

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

DATE.....January 20, 2021
 TIME.....6:00 P.M.
 PLACE..... County Office Bldg.
 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

Vicki Pearl
 Greg Jones
 Carla Snodgrass
 Larry Leverenz
 Diana Luper
 Michelle Dennis
 Tracy Brown
 Tom Murtaugh
 Gary Schroeder
 Jackson Bogan
 Kathy Parker
 Lisa Dullum
 Perry Brown
 Jason Dombkowski
 Roland Winger
 Jerry Reynolds
 Jake Gray

MEMBERS ABSENT

STAFF PRESENT

Sallie Fahey
 Ryan O’Gara
 Larry Aukerman
 Don Lamb
 Chyna Lynch
 John Burns
 Rabita Foley
 Zach Williams, Atty

The Area Plan Commission of Tippecanoe County Public Hearing was held virtually on the 20th day of January 2021 at 6:00 P.M., pursuant to notice given and agenda posted as provided by law.

Attorney Zach Williams called the meeting to order and called the roll to establish members present.

I. ELECTION OF OFFICERS

Zach Williams said the first item of business was the election of officers for 2021.

Zach opened the floor to nominations for the office of president.

Gary Schroeder moved to nominate Jackson Bogan for President.

Greg Jones seconded.

Gary Schroeder moved that the nominations for President be closed.

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

Gary Schroeder moved to cast a unanimous ballot for Jackson Bogan for President.

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

Jackson Bogan took office and was seated as President.

President Jackson Bogan requested nominations for the office of Vice President.

Gary Schroeder moved that Larry Leverenz be nominated for Vice President.
Greg Jones seconded.

Gary Schroeder moved that the nominations for Vice President be closed.
Greg Jones seconded, and the motion carried by voice vote.

Gary Schroeder moved to cast a unanimous ballot for Larry Leverenz for Vice President.
Greg Jones seconded, and the motion passed unanimously by voice vote.

President Jackson Bogan requested nominations for the Executive Committee.

Gary Schroeder moved that Gary Schroeder and Tom Murtaugh be nominated to represent Tippecanoe County on the Executive Committee.
Greg Jones seconded.

Gary Schroeder moved that Jerry Reynolds and Jackson Bogan be nominated to represent the City of Lafayette on the Executive Committee.
Greg Jones seconded.

Gary Schroeder moved that Larry Leverenz and Kathy Parker be nominated to represent the City of West Lafayette on the Executive Committee.
Greg Jones seconded.

Gary Schroeder moved that Greg Jones be nominated to represent the Towns of Dayton, Battle Ground, and Clarks Hill on the Executive Committee.
Greg Jones seconded.

Gary Schroeder moved that nominations for the Executive Committee be closed.
Greg Jones seconded, and the motion carried by unanimous voice vote.

Gary Schroeder moved to cast a unanimous ballot for Gary Schroeder, Tom Murtaugh, Jerry Reynolds, Jackson Bogan, Larry Leverenz, Kathy Parker, and Greg Jones for Executive Committee.
Greg Jones seconded, and the motion carried by unanimous voice vote.

President Jackson Bogan requested nominations for the Area Board of Zoning Appeals.

Gary Schroeder moved that Gary Schroeder and Michelle Dennis be nominated to represent the Area Plan Commission on the Area Board of Zoning Appeals.
Greg Jones seconded.

Gary Schroeder moved that the Area Board of Zoning Appeals nominations be closed.
Greg Jones seconded, and the motion carried by unanimous voice vote.

Gary Schroeder moved to cast a unanimous ballot for Gary Schroeder and Michelle Dennis for the Area Board of Zoning appeals.

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

President Jackson Bogan thanked everyone for allowing the board to conduct their elections.

II. BRIEFING SESSION

Sallie Fahey said **S-4973 COVENANT SUBDIVISION (minor-sketch)** will need to be continued to the February 3, 2021 Executive Committee because there was a problem with their public notice. All the other cases are ready to be heard.

III. APPROVAL OF THE MINUTES

Gary Schroeder moved to approve the minutes from the December 16, 2020 meeting. Greg Jones seconded and the motion carried by unanimous voice vote.

