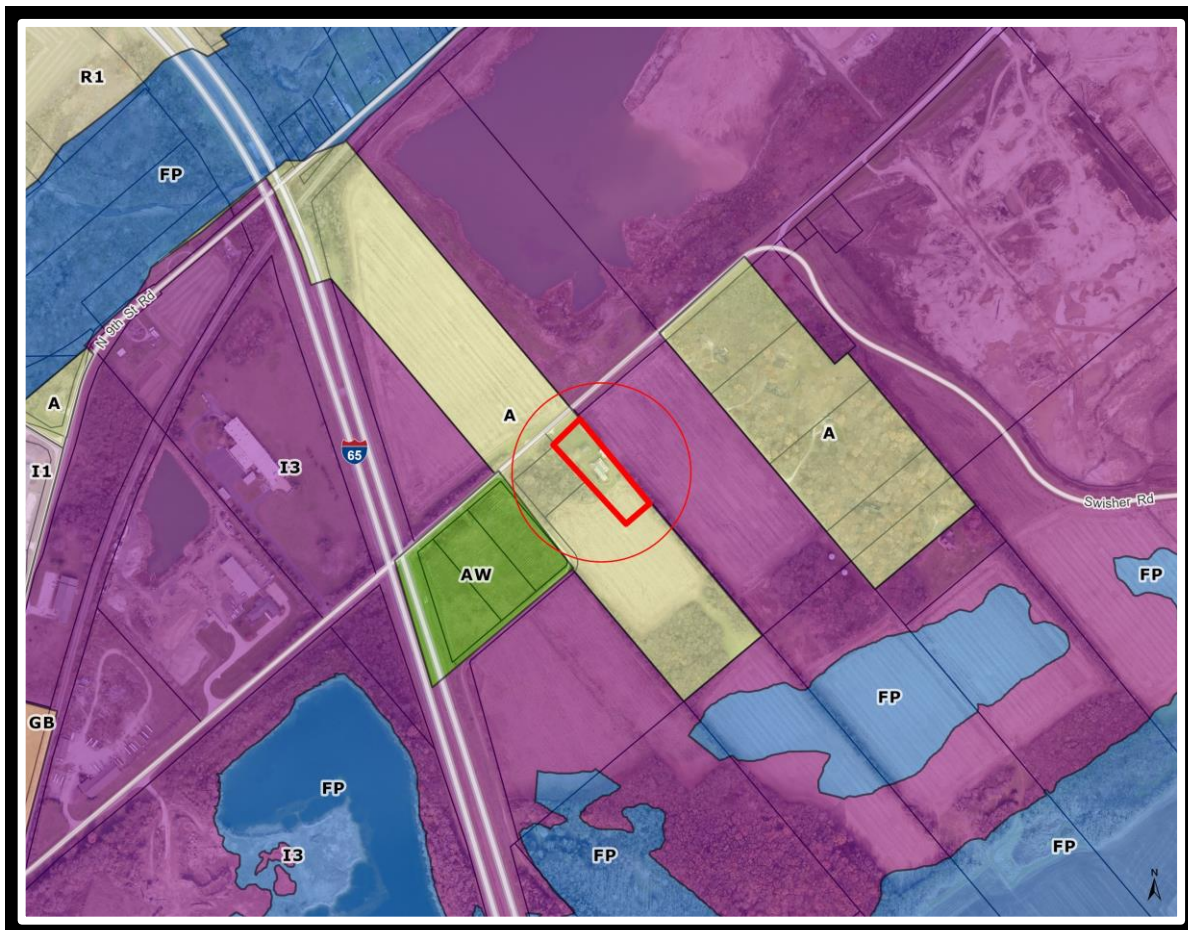

BZA-2087
TODD & LYNN EDGELL
(special exception)

STAFF REPORT
August 18, 2022





ARCHITECTURAL SITE PLAN
SCALE: 1" = 30'-0" (24"x36" SHEET)



