

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

DATE..... September 2, 2020
TIME..... 4:40 P.M.
PLACE..... COUNTY OFFICE BUILDING
20 N. 3RD STREET
LAFAYETTE, IN 47901

Due to the public health emergency, the meeting was held virtually. Members of the public may watch the livestream of the meeting at <https://www.facebook.com/TippecanoeCountyIndiana> or <https://www.youtube.com/channel/UCJleeA9ZQo9E11GdZTdjurQ/featured>

MEMBERS PRESENT

Jackson Bogan
Vicki Pearl
Greg Jones
Carl Griffin
Tom Murtaugh
Gary Schroeder
Larry Leverenz
Jerry Reynolds

MEMBERS ABSENT

STAFF PRESENT

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

ALSO PRESENT

Chad Spitznagle
Marianne Owen
Gene Valanzano
Mike Wylie
Adam Chavers
Steve Clevenger
Rich Michal

I. APPROVAL OF MINUTES

Gary Schroeder moved to approve the minutes from the August 4, 2020 meeting. Carl Griffin seconded.

Jerry Reynolds said he was present at the meeting but was marked absent.

This change has been made.

The motion carried by unanimous voice vote.

Sallie Fahey said the problem was when the roll call was taken, Jerry did not have a connection and he was never present on a vote. It begs the question if that is considered present or not because there were no votes from Jerry. She asked Zach if he should be shown as present but not voting.

Zach Williams said technically Jerry was present, but he was unable to vote and abstained due to technical difficulties if there were voting items.

II. THE DISCOVERY PARK DISTRICT FORM-BASED OVERLAY

Discussion regarding the Discovery Park District Form-Based Overlay amendment to the Unified Zoning Ordinance – Ryan O’Gara

Ryan O’Gara said the Committee was emailed the newest version of this amendment this afternoon. The amendment presented today is similar to what was presented last month but is now in ordinance form. This amendment leads off with chapter 1 which is the definition section and ends with the creation of chapter 7 which captures all the Discovery Park District form-based overlay standards. The red boxes in the amendment are surrounding areas that are not applicable to Discovery Park, but they are fixes that staff has been meaning to make. There was a conference with PRF where a few changes were made as well. City of West Lafayette staff was not involved in this conference but was given all the changes that were made. This plan is not set in stone and there is still time to make changes.

Section 1 includes all the new definitions that were created. Urban Agriculture speaks for itself. Urban Pilot Manufacturing is a smaller scale operation that is suitable for an urban environment. Micro Production of Alcoholic Beverages is similar in operation. Specialty Food Production are food and beverage items that are being manufactured that would not have an offensive operation. Items that belong out of a dense area are excluded and leaves uses like bakeries or ice cream making. The Monument Sign definition has never been formally defined in the ordinance. During the discussion of the form-based overlay for Discovery Park, a definition for a monument sign was created within the code. This was found to be applicable to the whole community, so it was pulled out of the Discovery Park overlay section and put into chapter 1 as a defined term. The Gateway Sign definition was modified to add the reference to Purdue related signage that will be used at entrance points to the university.

The red box in this section contains a few cleanup items which delete a reference to the community garden. This was inserted during the Centennial form-based overlay process as a concept the city was interested in pursuing. They have since decided they did not want to tie this type of use down and felt it is best to delete the definition. In Section 2, there was also a subtle change to the CB zone which is currently in Lafayette. In the definition of the CB zone, it does not specifically mention that it is exclusive to Lafayette, but this has been intended because West Lafayette has the CBW zone. This change makes it clear that the CB zone is for Lafayette.