IV. NEW BUSINESS

RESOLUTION 2021-01 AMENDMENT TO THE CONSOLIDATED CREASY/ CENTRAL ECONOMIC DEVELOPMENT PLAN:

A resolution determining that an amendment to the Consolidated Creasy/Central Economic Development Plan conforms to the Comprehensive Plan for Tippecanoe County, specifically adding the LUNA Project, a proposed 5-story, mixed use development on the south side of the 600 block of Main Street.

Gary Schroeder moved to hear and approve **RESOLUTION 2021-01**. Greg Jones seconded.

Sallie Fahey presented the map of all the Economic Development area. She said as we have done several months successively, we are going to see another project in Downtown Lafayette. This project is on Main Street and in the pay parking lot that lies between the former Kathie's Candies and the Frontier building on the south side. The Commission's role this evening is to make a recommendation and create an order that this project meet the requirements of the Comprehensive Plan. In the staff report, there is a history of the Consolidated Creasy/Central Economic Development Plan and a succession of the projects that have been added to that plan. The Redevelopment Commission has submitted all the appropriate resolutions and exhibits as required. The Commission will be asked to adopt this resolution to add this project to the plan as being compliant with the Comprehensive Plan. The project is a mixed-use project of five stories. It will have approximately 10,000 square feet of first floor retail and 112 interior parking spaces with 98 apartment units. Those units will be a mix of studio, one-bedroom and two-bedroom units. There will be a total square footage of 170,000. The total cost estimate is \$20 million and the city will be issuing economic development bonding which will be in the amount of \$3.4 million to support the project and adding about \$500,000 in site improvements. In terms of the Comprehensive Plan, the Urban Area portion of the land use plan recommends a compact downtown with major retail facilities and residential infill and intensification. This project clearly does that. The added benefit is that it will be constructed in what is currently a surface parking lot which is an inefficient use of downtown real estate. It is staff's opinion that this project complies with the Comprehensive Plan for Tippecanoe County and recommends the Commission's adoption of this resolution.

Dennis Carson, Economic Development Director, City of Lafayette, said we are very excited about this project. This will fill in a big gap on Main Street. He asked the Commission for their support.

Jackson Bogan asked if the Commission had any questions or comments. He said we will have a one-minute pause for citizen comment. After the minute passed, he asked Ryan O'Gara if we received any citizen comments. There were none.

Zach Williams conducted a vote by roll call. The motion was approved 16 yes to 0 no.

Yes-Votes

Jackson Bogan
Jason Dombkowski
Roland Winger
Lisa Dullum
Diana Luper
Gary Schroeder
Vicki Pearl

No-Votes

Kathy Parker
 Tom Murtaugh
 Carla Snodgrass
 Greg Jones
 Perry Brown
 Jake Gray
 Tracy Brown
 Larry Leverenz
 Michelle Dennis

V. PUBLIC HEARING

Jackson Bogan read the meeting procedures.

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

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

Gary Schroeder moved to continue **S-4973 COVENANT SUBDIVISION (minor-sketch)** to the February 3rd, 2021 Area Plan Commission Executive Committee meeting.

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

ORDINANCE AMENDMENT

UZO AMENDMENT #99 SOLAR ENERGY SYSTEMS:

This amendment would add sections to the UZO to include requirements for solar energy systems in Chapters 1, 3, 4 and Appendix L.

Gary Schroeder moved to hear and approve **UZO AMENDMENT #99 SOLAR ENERGY SYSTEMS**. Greg Jones seconded.

Rabita Foley presented the proposed ordinance amendment. She said this amendment is the result of a collaborative effort that involved collecting input from stakeholders, the general public, student organizations, and AO members of both the APC and BZA. We also assessed the standards from other communities with solar ordinances and finally drafted an ordinance that would fit our community's needs. In October 2020, we shared the draft solar energy system amendment with the ordinance committee and general public for feedback. Since then, we have received various suggestions from the public including the West Lafayette Go Greener Commission, city staff and committee members. Many of the suggestions are included in the amendment. The Ordinance Committee and staff also extensively discussed an equitable surety method for removing solar energy systems which is also included in the amendment. Staff is excited to see these changes to the UZO and are optimistic that it will provide solar development opportunities in Tippecanoe County.

In this amendment, we introduced solar energy systems in two sections, as an accessory use and as a primary use. An accessory use would be accessory to the existing primary use. Examples would include adding solar panels on a home or a ground-mounted system on land you own. This use would be allowed by right as an accessory structure not only for a home but also a business. The primary use would allow large-scale solar energy systems to be placed on a large acreage of land. Primary also includes a community-scale solar energy system. This was introduced primarily to accommodate institutional uses.

