Ordinance Committee
Notice of Public Hearing
Date: December 4, 2019
Time: 4:35 PM
Location: Tippecanoe County Office Building
       Tippecanoe Room
       20 North Third Street
       Lafayette, IN 47901

AGENDA

I. APPROVAL OF MINUTES FROM THE NOVEMBER 6TH MEETING

   Documents:
   ORD 11.06.2019.PDF

II. THE WEST LAFAYETTE DOWNTOWN PLAN:
    A look at the final draft plan (and opportunity to hear citizen comment)
    before the APC public hearing in January. Attached are APC staff’s
    comments regarding public comments received to date. (To read the draft
    plan, please visit the county website at Tippecanoe.in.gov/apc) - Ryan
    O’Gara

III. CITIZEN COMMENTS

IV. ADJOURNMENT
AREA PLAN COMMISSION OF TIPPECANOE COUNTY
ORDINANCE COMMITTEE MEETING
MINUTES OF PUBLIC MEETING

DATE...................................................................................................................NOVEMBER 6, 2019
TIME.....................................................................................................................4:50PM
PLACE..................................................................................................................COUNTY OFFICE BLDG.
..........................................................................................................................20 N. 3rd STREET
..........................................................................................................................LAFAYETTE, IN 47901

MEMBERS PRESENT................................................................................................
Tom Murtaugh
Greg Jones
Carl Griffin
Jerry Reynolds
Gary Schroeder
Larry Leverenz
Gerry Keen

MEMBERS ABSENT..............................................................................................
Jackson Bogan
Sallie Fahey
Ryan O’Gara
Kathy Lind
Chyna Lynch
Zach Williams

STAFF PRESENT...................................................................................................

ALSO PRESENT......................................................................................................
Karen Grigg
Peter Bunder
Lisa Dullum
Bill Miller
Marilyn Renner
Maureen Berry
Donald Ehresman
Frank Rosenthal
Sheila Rosenthal
Erin Easter
Erik Carlson
Alexander Burns
Ryan Chen
Chad Spitznagle
Don Teder
Ed Garrison
Clem Kuns
Gene Kroeschen
Stanton Lambert
Dan Fox
Diane Fox
James Crawley
Zachary Baiel
Shannon Stanis
Steve Clevenger

Acting Chair Tom Murtaugh called the meeting to order.

I. APPROVAL OF MINUTES

Gary Schroeder moved to approve the minutes from the October 2, 2019 Ordinance Committee meeting.
Greg Jones seconded, and the motion passed by unanimous voice vote.

II. SOLAR ENERGY:
A brief review of the October 29th solar energy game night

Sallie Fahey said of the 27 RSVPs received, 23 people participated. The participants were split into three
groups. In Round 1, each player was given a role to play like a farmer, a single-family homeowner, a
business owner, a renter, or a solar developer. Each team set a goal for how much solar power the town
was trying to generate for the benefit of the community. This goal could be 10%, 15% or 25% solar power
generation for the community. In the second part of Round 1, each group had to figure out how to achieve
that amount of solar energy. This could be done with different sized solar installations like a single-family
home rooftop or a solar farm. Each team made their goal or were close to their goal using the various solar
installations.

In Round 2, teams had to either relocate or remove installations to adhere to different important town
priorities. For example, if preservation of agricultural land was the priority, teams would have to remove or
relocate a large solar farm. During the second part of Round 2, each team was given a zoning regulation
Sallie Fahey said Rabita Foley is teaching a class in Construction Technology and had 72 of her students participate in this exercise on campus. Rabita asked her students to make comments following the exercise. Students thought it would be helpful to know the cost information on the solar installations. The portion of the game that involves the cost of solar is 3 to 5 years behind. This technology is rapidly changing every day, the costs would not be accurate to today. Students felt that solar installations that did not remove vegetation were important. Other students felt that farmland should be a priority. Staff was pleased with the feedback from the citizens participation event and the students.

Tom Murtaugh said it was an interesting exercise. He thanked Rabita Foley and staff for putting the event together.

