The
AREA PLAN COMMISSION
of Tippecanoe County

Notice of Public Hearing

Date: August 19, 2020
Time: 6:00pm
Place: County Office Building
Tippecanoe Room
20 North Third Street
Lafayette, Indiana 47901

AGENDA

I. **PLEASE NOTE:**

Due to the public health emergency, this will be a virtual meeting. Public comment on agenda items may be submitted prior to noon on the meeting day at apc@tippecanoe.in.gov. Comments must include name and address to be heard. Comments may also be made live on the streaming platforms. Members of the public may watch the livestream on Facebook at: https://www.facebook.com/TippecanoeCountyIndiana (you must have an account) or YouTube at https://www.youtube.com/channel/UCJIeeA9ZQo9EllGdZTdjurQ (you must be a subscriber to comment.) Links can also be found on the APC website at: www.tippecanoe.in.gov/apc.

II. **BRIEFING SESSION**

A. **CONTINUED CASES**

- Z-2798 West Lafayette Public Library PD (PDNR to PDNR): Petitioner has requested a continuance to the October 21st APC meeting. First continuance.

III. **APPROVAL OF MINUTES**

Documents:

APC MINUTES 07.15.2020.PDF

IV. **NEW BUSINESS**

V. **PUBLIC HEARING**

A. **ORDINANCE AMENDMENTS**

1. **UZO AMENDMENT #97 BUSINESS PARK & GATEWAY DIRECTORY SIGNS:**
   This amendment would amend the sign section of the UZO and would add a new category of signage: business park signs and gateway directory signs. *Continued from the July APC meeting after it was tabled to the August 5th Ordinance Committee meeting.*

   Documents:

   AMEND 97 BUSINESS PARK SIGNS REVISED.PDF

B. **SUBDIVISIONS**

1. **S-4930 ELSTON ACRES MINOR SUBDIVISION (MINOR-SKETCH):**
   Petitioner is seeking primary approval for two lots on 0.686 acres, located at the northwest corner of Old Romney Road and Elston Road, Lafayette, Fairfield 31 (SE) 23-4. *Continued from the August Executive Committee meeting because legal ads were not published in time.*

   Documents:

   S-4930 ELSTON ACRES MINOR SUB.PDF

2. **S-4931 PARAMOUNT MINOR SUBDIVISION (MINOR-SKETCH):**
   Petitioner is seeking primary approval for two lots on 4.39 acres, located on the north side of Genoa Drive and the east side of Paramount Drive, in Wabash 2 (NE) 23-5.

   Documents:

   S-4931 PARAMOUNT MINOR SUB.PDF

3. **S-4932 CROSSER COMMONS MINOR SUBDIVISION (MINOR-SKETCH):**
   Petitioners are seeking primary approval to replat two lots into two lots (plus one outlot) on 0.426 acres, located on the east side of Powerhouse Lane, just north of the Walker Court intersection, in Lafayette, Fairfield 31 (SE) 23-4.

   Documents:

   S-4932 CROSSER COMMONS MINOR SUB.PDF

C. **REZONING ACTIVITIES**

1. **Z-2798 WEST LAFAYETTE PUBLIC LIBRARY LEASING CORPORATION - ANASTASIA KRUTULIS (WEST LAFAYETTE PUBLIC LIBRARY PD)(PDNR TO PDNR):**
   ****Continued to the October 21st APC meeting at petitioner's request.****
   Petitioner is requesting rezoning for an expansion of the existing West Lafayette Public Library. The proposed two-lot planned development will contain a 13,000 square foot, 3-story expansion of the current library building on Lot 1 (the existing 139-space parking

garage on proposed Lot 2 would not change). The property is located at 208 W. Columbia Street, West Lafayette, Wabash 19 (NW) 23-4.

2. **Z-2799 STENZ / LNHS, LLC (PDMX TO R3):**
   Petitioners are requesting rezoning of 8 lots located at the northeast corner of North 9th Street and Brown Street (currently part of the parking lot for the Old Jeff Centre PD, 619 N. 9th Street) in Lafayette, Fairfield 21 (SW) 23-4.

   Documents:

   Z-2799 STENZ AND LNHS, LLC.PDF

3. **Z-2800 JOSHUA SHIVES (A TO GB):**
   Petitioner is requesting rezoning of Lot 2 of Oliver Subdivision, located at the northwest corner of SR 25 W and CR 500 W, specifically 5000 SR 25 W, in Wayne 22 (SE) 22-5.

   Documents:

   Z-2800 JOSHUA SHIVES.PDF

4. **Z-2801 WALLICK COMMUNITIES (NB TO R3):**
   Petitioner is requesting rezoning of 5.22 acres on the west side of Paramount Drive, just south of Lark apartments (formerly known as Campus Suites), for a proposed 60-unit, three building multi-family development known as Wabash Commons in Wabash 2 (NE) 23-5.

   Documents:

   Z-2801 WALLICK COMMUNITIES.PDF

VI. ADMINISTRATIVE MATTERS

VII. APPROVAL OF THE SEPTEMBER 2ND EXECUTIVE COMMITTEE AGENDA

Documents:

09022020 EXEC AGENDA.PDF

VIII. DETERMINATION OF VARIANCES - ABZA

Documents:

2020-08 CDOV .PDF

IX. DIRECTOR'S REPORT

X. CITIZENS' COMMENTS AND GRIEVANCES

XI. ADJOURNMENT

AREA PLAN COMMISSION OF TIPPECANOE COUNTY
MINUTES OF A PUBLIC HEARING

DATE.....July 15, 2020
TIME.....6:00 P.M.
PLACE..... County Office Bldg.
20 N. 3rd Street
Lafayette, IN 47901

MEMBERS PRESENT	**MEMBERS ABSENT**	**STAFF PRESENT**
Roland Winger	Jackson Bogan	Sallie Fahey
Diana Luper	Dr. Carl Griffin	Chyna Lynch
Vicki Pearl		Don Lamb
Larry Leverenz		Ryan O'Gara
Greg Jones		Zach Williams, Atty.
Tracy Brown		
Tom Murtaugh		
Gary Schroeder		
Kathy Parker		
Lisa Dullum		
Perry Brown		
Carla Snodgrass		
Michelle Long		
Jake Gray		
Jerry Reynolds		

The Area Plan Commission of Tippecanoe County Public Hearing was held virtually on the 15th day of July 2020 at 6:00 P.M., pursuant to notice given and agenda posted as provided by law.

Vice President Larry Leverenz called the meeting to order. He asked that everyone mute their microphones until they wished to speak or vote.

Attorney, Zach Williams, called the roll to establish members present.

I. BRIEFING SESSION

Sallie Fahey said **S-4922 BLACKER MINOR SUBDIVISION (minor-sketch)** must be continued to the August 5th, 2020 Executive Committee meeting because of failure to post signs and send letters to interested persons.