Accessory uses would be allowed by right in all zones as long as there is an established primary use. There are two types of accessory uses, building mounted and ground mounted. Building mounted systems can go five feet beyond the allowed height limit and façade systems can go three feet beyond front and rear setbacks of the building. The side setbacks would be the same as “structural projections”. Ground mounted systems include a maximum height of 15 feet for properties in urban areas and 20 feet in rural settings. The setbacks would be the same as the accessory uses and the ground mounted system is excluded from the lot coverage requirement.

The ordinance would allow primary use large scale solar energy systems by right in industrial zones and by special exception in Agricultural and Office Research zones. Community scale solar energy systems will be allowed in all zones by right except in Flood Plain zones. The major distinction between large-scale solar systems and community-scale solar systems is based on acreage. Community-scale solar would be installed on less than 10 acres for ground mounted and any number of acres for building mounted. Large-scale solar would be installed on 10 acres and more but the building mounted option would not be available.

The development standards that have been included for solar energy systems is common to some other development standards that already exist in the ordinance, so terminologies are similar. Two specific terminologies that are unique to this ordinance would be pollinator friendly seed mixes and native plants, and glint and glare. We also introduced the decommissioning plan as a new terminology.

All the changes related to solar energy systems will be introduced in different sections of the ordinance. The first section would be adding the terminologies related to solar energy system uses in chapter one. Section two introduces community-scale and large-scale solar energy system uses to the primary use table in chapter 3. Section three and four create setback requirements for accessory solar energy system for both residential and non-residential buildings in chapter four. Section five creates a height requirement for accessory solar energy systems also in chapter four. Section six creates a new subsection in chapter four to establish development requirements for large-scale solar energy systems. Section seven does the same thing of community-scale solar energy systems. Section eight introduces decommissioning documents including the breakdown of cost for removal of solar energy systems and surety forms. Section 9 updates the mining reclamation section in chapter four because we introduced Appendix L with surety forms for the decommissioning plan, we thought about adding surety templates that would also apply for reclamation mining plants.

Jackson Bogan thanked Rabita for her work on this ordinance. He asked for any questions or comments from citizens.

Susan Ulrich, Co-Chair Environmental and Disability Committee, League of Women’s Voters, said she represents not just the Committee but the board and all the members. Our organization strongly supports development of renewable energy resources. We would like to commend the APC, Ordinance Committee and APC staff for their work on the proposed solar amendment. We urge the passage of this amendment as an important step in our community’s efforts to achieve a more sustainable future.

Maureen Berry, West Lafayette Go Greener Commission, said the West Lafayette Go Greener Commission is in full support of this solar energy ordinance amendment. This amendment is thorough in addressing residential and commercial installations. It specifies that solar sites be planted with pollinator-friendly native species which will nourish the soil, discourage field erosion, encourage local flora propagation and preserve our community’s vital natural resources. The ordinance appropriately regulates yet encourages solar energy in our county for today and in the future. We commend the authors for their thoroughness and detail. We encourage the APC to adopt this ordinance.

Jackson Bogan asked if the Commission had any questions or comments.

Gary Schroeder thanked Rabita, APC staff and the Ordinance Committee for working on this ordinance. We worked on this amendment for quite a while like we did with the wind ordinance. As we find areas that need to be tweaked or changed as technology changes, we will revisit to make the appropriate changes to continue to encourage the use of solar panels.

Jackson Bogan said we will have a one-minute pause for citizen comment. After the minute passed, he asked Ryan O’Gara if we received any citizen comments. There were none.

Zach Williams conducted a vote by roll call. The motion was approved 16 yes to 0 no.

Yes-Votes

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

No-Votes

SUBDIVISIONS

S-4971 GATTEN SUBDIVISION (minor-sketch):

Petitioner is seeking primary approval for a four-lot subdivision on 18.694 acres (plus two parcels created through parcelization) located on the north side of Jackson Highway, specifically 4344 Jackson Highway, in Wabash 9 (SE) 23-5.

Gary Schroeder moved to hear and vote on **S-4971 GATTEN SUBDIVISION (minor-sketch)**. Greg Jones seconded.

