said that staff is waiting for the public notice paper work for S-4830 SCI WEST POINT FIRST ADDITION. She also announced that Prof. Gary Steinhardt’s Agronomy 585 – Soils and Land Use class is expected to be in attendance at tonight’s meeting.

II. APPROVAL OF MINUTES

Gary Schroeder moved to approve the minutes from the March 20, 2019 meeting. Greg Jones seconded, and the minutes were approved by unanimous voice vote.

III. NEW BUSINESS

A. BYLAW AMENDMENT

APC Resolution 2019-01: Amending the “Schedule of Filing Fee Charges” for certain types of Appeals

Sallie Fahey presented the bylaw amendment which will change APC Bylaws Exhibit 1: SCHEDULE OF FILING FEE CHARGES to eliminate the filing fee of an appeal of a zoning ordinance violation citation notification. She stated that filing fees for all other appeals from a decision of an Administrative Officer stay the same.

The Area Plan Commission voted by ballot 15-Yes to 0-No to approve **APC RESOLUTION 2019-01: AMENDING THE BYLAWS OF THE AREA PLAN COMMISSION.**

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.

A. ORDINANCE AMENDMENTS

**UZO AMENDMENT #96 REGARDING WECS:**

This amendment would prohibit large wind energy conversion systems (WECS) from locating in Tippecanoe County.

Gary Schroeder moved to hear and vote on **UZO AMENDMENT #96 REGARDING WECS.** Greg Jones seconded.

Ryan O’Gara presented the ordinance amendment which changes the Wind Energy Conversion System (WECS) regulations which have been in place since 2007. Discussions on this topic occurred at Ordinance Committee meetings on October 3rd and December 5th (2018) and again at the February 6th and March 6th meetings. Concerns came from the interest of a wind farm developer who was signing contracts with landowners in rural southwestern Tippecanoe County. Concerned citizens asked the Ordinance Committee to revisit the WECS regulations to ensure that the development standards were still appropriate, given the larger size and height of today’s wind turbines.

Ryan noted that topics under consideration included the existing setback of large wind turbines from non-participating properties and whether a height limit was needed. He said that staff’s research concluded, in part, that the UZO was in-line with several of our peer communities. The setback from participating properties is based on a ratio to ensure that the taller a tower is the farther it needs to be set back. The setback from non-participating landowners, however, is static regardless of height. The ordinance currently requires that a large wind system be set back from a non-participating property line by at least 750 feet and the setback from the non-participating dwelling be at least 1200 feet. This setback from non-participating property owners made sense when wind towers were around 300 feet tall. Now that some towers in other states are being constructed well over 500 feet tall, this setback would not function as intended.

Ryan stated that the Ordinance Committee decided, with overwhelming support of concerned citizens, that Large Wind Systems (over 140’ in height) were not desired or appropriate in Tippecanoe County. This was not only because of the taller than originally anticipated turbines, since a height limit could have been imposed; but because of the more urban nature of Tippecanoe County as compared to surrounding counties like White, Benton, Warren and Clinton Counties. The overall population density of the county further supports this notion even though there are pockets of Tippecanoe County with population densities very similar to those rural counties.
Ryan explained that the UZO amendment prohibits Large Wind Systems in any zone by altering the Permitted Use Table in chapter 3, keeping the definitions of Large Wind System and Wind Farms, and removing the development standards regarding Large Wind Systems. Small Wind Systems and Micro Wind Systems will still be permitted with no change as accessory uses in all zones where the primary use is permitted. Ryan also emphasized that staff and the Commission still support renewable energy sources but that this amendment is strictly a matter of location, the rights of neighboring property owners and a land use not appropriate in Tippecanoe County. Ryan O’Gara said staff recommends approval of UZO Amendment #96.

Speaking in favor of UZO Amendment #96:

Julie Peretin, 10 N. 19th Street, Lafayette, IN 47904, explained her PowerPoint slides that compare Tippecanoe County population density, WECS ordinances, and projected population growth with nine other counties in Indiana (from Hamilton at the densest to Boone at the least dense). She next presented a slide showing setback increments from a turbine property line, their application and potential benefit. Other information included setback, height and sound limits for four eastern counties in Illinois and Tipton County, IN. The last two slides showed 1) an example of turbine locations imposed on parcel maps for Benton and White Counties and 2) a comparison map of parcel density in three rural areas of Tippecanoe County.

