

CITY OF WEST LAFAYETTE
COMMON COUNCIL
PRE-COUNCIL MINUTES
DECEMBER 2, 2010

The Common Council of the City of West Lafayette, Indiana, met in Council Chambers at City Hall on December 2, 2010, at the hour of 4:30 p.m.

Mayor Dennis called the meeting to order and presided.

Present: Bunder, Burch, Dietrich, Hoggatt, Hunt, Keen, and Thomas.

Also present were City Attorney Burns, Clerk-Treasurer Rhodes, City Engineer Buck, Police Chief Dombkowski, Street Commissioner Downey, Fire Chief Drew, Human Resources Director Foster, WWTU Director Henderson, Parks Superintendent Payne, and Director of Development Poole.

MINUTES

Clerk-Treasurer Rhodes stated that, on page 3 of the October 28, 2010, Pre-Council minutes, Councilor Hunt reported the date of the certification letter for UZO #68, Ordinance No. 27-10, as September 15. The date should be September 16. The minutes will be amended to reflect that date.

SPECIAL ACTIONS

Councilor Hunt said that Council appointments to the Redevelopment Commission are Larry Oates, who has agreed to serve another term, and Joanna Lyn Grama, a new nominee.

SPECIAL PRESENTATION

Mayor Dennis noted that there would be a special presentation after the Report of the APC Representative.

UNFINISHED BUSINESS

Ordinance No. 27-10 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect (UZO Amendment #68, change required auto and bicycle parking standards in WL Village, and change height requirements in the CBW, R3W, and R4W zones) (Submitted by Area Plan Commission) *This ordinance was tabled by action of the Council at the September 30, 2010, Pre-Council meeting until the November 1 Council meeting, to allow for public discussion. At the October 28 Pre-Council meeting, the Council voted to defer the vote on this ordinance until the December 2, 2010, Pre-Council meeting and to take public comment at the November 1 Council meeting.*

Mayor Dennis read Ordinance No. 27-10 by title.

Councilor Keen moved that Ordinance No. 27-10 be passed on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Mayor Dennis asked City Engineer Buck to provide background on the ordinance.

City Engineer Buck stated that his office and the APC had been working on this for many years, and more intently since February or March. UZO Amendment #68 started with changes to the parking requirements, and has led to issues such as height in certain zoning districts. The attempt is to make the Village area more developable. The prevalence of Planned Developments in recent years has generated controversy, effort, and costs to the developer, the City, the Area Plan staff, and the entire community. To mitigate some of this, the focus was on the areas that were common to Planned Developments, specifically residential and commercial parking requirements, as well as height variances. All of them have 1:1 parking to bedroom ratios, and varying ratios for parking, based on the square footage of commercial buildings. The process with the APC Ordinance Committee and the Administrative Officers Group was back and forth. The hope was for public involvement and public discussion on the details, but there was very little response from residents in the surrounding neighborhoods during the process. If this ordinance is passed or amended or defeated, there are things that need to change to make the Village more developable and, most importantly, reduce the stress on the New Chauncey Neighborhood for converted rental housing.

Mayor Dennis noted that APC Executive Director Fahey was also present to answer questions.

Councilor Keen asked City Engineer Buck to address the pros and cons of the way UZO #68 would affect building heights north of Stadium. Mr. Buck responded that Stadium Avenue was identified as a point of change in the surrounding area. Initially there was consideration to making the maximum height 100 feet, but it was changed to 65 feet. The intent is to allow the area, which is zoned CBW, to develop without rezoning. The yellow areas on the map, which he provided earlier, are the only areas proposed for height change. The area north of Stadium has only about one block, spread over portions of three blocks, that would allow 65-foot buildings. The other yellow areas south of Fowler/Wiggins are also proposed to have height changes. The rationale is that it would allow that highly valuable ground to be developed with a development that would make sense and be an asset for the community. They could provide a reasonable density above that for residential use that would provide its own parking per bedroom and be self-supporting for the residential component of that structure and still be allowed a first floor commercial component.

Councilor Keen asked if there would be any disadvantage to allowing structures to be shorter than the 65 feet, six stories. City Engineer Buck answered that the major issue is to have additional height above two-and-a-half stories to make it economically viable. Mr. Buck suggested that there would be Planned Developments that would push toward that direction in the future.

Councilor Keen said that, regardless of the building height in the ordinance is, if a Planned Development is desired, then all the elements are on the table for discussion.

Councilor Dietrich asked how tall the Mackey project is. City Engineer Buck replied that he did not know, but probably between 45 and 50 feet. Lambert Fieldhouse top is quite a bit higher than that.

Councilor Hunt said that part of the yellow area is in her district, and she has received letters from people who live very close to that who do not want the height. She stated that it is a complicated ordinance because it has the parking and the height restrictions. This is a fragile

neighborhood. City Engineer Buck reiterated that the height restriction is only in the yellow areas. The blue R3W areas are 15 units or fewer per acre, and so there might be an infinitely tall building, but if it is over 15 units per acre, the developer must ask for a rezone to R4W to increase the density. It is not as though the blue areas can all be 100 feet tall. There are triggers in the ordinance, if the goals of the project cannot be met or if there are requested variations that would require a rezone.