III.  THE WEST LAFAYETTE DOWNTOWN PLAN
A look at the final draft plan and opportunity to hear citizen comment before the APC public hearing – Ryan O’Gara

Ryan O’Gara said at the previous meeting, the Committee voted to extend the comment period to allow additional feedback. He said he invited Steering Committee members to speak on their experience during this process. In terms of comments, there were three sent in via email and one hand delivered before the meeting. Two of the comments were criticisms of existing developments that have occurred rather than about the plan; they did not want any high-rise developments. The other comment was a point of clarification concerning the future land use plan discussing River Road being an impediment to pedestrian activity. The plan explains that River Road is the only direct road to I-65 from West Lafayette. Until a viable alternative is created, River Road will be necessary to carry traffic. The comments mention the road network and the proposed connection of Tapawingo and Robinson. All the proposed roads mentioned in the plan are subject to further study and analysis. This plan is simply a starting point of showing where these roads could possibly go. If this street grid could be achieved, traffic could be dispersed more effectively and provide development opportunities that do not presently exist. This plan is purposefully creating an expanded riverside network of open spaces to provide areas for floodplain mitigation. There was also discussion about runoff from extra streets on the Levee. The Levee is currently largely improved with parking lots and buildings leaving the only undeveloped areas south of Tapawingo Drive.

The plan study area is roughly 262 acres. In the existing conditions portion, dedicated park land, which is fairly limited to Tapawingo Park and all existing floodplain areas that do not allow development, constitutes roughly 55 acres or 21% of the total area. The future land use plan increases this to almost 80 acres with additional dedicated open space or repurposed floodplain. The plan provides area for a more development intense downtown core while being offset with significantly expanded green space. This plan also recommends exploring the possibility of regional storm water management facilities that could double as parks and open spaces. Storm water runoff could be collected and new habitat could be created.

Ryan discussed comments from Karen Griggs from the Sycamore Audubon Society. These comments reference resolutions that have been passed by City Council that concern the environment. This plan supports these resolutions. The comments speak specifically to firetruck access to current developed areas.
With the plan promoting more streets, there would be more access points. The comments recommend deleting the connection between Tapawingo and Robinson Street, presumably connected to air pollution, noise, and bus traffic into New Chauncey. The comment goes on to recommend deleting the proposed bridges in the floodplain. This comment could be referencing the Harrison Bridge with the overpass on 231. The plan does not recommend any changes to the Harrison Bridge itself; it proposes an at-grade roundabout where the bridge deck ends. The last comment regarded expanding open spaces and what to do with open spaces. The plan explains existing conditions and the proposals of expanded open space. WREC has great plans for the riverfront of West Lafayette and are actively trying to acquire more riverfront land to create these plans.

IV. CITIZEN COMMENTS

Marilyn Renner, 455 Littleton Street, West Lafayette, IN 47906, said in her observation of the neighborhood since the high-rises have been built, the population has become denser. There is more noise and sirens going off during all times of the day. She said she bought her house in her neighborhood because she can walk everywhere and not be afraid at any time of day. She said there have been more robberies recently and was interested to know the impact that the higher population density has had on the police. Many people come to West Lafayette to raise their families because it is a great community. She said she no longer feels that way about the city. She asked if developing the city means trying to jam as many people as possible into tall buildings. The ten-story buildings will change the community in ways it does not need to be changed.

Peter Bunder, 701 N Chauncey Avenue, West Lafayette, IN 47906, said in 2009, he proposed to the West Lafayette City Council the notion to petition APC for a New Chauncey land use plan. He said it has been his job to work with planning for the future of the community. He believes the New Chauncey Plan worked and has become part of the preface for this land use plan. The City of West Lafayette has continued to plan around US 231. There was considerable conversation around the redevelopment of State Street. The territory between the State Street development and the City of Lafayette is now being considered for redevelopment. The work of the Steering Committee and Ryan is solid; it is a continuation of work that has been done in other areas. He said he would like to see this plan move along. The city needs to determine if West Lafayette downtown will continue to look suburban or if it can become more coherent and urban. He asked that the Committee pass the plan along and that he looks forward to discussing the plan at the West Lafayette City Council.

Tom Murtaugh asked how many people were on the Steering Committee and what groups of people were represented on this committee.

Ryan O’Gara said the Steering Committee contained three elected officials; the Mayor of West Lafayette, Councilman Bunder and Councilman DeBoer. The Purdue Research Foundation was represented by Jeremy Slater. Commercial property owners were represented by the owner of Trinitas Group, the owner of land on Tapawingo, and a member of the Weida family. Stan Lambert from Wabash River Enhancement Corporation, Marty Sennett from CityBus, and the owner of Bruno’s were also involved. There were private sector volunteers as well as a host of staff advisors from APC and West Lafayette.