Tim Strueh, 624 Bennett Road, Linden, IN 47955 talked about Indiana counties with total income and population growth similar to Tippecanoe County that have already imposed wind farm bans or adopted stricter regulations. He also said wind farms would be taking valuable land for future industrial expansion and subsequent residential growth needs.

Ed Hetherington, 1218 W 925 S Romney, IN 47981 discussed loss of property value for owners who do not sign leases with wind energy developers.

Ryan O’Gara read 6 letters in favor of UZO Amendment #96 from the following citizens:

Tobias Johnson, 7730 S 625 W, Westpoint, IN 47992
Mark D. Russell, Plant Manager - Frankfort Plant, Custom Building Products, 3800 W Old State Road 28, Frankfort, IN 46041
Joe Findlay, jdfindlay@gmail.com
Doug and Ronda Milsaps, 8329 W 1200 S, Westpoint, IN 47992
Matt Davis, 1210 E 1300S, Romney, IN 47981
Del and Grace Craig, 6817 S 700 W, Westpoint, IN 47992

Jennifer Teising, Wabash Township, asked if Tippecanoe County has a sustainable energy plan.

Tom Murtaugh said there is not, and he is opposed to the long-term leases of the large wind energy companies which could possibly be up to 75 years. Tom said that only the large wind energy conversion systems will be banned. He said that small wind farms with turbines under 140-feet and micro-WECS will still be allowed.

In response to another question from Jennifer A., Roland Winger said that although they were not built two wind energy companies had shown interest in locating in Tippecanoe County several years ago and the Area Plan Commission wanted to prevent more wind energy companies from attempting to locate here.

Speaking in opposition to UZO Amendment #96 and expressing concerned about the effects of climate change, speaking in favor of clean and renewable energy, and supporting the current UZO regulations were:

Linda Prokopy, 116 Arrowhead Drive, West Lafayette, IN 47906, professor of Natural Resources Social Science at Purdue and member of the West Lafayette Go Greener Commission;
Kara (last name unknown), 2243 US 52W, the Avenue Apartments, West Lafayette, IN 47906;
Iris O’Donnell, 810 N 15th Street, Lafayette, IN 47904, Purdue student from West Lafayette;
Rick Reuss, 911 Carrollton Blvd, West Lafayette, IN 47906, a member of the West Lafayette Go Greener Commission; and

Andrew Yang, 1016 W Stadium Avenue, West Lafayette, IN 47906.

The Area Plan Commission voted 11-Yes to 4-No to recommend adoption of UZO Amendment #96 BANNING LARGE WIND ENERGY CONVERSION SYSTEMS. The recommendation will be sent to all 6 jurisdictions.

Yes Votes
Jackson Bogan
Carl Griffin
Tom Murtaugh
Roland Winger
Gary Schroeder
Jake Gray
Tracy Brown
Jerry Reynolds
Vicki Pearl
Greg Jones
Larry Leverenz

No Votes
Lisa Dullum
Perry Brown
Tyrone Taylor
Diana Luper

B. SUBDIVISIONS

1. S-4829 BLACK WALNUT FARM SUBDIVISION, PHASE 2 (minor-sketch):
Petitioner is seeking primary approval for a one lot subdivision on 2.28 acres, located on the southwest side of Newcastle Road, approximately 1/4 mile south of CR 460 S, Sheffield 17 (SE) 22-3.

Gary Schroeder moved to hear and vote on S-4829 BLACK WALNUT FARM SUBDIVISION, PHASE 2 (minor-sketch). Greg Jones seconded.

Sallie Fahey presented the zoning map, aerial photos and plat, highlighting the area zoning patterns land uses patterns. She noted that the one lot comes from a 24.2-acre parent tract that has been parcelized three times in the past and that this will be the fourth and final division of land from this parent tract. She explained that County Highway is not requiring a “No vehicular access” statement, approval of the drainage on site was given by the County Surveyor’s Office and the Health Department will consider the lot suitable for a shallow trench subsurface absorption system.

