

---

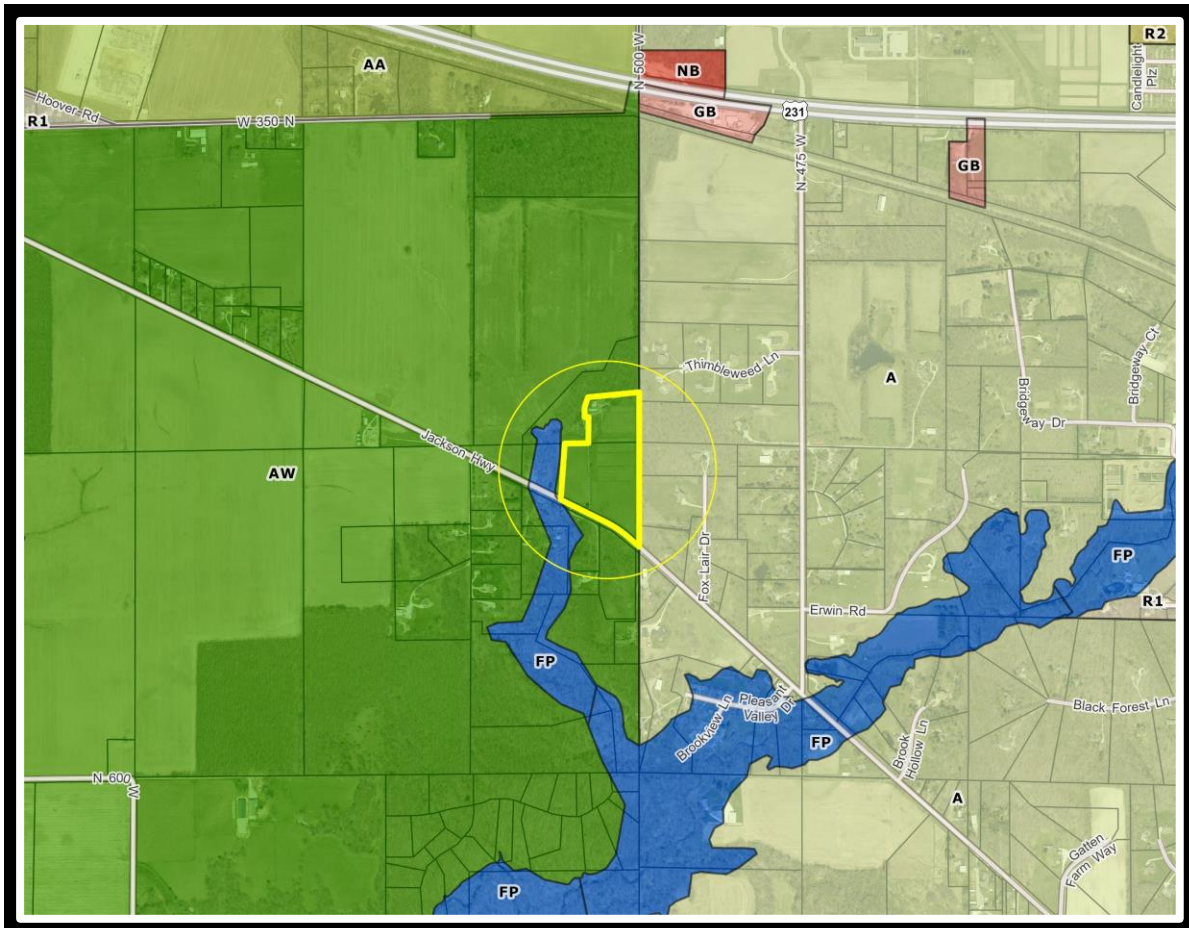
---

**BZA-2068**  
**KOH AND COURTNEY KNOX**  
**(Special Exception)**

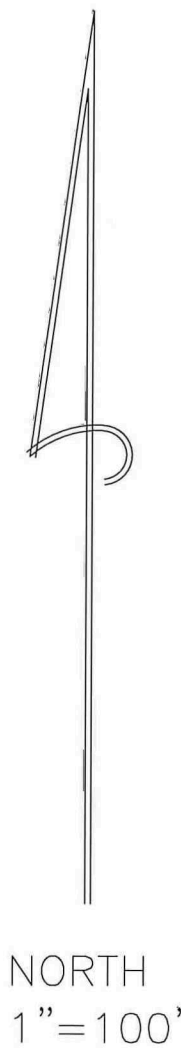
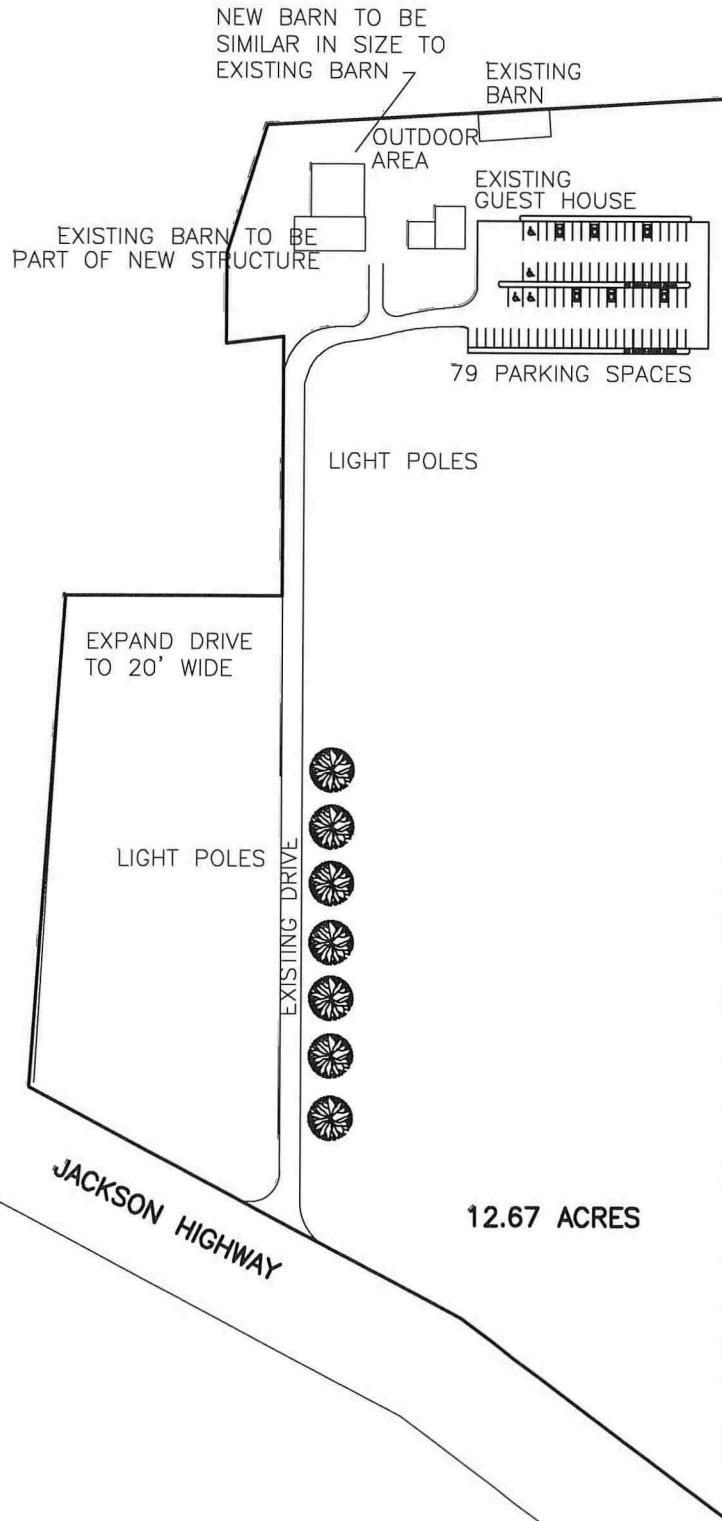
**STAFF REPORT**  
**November 24, 2021**

---

---



KOH & COURTNEY KNOX  
5124 JACKSON HIGHWAY  
WEST LAFAYETTE, IN 47906



---

---

**BZA-2068**  
**KOH AND COURTNEY KNOX**  
**Special Exception**

**Staff Report**  
**November 24, 2021**

---

---

**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioners are requesting a special exception to permit an agricultural rental hall in the AW zone with a maximum capacity of 295 people. The proposed hours of operation are Monday through Thursday 8:00 AM to midnight and Friday through Sunday 8:00 AM to 2:00 AM with all outdoor activities ceasing at midnight. The property is located at 5124 Jackson Hwy, Shelby 08 (NE) 23-5.

**AREA ZONING PATTERNS:**

The site is zoned AW, Agricultural Wooded as is land adjacent to the north, northwest and south. Flood Plain zoning associated with an unnamed tributary to Indian Creek lines the western property edge; adjacent to the east, land is zoned Agricultural. There has not been any recent BZA variances or special exceptions in the area.

**AREA LAND USE PATTERNS:**

The site plan submitted by petitioner is bare bones and not very descriptive. Notes include “existing barn to be part of new structure” and “new barn to be similar in size to existing barn” are shown at the far north end of the site. Another existing barn is also along the north property line, an “existing guest house” and a proposed 79 space parking area have also been included. An “outdoor area” has been shown between the two existing barns. This area, per County GIS, is approximately 440’ from the back of the nearest house on Thimbleweed Lane to the northeast. One of the petitioners also owns a house immediately to the west of the site in question.

Trees border the site to the north and east and partially along the west property line. It appears the majority of the 12-acre site has been in crop production; the petition states it was at one time a horse farm.

**TRAFFIC AND TRANSPORTATION:**

The proposed agricultural rental hall is reached by a 750’ long existing private drive from Jackson Highway, classified as a rural secondary arterial by the adopted *County Thoroughfare Plan*. A note on the site plan states petitioners’ plans to “expand [the] drive to 20’ wide.” Also, “light poles” are indicated in two areas along the private drive. A commercial drive permit from the County Highway Department would be required prior to the building permit issuance. Based on a quick review of the site plan, an email from County Highway states that petitioners “would need to show that the existing drive location would satisfy intersection sight distance for the operating speed on Jackson

Highway. Auxiliary lanes and larger taper sizes may be required and will be determined during the plan review and permitting process based on traffic data.”