Don Lamb presented the zoning map, plat, and aerial photos. He said this is located on the north side of Jackson Highway about a quarter mile northwest of the intersection with SR 26. The property is over 18 acres and is owned by Gatten Farms LLC. The site is zoned Agricultural and surrounded by properties of similar size and zoning. This is a four-lot minor subdivision but is also combined with a couple of parcelization approved lots. There will be five new home sites along with the existing home on parcel 3. Each will be served by a single private drive. Jackson Highway is classified as a secondary rural arterial and the required right-of-way has been shown. There will be a no vehicular access statement on the plat to restrict the use of access from Jackson Highway. The Highway Department has reviewed and approved the subdivision. There will be a couple of lots that will need perimeter drains. The Surveyor’s Office has stated that this is within the Indian Creek watershed which requires additional design that will need to be approved by the Drainage Board. The sketch plan shows all the correct setbacks and lot width standards. Staff recommended approval contingent on the following:

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

1. Except for the approved entrance, a "No Vehicular Access" statement shall be platted along the Jackson Highway right-of-way line.

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.
6. Because there will be 6 homesites utilizing the private drive, an approved street name shall be shown on the final plat.

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.

Jerry Reynolds joined the meeting at 6:38 pm.

Jackson Bogan asked if the petitioner or their representative wanted to make a presentation and if there were any documents to share through GoToMeeting.

Bob Gross, 240 Columbia Street, Lafayette, IN 47901, representative for petitioner, said this property has been in the Gatten Family for 150 years. He said they approved of the conditions and respectfully requested approval.

Jackson Bogan said we will have a one-minute pause for citizen comment. After the minute passed, he asked Ryan O’Gara if we received any citizen comments.

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

Laszlo Gutay, 4524 Jackson Highway, West Lafayette, IN 47906.

Zach Williams conducted a vote by roll call. The motion was approved 17 yes to 0 no.

Yes-Votes

Jackson Bogan
 Jason Dombkowski
 Roland Winger
 Lisa Dullum
 Diana Luper
 Gary Schroeder
 Vicki Pearl
 Kathy Parker
 Tom Murtaugh
 Carla Snodgrass
 Greg Jones
 Perry Brown
 Jake Gray
 Tracy Brown
 Larry Leverenz
 Michelle Dennis
 Jerry Reynolds

No-Votes

REZONING ACTIVITIES

Z-2813 SENTRY REAL ESTATE HOLDINGS, LLC (A to GB):

Petitioner is requesting rezoning of three tracts totaling 13 acres, for a proposed warehouse and office for electrical contracting, located on the south side of Sagamore Parkway between CR 400 W and 475 W, specifically, 4521 US 52 W, in Wabash 4 (SE) 23-5.

Gary Schroeder moved to hear and approve Z-2813 SENTRY REAL ESTATE HOLDINGS, LLC (A to GB). Greg Jones seconded.

Ryan O'Gara presented the zoning map and aerial photos. He said the site is zoned Agricultural. The surrounding land is almost all zoned A with Flood Plain zoning to the east and commercial zoning along US 231. The petitioner plans to build a 7,200 square foot warehouse and office for Sentry Electrical Group. The most recent zoning activity on this site was in 1991 for a special exception that was approved by the BZA for a driving range. There are railroad tracks to the south. Purdue Agronomy Center is to the north and there is a scattering of residences on the surrounding properties. There is a modest amount of commercial activity. The Thoroughfare Plan classifies US 52 West as a limited access highway. Current access to the property is from US 52 and a driveway permit would be required from INDOT for this proposed change in use. The parking requirements call for one space per employee on the largest shift plus one per 200 square feet of office, sales or other similar floor area. Once a building permit is submitted, then that calculation could take place. American Water has stated their ability to serve the site but we are still awaiting a response from American Suburban Utility which has not submitted a statement. The Health Department said that there is a commercial septic system that was installed for the driving range currently on the site and could serve the proposed use. The land use plan in the Comprehensive Plan has shown this as a residential open space with an agriculture future for this property and the immediate surroundings. This is largely based on the lack of sanitary sewer. Staff has consistently recommended against up zoning or commercials rezones off the sewer grid. Staff could support the GB rezone with a commitment to restrict the use to what they are proposing to do. Staff believes there is a lot of incompatible uses that could go on a site this size that would not benefit the community or the immediate neighbors. Staff recommended denial.