She finished by saying that staff recommends conditional primary approval, contingent on the following:

A. Conditions

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

1. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).

2. All required building setbacks shall be platted.

3. The street addresses and County Auditor’s Key Number shall be shown.
Krista Jesse, 4750 Newcastle Road, Lafayette, IN 47905, petitioner and representing the rest of the family stated that her mother had passed away and that the land divisions she and her sisters have been doing to sell off to support her are no longer needed after this division. She asked for approval of the subdivision.

Stephen Wolfe, 6943 Wyandotte Road, Lafayette, IN 47905, spoke in opposition and said that he believed that too many lots were being created in this part of the county.

The Commission voted by ballot 15-Yes to 0-No for conditional primary approval of S-4829 BLACK WALNUT FARM SUBDIVISION, PHASE 2 (minor-sketch).

Sallie announced that the required paperwork was filed for the next case and confirmed with attorney Zach Williams that photocopies would suffice for the hearing so long as petitioner filed the originals the next day.

2. S-4830 SCI WEST POINT FIRST ADDITION (major-preliminary):
   Petitioner is seeking primary approval for a one lot commercial subdivision on 3.18 acres, located on the northwest side of SR 25, near the north end of West Point, in Wayne, Burnetts Reserve Section 5 (NE) 22-6.

Gary Schroeder moved to hear and vote on S-4830 SCI WEST POINT FIRST ADDITION (major-preliminary). Greg Jones seconded.

Sallie Fahey presented the zoning map, aerial photos and plat highlighting the area zoning and land uses. She said that this past January, the Board of County Commissioners rezoned this site from A to GB for the Dollar General store proposed for this site. The proposed lot abuts SR 25, classified in the Thoroughfare Plan as a rural secondary arterial. A commercial drive permit will be required from INDOT for the proposed driveway. She said that the County Health Department has provided an approval letter stating that based on a soils report and review by the Indiana State Department of Health this lot can be considered for a shallow trench subsurface absorption system with a perimeter drain. The site’s storm drainage has been planned but will need to be approved by the County Drainage Board. She also discussed the bufferyard requirement and the variance petitioner filed to reduce the lengths of the bufferyards along the north and south boundaries, and to eliminate the bufferyard that would be required along the west border. Petitioner also filed a variance to reduce the required parking from 46 to 30 spaces. Those requests will be heard at the ABZA meeting on April 25. She concluded with a staff recommendation of conditional primary approval contingent on the following:

A. Conditions

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

4. The detailed plans and driveway permit for the SR 25 entrance shall be approved by the Indiana Department of Transportation.

5. 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.

6. The County Drainage Board shall approve the drainage plans.

7. The bufferyards shall be shown as required (as approved or denied by the Area Board of Zoning Appeals) with the standard plant unit details. The bufferyards 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:

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.

Joe Leonard, Second Circle Acquisitions, LLC, 14137 Warbler Way N, Carmel IN 46033, petitioner spoke about the plans for the new Dollar General and the reasons for the variance requests. He said he agreed with the conditions and asked for approval.

Dean Craig, 3492 E 1400 N Attica, IN 47918, expressed his concerns about storm drainage issues.

Tom Murtaugh explained that the drainage would be heard at a public meeting of the County Drainage Board at a future date which would be set after the petitioner filed his stormwater plans with the County Surveyor.

The Commission voted by ballot 15-Yes to 0-No to approve bonding for **S-4830 SCI WEST POINT FIRST ADDITION (major-preliminary):**

The Commission voted by ballot 15-Yes to 0-No to grant conditional primary approval of **S-4830 SCI WEST POINT FIRST ADDITION (major-preliminary):**

**C. REZONING ACTIVITIES**

1. **Z-2758 PAUL BRANHAM (NB to I1):**
   Petitioner is requesting rezoning of 7.034 acres out of a 14-acre tract for a proposed Reindeer Shuttle business located north and west of the corner of Klondike and CR 250 N (aka Cumberland Avenue) in Wabash 10 (NE) 23-5.

2. **Z-2759 PAUL BRANHAM (NB to GB):**
   Petitioner is requesting rezoning of 6.734 acres out of a 14-acre tract located adjacent to the south of the 7-acre tract mentioned above in Z-2758, right at the northwest corner of Cumberland and CR 250 N, in Wabash 10 (NE) 23-5.