Parking requirements for an agricultural rental hall are 1 space per 4 patrons to the maximum capacity of the facility. Since the petition states that the maximum capacity would be 295 persons, a total of 74 parking spaces would be required; the site plan shows 79 spaces which would exceed the UZO requirement. Parking lots in the AW zone do not need to be paved; however, the accessible parking spaces would need to be hard surfaced.

#### **ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

IDEM approval will be necessary for the well on site. The use also requires a commercial septic system that must be approved by the Indiana State Board of Health prior to the County Health Department’s issuance of a permit. The site plan does not show any proposed drainage structures on site. An approval from the County Drainage Board is also required before an occupancy permit can be issued.

#### **STAFF COMMENTS:**

Petitioners are proposing to use the site for “events such as weddings, parties, and gatherings.” The petition further states that, “We will be demolishing a large barn structure and rebuilding it for the use of said events. There is also a house on the property that will be offered as a rental if the renter so chooses. We will also have an outdoor space available adjacent to [the] barn if renters would like to remain outdoors.”

While an agricultural rental hall is permitted by special exception in the AW zone, the zone does not permit an eating and/or drinking establishment (restaurant or bar). For this reason, the UZO places a limit on food/drink service associated with this use. There cannot be any preparation of food on site, all food must be brought on site by a licensed caterer.

Traffic generated by this use per the petition would include: “staff and employee vehicles, renters or clients...event guest(s), catering services, and delivery services. Our operating capacity would not exceed 295 persons.” LED outdoor lighting is proposed “along the driveway and through the parking lot.” No lighting on any of the buildings has been shown or mentioned in the petition and the parking lot lighting has not been shown on the site plan. Sources of noise include, “announcement speakers and sound system for events.” The petition further states that, “outdoor noise and lights [would] cease by midnight.” The hours of operation, Monday through Thursday from 8am to midnight; Friday through Sunday from 8am to 2am is excessive in comparison to other special exceptions for agricultural rental halls.

At its meeting on the 17<sup>th</sup> of November, the Area Plan Commission voted that granting this request would not substantially adversely affect the Comprehensive Plan.

Regarding the ballot items:

1. Section 3.1 of the Unified Zoning Ordinance **DOES** authorize a special exception for an agricultural rental hall in an AW zone.

And it is staff's opinion that:

2. The requirements and development standards for the requested use as prescribed by the Unified Zoning Ordinance **WILL** be met. There is sufficient parking shown on the site plan to meet UZO standards. There is also sufficient area for the proposed buildings to meet setback requirements. Lot coverage and vegetative coverage percentages can be met.
3. Granting the special exception **WILL NOT** subvert the general purposes served by the Ordinance but only if the necessary approvals are received. Plans may need to be altered based on the review of these plans. Petitioners do not have state building approval, State Board of Health approval for a commercial septic system, County Highway, County Surveyor approval, etc. With these approvals, an agricultural rental hall operating in a responsible manner would not injure the public's health, safety and well-being.
4. If petitioner modifies their petition per staff's recommendations below, granting the special exception **WILL NOT** materially and permanently injure other property or uses in the same district and vicinity because of:
  - a. Traffic generation: With drive improvements required by County Highway, the drive should handle the proposed traffic. The parking lot meets UZO standards;
  - b. Placement of outdoor lighting: LED lighting is proposed along the driveway but more information on light location is necessary;
  - c. Noise production: The petition states that "outdoor noise" (amplified music?) would end by midnight. Staff is recommending a condition consistent with other agricultural rental halls that prohibit amplified music outside of the structure. This reduces noise intrusions to neighboring residences.
  - d. Hours of operation: 8am until midnight during the week and 8am to 2am Friday through Sunday is excessive. Staff is recommending a condition consistent with other halls that limits hours of operation to 10:30pm Sunday through Thursday and until midnight Friday and Saturday.

**STAFF RECOMMENDATION:**

Denial as submitted, or Approval, but only with the following commitments and conditions:

**Commitments:**

1. Limit the number of attendees to 295 people;
2. All amplified music must take place inside of the structure; only nonamplified music shall be permitted in the outside event area.

**Conditions:**

1. Change the hours of operation to 8am to 10:30pm Sunday through Thursday and 8am to midnight Fridays and Saturdays;
2. Approval from the County Highway Department for a commercial driveway;
3. Approval from the County Building Commissioner for building design approval and

- permit coordination;
4. Approval from the Indiana State Department of Health and the Tippecanoe County Health Department for an on-site sewage disposal system; and
  5. Approval from the Tippecanoe County Surveyor's Office for onsite drainage.
  6. Submit a revised site plan to show the locations of the proposed lighting along the drive, parking lot and on the buildings and to dimension the buildings and their setbacks. Any revisions to the site plan needed because of any of the above approvals must also be submitted.

Note: A special exception approval ceases to be valid if the use is not established within one year of the date that the special exception was granted.