Councilor Thomas asked if there were any discussion about additional parking structures in the Village area. City Engineer Buck answered there needs to be, and that is part of being an urban downtown setting, whether it is a publicly-owned garage or a privately-owned garage.

Mayor Dennis called for public comment.

Speaking in opposition to the legislation, all or in part, were Mr. Tom Kesler, Mr. John Basham, Ms. Laurel Jizba (Mrs. Kesler), and Mr. Ted Wachs.

Councilor Hoggatt stated that there are two large pieces in the ordinance, the height requirement and the parking requirement. There have been some excellent comments on the height requirement. He stated that he was hesitant to vote for the ordinance. There is a parking problem in the Village. The multi-page monthly towing reports demonstrate that. Students do not want their cars towed, but they are towed because there is a parking problem. The plan has merit, but the move to taller buildings and less parking is too quickly. West Lafayette has infrastructure issues, such as no taxi can be flagged down, no transit system, no public parking garages that other cities such as Evanston do not have. Plans for those things need to be in place before the City commits to no parking spaces for commercial properties. The City cannot overlook that apartment residents in the Village area have visitors who drive to visit them. Councilor Hoggatt stated that he would vote against the ordinance.

Councilor Burch asked who distributed the flyers to the Council. Councilor Bunder said that one of his constituents asked him to distribute it.

Councilor Bunder stated that he appreciated both Councilor Hunt's and Councilor Hoggatt's remarks. He spoke in favor of Planned Developments, that major changes in land use receive as broad a public hearing with as much input as possible. Over the years, that has taken place. It is possible for development to go forward with the tools already in place to do that.

APC Executive Director Fahey stated that it would be helpful if the neighbors could be more specific about why they believe the amendment regarding parking would create more problems in their neighborhoods. In terms of residential development, it is an improvement for neighborhoods. In structures which have previously required three parking spaces when there are four bedrooms in a unit, those would now have one parking space per unit. This would seem to be neutral on the lower end of the bedrooms per unit spectrum, but it provides more parking in the higher end of more bedrooms per unit. In the CBW district just north and just south of Stadium Avenue, the requirement would be for one parking space for every employee on the largest shift. Ms. Fahey said that people who are patronizing businesses located in any buildings that would be redeveloped would, for the most part, be walking from campus buildings. At lunch, basketball players would be walking across the street to get their hair cut, and students would be walking between classes and after classes to utilize those services, so the only people driving would be someone else who probably lives in West Lafayette. Someone in the audience said that was not the case. APC Executive Director Fahey said that, as these

amendments are reviewed, the APC needs to understand the situation. As regards height, Ms. Fahey said that the dialogue is occurring now that she wishes had been held earlier in the year. As a planner, she has no problem reducing the height to 45 feet north of Stadium, and reducing it to 65 feet in the area of R3W zoning south of Stadium. The rest of the triangle bordered by Stadium, Grant, and Northwestern has different height restrictions because it is residentially-zoned. If the requirement were 65 feet in that area, the land on which McDonald's and possibly PEFCU sit, the yellow area south of Stadium, would be affected. The area north of Stadium could be reduced to 45 feet height. She offered to answer any specific questions.

Councilor Burch asked, if the ordinance were to pass and if a developer were to build a new structure that would require one parking space per bedroom, would the developer have the opportunity to apply for a variance. APC Executive Director Fahey answered that there could be application for a variance.

Councilor Bunder offered to explain the neighbors' concern, noting that Buz Grady, formerly of the Department of Development, used to say that whatever is changed in one location would move the change some number of blocks further. If one were to replace a four-story building with an eight-story building, the four-story building is now four or five blocks deeper, and the possibility for change continues, once the initial modification has been made to current land use. This is what the neighbors believe will happen, and many can look at the experience of their friends who once lived south of State Street for confirmation of that.

APC Executive Director Fahey stated that it is less an issue of not enough parking than it is of students not wanting to pay for parking. Parking is available, provided by the University, but they are not willing to pay for it. So they hunt for spaces, and the occasional ticket or tow is less risk than having to pay the University for parking. Other than a student who lives in Lafayette and after the hours the buses run, somebody visiting a friend in an apartment complex is most likely to walk. Councilor Hoggatt said that is not the reality. Students drive from outer apartment complexes, sometimes late at night, and park in the Village. In the Chauncey Village strip mall, if parking were eliminated and parking garages were built for the residential units, new commercial businesses would have no parking spots. Students would be walled off in a particular area with 100-foot high walls. It would only be students mingling in that area, and the rest of the community could ignore it. A good example of how that does not happen now, because there is at least some parking available, is that there is a book group in University Farms which meets at Greyhouse Coffee. If there are no parking spaces for businesses, never again will a book group drive in from University Farms to the Village and mingling in that area. Councilor Hoggatt said he does not accept the vision for West Lafayette that students are not part of the community, yet the Mayor and others say that we want students to be part of the community, to work with us. We cannot say that, and then treat the City as two separate areas. It is not the way the community operates now. It likely will, but these changes should not be adopted now.