Section 3 contains the proposed changes to be made to the use table. The definitions that were created are assigned zones. For the first two definitions, staff has been in consultation with both cities. Both cities liked the urban flair of micro production of alcoholic beverages and specialty food production and agree it be extended to all business-related zones. In the U districts there are the mixed-use option, but it does prefer commercial. This will be extended into Discovery Park District to the CBW zone. Urban Agriculture is permitted in the CBW zone with a footnote. The use table is a long list of uses with their zones assigned to them by right and by special exception. At the end, there is a list of footnotes that has an extra set of requirements specific to certain uses in a certain zone. The Urban Agriculture use is only allowed within the Discovery Park District boundary. If this is a use that takes off and either Lafayette or West Lafayette outside of Discovery Park are interested in extending this, a zoning ordinance amendment can be done. Urban Pilot Manufacturing is similar in that it is exclusive to CBW in the Discovery Park District. The hospital use is being extended into the CBW zone with a footnote to distinguish it from the MR zone which allows hospitals without a size restriction. In the urban zone of CBW, staff wants to limit how big the hospital can be with a limitation of 200,000 square feet. The size is proportionate in a downtown setting with high residential density so that it does not overwhelm the downtown. Multi-family dwelling is something that came out of discussions with PRF when the idea of changing the OR zone was being considered. There was interest in OR zones allowing a mixed-use option for multi-family. The footnote limits this like the NBU zone which allows multi-family apartments, but they must be above the non-residential ground floor. Apartments are not permitted in the OR zone, but it will be allowed with a mixed-use environment for the first time. The City of Lafayette has indicated interest bringing the OR zone into parts of Lafayette.

Section 4 is in a red box because it is not applicable to Discovery Park. This part deletes the reference to community gardens after the deletion of the definition in a prior section. Section 5 is the creation of UZO Section 7-3 for the Discovery Park District Form-Based Overlay. It follows a similar flow to the Centennial form-based code but not quite as detailed. He displayed the district boundary and said the boundary is

south of State Street to US 231. This is bounded to the west by Airport Road and bounded on the east by trustee land. The northwest part of the boundary includes Airport Road, McCormick Road and State Street intersection. This code only influences the existing conventional zones. Plan development zones are excluded from being beholden to these regulations since they are exclusive zones unto themselves. When PRF rezones this entire area to CBW, they will be excepting out the existing three plan developments that are within this area.

Some subtle changes were made to the code after further discussion with PRF. The uses that are prohibited included automobile parking. Automobile parking as a primary use is only allowed in the CB and CBW zones. The exception is concerning surface lots. Staff wanted to make sure that land was not being wasted on a parking lot in an urban setting and provide a restriction in Discovery Park so that surface lots are limited as development occurs. In subsection (c)(3), it lists a detailed set of locations within Discovery Park where surface lots could exist so long as they are properly screened or behind the building. The intention is that these lots could serve as primary uses and the owner could lease spaces to other users that could be outside of the 300-foot boundary. He displayed an example from PRF of where the surface lots may be located. If someone is building a parking garage, they can build it anywhere within the boundary per the CBW zone. It is PRF's intention to have targeted locations of structured parking that are centrally located so that they can be utilized by as many users as possible. PRF sees surface lots as temporary measures until the neighborhood further urbanizes and the lots are replaced with buildings that have structured parking. Another change that was made was with eating and drinking places with drive-through services. These are permitted in general business zones, but they are not permitted in the CBW zone. Staff is offering a limitation on it. Drive-throughs in urban settings are disruptive to pedestrian flow and that is why they have been excluded from the CB zones. PRF had shown interest in trying to create an urban drive-through without going overboard. They decided instead of designing a formal drive-through building that is part of the form-based code, this change could be made in the ordinance. SIC 58 says eating and drinking places with a drive-through or drive-in service shall provide said service at the side or the rear of the building subject to the Administrative Officer's approval and respecting the design requirements specified in Section 7-3-9(a). The referenced section outlines the disposition of automobile parking spaces and maneuvering aisles as well as what it is paved with. This says the drive-through services shall not be located south of State Street. This restricts about 80% of the district from having drive-throughs and would only be allowed in the northwestern section of the district at the intersection of Airport Road and State Street. They will be screened from view and will be subject to AO approval. This is allowing the use within the Discovery Park District in a very limited area.