Gary Schroeder moved to hear and approve **Z-2758 PAUL BRANHAM (NB to I1):** Greg Jones seconded.

Gary Schroeder moved to hear and approve **Z-2759 PAUL BRANHAM (NB to GB):** Greg Jones seconded.

Ryan O’Gara presented the zoning map, aerial photos and site plan explaining the area zoning and land use patterns as well as the uses proposed for the lots. The first request is for the 7.034-acre northern site (I1) where petitioner would build the new Reindeer Shuttle garage, bus storage facility and wash. The second request is for 6.734 acres (GB) for a commercial center and a gas station. He also noted that the land in this request is west of and outside of the study area in the recently adopted **US 231 Corridor Plan** which is farther east of the site in this request.

Ryan explained that the sites have frontage on both Klondike and CR 250 N and will seek access to this proposed 3-lot subdivision from both streets. Klondike Road is currently under construction and is expected to be completed at the end of 2020. The reconstruction includes two driving lanes and a center two-way left turn lane. The west side of the road will have sidewalk and the east side will have a ten-foot multi-use...
trail. A roundabout will serve the intersection of Klondike Road and Cumberland Avenue (CR 250 N) at the southeast corner of the site. Petitioner is consulting with the Highway Department to finalize the location and width of the proposed commercial driveway. Because of the proximity of the roundabout to the proposed development entrance, a traffic impact study is being requested by the Highway Department.

Sewer and water are required, and Ryan said that Indiana-American Water has existing mains along Klondike Road and American Suburban Utilities serves the apartment complex to the east and Lindberg Village to the southwest. A bufferyard is required on the north side of the development where 11 abuts A zoning. Internally the bufferyard depends on the subdivision design for internal public streets.

Ryan said that in Z-2758, staff suggested the 11 zone because unlike GB it requires uses to be conducted entirely indoors. In Z-2759, staff can support a GB rezone because it is consistent with the existing zoning pattern in the area. The US 231 Corridor Plan identified areas adjacent to the intersection of Cumberland and US 231 as ideal for regional commercial use and this site, though not within the study area, meets that criteria. He said staff believes this future shopping node could be connected to Klondike's trails and sidewalks, promoting pedestrian and bicycle infrastructure connectivity. He ended by saying that staff recommends approval of both Z-2758 and Z-2759.

Dan Teder, Reiling, Teder & Schrier, LLC, 250 Main Street, Suite 601, Lafayette, IN 47901, attorney for the petitioner, spoke on the petitioner's behalf further explaining the overall project, the growth of Reindeer Shuttle and its need for more space, and how the bus terminal, maintenance and wash bay would work. He said that customers would not come to this site to board the shuttles, but that they will still be picked up at the Sheraton on Cumberland. He also explained the proposal for the commercial center and the gas station and how they will serve the area. He finished by asking the Commission to recommend approval of both petitions to the Board of County Commissioners.

Ryan O’Gara read 2 letters in opposition to the rezones from:

Rhonda D. Florian, owner of Lafayette Limo, 2525 Klondike Road, West Lafayette, IN 47906

Amanda Florian, Lafayette Limo, 2525 Klondike Road, West Lafayette, IN 47906

Benjamin Florian, West Lafayette IN, said that he recently moved back to the area having grown up next to the Lafayette Limo property. He said he was opposed to the rezone because bus terminals don’t make good residential neighbors. He also thought that it would be nearly impossible to operate Reindeer Shuttle entirely indoors.

The Commission voted by ballot 14-Yes to 1- No for approval of Z-2758 PAUL BRANHAM (NB to I1):

This case will be heard by the Tippecanoe County Board of Commissioners at its May 6, 2019 meeting. Petitioner or his representative must appear.

Yes Votes
Jackson Bogan
Carl Griffin
Tom Murtaugh
Roland Winger
Gary Schroeder
Jake Gray
Tracy Brown
Jerry Reynolds
Vicki Pearl
Greg Jones
Larry Leverenz
Perry Brown
Tyrone Taylor
Diana Luper

No Votes
Lisa Dullum
The Commission voted by ballot 14-Yes to 1-No for approval of **Z-2759 PAUL BRANHAM (NB to GB):**

This case will be heard by the Tippecanoe County Board of Commissioners at its May 6, 2019 meeting. Petitioner or his representative must appear.