II. APPROVAL OF MINUTES

Gary Schroeder moved to approve the minutes from the June 17, 2020 meeting. Greg Jones seconded and the motion carried by unanimous voice vote.

III. NEW BUSINESS

Final Detailed Plans

RESOLUTION PD-20-06: PURDUE RESEARCH FOUNDATION (Provenance PD) Z-2766:
Final Detailed Plans, consisting of the Final Plat for phase 1 and the Final Plat for phase 2, part 1 for the Provenance Planned Development. The approved preliminary plans allow for a multi-phase, multi-lot, mixed-use neighborhood development containing up to 550 residential units (including both single-family and multi-family) and up to 90,000 square feet of commercial retail. The property is located on the southwest corner of State Street and Airport Road in West Lafayette, Wabash 24 (S1/2) 23-5.

Gary Schroeder moved to hear and approve **RESOLUTION PD-20-06.** Greg Jones seconded.

Ryan O'Gara presented the final detail plans. He said this site is located on the west side of the county. A few months back, the construction plans for phase 1 and 2 were approved and recorded. The final plat consists of two phases. Phase 1 is in the southwest corner of the intersection of State Street and Airport Road and will consist of multi-family apartments and retail. Phase 2 is a small portion of the single-family detached environment and contains five single-family lots. There are street and alley dedications to provide access to these areas. This phase will allow the developer to get the lots platted and building permits. The single-family detached lots will be able to be sold. Bonding is being requested and plans meet all the requirements for this stage of development. Once this has been approved, recorded and bonding has been accepted, they will be cleared to begin formal construction on the buildings. Staff recommended approval.

Larry Leverenz asked if the petitioner or the representative wanted to make a presentation. Curtis Sattison from Old Town Companies did not. Larry 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 15 yes to 0 no.

Yes-Votes		**No-Votes**
Larry Leverenz	Diana Luper	
Roland Winger	Tracy Brown	
Vicki Pearl	Jake Gray	
Lisa Dullum	Perry Brown	
Gary Schroeder	Greg Jones	
Michelle Long	Carla Snodgrass	
Kathy Parker	Tom Murtaugh	
Jerry Reynolds		

IV. PUBLIC HEARING

Larry Leverenz 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 voice vote.

Gary Schroeder moved to continue **S-4922 BLACKER MINOR SUBDIVISION (minor-sketch)** to the August 5th, 2020 Executive Committee Meeting.

Greg Jones seconded and the motion carried by voice vote.

A. Ordinance Amendments

UZO AMENDMENT #97 BUSINESS PARK & GATEWAY DIRECTORY SIGNS:
This amendment would amend the sign section of the UZO and would add a new category of signage: business park signs and gateway directory signs.

Gary Schroeder moved to hear and approve **UZO AMENDMENT #97 BUSINESS PARK & GATEWAY DIRECTORY SIGNS.** Greg Jones seconded.

Sallie Fahey presented the ordinance amendment. She said the purpose of the amendment is to consolidate freestanding signs into a neat package like what is seen in an integrated center where the name of the center has a listing and signage for all the tenants. This amendment was written to try to get the

same kind of signage available for commercial subdivisions. After numerous discussions, staff came up with the definition of a business park which is a commercial subdivision that has internal public streets, more than two lots, a gateway directory sign that is located near the main entrance from the perimeter street that accesses the entire development. The second new definition is a gateway directory sign which has a minimum of 25% of the sign's supporting structure having to be brick, masonry, or stone. The name of the business park would have to be at least 20% of the total sign area. The size and height of the sign directory would follow the same requirements as section 4-8. It would be required that the gateway directory sign would have to be erected within a sign easement which would be part of the subdivision plat. There is some additional guidance on how signage is calculated for a gateway directory sign. The signage is calculated based on the zoning district, how many acres are within the entire development and the speed of the adjacent roadway. The height maximum and the setback are the same as any other freestanding sign which is the same as the sign's height. Originally there was a section that would have limited the number of freestanding signs at a standalone commercial lot. However, the Ordinance Committee voted to remove that section of the amendment at the meeting in July. It is staff's opinion that the playing field needs to be leveled in order to make this work. The only way to level the playing field and promote these business park gateway directory signs is if there is no additional advantage for a standalone lot to have multiple freestanding signs in excess of what a lot in a business park could have. Taking this section out takes away the level playing that was trying to be established. In the staff report is Attachment A which is the way the amendment came out of the Ordinance Committee and Attachment B which is the way the amendment was originally proposed and in staff's opinion keeps the playing field level. If the Commission wants to discuss Attachment B, staff will offer a compromise for Attachment B in section 3.

Chad Spitznagle, City of West Lafayette Building Commissioner, said he agreed with Sallie that the original intent was to level the playing field and not pollute the standalone lot with multiple freestanding signs. Several of the lots will have more than one frontage and will have plenty of sign area they can put on their building. Directional signage can also have a logo, so the back side of a building could have a business sign or logo. After the work on this, Attachment B is the best option.

Debbie Mann, 6925 E 96TH Street, Indianapolis, IN 46250, said Sallie and her staff have worked with Mann Properties on this amendment. What staff is trying to do makes sense. The original intention was for the Sagamore Commons development to have the integrated sign. She said they did not want to also put up a pylon sign, so they proposed to take some of the signage away from the individual lot owners. The lot owners would still have fascia signs and a possible monument sign instead of each lot having a large freestanding sign. As a developer, they never want to take signage away from retailers, but this seemed like a fair option. If it is not a business park and it is a standalone lot, they have more signage.

Jerry Reynolds said he thought sections 3 and 5 were eliminated at Ordinance Committee.

Sallie Fahey said that is correct. Attachment A shows the changes made at Ordinance Committee where sections 3 and 5 are eliminated and section 4 becomes the new section 3. Attachment B is the amendment as it was originally proposed and keeps sections 3 and 5.

Zach Williams said there is also the 'up to 2 frontages' language in section 2 that was removed twice.

Gary Schroeder asked if he made a motion for Attachment A.

Sallie Fahey said he made a motion for Attachment A. To do what staff is proposing would need to a motion substituting Attachment B for Attachment A.

Gary Schroeder asked if Attachment A represents what was approved at the Ordinance Committee meeting.

Sallie Fahey said that is correct.

Zach Williams said Attachment A is what Ordinance Committee passed forward and that is what is currently on the floor. If there are changes made after discussion, a motion will have to be made.

Larry Leverenz said Attachment A is currently on the floor as it stands. That is what is being discussed and voted on at this point. If anyone wants to change it, an amended motion would need to be made.

Tom Murtaugh asked why the changes were made at the Ordinance Committee meeting.

Gary Schroeder said there are some locations like at SR 26 and US 52 that have signs on both sides. The original example was the Speedway at SR 38 and Creasy Lane with the 2 perpendicular signs each facing the different traffic directions. This is something the Board of Zoning Appeals would approve so the Committee did not want to make an ordinance against something that is appropriate. This ordinance would make a lot of signs non-conforming. These signs typically happen when a business is on a corner. Some businesses put up an angled sign and some put one on each road. Regarding the Speedway, it is a busy intersection and their signage is appropriate.