Jackson Bogan asked if the petitioner or their representative wanted to make a presentation and if there were any documents to share through GoToMeeting.

Kevin Riley, 250 Main Street, Lafayette, IN 47901, representative for petitioner, said the petitioner submitted a letter from American Suburban Utilities indicating that we could get sanitary sewer to this site. We have satisfied the biggest concern that the staff had with respect to sanitary sewer. We think that this GB is compatible with the area. The previous use, the golf course, was a commercial use. It is not as though there has never been a business operated at this site. There is a significant amount of general business to the east of the site so it would be appropriate for this area. The petitioner plans to invest about \$500,000 into the property for improvements. The site has been out of use for several years. This is not going to be a high traffic development. There will be only three employees at this site, and they will not all be at the site at the same time every time. To our knowledge, there are no objections from any of the neighbors.

Larry Leverenz said the conceptual plan has a building warehouse over lot lines. He asked if this is something that has been worked out.

Ryan O'Gara said subdivision action would need to be taken to fix that problem. He said Larry is right, there are three tracts here. If rezoned, residential use of the existing structure would not be permitted. The special exception use ceases to be valid because of the one-year rule.

Tom Murtaugh asked if the letter from American Suburban changed staff's recommendation. In the last paragraph in the staff report, it mentioned that staff would want to see a commitment in addition to the confirmation from American Suburban.

Ryan O'Gara said the recommendation stays the same. This is a spot zoning because there are some commercial zones to the east and farther west. This site is right in the middle on the urban fringe transitioning into the rural area. The land use policy for commercial activity is centered on nodes of activity like major street intersections. Given the relative isolation of the site and its size, staff would continue to

favor a commitment to restrict uses to give neighbors surety about what can or cannot happen on this site. If ASU can commit that sewer can be achieved, that does check one of the two boxes.

Tom Murtaugh asked if the availability if the ASU line changes the use of the entire corridor. In other words, it would not necessarily be just GB at the intersections.

Ryan O'Gara said it potentially could. If this site fills in commercially, the sites along the strip could develop commercially as well. He said he does not know if that is desirable in this area. This would depend on where the sewer could be extended because if there is easy access, it opens the area up. The land use plan could be revised in light of this.

Tom Murtaugh asked if it is mandatory that they hook up to the site because ASU is available.

Ryan O'Gara said yes, per the Health Department, if sanitary sewer is within striking distance, they have to hook on and abandon the commercial septic.

Sallie Fahey said one of our biggest concerns is that this is a large site and the proposed use is fairly modest. Their need is only for a 7,200 square foot building. The potential exists once it is GB and they have sanitary sewer, this could be any number of potentially intrusive uses on 13 acres. That is why we much preferred having a commitment. Staff did not object to the modest use, we just thought there was a better way to guarantee that it was going to be as petitioner said.

Jackson Bogan said the staff report is broad in its support with a commitment to highly restrict future uses. The petitioner would need to work with staff in order to change that if they choose to do so or list the use of electrical contracting business. He asked if that would be acceptable.

Ryan O'Gara said that is one way to do it. If the commitment says the use shall only be the proposed business, that would work. Staff would be open to discussing potential additions to that list of things they might be able to do.

Vicki Pearl asked if this could have been rezoned to Neighborhood Business.

Sallie Fahey said it could not be zoned NB for this use. It could have been allowed in the existing Agricultural zone with a special exception if their building was 5,000 square feet or smaller. Staff would like to look at maybe increasing the size of that limitation so that we would not force people into this kind of request for GB in places that we think are inappropriate. We hope to come up with a better solution for this kind of business operation. This will take some time which is why our suggestion was if sanitary sewer could be available then let's do a commitment.

Gary Schroeder said he agrees with staff that rezoning 13 acres to GB when only a small portion would be used is not the best solution from a procedural standpoint. If this gets denied this evening, can the petitioner come back with a commitment or should they add the commitment before.

Sallie Fahey said the petitioner can ask for a continuance and the bylaws give them a few days to file a commitment.

Zach Williams said that would be the petitioner's decision. We can take a recess so Mr. Riley can speak with his client. We can take public comment now and have time for a rebuttal.

Roland Winger said staff mentioned that this feels like a spot zone with GB nodes at either intersection east or west of the site. The property on the north side of US 231 is an Agricultural zoned property that is somewhat commercial because it is Purdue's farm. He asked if that effects staff's view of this being a spot zone.