There were few changes made to the building types. These building types are the guides for designing a project within this area. There are four different building types; a row house or townhouse, an apartment building, a commercial building and a mixed-use building. These four building types each describe the site layout, the architecture design, permitted materials and building facade projections. Other requirements include public infrastructure like bike racks, outdoor dining seating, fence and wall requirements and vegetative green roofs. There is also a statement on bufferyards that says they are not required in the Discovery Park District. Section 7-3-6 speaks to the specific requirements for building types. Ryan showed images of the four different building types.

Section 7-3-7 discusses the streetscape requirements. The streets would be built through the subdivision process. The requirements of the Thoroughfare Plan are referenced in this section as well as the subdivision ordinance and the West Lafayette City Code. There is a clause included to ensure that there is continuity between the existing streets that were created by planned developments and the streets being built through the subdivision ordinance. This clause allows the AO to approve alternative requirements. Parking requirements for different uses have been loosened. For example, .7 parking spaces are required per dwelling unit in the residential areas. This section lists parking requirements for non-residential uses and provides some reductions for mixes of uses on a single site. Loading requirements and permitted signage requirements are also listed in this section. This is wrapped up with a list of signage prohibitions to ensure there is a certain look within this district.

Gary Schroeder asked if the standards permitted are use standards or if they are subject to variance.

Ryan O’Gara said variances from the development standards are prohibited. A variance cannot be sought from the development requirements within the overlay. The uses are controlled by the underlying zone.

Gary Schroeder asked if a developer could get around the permitted materials by doing a planned development.

Ryan O’Gara said there is some flexibility with permitted materials. The AO can consider alternative materials and that is in part to changing technologies. Staff does not want to limit developers to a list so that when a new technology is created that is more cost effective a UZO amendment does not have to be done. Since planned developments are exempt from chapter 7, they are essentially the variance option. If someone cannot fit a project within this code, then a planned development is the more appropriate option.

Chad Spitznagle, West Lafayette Building Commissioner, said city staff has had the chance to review the red line items from a few days ago and there are no major issues with those items. He said one comment he wanted to add is about the drive-through. City staff is opening some discussion on loosening this restrictive ordinance. For example, McDonald’s on Sagamore gets 70% of their business through drive-through. With the pandemic, the city is not wanting to handcuff anyone with drive-through opportunities. Both Chipotle and the new McAllister’s will have a drive-through pickup window. It would not be surprising with the recent pandemic that the city amends the ordinance.

Larry Leverenz asked for citizen comments. There was a one-minute pause. No comments were received. He said the next step is to vote on moving this on to the full APC.

Sallie Fahey said that is correct. It would be filed in September to go to the October APC meeting.

Carl Griffin moved to recommend the Discovery Park District form-based overlay to the October 21, 2020 APC meeting. Jackson Bogan seconded.

Zach Williams said this will be the Committee’s recommendation to the full APC. He took a roll call vote.

Yes-Votes

Jackson Bogan
Greg Jones
Larry Leverenz
Tom Murtaugh
Carl Griffin
Gary Schroeder
Vicki Pearl
Jerry Reynolds

No-Votes

Larry Leverenz said this will go to the October APC meeting.

Sallie Fahey said that is correct. The other thing that is going to happen in this process, PRF will be filing a rezone for this land that is now zoned OR. They will file a rezoning petition to request that the land be rezoned to Central Business West Lafayette or CBW. The idea is that both cases, the text amendment and the map amendment will happen at the same APC meeting and hopefully at the same city council meeting.

III. CITIZEN COMMENT

Larry Leverenz said there will be a 30-second pause for citizen comment. There were none.

IV. ADJOURNMENT

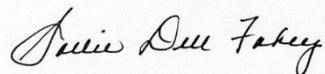
Gary Schroeder moved to adjourn.

The meeting adjourned at 5:22 p.m.

Respectfully Submitted,

Chyna R. Lynch
Recording Secretary

Reviewed By,

A handwritten signature in cursive script that reads "Sallie Fahey". The signature is written in black ink on a light-colored, slightly textured background.

Sallie Fahey
Executive Director