**Yes Votes**
- Jackson Bogan
- Carl Griffin
- Tom Murtaugh
- Roland Winger
- Gary Schroeder
- Jake Gray
- Tracy Brown
- Jerry Reynolds
- Vicki Pearl
- Greg Jones
- Larry Leverenz
- Perry Brown
- Tyrone Taylor
- Diana Luper

**No Votes**
- Lisa Dullum

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**V. ADMINISTRATIVE MATTERS**

None

**VI. APPROVAL OF THE MAY EXECUTIVE COMMITTEE AGENDA**

There are no new cases to put on the agenda for the May 1 Executive Committee meeting.

**VII. DETERMINATION OF VARIANCES -- Area Board of Zoning Appeals**

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

**BZA-2011 SECOND CIRCLE ACQUISITIONS, LLC:**

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

**BZA-2012 WEST LAFAYETTE SCHOOL BUILDING CORPORATION:**

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**VIII. DIRECTOR'S REPORT**

Sallie Fahey said she only had one update from the report she sent this month. She said that at the county's wellness fair held for employees today, Doug was able to make the right connection with the director of the Northend Community Center. We have been hoping to use the community center as a place to engage hard to reach citizens about their transportation challenges and how projects funded in the TIP might help with those challenges. Not only was the wellness fair a nice opportunity for employees, but we also had this serendipitous encounter that solved a different problem.

**IX. CITIZENS' COMMENTS AND GRIEVANCES**

None

**X. ADJOURNMENT**

Gary Schroeder moved to adjourn.
The meeting adjourned at 7:40 p.m.

Respectfully Submitted,

Diana E. Trader
Acting Recording Secretary

Reviewed By,

Sallie Fahey
Executive Director
Z-2761
JEFFERY A. ISOM FOR JAI HOLDINGS, LLC
(R3U to NBU)

STAFF REPORT
May 9, 2019
REQUEST MADE, PROPOSED USE, LOCATION:
Petitioner, represented by attorney Sarah Wyatt of Ball Eggleston, is requesting rezoning of one lot located at the corner of Wabash Avenue and Green Street, more specifically 522 Wabash Avenue, Lafayette, Fairfield 29 (NW) 23-4. Petitioner is proposing to use the existing building for personalized baseball instruction (SIC 7999).

ZONING HISTORY AND AREA ZONING PATTERNS:
The site was rezoned from R1U to R3U in 2011 (Z-2468). A petitioner at that time proposed to convert the existing building into multi-family residential units but this was never done. The Wabash Avenue Neighborhood is primarily zoned residentially and industrial, but there are a few places zoned for business within the corridor. Earlier this year the property across Wabash from the site in question was rezoned from I1 and R1U to NBU, (Z-2755). Land to the north, west and south is zoned R1U, Single-family Residential, Urban. A few blocks south on the corner of Wabash and Ellsworth, Harvest Chapel coffee shop successfully rezoned two lots from R1U and GB to NBU in 2010, (Z-2423 and 2424).

AREA LAND USE PATTERNS:
The original brick storefront on site has approximately 2800 square feet of ground floor. A one-story expansion was later added to the north and west sides of the structure. The original building plus this addition covers the entire lot, approximately 7000 square feet. The original building user was Oscar Winski, since then it has been used as a small grocery and warehouse, but the building has been unoccupied for some time.

South across Green Street is St. Ann’s Church with its social hall across Wabash Avenue. Directly east across Wabash is a restoration and remodeling business. Single-family homes are adjacent to the site to the north and west.

TRAFFIC AND TRANSPORTATION:
Wabash is classified as an urban secondary arterial and Green is classified as a local urban road in the adopted Thoroughfare Plan. Traffic counts taken on Wabash Avenue in 2018 indicate that 1744 vehicles drive the Avenue daily.