Sallie Fahey said if there was some concern about corner lots or three-sided lots, staff has a change they are willing to make as a compromise between the two attachments. In section 3, where it says '1 per 2,000 total linear feet of all frontages' if the Commission is willing to go back to Attachment B, then staff would be willing to propose that this part say '1 per each road frontage up to a maximum of 2 signs.' If a lot had 2 or 3 road frontages, they could still have 2 signs. If it had 1 road frontage, it could have 1 sign. What staff does not want to happen is to have a lot with 3 sides and get 3 freestanding signs whereas a lot in a business park in that situation would be on the business park sign and get one freestanding sign. Staff is concerned this amendment would not encourage people into a business park if they could choose a lot not in a business park and get much more signage. The intent was to encourage consolidated signage through this business park amendment. This proposed compromise in section 3 of Attachment B allows a corner lot or a three-sided lot to still get at least 2 signs.

Larry Leverenz asked if section 5 would go back in if the compromise was agreed upon.

Sallie Fahey said that is correct because that really affects other things, not just the freestanding signs.

Gary Schroeder said Attachment A has been worked on and agreed to. There are a few people that are on the Ordinance Committee that are not here this evening. He proposed that motion on the floor be approved and Attachment B be sent back to the Ordinance Committee to be discussed.

Jerry Reynolds said he agreed. We are fixing one problem and then causing other people to no longer be compliant. He said he drove by the Speedway and other locations in Lafayette that would no longer be compliant.

Larry Leverenz asked if Attachment A is passed, if it will go to the jurisdictions to be passed. It does not make sense to pass Attachment A to the jurisdictions for approval and we come back with something else after Ordinance Committee. If there are enough questions, this should be taken back to Ordinance.

Tom Murtaugh said he thinks that is a better solution.

Roland Winger said he agreed.

Carla Snodgrass said she also agreed.

Perry Brown moved to table **UZO AMENDMENT #97** and send it back to Ordinance Committee. Gary Schroeder seconded.

Zach Williams conducted a vote by roll call. The motion was approved 15 yes to 0 no.

Yes-Votes		**No-Votes**
Larry Leverenz	Diana Luper	

Roland Winger	Tracy Brown
Vicki Pearl	Jake Gray
Lisa Dullum	Perry Brown
Gary Schroeder	Greg Jones
Michelle Long	Carla Snodgrass
Kathy Parker	Tom Murtaugh
Jerry Reynolds	

B. Rezoning Activities

Z-2796 STEVEN D. HABY (GB to R1B):

Petitioner is requesting rezoning of the northwest corner of Elston Road and Old Romney Road, specifically, 2360 Old Romney Road and 410 Elston Road (there are two houses on one lot), Lafayette, Fairfield 31 (SE) 23-4.

Gary Schroeder moved to hear and approve **Z-2796 STEVEN D. HABY (GB to R1B).** Greg Jones seconded.

Ryan O'Gara presented the zoning map and aerial photos. He said this area in Lafayette is quite a patchwork of zoning districts. The site is located on the northwest corner of the intersection and is zoned GB. There are currently two houses on the site that are connected to sewer by one tap and share a well. The plan after the rezone is to submit a minor subdivision petition to formally divide the land so that there is one lot per house. The houses will then be individually connected to city utilities. Prior to the 1998 Ordinance, residential uses were permitted in the GB zone, so the uses are legally non-conforming. This petition is an effort to clean up the non-conformities. The first step will take care of the zoning aspect and the subdivision down the road will correct the lack of separate lots. Staff recommended approval.

Larry Leverenz asked if the petitioner or the representative wanted to make a presentation.

Steven Haby, 1129 Ocala Avenue, Lafayette, IN 47904, petitioner, thanked the commission and respectfully requested approval.

Don Lamb said the subdivision has been submitted. It is called Elston Acres Subdivision and will be heard at the August 5th, 2020 Executive Committee meeting.

Larry Leverenz 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 15 yes to 0 no.

Yes-Votes		**No-Votes**
Larry Leverenz	Diana Luper	
Roland Winger	Tracy Brown	
Vicki Pearl	Jake Gray	
Lisa Dullum	Perry Brown	
Gary Schroeder	Greg Jones	
Michelle Long	Carla Snodgrass	
Kathy Parker	Tom Murtaugh	
Jerry Reynolds		

Z-2797 RESONS, LLC (PDRS to R4W):

Petitioner is requesting rezoning of 1 lot located at the northeast corner of Chauncey Avenue and North Street, specifically, 302 N. Chauncey Avenue (formerly the Chauncey Townhomes PD) in West Lafayette, Wabash 19 (NE) 23-4.

Gary Schroeder moved to hear and approve Z-2797 RESONS, LLC (PDRS to R4W). Greg Jones seconded.

Ryan O'Gara presented the zoning map and aerial photos. He said this is an unusual rezone going from PDRS back to a residential zone. This planned development was approved back in 2004 with the intent to create a structure that conformed with the R3W zone. That PD had a strict clause not easily undone that prohibited units in the basement level. This rezone petition would allow the residential density to expand because R4W does not have a density cap. There will not be many changes structurally to the outside. If rezoned, they would have to abide by R4W standards if they made any changes. As far as conforming to the new West Lafayette Downtown Plan, this block is described as a transition zone for residential densities moving from the core area of the Village north to the New Chauncey Neighborhood. This proposal conforms with the idea of having a variety of densities. Staff recommended approval.

Larry Leverenz asked if the petitioner or the representative wanted to make a presentation.

Christopher Shelmon, 250 Main Street, Lafayette, IN 47901, representative for petitioner, said he agreed with the staff report. The petitioners plan on leaving everything as is and adding a bedroom with access in the basement. He thanked the Commission and respectfully requested approval.

Larry Leverenz 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 15 yes to 0 no.

Yes-Votes		**No-Votes**
Larry Leverenz	Diana Luper	
Roland Winger	Tracy Brown	
Vicki Pearl	Jake Gray	
Lisa Dullum	Perry Brown	
Gary Schroeder	Greg Jones	
Michelle Long	Carla Snodgrass	
Kathy Parker	Tom Murtaugh	
Jerry Reynolds		

V. ADMINISTRATIVE MATTERS

None.

VI. APPROVAL OF THE AUGUST EXECUTIVE COMMITTEE AGENDA

Gary Schroeder moved that the following requests for subdivision be placed on the August 5, 2020 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-4927 AYALA MINOR SUBDIVISION (minor-sketch);
S-4928 FRANKS FIELD MINOR SUBDIVISION (minor-sketch);
S-4929 NORFLEET COMMERCIAL SUBDIVISION, PART 3, A REPLAT OF PARTS 1 & 2 (minor-sketch); and
S-4930 ELSTON ACRES MINOR SUBDIVISION (minor-sketch).