Ryan O’Gara said it does not. The Purdue farm is trustee owned land so it would be exempt from zoning anyway. It is an agricultural use and that type of non-residential use would be more compatible than a subdivision. We have to look at the rest of the land around it as if it could redevelop. A large 13-acre site would likely spur the adjacent neighbors to do something similar. It is a development pattern that we want to limit.

Jackson Bogan said we will have a one-minute pause for citizen comment. After the minute passed, he asked Ryan O’Gara if we received any citizen comments. There were none.

Jackson Bogan said he is not comfortable with the large piece of land being rezoned to GB without a commitment. He asked Mr. Riley how he would like to proceed.

Kevin Riley, 250 Main Street, Lafayette, IN 47901, representative for petitioner, said he has not discussed this with the petitioner.

Zach Williams said we can have a short recess so they would be able to discuss this.

Jackson Bogan said there will be a five-minute recess. After the five minutes had passed, he asked if Mr. Riley was ready to proceed.

Kevin Riley, 250 Main Street, Lafayette, IN 47901, representative for petitioner, requested that the case be continued to the next meeting to add a commitment.

Gary Schroeder moved to continue **Z-2813 SENTRY REAL ESTATE HOLDINGS, LLC (A to GB)** to the February 17, 2021 APC meeting to add a commitment. Greg Jones second and the motion carried by unanimous voice vote.

Z-2814 BETHANY RANEY (R1 to R2):

Petitioner is requesting rezoning of one lot located at the southeast corner of Klondike Road and E. Pine Avenue, specifically, 101 E. Pine, in Wabash 14 (NW) 23-5.

Gary Schroeder moved to hear and approve **Z-2814 BETHANY RANEY (R1 to R2)**. Greg Jones seconded.

John Burns presented the zoning map and aerial photos. He said this property is a lot in one of the earlier phases of Green Meadows subdivision located west of West Lafayette in Wabash Township. This request is a duplex. There are a few properties zoned R2 in this neighborhood. Much of this area began development before a zoning ordinance and subdivision ordinance had been adopted for the unincorporated areas of Tippecanoe County. According to the Assessor’s data, this structure was built in 1963 and zoning took effect in the unincorporated county in 1965. This typically would have received conforming zoning but for whatever reason, this did not. This request is to make a long-standing non-conforming use conforming. There are no other proposed changes to it because the area is a mix of single-family homes and duplexes. Farther to the east is a newer development of duplexes as well as a few adjacent to the west and east of this property. Staff recommended approval.

Jackson Bogan asked if the petitioner or their representative wanted to make a presentation and if there were any documents to share through GoToMeeting.

Bethany Raney, 101 E. Pine Avenue, West Lafayette, IN 47906, petitioner, said we are wanting to rezone this property to R2 since we would like to get an appraisal to obtain a loan on the property. She said she would be happy to answer any questions.

Jackson Bogan said we will have a one-minute pause for citizen comment. After the minute passed, he asked Ryan O’Gara if we received any citizen comments. There were none.

Zach Williams conducted a vote by roll call. The motion was approved 17 yes to 0 no.

Yes-Votes

Jackson Bogan
 Jason Dombkowski
 Roland Winger
 Lisa Dillum
 Diana Luper
 Gary Schroeder
 Vicki Pearl
 Kathy Parker
 Tom Murtaugh
 Carla Snodgrass
 Greg Jones
 Perry Brown
 Jake Gray
 Tracy Brown
 Larry Leverenz
 Michelle Dennis
 Jerry Reynolds

No-Votes

Z-2815 MANOLO RENTING, LLC (I1 to GB):

Petitioner is requesting rezoning of 1.692 acres located on the south side of SR 38 E, specifically, the former Kyger Bakery property located at 3829 SR 38 E, in Lafayette, Fairfield 35 (SW) 23-4.

Gary Schroeder moved to hear and approve Z-2815 MANOLO RENTING, LLC (I1 to GB). Greg Jones seconded.