8/4/22



117 NORTH 10TH ST. #100
LAFAYETTE, IN 47906 | P.O. BOX 4428
WWW.ARKOR.COM

PRELIMINARY PLANS
NOT FOR CONSTRUCTION

EDGELL EVENT BARN
REMODEL
4951 Swisher Road
West Lafayette, Indiana 47906

NO.	DATE	REV. BY	DESCRIPTION

DRAWN BY: KMM | CHECKED BY: ASB
PLOT DATE: 8/4/22

PROJ. NO.: C-22042

SHEET NAME:
ARCHITECTURAL
SITE PLAN

SHEET NUMBER:
AS101

BZA-2087
TODD A. AND LYNN M. EDGELL
Special Exception

Staff Report
August 18, 2022

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioners and owners, represented by attorney Burke Richeson of Gutwein Law, are requesting a special exception to permit an agricultural rental hall (SIC 799) on 2 acres in the A zone with a maximum capacity of 248 people. The proposed hours of operation are Sunday through Thursday 8:00 AM to 10:00 PM and Friday and Saturday 8:00 AM to 12:00 AM. The property is located at 4951 Swisher Road, Tippecanoe, Burnetts Reserve 5 (SW) 24-4.

AREA ZONING PATTERNS:

The site is zoned A, Agricultural. Most of the land in this area is zoned I3, heavy industrial, except for land immediately on three sides of this property, which is also zoned A. Many special exceptions for mining operations have been granted in the past in this area, though none in recent years. The most recent rezone request was withdrawn (Z-2741 in 2018).

AREA LAND USE PATTERNS:

The property in this request currently houses several agricultural buildings, but no residence. A line of trees separates this lot from the land to the northeast, and a small lot to the southwest is wooded.

The majority of properties surrounding this site appear to be in crop rotation and are owned by Prophetstown State Park and IDNR (Indiana Department of Natural Resources).

TRAFFIC AND TRANSPORTATION:

The proposed agricultural rental hall is reached by an existing private drive from Swisher Road, classified as a rural secondary arterial by the adopted *County Thoroughfare Plan*. Swisher is also the main entrance to the state park. A traffic count taken in 2022 shows 655 vehicles travel Swisher Road between 9th and I-65 daily. A commercial drive permit from the County Highway Department would be required prior to building permit issuance.

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 248 persons, a total of 62 parking spaces would be required; the site plan shows exactly 62 spaces which would meet the UZO requirement. Parking lots in the A zone do not need to be paved; however, the accessible parking spaces would need to be hard

surfaced. Overflow parking is shown on the site plan immediately southeast of the parking area, behind the existing buildings.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

IDEM approval will be necessary for the well on site. The use 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 required before an occupancy permit can be issued.

STAFF COMMENTS:

Petitioners are proposing to use the site for an agricultural rental hall for events which "will generally be from 4 to 6 hours" and "will not be generally open to the public." The petition further states "the light renovation of the property allows the facility to be fully ADA compliant." The existing structures on site consist of one building with approximately 4,914 sq. ft., and another of approximately 1,204 sq. ft. According to the petitioner, the smaller of the two barns will be used initially as a storage area. The back of the main barn will be the location of the restrooms and staging area for any food catering. The site plan shows an area behind the structures as being a patio-like outdoor ceremony space. Evergreen trees have been planted along the property lines where there are gaps in the existing tree line.

While an agricultural rental hall is permitted by special exception in the A 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 "vehicles for guests, employees, security, and intermittent deliveries and maintenance." Petitioners anticipate parking fewer than 55 vehicles for guests at most events, with "5-10 vehicles for employees," etc., and have provided 62 parking spaces, the minimum number required. Outdoor lighting is shown on the site plan in several places: near the front corners of the parking lot, several wall pack lights on the buildings, and a lit monument sign near the entrance. According to the petition, "all lighting will be hooded or directed in a manner to not escape the property line." Regarding noise generation, the petitioners state that "amplified music for events will only be permitted inside the building." To be consistent with other ag rental halls, and in keeping with past special exceptions, staff is recommending a commitment to that extent.