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

VII. DETERMINATION OF VARIANCES – ABZA

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

BZA-2038 BILL J. PHILLIPS;
BZA-2040 PURDY O'NEALL FARM, LLC; and

BZA-2041 MURTAUGH LAW, LLC.

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

VIII. DIRECTOR'S REPORT

Sallie Fahey said unless there are questions, she had nothing to add to the report she sent out.

IX. CITIZEN'S COMMENTS AND GRIEVANCES

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

X. ADJOURNMENT

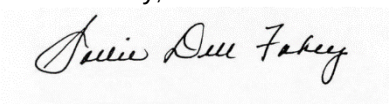
Gary Schroeder moved to adjourn.

The meeting adjourned at 6:54 pm.

Respectfully Submitted,

Chyna R. Lynch
Recording Secretary

Reviewed By,



Sallie Fahey

UZO Amendment #97
BUSINESS PARK/GATEWAY DIRECTORY SIGNS

Revised Staff Report
August 13, 2020

This amendment would create a definition for a new type of development called a "business park" with limits placed on the amount and type of signage the businesses within the development could have. The amendment also creates a new type of sign called a "gateway directory sign" which is similar to an integrated center sign. Erecting a gateway directory sign near the entrance to a commercial development means the development is a business park and the signage requirements found in the definition of a business park would dictate the type and size of signs permitted for each business. The amendment also made changes to the UZO's existing signage regulations.

At last month's APC meeting, staff presented two different proposals regarding existing signage regulations: one recommended by staff and the Administrative Officers, that reduced the total amount of signage a business could have (as well as limiting a business's number of freestanding signs), and a second proposal recommended by the Ordinance Committee that did not change the current sign regulations. (Both proposals created a new type of sign called a "gateway directory sign" and created sign restrictions in a development defined as a "business park.") Instead of choosing a proposal, the Area Plan Commission voted to send the amendment back to Ordinance Committee for further discussion.

At the Ordinance Committee meeting in July a compromise amendment was discussed and approved. No changes were made to the originally proposed "gateway directory sign" or the "business park" definitions. The changes made were only to the existing signage regulations that apply to stand-alone businesses. Currently the UZO allows one freestanding sign per road frontage. A corner lot gets two freestanding signs; a business with three road frontages gets 3 freestanding signs and so on. Luckily, most business owners have not been taking advantage of this law. Instead of limiting freestanding signs to one per 2000' of road frontage (staff's original proposal); the proposal is now to allow up to two freestanding signs as long as the business has two street frontages and the signs are separated by a minimum of 500 linear feet of road frontage.

The other change would slightly lessen the amount of signage a business would be permitted. Currently, the UZO gives a bonus for businesses that have multiple street frontages. Every street the business touches gives the business additional signage. Staff attempted to change that so that only two street frontages could be counted when determining the allotment of signage allowed. The compromise position reached by Ordinance Committee and staff was to limit this to counting no more than 3 street frontages in the sign allotment calculations.

The unfortunate result of a compromise is…instead of one group being unhappy and another group being happy, no one is exactly happy and getting everything they desired. However, this proposal is fairer and is a small step towards limiting a too liberal UZO freestanding sign section. This compromise amendment has the approvals of both Lafayette and West Lafayette City Engineer's Offices as well as Ordinance Committee and APC staff.

RECOMMENDATION:
approval

ORDINANCE NO._____

AN ORDINANCE AMENDING
ORDINANCE NO._____
BEING THE UNIFIED ZONING ORDINANCE
OF TIPPECANOE COUNTY.

Be it ordained by the (County Commissioners of Tippecanoe County, Indiana; the Common Council of the City of Lafayette, Indiana; the Common Council of the City of West Lafayette, Indiana; the Town Council of the Town of Battle Ground, Indiana; the Town Council of the Town of Dayton, Indiana; and the Town Council of Clarks Hill, Indiana), that Ordinance No._____, being the Unified Zoning Ordinance of Tippecanoe County is hereby amended as follows:

Section 1. Add two new definitions to **UZO Section 1-10-2 WORDS AND TERMS DEFINED** as follows:

BUSINESS PARK. A commercial subdivision with internal public streets, containing more than two lots, the limits of which are created by the approved preliminary plat, with a ***gateway directory sign*** located near the main entrance from the perimeter arterial street, that advertises the businesses located on the lots within the subdivision. In addition to advertising on the ***gateway directory sign***, businesses within a business park may have no more than one ***monument sign*** equal to up to 50% of the business's total allotment of signage located on its ***sign-lot***. All other signage for businesses within the business park shall be fascia signage. A business park is not an ***integrated center***.

GATEWAY DIRECTORY SIGN. A sign located at the main entrance of a ***business park*** that advertises the businesses located within a commercial subdivision. A minimum of 25% of the sign's supporting structure shall be composed of brick, masonry, or stone. The name of the ***business park*** shall comprise at least 20% of the total sign area of the gateway directory sign. The size and height of a gateway directory sign is as described in Section 4-8 below. A gateway directory sign may only be erected within a sign easement.

Section 2. **Change UZO 4-8-5 Maximum Sign Area Per Sign-lot, By Zone** to read as follows:

The maximum total ***sign*** area for a ***sign-lot*** (except for ***building marker signs***, ***gateway signs***, ***gateway directory signs,*** ***incidental signs***, ***flags*** and ***event oriented signs*** which are exempt from this section), is calculated using the following table. It is determined for up to three ***street frontages*** along a private or public ***road*** by multiplying the appropriate ***zonal base rate*** by the ***road*** speed limit factor, the ***building setback*** factor, and the percent of permitted ***freestanding sign*** area used. A ***sign-lot's*** maximum total ***sign*** area is then the calculated sum of the ***sign*** areas for ~~all~~ up to three ***street frontages***, unless that sum falls below the ***sign area assurance*** or above the ***sign area cap*** noted on the following page. Except as indicated in 4-8-6 below regarding

freestanding signs, the total ***sign*** area may be applied at any location on a ***sign-lot***. See 4-8-7 below for maximum ***sign*** area for ***primary uses*** within ***integrated centers*** and for ***integrated center signs***. Notes follow on the next page. A worksheet can be found in Appendix D.

Section 3. Change **UZO 4-8-6 Number of Freestanding Signs per Sign-Lot** as follows:

	Institutional Use: Res/Rural zone	MRU NBU NB OR MR GB HB CB	I1, I2, I3
MAX. NUMBER OF FREESTANDING SIGNS	1 per ~~each road frontage~~ street frontage, up to a maximum of 2 signs which shall be separated by at least 500' of total street frontage		

Section 4. Add two new charts as **UZO 4-8-8 (b) and (c)** to calculate the area and height of gateway directory signs as follows:

Gateway Directory Sign Area equals:

Zonal Base Rate x	Property area factor	x Road speed limit factor
40 sq.ft.	10 acres or smaller = 1.5	40mph or less = 1.5
	Over 10 acres = 2.5	45mph or more = 2.5

Gateway Directory Sign height maximum:

Sign Area	Sign Height
100 square feet or less	20'
101 to 200 square feet	25'
Over 200 square feet	30'

Minimum sign setback is no less than the sign height.