Larry Aukerman presented the zoning map and aerial photos. He said this site is the old Kyger Commercial Bakery on SR 38. It is surrounded by the Torchwood condos to the southeast. The petitioner plans to remodel some of the existing buildings for storage and office space. The property was rezoned in 1998 for the expansion of the old commercial bakery. This rezone allows the use to be expanded to the adjacent property to the northwest to allow the petitioner to serve more clients. Staff supports this rezone because it would allow the expansion of the business zoning pattern along SR 38.

Jackson Bogan asked if the petitioner or their representative wanted to make a presentation and if there were any documents to share through GoToMeeting.

Agatha Gaeta, 3829 SR 38 E, Lafayette, IN 47905, petitioner, said we are wanting to upgrade these buildings and create more appeal to the community to get some renters in there. She respectfully requested approval.

Jackson Bogan said we will have a one-minute pause for citizen comment. After the minute passed, he asked Ryan O’Gara if we received any citizen comments. There were none.

Zach Williams conducted a vote by roll call. The motion was approved 17 yes to 0 no.

Yes-Votes

Jackson Bogan
 Jason Dombkowski
 Roland Winger
 Lisa Dillum
 Diana Luper
 Gary Schroeder

No-Votes

Vicki Pearl
 Kathy Parker
 Tom Murtaugh
 Carla Snodgrass
 Greg Jones
 Perry Brown
 Jake Gray
 Tracy Brown
 Larry Leverenz
 Michelle Dennis
 Jerry Reynolds

Z-2816 MICHAEL E. MOLTER (A to RE):

Petitioner is requesting rezoning of 25.965 acres for a proposed Rural Estate subdivision of twelve lots (plus two lots in Molter Four Minor subdivision and two parcels in P20-23 Zanik Corporation. These four lots/parcels are not included in the rezone request, but would utilize the same private street in Outlot A.) The site is located on the east side of CR 200 E, just north of CR 750 S, in Wea 34 (NW) 22-4.

Gary Schroeder moved to hear and approve **Z-2816 MICHAEL E. MOLTER (A to RE)**. Greg Jones seconded.

Ryan O’Gara presented the zoning map and aerial photos. He said this is a large area of Agricultural zoning with Flood Plain to the northeast and R1 to the north. This is a proposed Rural Estate subdivision for 12 lots. This will be in conjunction with the two lots in Molter Four Minor subdivision and two parcels. The 25-acre rezone site comes from a 40-acre parent tract that two minor subdivided lots. All the development rights have been used so there is no further minor subdivisions or parcelizations that could be achieved. The only tool left to divide this land would be a rural estate. The site meets all the requirements for the RE zoning found in USO Section 3.6. Staff recommended approval.

Jackson Bogan asked if the petitioner or their representative wanted to make a presentation and if there were any documents to share through GoToMeeting.

Bob Gross, 240 Columbia Street, Lafayette, IN 47901, representative for petitioner, said the petitioner is also present to answer any questions.

Tom Richardson, 5796 SR 28 E Lafayette, IN 47909, said his property and his brother’s property are contiguous with the rezone site. He said there is not anything in the proposal about drainage. He said he is aware of what this property looks like and how it has performed over the years as farm ground. The woods are very wet and there is water that stands year-round. There are four outlets for water off that property. In times of high rain, there is a water course that’s run diagonally across the field by the old farmhouse. About a year ago, they redid the drainage across the road and opened up the ditch so water would drain better. He asked that there be a drainage assessment done so that water is not unduly placed on his and his brother’s properties. A survey was done in 2012 and the property corners were marked. He said he noticed some stakes that were placed in his hayfield yesterday and was not sure why.

Ryan O’Gara said based on the soil work that was done for the Molter Four Minor subdivision, drainage easements would be required for all the proposed lots. Drainage Board approval will finalize this and it has yet to go to the Drainage Board.

Jackson Bogan asked when this would go before the Drainage Board.

Don Lamb said this will need to go through the subdivision process. This is not the subdivision process, this is the rezone. This rezone will tell them if they can proceed with the subdivision process. The subdivision process will include Drainage Board approval that will address these issues and the Surveyor's office will work on that after the preliminary plat public hearing.

Jackson Bogan asked if Mr. Gross would respond to the concern about the survey stakes.

Bob Gross, 240 Columbia Street, Lafayette, IN 47901, representative for petitioner, said we are looking into that. He said he spoke with Mr. Richardson yesterday and informed him that he would get back with him after that has been determined.

Jackson Bogan said we will have a one-minute pause for citizen comment. After the minute passed, he asked Ryan O'Gara if we received any citizen comments. There were none.