Erik Carlson 1200 N Salisbury, West Lafayette, IN 47906, thanked APC staff and those that were involved in the Steering Committee and those that submitted comments during the public hearing portion. He said he believes his department did not communicate the project well. There are some misconceptions about what is being planned and when these plans will come to fruition. This project is not to usher in an entire downtown area of ten-story buildings. This is to create an urban downtown. When the Levee was conceived, it was able to develop at a time when new urbanism was not welcome. There has been pressure to continue to develop this area in a suburban style. This plan creates a true downtown which means a juxtaposition of style and height of buildings like that of Downtown Lafayette. The plan does not intend to pack people in the downtown area. The plan wants to see building uniformity, restaurants not solely aimed at college students and lunch crowds and give people in the New Chauncey Neighborhood a downtown to walk to. The plan wants to allow people the option to drive or walk more seamlessly. He said they want to bridge what is in Downtown Lafayette that extends to 11th Street and what is on River Road to Grant Street in West
Lafayette to create a true downtown. This plan aims to relieve pressure on New Chauncey. There has been a drastic decrease in rents in the last year because of the new buildings. There is a desire to have more options to make the New Chauncey Neighborhood the type of place to attract a wide demographic of people.

Karen Griggs, 100 Thornbush Drive, West Lafayette, IN 47906, said she is here on behalf of the Sycamore Audubon Society. She thanked Ryan O’Gara for highlighting and responding to the points she made in her submitted statement. She said in August the public heard the preliminary plan for the redevelopment of the commercial district, junctions of highways across the bridges to Union and Salem Streets. The public heard zoning plans to limit the height of residential dwellings in the neighborhood as well as open or close streets in order to provide alleyways. She said the plan should be revised. The problem analysis part of the plan should be revised to state public policy goals specifically to preserve wildlife habitat and natural resources and to implement the West Lafayette City Council’s resolution of October 7, 2019. The resolution states that the policy is to reduce carbon emissions, increase energy efficiency and renewable energy use, and create a climate change-resilient City of West Lafayette to benefit the economy, promote public health and protect the community’s children and grandchildren. Therefore, existing uses should be fully described.

The Riverfest and Art on the Wabash draw thousands of residents and tourists. Outdoor water-based recreation is important. People enjoy kayaks, fishing, and wildlife viewing. The population of the existing apartment complexes should be determined and incorporated into the description. The limited fire truck access to these large residential areas should also be considered and an easement should be established for fire trucks.

Wildlife habitat should be protected. The plan should preserve a rich complex of wooded vegetation on the west bank of the river. The plan should recognize the biodiversity of plants and animals in Happy Hallow Park. Water quality should be improved through pollution prevention measures such as the designation of swales, rain gardens and land acquisition. The existing greenway area is vital to the migratory birds and American bald eagles. The unusual sturgeon fish engages in seasonal spawning in this area. The transportation plan should delete consideration of any connection between Tapawingo and Robinson Street to prevent air pollution and noise. The city and county should begin to acquisition for new parks and open space to improve the quality of the city.

Don Teder, 2110 S 9TH Street, Lafayette, IN 47905, said he wanted to bring attention to Block 27 on Wood Street which is home to Tommy Johnston Park with an adjoining three lots. He agrees that parks are important for this plan. He is concerned about labeling the lots as a park and not doing anything with the lots for a long period of town. The APC has added an additional paragraph to the portion of the plan regarding Block 27 to say this area is a development alternative. This label puts a cloud over the three lots; no redevelopment can be done because it has been designated for a park. He asked the Committee not to label this area and wait a long period of time to make it a park. This property can not be put to its best use with this label; he is limited to the depreciated buildings in existence. He requested that the language in the plan regarding Block 27 be changed to match that of Block 28.

Tom Murtaugh asked if the spaces that are designated for parks in the plan are currently existing parks.

Ryan O’Gara said the three parcels that contain Tommy Johnston Park are currently zoned R3. The plan is making the proposal for an expanded park however, Mr. Teder has development rights under existing zoning. The additional paragraph added to Block 27 describes that as part of a planned development negotiation, a project could develop under the downtown village standard as defined in the future land use plan. This is to allow a project to contribute to an expanded park space either in the form of a dedication or in the form of a hardscaped open space with a public access easement. The public will have access to the park, but it would still be private property. This was recently done on the Campus Edge Project formerly known as The Hub. There was a small corner park that has a public access easement created to build in open spaces in the urban environment. Since this area already has Tommy Johnston Park, this land use plan would be a good opportunity to expand the park to offset the density in the downtown core area. Existing parks are a great place to start the expansion of park space; Tommy Johnston and Tapawingo
Park are the only two existing parks in this plan. If the city did not want to pursue the park expansion, the development option is built in.

Larry Leverenz asked about lots 6 and 20, by Bruno’s and Rubia Flower Shop, being designated as greenspace and what their current status is.