While the site plan shows both the required parking spaces and an area for overflow parking, staff has some concern due to the small size of this parcel and the unknown size and location of the commercial septic system (parking cannot occur over the finger system of the septic). The zoning ordinance explicitly states that "vehicles parked along public roads shall be evidence of noncompliance with this requirement." Additionally, per the county surveyor, all developments or redevelopments are required to detain water on

site. Given all these improvements, staff is wary that the two acre site in this request may not be large enough. Additionally, reducing the capacity limit below 248 people may be necessary if the 2 acre parcel does not provide enough room. While it is possible that this site is large enough to support the above mentioned items, past special exceptions for rental halls approved by the Board have all been on 10 acres or more, usually with maximum capacities set between 295-300 people.

This area of the County has historically been used for mining of aggregates. An active mining operation is occurring north and east of the site and reclamation of the site will result in a lake that will become part of Prophetstown State Park. According to the park's master plan adopted in 1998, the park is envisioned to encompass the land between I-65 and the junction of the Tippecanoe and Wabash Rivers. While the park is not yet fully developed based on its master plan, it should be noted that the state owns much of the land between the site in question and I-65. The use of this property as an agricultural rental hall, which is located between state-owned property, may hinder the park's development as planned. A representative from the park states, "Although this location is within the future purchase boundary of Prophetstown State Park, the DNR neither supports nor objects to the petition at this time."

At its meeting on the 3rd of August, the Executive Committee voted that granting this request would not substantially adversely affect the Comprehensive Plan.

Regarding the ballot items:

1. Section 3.21 of the Unified Zoning Ordinance **DOES** authorize a special exception for an agricultural rental hall in an A 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. The existing buildings meet setback requirements; lot coverage and vegetative coverage percentages can also 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. Petitioners do not have state building approval, State Board of Health approval for a commercial septic system, County Highway, County Surveyor approval, etc. After these agencies have reviewed the project, plans may need to be altered. With the agency approvals, an agricultural rental hall operating in a responsible manner would not injure the public's health, safety, and well-being.
4. Even if the following commitments and conditions are met, granting the special exception **WILL** 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; however, staff has increasingly become aware that the current parking

- standards assume that four guests are arriving in one car, and that simply is not happening;
- b. Placement of outdoor lighting: although the proposed lighting as shown on the site plan and according to the petition is to be “hooded or directed in a manner to not escape the property line”, this area has little to no artificial lighting. Even the small amount of lighting proposed here would be a disturbance to the neighboring residences, especially during times when there is no tree canopy to help block some of that light;
 - c. Noise production: The petition states that “amplified music for events will only be permitted inside the building” and staff is recommending a condition consistent with other agricultural rental halls that prohibits amplified music outside of the structure. While staff applauds this effort to reduce noise levels reaching neighboring properties, it has been brought to staff’s attention that even with these mitigation efforts, the noise produced by rental halls such as this can still be bothersome and disruptive to neighbors. Furthermore, the open nature of the property between this site and the nearest residence (being an open farm field) does little to shield noise generated by a lively celebration where alcohol may be imbibed.
 - d. Hours of operation: 8am until 10pm during the week and 8am to 12am Friday and Saturday is consistent with other halls in the county. Staff is recommending a condition that will hold petitioners to these hours of operation.

STAFF RECOMMENDATION:

Denial; but if approved, the following commitments and conditions shall be met:

Commitments:

1. Limit the number of attendees to 248 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. Approval from the County Highway Department for a commercial driveway;
2. Approval from the County Building Commissioner for building design approval and permit coordination;
3. Approval from the Indiana State Department of Health and the Tippecanoe County Health Department for an on-site sewage disposal system; and
4. Approval from the Tippecanoe County Surveyor’s Office for onsite drainage.
5. Any revisions to the site plan needed because of any of the above approvals must be submitted.
6. The monument sign must meet the standards of UZO 4-8-12.

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