Zach Williams conducted a vote by roll call. The motion was approved 16 yes to 1 no.

Yes-Votes

Jackson Bogan
Jason Dombkowski
Roland Winger
Diana Luper
Gary Schroeder
Vicki Pearl
Kathy Parker
Tom Murtaugh
Carla Snodgrass
Greg Jones
Perry Brown
Jake Gray
Tracy Brown
Larry Leverenz
Michelle Dennis
Jerry Reynolds

No-Votes

Lisa Dullum

VI. ADMINISTRATIVE MATTERS

Roland Winger said in September, the Commission approved the launch of our search for the new executive director to follow Sallie after her retirement. We are in the final stages of the extension of a contingent offer with a candidate that the Committee is in unanimous support of. The Committee is requesting to hold a special meeting next Tuesday at 6 pm to fully detail the process. The Committee that was formed to find Sallie's replacement consisted of Commissioner Murtaugh and Brown, Jackson Bogan, Greg Jones, as well as Mayor Roswarski and Dennis who brought their development team and engineering staff to participate. We would like to hold this meeting to go through the process that was used, cover why the selection has been made and request formal approval from the full Commission.

Jackson Bogan called for a special meeting on January 26, 2021 at 6:00 pm.

Sallie Fahey said unfortunately, we are losing Zach Williams as legal counsel. But we have the opportunity to keep the firm and in Zach's place have Eric Burns as our primary legal counsel. The Executive Committee had a discussion about this and tweaked the contract. The only differences are to indicate that Eric Burns is the primary attorney from the firm for APC and we increased the hourly rate to \$200 an hour which is the same as the county pays the county attorney. The Executive Committee recommended approval of the new contract.

Gary Schroder moved to accept the legal contract as submitted. Greg Jones seconded and the motion carried by unanimous voice vote.

VII. APPROVAL OF THE FEBRUARY EXECUTIVE COMMITTEE AGENDA

Gary Schroeder moved that the following requests for subdivision be placed on the February 3rd, 2021 Area Plan Commission Executive Committee agenda at petitioner's request, placement thereon being without reference to compliance or noncompliance with the adopted subdivision ordinance:

S-4974 ARTISAN ELECTRIC MINOR SUBDIVISION (minor-sketch); and
S-4975 JETC2 MINOR SUBDIVISION (minor-sketch).

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

VIII. DETERMINATION OF VARIANCES – Area Board of Zoning Appeals

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

BZA-2047 DESIGN TEAM SIGN COMPANY LLC.

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

Gary Schroeder moved that regarding **BZA-2047 DESIGN TEAM SIGN COMPANY LLC** that the sign section of the UZO be strictly adhered to.

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

IX. DIRECTOR'S REPORT

Sallie Fahey said she would like to emphasize two bills that have been introduced in the State Legislature that will raise some concerns for local control of planning. The first one is a Senate Bill that would prevent us from requiring a developer to dedicate adequate right-of-way per the Thoroughfare Plan along any abutting roads. We have done that since 1962 and developers know that this is a requirement. It is hardly an overreach by local government to do so. This would create a huge disservice in the sense that either county and cities would have to purchase the right-of-way, which they don't have the money to do. The other is a House Bill that would try to prevent local regulation of something like the quarry. We are watching these and will investigate a little more thoroughly. She said she is quite sure that it has the same effect as the bill introduced in past years.

Tom Murtaugh asked for the number of the House Bill.

Sallie Fahey said it is House Bill 1573 and the other is Senate Bill 208. If you are inclined, any kind of communication with the legislators would be appreciated.

X. CITIZEN'S COMMENTS AND GRIEVANCES

Jackson Bogan said there will be a one-minute pause for citizen comment and or grievances. After the minute passed, he asked Ryan O'Gara if there had been any additional comments received. There were none.

Gary Schroeder said he would like to express condolences to West Lafayette City Council for the loss of their councilman. He served the community well and this is a tough loss.

XI. ADJOURNMENT

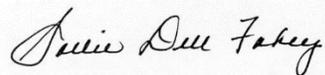
Gary Schroeder moved to adjourn.

The meeting adjourned at 7:30 pm.

Respectfully Submitted,

Chyna R. Lynch
Recording Secretary

Reviewed By,

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

Sallie Fahey