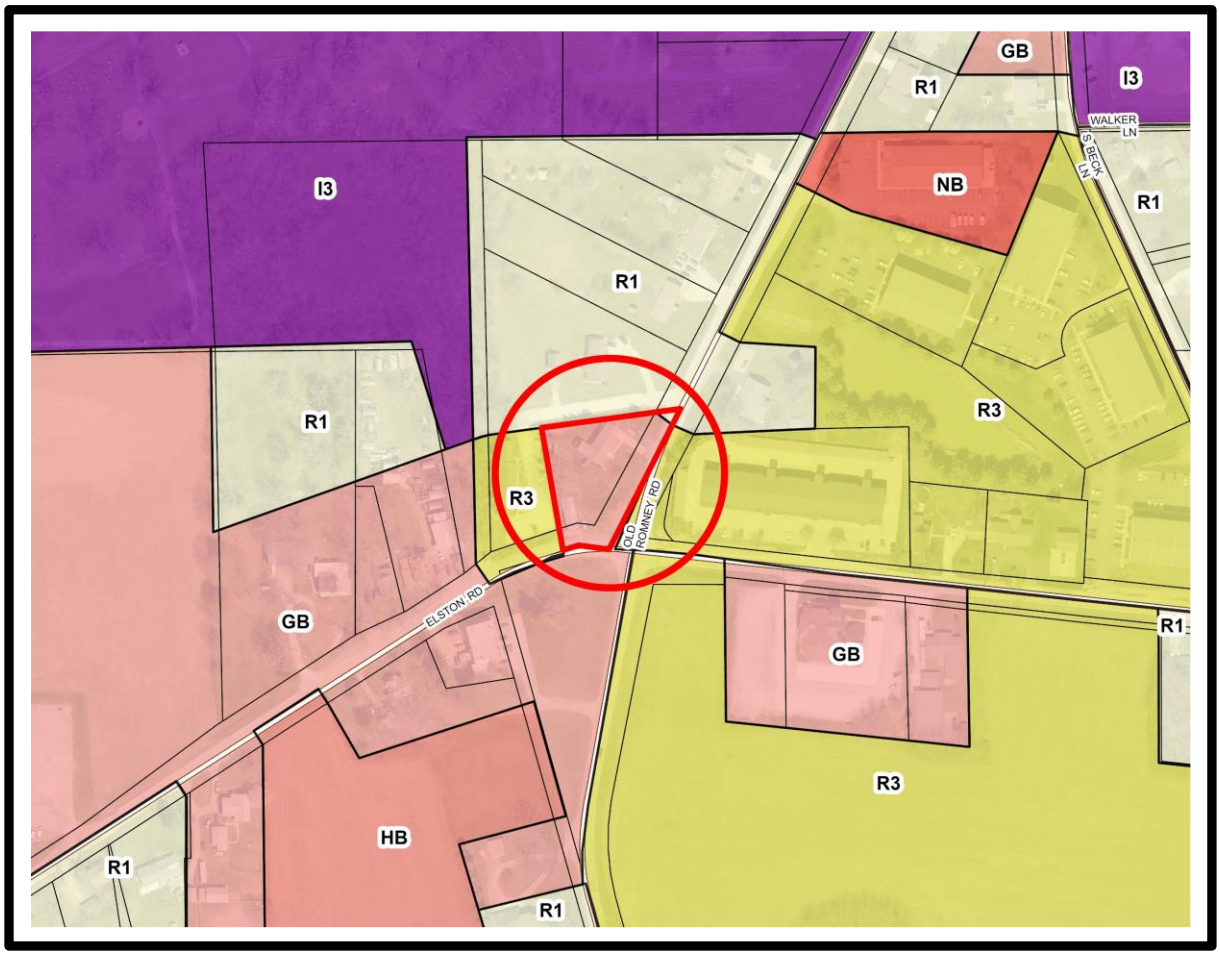
Section 5. Change the sign worksheet in **UZO Appendix D-2** as follows:

Step 1: Calculate A x B x C x D (for every frontage not to exceed three) = E

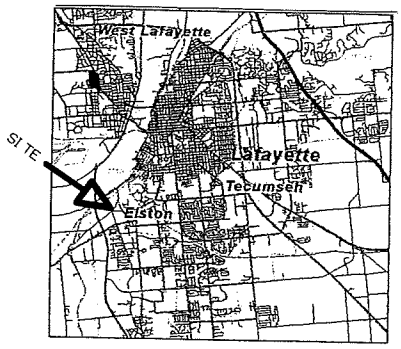
This ordinance shall be in full force and effect from and after its passage.

S-4930
ELSTON ACRES MINOR SUBDIVISION
(minor-sketch)

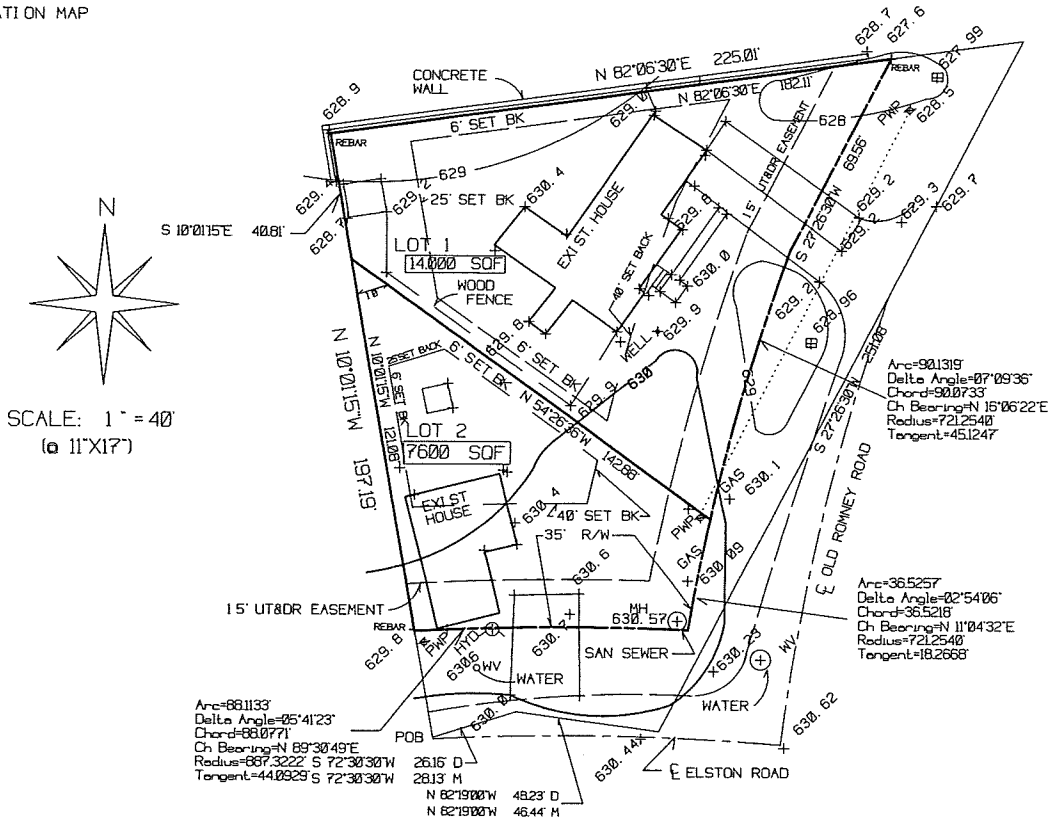
STAFF REPORT
July 9, 2020



ELSTON ACRES MINOR SUBDIVISION



LOCATION MAP



LEGAL DESCRIPTION

(This legal description prepared by Robert R Grove, PLS 80910020, June 29, 2020)