Erik Carlson 1200 N Salisbury, West Lafayette, IN 47906, said that area is a combination of gathering space as listed in the State Street Project and a former gas station. This plan is conceptual and far off into the future. There is another a mixture of public and private land where South Street, State Street, and Northwestern meet. There is a meeting in progress to discuss the future of this area as well. It conceptualizes a hope that JP Morgan will preserve the Sullivan Bank building in the public trust to have it as a focal point for a gathering space. This would be a line of demarcation where redevelopment can and cannot happen.

Larry Leverenz asked Erik to address Mr. Teder’s concerns. He understands the concern about the land designation putting a cloud over the property.

Erik Carlson 1200 N Salisbury, West Lafayette, IN 47906, said it is for certain that there is a by-right zone on a piece of property. At no point could the city stop a by-right development. When the Hub on State Street was planned, the developer gave $35,000 to the city’s parks foundation. The idea was created that if in the future another large development comes though, they would be asked to buy one of the parcels by Tommy Johnston Park to be used for park expansion. The city would not condemn these properties; it would be a sale contingent upon two parties making an agreement. If the person that owns part of these parcels is interested in a planned development, they could incorporate some of the land they own into the park via an easement or a donation.

Jerry Reynolds asked if this cloud Mr. Teder is speaking on will not block the value of the property in anyway shape or form.

Ryan O’Gara said he could not make a promise one way or the other.

Jerry Reynolds said he wants to know if it does because this is bothersome. If somebody has land and it is designated for a new use, the owner must donate land or have a public easement in order to develop their own land. It does not seem fair.

Ryan O’Gara said the community’s needs compete with that.

Jerry Reynolds said he doesn’t believe that because the land value is there. They community does not own the property. This value should be worth the same.

Erik Carlson 1200 N Salisbury, West Lafayette, IN 47906, said when and if that were to occur, if another developer wants to build a large development, the city could tell them to buy this land and give it to the city. The developer would have to make a deal with the owner. The owner will not agree to sell for less than what they believe is fair market value. The city does not have any interest to go through the condemnation process. If it were to be condemned, the owner would be paid fair market value by law. This would be after several appraisals had been done.

Jerry Reynolds asked if there is interest in this property, why wouldn’t the city purchase the property now.

Erik Carlson 1200 N Salisbury, West Lafayette, IN 47906, said the city is not interested in procuring the property. The city would be interested in seeing the property be donated.

Larry Leverenz thinks Mr. Teder has a problem if he wants to sell this property. If a person looks at this plan, they may not be interested in this property because the city will take it in the future or it will be a park. Mr. Teder’s property value is decreased because his ability to sell this property has been adjusted.
Erik Carlson 1200 N Salisbury, West Lafayette, IN 47906, said the speed of which a property sells and the property value are two different things. The property value is based on other properties that have sold in the comparable area. If someone is willing to buy and what it is worth are two different questions.

Larry Leverenz said it is based on whether people are interested.

Tom Murtaugh said it is also based on whether Mr. Teder gets to make the call of selling it in the first place.

Erik Carlson 1200 N Salisbury, West Lafayette, IN 47906, said the overall aim for the expansion of Block 27 is to expand Tommy Johnston Park. There is a lack of green space in this area. There is a bit of green space here; half of it is a basketball court and the other half is an open-air gym with a gazebo. It is known that with densification, expansion in green space is necessary. There needs to be more amenities for people in the community. This will increase the property value in that area. He said he appreciates Mr. Teder’s concerns; when and if that property were to transfer, it would do so at fair market value. The aim is that the fair market value today is lower than in the future.

Gary Schroeder proposed a motion to get to a decision. Mr. Teder proposed that the language for Block 28 be the same for the three remaining lots, not the Tommy Johnston Park. Gary proposed to change the language in Block 27 to equal that in Block 28 as a discussion point to come to a resolution.

Sallie Fahey said that Mr. Teder’s concern is that the map shows the entire block being green space. Yet, the narrative specifically talks about creating a planned development on the part of the lot that is not Tommy Johnston Park currently. Negotiations for a planned development would include a concept that the developer would provide public space. Changing the map to show three lots of Tommy Johnston as green space and three additional lots as Downtown Village would alleviate most of the concern.

Ryan O’Gara said on the New Chauncey Neighborhood Plan map where there is proposed park space, the map shows crosshatching to show that there is a dual option available.

Tom Murtaugh said asked for a second to the motion on the floor.

Jerry Reynolds seconded.

Tom Murtaugh said the motion states that the eastern three parcels would remain green space and the western three parcels would be red, representing the village category.

Gary Schroder asked if the request was to make the parcels in Block 27 the same as those in Block 28. He asked for the description on Block 28.