The western portion of the building has an overhead garage door that could be used to access indoor parking. Any required parking for the proposed use will be reviewed by the Lafayette Engineer’s office at the permit stage.
ENIRONMENTAL AND UTILITY CONSIDERATIONS:
According to the Lafayette City Engineer’s office, sewer and water are available at this site. If rezoned, no buffering is required by the ordinance.

STAFF COMMENTS:
Petitioner is proposing to use the existing unoccupied building for baseball training classes (SIC -7999, indoor). This use has a footnote in the use table limiting the use to a maximum gross floor area of 5000 square feet. The high ceiling in the existing structure will allow petitioner to coach players in an indoor environment throughout the year. Though the existing building was rezoned in 2011 to R3U for a multi-family conversion the proposed development never materialized. Repurposing the vacant commercial building at this location will add additional activity to the area.

The requested NBU zone is a good fit for this building since it was built to commercial urban development standards (0’ front and side setbacks and a reduced parking requirement).

Staff supports the continued redevelopment of Wabash Avenue. The City of Lafayette is encouraging infill as it is more efficient to use existing infrastructure already in place versus expanding infrastructure to undeveloped areas of the community. Repurposing commercial buildings within the urbanized area allows various businesses to locate in older historic neighborhoods. Staff continues to support repurposing underutilized commercial structures that encourage neighborhood revitalization.

STAFF RECOMMENDATION:
Approval
Z-2762
MIKE & GINA KORNAFEL
(I3 to GB)

STAFF REPORT
May 9, 2019
REQUEST MADE, PROPOSED USE, LOCATION:
Petitioners, with consent from the owners Concord Partners South, LLC and represented by attorney Kevin Riley, are requesting a rezone of 2.180 acres from I3 to GB. Petitioners would like to build a commercial office structure to house their insurance office with additional commercial space for lease. A commitment has been filed with this request that would prohibit automobile sales (new and used) and automobile repair. The site is located at the northeast corner of Brady Lane and Concord Road, Lafayette, Wea 3 (NE) 22-4.

ZONING HISTORY AND AREA ZONING PATTERNS:
The earliest zoning maps for Wea Township show this property with IR zoning (Industrial Reserve). Later this was changed to I3 as it exists today. FP zoning associated with the Elliot Ditch is found along the southern and eastern portion of this 3.972 acre tract. A flood plain certification was done on this land creating a new and more accurate Flood Plain zone boundary. A one lot minor, Kornafel Minor Subdivision, has also been filed for this property.

The intersection of Concord and Brady is bisected by the Elliot Ditch Flood Plain zone that runs diagonally through it. The east side of Concord is mostly Industrial with a small remnant of R1 zoning lining the north side of Brady Lane; the west side is mostly R3 to the north and R1 to the south with a small area of GB in the northwest quadrant.

AREA LAND USE PATTERNS:
The site in question is unimproved. Land immediately to the north is used by Lafayette Tent & Awning while a gas company owns the land to the east. A few single-family homes exist to the southeast along Brady; Henry Poor lumber company is at the southeast corner of Brady and Concord. Two apartment complexes, Pheasant Run and Bay Pointe, are west of the site across Concord. A Village Pantry is located on Brady west of Concord and single-family homes line Brady Lane to the south of the VP.

TRAFFIC AND TRANSPORTATION:
The site has frontage along both Concord and Brady; however, access is limited to Concord because of the location of the Elliott Ditch. Traffic counts taken along Concord in 2017 indicate that 14,089 vehicles pass this site daily. A driveway permit would need to be issued by the Lafayette City Engineer’s Office during the permit stage of development.
ENVIRONMENTAL AND UTILITY CONSIDERATIONS:
City utilities will serve the site. The zoning ordinance requires a 20' wide Type A bufferyard where GB zoning would abut I3 zoning. In this case, the requirement would only affect the northern boundary of the rezone site.

STAFF COMMENTS:
Petitioners plan on constructing a commercial office building for their insurance agency with additional space for other users. A commitment filed with this petition would limit the land uses on this property by prohibiting automobile sales (new and used vehicles) as well as automotive repair.