Councilor Burch asked APC Executive Director Fahey if there were new commercial development, could it be required that it would include parking facilities. APC Executive Director Fahey responded that, the way the ordinance is written, that would not happen in Region 1. This amendment would remove all parking requirements for new development in Region 1. In Region 2, the requirement would be one parking space for every employee on the largest shift, so that employees are taken care of. But, she added, these areas are still within walking distance. In Region 3, there would be one parking space for every 250 square feet of gross floor area, because the Levee is more suburban-like in design.

Ms. Mary Cook [owner of Harry's Chocolate Shop] reported that at night, parking at Purdue is available to the public, as is the taxpayer-funded parking garage. There is open parking in the Village area. It is tight during the day, in part because many students will not register their cars and deal with the red tape. Ms. Cook said that she has parking for her business, and personally does not park on the street close to her business, as she wants her customers to have those spaces. When classes are over, parking is available. She said that it makes no sense to her to say that there is no parking, no one can get into the businesses as they are, no one else will be able to come in, that parking is at capacity. She said that she does not agree with the idea that the core Village and downtown Lafayette, have parking problems. People do not want to walk to do business.

Councilor Bunder said that he hears often that the public can use Purdue parking, and he asked who authorized that. Ms. Cook answered that there are times when the public may use Purdue lots. Councilor Dietrich added that there are many large-scale events in the Union after hours that also require parking in the Grant Street Garage, so to say that parking there is available and open after hours is not necessarily accurate.

Councilor Keen asked APC Executive Director Fahey in Region 3, what the impact would be of not changing the four-bedroom /three parking spaces requirement to remain the same, as opposed to increasing the spaces to four. APC Executive Director Fahey answered that there may be no short-term impact, but Williams and Harrison Streets will be part of the Purdue Ring Road system. At some point, there may be opportunities for redevelopment in that area, because it will have higher traffic volumes and be more attractive for denser development. In that situation, in a redevelopment scenario, it would be better to have the one space per bedroom. There would be no short-term impact, so long as no one redevelops their property. They have what they have, and they are allowed to keep that.

Mr. John Basham and Ms. Laurel Jizba again spoke against the ordinance.

Councilor Keen motioned to amend Ordinance No. 27-10 by restricting the height in the CBW zones north of Stadium Avenue to 45 feet and restrict the building height the CBW zone immediately south of Stadium to 65 feet. Councilor Burch seconded the motion.

Councilor Keen said that he offered the amendment based on public input he has received, plus the input from APC meetings. He stated that the amendment would not have a negative impact, and might be a benefit to the ordinance.

Councilor Bunder said that he had considered offering an amendment to do the same thing, but there are details in the ordinance that make it not a simple process to amend. He stated that he was opposed to the amendment.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote on the amendment to Ordinance No. 27-10:

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	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
Bunder		✓		
Burch	✓			
Dietrich	✓			
Hoggatt		✓		
Hunt		✓		
Keen	✓			
Thomas		✓		

Clerk-Treasurer Rhodes stated that the vote was 3 AYE and 4 NAY.

Mayor Dennis announced that the amendment to Ordinance No. 27-10 failed.

Mayor Dennis asked for any additional discussion on the ordinance.

There was no discussion.

Clerk-Treasurer Rhodes called the roll call vote on the amendment to Ordinance No. 27-10:

	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
Bunder		✓		
Burch	✓			
Dietrich		✓		
Hoggatt		✓		
Hunt		✓		
Keen	✓			
Thomas		✓		

Clerk-Treasurer Rhodes stated that the vote was 2 AYE and 5 NAY.

Mayor Dennis announced that the amendment to Ordinance No. 27-10 failed and would be sent back to the APC as not being endorsed by the West Lafayette City Council. He thanked the citizens, APC Executive Director Fahey, and City Engineer Buck for their time and effort.

Ordinance No. 28-10 An Ordinance Regulating Open Burning Within The City Of West Lafayette (Sponsored by Mayor Dennis)

Mayor Dennis read Ordinance No. 28-10 by title and asked for comments or questions.

There was no further discussion.

Ordinance No. 29-10 An Ordinance Requesting An Additional Appropriation – Rainy Day Fund (Prepared by the Clerk-Treasurer) **PUBLIC HEARING**

Mayor Dennis read Ordinance No. 29-10 by title and asked for comments or questions.

Clerk-Treasurer Rhodes stated that the public hearing would be held before the vote on the second reading.

There was no further discussion.

NEW BUSINESS: None.

COMMUNICATIONS

► Councilor Hunt suggested that the Council discuss the draft of the 2011 Council schedule at Monday's Council meeting. City Attorney Burns said that a vote would be taken at Monday's meeting.

► Mayor Dennis announced that, at the February Council meeting, there would be a City Summit, an update on the strategic plan, the State of the City address, and volunteer recognition awards. These items will be on the agenda after the roll call, but before the other items of business.

CITIZEN COMMENTS: None.

ADJOURNMENT

There being no further business at this time, Councilor Burch moved for adjournment and Mayor Dennis adjourned the meeting, the time being 5:34 p.m.