Ryan O’Gara said the downtown village includes the mid-rise buildings. The downtown core will contain the high-rises.

Carl Griffin said there is some language that goes along with Block 28.

Ryan O’Gara said the added language in Block 27 explains the added development option.

Tom Murtaugh asked if the motion is needed.

Ryan O’Gara said he recommends that the three parcels have a crosshatch to indicate the dual use and prompts people to read the description of the property. The index will explain what the crosshatch means to eliminate confusion.

Jerry Reynolds said he has a problem with the fair market value because what it will be appraised at is what will be offered.
Ryan O’Gara said following that line of logic, the rest of the green spaces would have to be eliminated because those property owners did not show up to comment. Park spaces cannot be limited to floodplains; there must be some sort of long-term concept. Otherwise, the city will rely on gifts from property owners for public parks outside of floodplains or through the process of condemnation.

Don Teder, 2110 S 9TH Street, Lafayette, IN 47905, said he respects what Erik and Ryan are saying. The cloud over the property will hugely impact the value. He said he owns two of the three parcels in question. He said his kids will inherit this property and they will not have the knowledge of this cloud.

Zach Williams thanked Mr. Teder for his comments. He said the motion on the floor is to leave the eastern three parcels in Block 27 as green space and change the western three parcels to downtown village, in accordance with Block 28, and leave the language the same.

Gary Schroeder said that is the motion but there should be discussion among the Committee.

Carl Griffin said there have been some good points raised. He asked if the Committee was ready to act on this particular question this evening.

Tom Murtaugh asked if the intent this evening was to move the plan to the full Area Plan Commission.

Carl Griffin said that’s not what he is asking. He is asking about this particular issue.

Jerry Reynolds said he was not sure because he still had questions.

Carl Griffin said he thinks the proposed motion should be tabled and the plan needs to be continued. There have been excellent community issues raised this evening that need to be given consideration by staff. He said he is not ready to send this to the full Area Plan Commission and would like to see staff’s response to these issues raised. There are some things that need to be incorporated into this document.

Zach Williams said there are two items in discussion. First, there is a motion and a second on the floor that needs to be voted on. It could be moved, while in discussion, to withdraw the motion and table the question until the next meeting. The second item is if the motion to table discussion is for the entire comment period.

Gary Schroeder said there is a motion and a second; the Committee has not had the chance to discuss the motion. This motion should be picked up and taken to the next meeting to answer some questions.

Zach Williams said this can be done by moving to have the motion considered at the next meeting and withdrawing the current vote. The date would need to be set for the next Ordinance Committee meeting.

Gary Schroeder moved to continue the previous motion until the December 4, 2019 Ordinance Committee meeting. Jerry Reynolds seconded. The motion passed by unanimous voice vote.

Tom Murtaugh thanked everyone for the great discussion. He said it will be picked up at the next meeting.

Sallie Fahey asked what specific comments that staff should review and if the Committee wants a written response.

Carl Griffin said the specific issues raised by the Audubon Society. He asked if there was already acknowledgment of some of these issues about supporting wildlife.

Sallie Fahey said these issues have been brought up. The point of increasing the density in a community is to make the community sustainable. Making the community walkable reduces carbon footprint. If there is denser area, there is a need for more open space, which is what this plan does. Some of these are basic concepts which staff can address. She asked if the Committee wanted staff to address the connection to Robinson.
Carl Griffin asked that staff fine tune certain aspects of those questions.

Sallie Fahey said it sounds more like discussing the balance between development and environment.

Carl Griffin said if those topics are not discussed in the plan currently, then it should be discussed more thoroughly.

Sallie Fahey asked if the Committee would like for these responses to be part of the plan. She asked if the Committee wanted the plan to acknowledge West Lafayette’s new ordinance.

Carl Griffin said yes, that would be a good idea.

Sallie Fahey asked if the Committee wanted staff to discuss how the plan accomplishes that goal. Stan Lambert has volunteered to provide more information about WREC’s riverfront plan.

Erik Carlson 1200 N Salisbury, West Lafayette, IN 47906, said when the scooter ordinance was done, there was a council work session. It was a public meeting but focused on the one item. That might be something helpful to do to just focus on certain issues.

Gary Schroeder asked if these council work sessions allow for public input.

Erik Carlson 1200 N Salisbury, West Lafayette, IN 47906, said these meetings allow for public input.

V. ADJOURNMENT

Gary Schroeder moved to adjourn.

The meeting adjourned at 6:08 p.m.

Respectfully Submitted,

Chyna R. Lynch
Recording Secretary

Reviewed By,

Sallie Fahey
Executive Director