A part of the Southeast Quarter of Section 31, Township 23 North, Range 4 West, Fairfield Township, Tippecanoe County, Indiana more particularly described as follows:

Commencing at the Northwest corner of the Southeast Quarter of said Section 31 thence South 00° 10' 30" West along the West line of the Southeast Quarter of said Section 31, a distance of 695.20 feet to the approximate centerline of Elston Road; thence North 57° 49' 30" East along the approximate centerline of Elston Road, a distance of 21.45 feet; thence North 72° 30' 30" East along the approximate centerline of Elston Road, a distance of 106.94 feet to the Point of Beginning; thence North 10° 01' 15" West, a distance of 197.19 feet to a rebar; thence North 82° 06' 30" East, a distance of 225.01 feet to the approximate centerline of Old Romney Road; thence South 27° 26' 30" West along the approximate centerline of Old Romey Road, a distance of 251.08 feet to the approximate centerline of Elston Road; thence North 82° 19' 00" West along the approximate centerline of Elston Road, a distance of 48.23 feet (deed), 46.44 feet (measured); thence continuing along the approximate centerline of Elston Road South 72° 30' 30" West, a distance of 26.16 feet (deed) 28.13 feet (measured) to the Point of Beginning containing 0.686 acres more or less.

elstonCK

ELSTON ACRES MINOR SUBDIVISION SKETCH PLAN	
PREPARED BY:	R. R. GROVE. P. E.\L. S.
DATE: 7-01-2020 SHT. 1 of 1 REV.	3421 Ingram Ct. LAFAYETTE. In 47909 Phone: (765) 250-5073

S-4930
ELSTON ACRES MINOR SUBDIVISION
Minor-Sketch Plan

Staff Report
July 30, 2020

REQUEST MADE, PROPOSED USE, LOCATION:
Petitioner and property owner Steve D. Haby, represented by Robert Grove, surveyor, is seeking primary approval to create two lots on 0.686 acres of unplatted land, located at the northwest corner of Old Romney Road and Elston Road, specifically, 2360 Old Romney Road, Lafayette, Fairfield 31 (SE) 23-4.

AREA ZONING PATTERNS:
Currently the property is zoned GB; however, a rezone request for R1B zoning received a recommendation of approval from the Area Plan Commission and will be heard by Lafayette City Council at its meeting on August 3rd just two days before the Executive Committee meeting. Other adjacent zoning districts in this part of the city include R3, R1 and GB.

AREA LAND USE PATTERNS:
The proposed subdivision currently has two single-family houses. Both the residential rezone and this two-lot subdivision will correct many of the nonconformities on site and would allow the houses to be sold separately. Most properties in the area have single-family homes or multi-family apartment buildings.

TRAFFIC AND TRANSPORTATION:
Both Elston and Old Romney Road at this property are classified as urban secondary arterials which requires a 35' half-width right-of-way. This required dedication has been shown on the sketch plan. According to the Lafayette Engineer's Office, they "have no issue with maintaining the existing access points." A "no vehicular access" statement is not required. A mortgage affidavit has already been filed.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:
According to the engineer's office regarding utilities, "no concerns from our office on this. Sewer and water are available directly to both lots. We do not anticipate any drainage impacts."

CONFORMANCE WITH UZO REQUIREMENTS:
Setbacks shown meet the ordinance standards for R1B zoned property. Likewise, the widths and lot areas of both lots meet ordinance requirements for the R1B zone.

STAFF RECOMMENDATION:
Conditional primary approval, contingent on the following:

A. Conditions

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

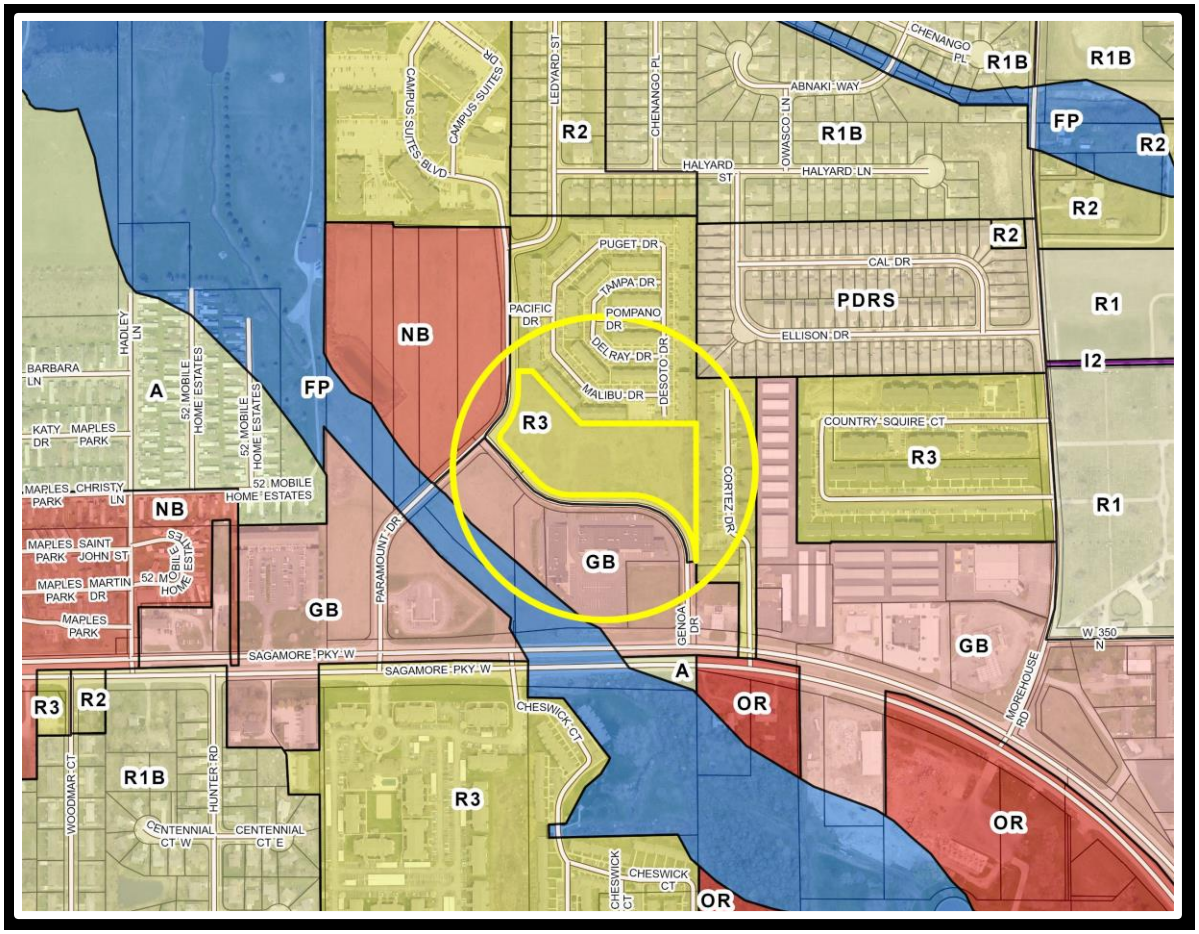
1. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).