The area around the intersection of Concord and Brady is used industrially to the north, east and south and residential uses dominate the area west of Concord with long-standing single-family homes and apartment complexes. The Concord Road corridor, stretching from Teal Road to the north to Veterans Memorial Parkway to the south and beyond, contains a mix of industrial and commercial uses. Rezoning the property for a commercial user will maintain the non-residential character of this site and surrounding land on the east side of Concord Road.

STAFF RECOMMENDATION:
Commitment: Approval
Rezone: Approval
COMMITMENT

Commitment made on the 12th day of April, 2019, by Concord Partners South, LLC ("Owner") pursuant to Indiana Code Section 36-7-4-1015.

1. Owner is the owner of certain real estate located in Lafayette, Tippecanoe County, Indiana, commonly known as approximately 2.180 acres located at the northeast corner of the intersection of Brady Lane and Concord Road (the "Real Estate") and more particularly described on Exhibit A which is attached hereto and incorporated by reference herein.

2. Mike Kornafel and Gina Kornafel, with Owner’s consent, filed a petition with the Area Plan Commission of Tippecanoe County, Indiana ("APC") to rezone the Real Estate from

3. Petitioner received a favorable recommendation from the APC to rezone the Real Estate from I3 to GB which recommendation was certified by the APC on _____________, 2019, to the City of Lafayette Common Council and is now pending before the City of Lafayette Common Council as Ordinance Number ____________.

4. Owner hereby agrees and makes this Commitment in connection with the rezoning request in the APC case no. Z-__ that the following uses shall not be permitted on the Real Estate:

   SIC 5511 (motor vehicle dealers, new and used)
   SIC 5521 (motor vehicle dealers, used only)
   SIC 753 (automotive repair shops)

5. Owner understands and agrees that this Commitment is given to the APC and the City of Lafayette (the "Legislative Body") as an inducement for the recommendation for and approval of the rezoning request in APC case no. Z-___. Owner further understands and agrees that the approval of the rezoning request in APC case no. Z-___ by the Legislative Body constitutes good and valuable consideration for the giving of this Commitment.

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

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

   a. the APC;
   b. the Area Board of Zoning Appeals of Tippecanoe County, Indiana;
   c. the appropriate Administrative Officer designated in the Unified Zoning Ordinance for Tippecanoe County, Indiana; and
   d. City of Lafayette.
Concord Partners South, LLC

By: __________________________

John R. Gambs

Its: Managing Member

STATE OF INDIANA                     ) SS:
COUNTY OF TIPPECANOE                  )

Before me, the undersigned, a notary public, personally appeared Concord Partners South, LLC, by John R. Gambs, its managing member, and acknowledged the execution of the foregoing Commitment on the 4th day of April, 2019.

Christi A. Lower, notary public
Resident of Tippecanoe County

My commission expires:
September 18, 2024

My commission number:
NP0 690552

This instrument prepared by: Kevin J. Riley of the firm of REILING TEDER & SCHRIER, LLC, 250 Main Street, Suite 601, Lafayette, Indiana 47901. Telephone: (765) 423-5333. E-mail: kjr@rlslawfirm.com

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Kevin J. Riley
EXECUTIVE COMMITTEE
NOTICE OF PUBLIC HEARING

DATE.............................................................JUNE 5, 2019
TIME...........................................................................4:30 P.M.
PLACE .............................................................COUNTY OFFICE BUILDING
....................................................................20 N. 3RD STREET
....................................................................LAFAYETTE, IN 47901

(Tentative)
AGENDA

I. APPROVAL OF MINUTES

II. NEW BUSINESS

III. PUBLIC HEARING

SUBDIVISION REQUESTS

KORNAFEL MINOR SUBDIVISION (minor-sketch):
Petitioner is seeking primary approval for a one lot commercial subdivision
on 3.175 acres, located at the northeast corner of Concord Road and Brady
Lane, in Lafayette, Wea 3 (NE) 22-4.

IV. APPROVAL OF THE JUNE APC PUBLIC HEARING AGENDA

V. APPROVAL OF THE JUNE ABZA PUBLIC HEARING AGENDA

VI. DETERMINATION OF VARIANCES
   A. Lafayette Division of the Area Board of Zoning Appeals

VII. REVIEW AND APPROVAL OF THE MAY BUDGET REPORT

VIII. OTHER BUSINESS

IX. ADJOURNMENT