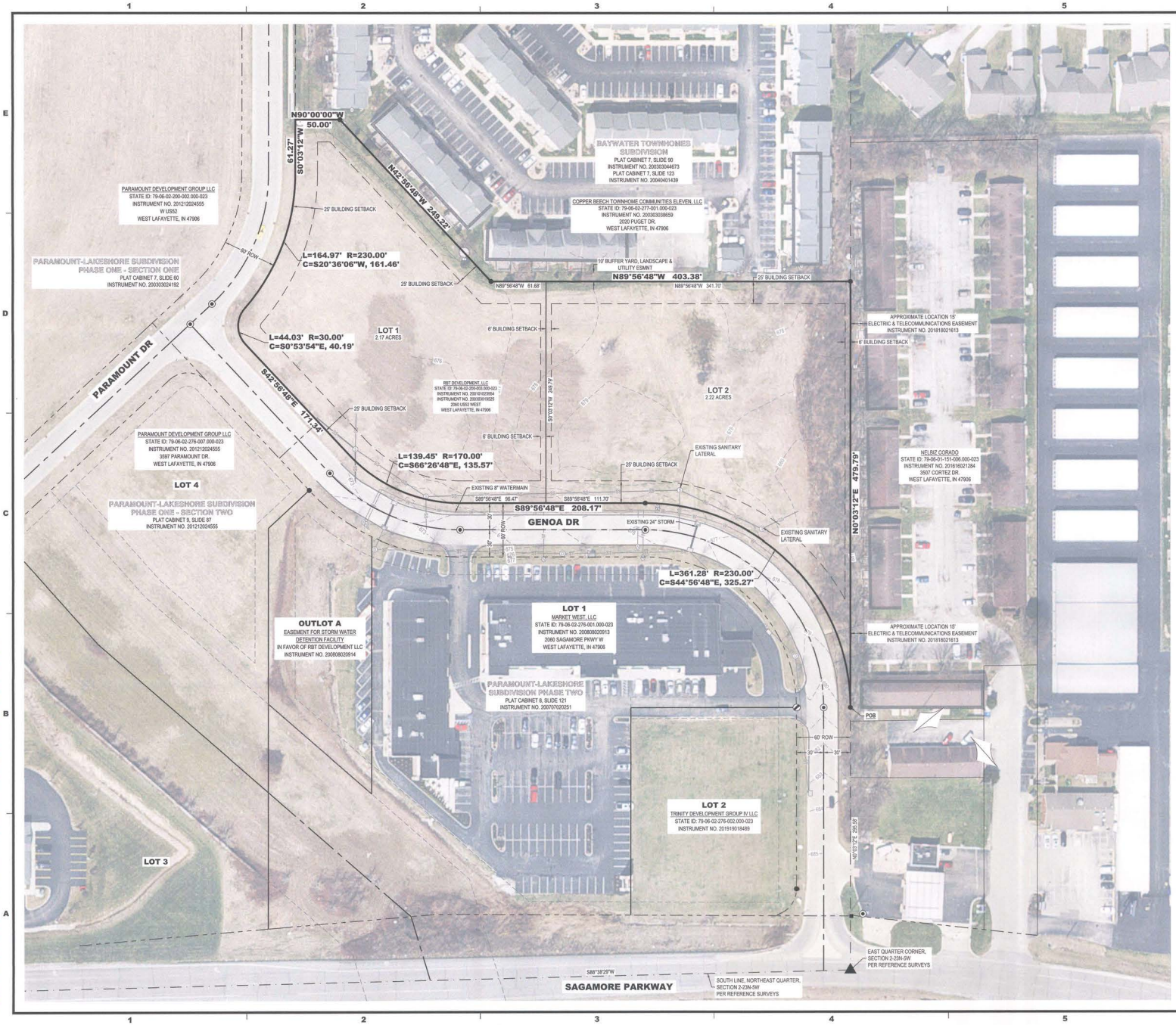
2. All required building setbacks shall be platted.

3. The street addresses and County Auditor's Key Number shall be shown.

S-4931
PARAMOUNT MINOR SUBDIVISION
(minor-sketch)

STAFF REPORT
August 13, 2020





SKETCH PLAN

PARAMOUNT MINOR SUBDIVISION

A PART OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 23 NORTH, RANGE 5 WEST, WABASH TOWNSHIP, TIPPECANOE COUNTY, INDIANA

LEGAL DESCRIPTION

A part of the Northeast Quarter of Section 2, Township 23 North, Range 5 West, Wabash Township, Tippecanoe County, Indiana and being depicted on an ALTA / NSPS Land Title Survey prepared by TBIRD Design Services Corp., Project No. 19070, and being more completely described as follows:

COMMENCING at a Bernsen Monument marking the East Quarter Corner of said Section; thence along the East Line of said Section, North 0°03'12" East , 295.58 feet to a 5/8-inch diameter rebar with yellow plastic cap stamped "TBIRD PRM #0652"; hereinafter referred to as a TBIRD capped rebar, marking the POINT OF BEGINNING; thence continue along said East Line, North 0°03'12" East, 479.79 feet to a 5/8-inch diameter rebar marking the southeast corner of Baywater Townhomes Subdivision, as depicted on the plat thereof, recorded in Plat Cabinet 7, Slide 90 as Instrument Number 200303044673 and Plat Cabinet 7, Slide 123 as Instrument Number 200404011439 in the Office of the Tippecanoe County Recorder; thence along the southerly bounds of said Baywater Townhomes Subdivision for the following three (3) courses: 1) North 89°56'48" West, 403.38 feet to a rebar with yellow plastic cap stamped "FISHER PC 3082"; 2) North 42°56'48" West, 249.22 feet to a 5/8-inch diameter rebar; 3) North 90°00'00" West, 50.00 feet to the easterly right of way of Paramount Drive as depicted on the plat of Paramount-Lakeshore Subdivision Phase One - Section One, recorded in Plat Cabinet 7, Slide 60 as Instrument Number 200303024192 in said recorder's office; thence along said easterly right of way for the following two (2) courses: 1) South 0°03'12" West, 61.27 feet; 2) along a tangent curve to the right, said curve having a radius of 230.00 feet and chord bearing South 29°36'06" West, 161.46 feet, an arc distance of 164.97 feet; thence along the northerly right of way of Genoa Drive as depicted on sold plat of Paramount-Lakeshore Subdivision Phase One - Section One and also as depicted on the plat of Paramount-Lakeshore Subdivision Phase Two, recorded in Plat Cabinet 8, Slide 121 as Instrument Number 200707020251 in said recorder's office for the following five (5) courses: 1) along a tangent curve to the left, said curve having a radius of 30.00 feet and chord bearing South 0°53'54" East, 40.19 feet, an arc distance of 44.03 feet; 2) South 42°56'48" East, 171.34 feet; 3) along a tangent curve to the left, said curve having a radius of 170.00 feet and chord bearing South 66°26'48" East, 135.57 feet, an arc distance of 139.45 feet; 4) South 89°56'48" East, 208.17 feet to a TBIRD capped rebar; 2) along a tangent curve to the right, said curve having a radius of 230.00 feet and chord bearing South 44°56'48" East, 325.27 feet, an arc distance of 361.28 feet to the POINT OF BEGINNING, containing 4.39 acres, more or less.

LAST INSTRUMENT CONVEYING TITLE TO SUBJECT PROPERTY:

TITLE HOLDER:	RBT DEVELOPMENT LLC
INSTRUMENT NUMBER:	200101023054
KEY NUMBER:	79-06-02-200-003.000-023
GRANTOR:	PURDUE RESEARCH FOUNDATION
GRANTEE:	RBT DEVELOPMENT LLC

SURVEY NOTE

This drawing does not represent a boundary survey of the property depicted. This plat has been prepared pursuant to section 3.4 (Minor Subdivisions), and section 6.1 & 6.2 (Sketch Plan & Preliminary Plat), of the Unified Subdivision Ordinance of Tippecanoe County as amended, and is based on survey work by TBIRD Design Services Corp. Project No. 19070.

LAND SURVEYOR'S CERTIFICATE

The undersigned, a Registered Professional Land Surveyor of the State of Indiana does hereby certify that the above preliminary plat was prepared under his direct supervision.

CERTIFIED BY:

Justin R. Frazier, PLS DATE

N

0' 50' 100'

HORIZONTAL SCALE: 1" = 50'

SEWER & WATER AVAILABILITY

WATER	AN INDIANA AMERICAN WATER MAIN EXISTS WITHIN THE RIGHT-OF-WAY OF GENOA DRIVE AS DEPICTED. ALL WATER FACILITIES ON SITE ARE TO BE PRIVATE.
SEWER	AN AMERICAN SUBURBAN SEWER EXISTING IN THE RIGHT-OF-WAY OF GENOA DRIVE AS DEPICTED. ALL SANITARY FACILITIES ON SITE ARE TO BE PRIVATE.

TBIRD Design Services Corporation
Engineering • Surveying
Environmental • Construction Management
105 North 15th Street • Lafayette, Indiana
(765) 742-7800 • info@tbirddesign.com
www.tbirddesign.com

CERTIFIED BY:

JUSTIN R. FRAZIER REGISTERED NO. 20600035 STATE OF INDIANA PROFESSIONAL LAND SURVEYOR

07/17/2020

PARAMOUNT MINOR SUBDIVISION
JORDAN CUSTOM HOMES, LLC
5134 GREENVIEW CT, BATTLE GROUND, IN 47920

MARK	DATE	DESCRIPTION

PROJECT NO:	19070
FILE:	19070-SKETCH PLAN-MINOR.DWG
DRAWN BY:	JSH
CHECKED BY:	PEW

LOCATION:
A PART OF THE NE QUARTER OF SECTION 2, TOWNSHIP 23 NORTH, RANGE 5 WEST, WABASH TOWNSHIP, TIPPECANOE COUNTY, INDIANA

TITLE:
SKETCH PLAN

1

FILE: P:\2019\19070 Jordan Paramount Lakeshore Property\DRAWINGS\SURVEY\19070-SKETCH PLAN-MINOR.dwg USER: NICK DISHLACKNO DATE: Friday, July 17, 2020 12:42:44 PM

S-4931
PARAMOUNT MINOR SUBDIVISION
Minor-Sketch Plan

Staff Report
August 13, 2020

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, Jordan Custom Homes LLC (by Jacob Jordan and represented by Justin Frazier of TBIRD Design Services Corp) with consent of the owner (RBT Development LLC) is seeking primary approval for two lots on 4.39 acres, located on the north side of Genoa Drive and east side of Paramount Drive, in Wabash 2(NE)23-5.

The purpose of this simple two lot plat is to create a separate sellable lot for a future apartment complex on the east lot (Lot 2). A multi-family major sketch plan was filed and reviewed in January for this purpose. However, the owner wants to close the sale of Lot 2 before the multi-family subdivision plans are complete.

AREA ZONING PATTERNS:

This site is zoned R3, as are properties adjoining on the north and east. Farther north are R1B and R2 zones plus more R3 to the northwest. To the south is GB zoning plus certified FP boundaries for the Cuppy McClure regulated drain. Land located across Paramount Drive to the west is zoned NB. Farther to the east are more GB and R3 zoned properties. Also on this meeting's agenda is a petition to rezone the north half of the adjacent NB to R3 (Z-2801 Wallick Communities).

AREA LAND USE PATTERNS:

These 4+ acres are vacant. To the south, across Genoa Drive, is a shopping center. To the southwest, on the other side of the flood plain is a bank. To the west are open available commercial tracts. Adjoining on the east is an older apartment complex. To the north is the Baywater Townhomes apartments. Farther north are the Campus Suites apartment complex and Lakeshore Subdivision, Phase 1 (two-family and single-family residential).

TRAFFIC AND TRANSPORTATION:

The adjoining public streets, Paramount Drive and Genoa Drive, are classified by the *Thoroughfare Plan* as urban local roads and provide access from Sagamore Parkway West for all of the prior mentioned developments. All necessary rights-of-way have been dedicated in previously recorded final plats.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:
This area is served by American Suburban Utilities sanitary sewer and Indiana American Water. Service laterals will be able to tap into the existing mains located along the north side of Genoa Drive and both sides of Paramount Drive.

CONFORMANCE WITH UZO REQUIREMENTS:
All required building setbacks are shown and the two lots exceed the minimum area and width standards for R3 zoning.

STAFF RECOMMENDATION:
Conditional primary approval, contingent on the following:

A. Conditions

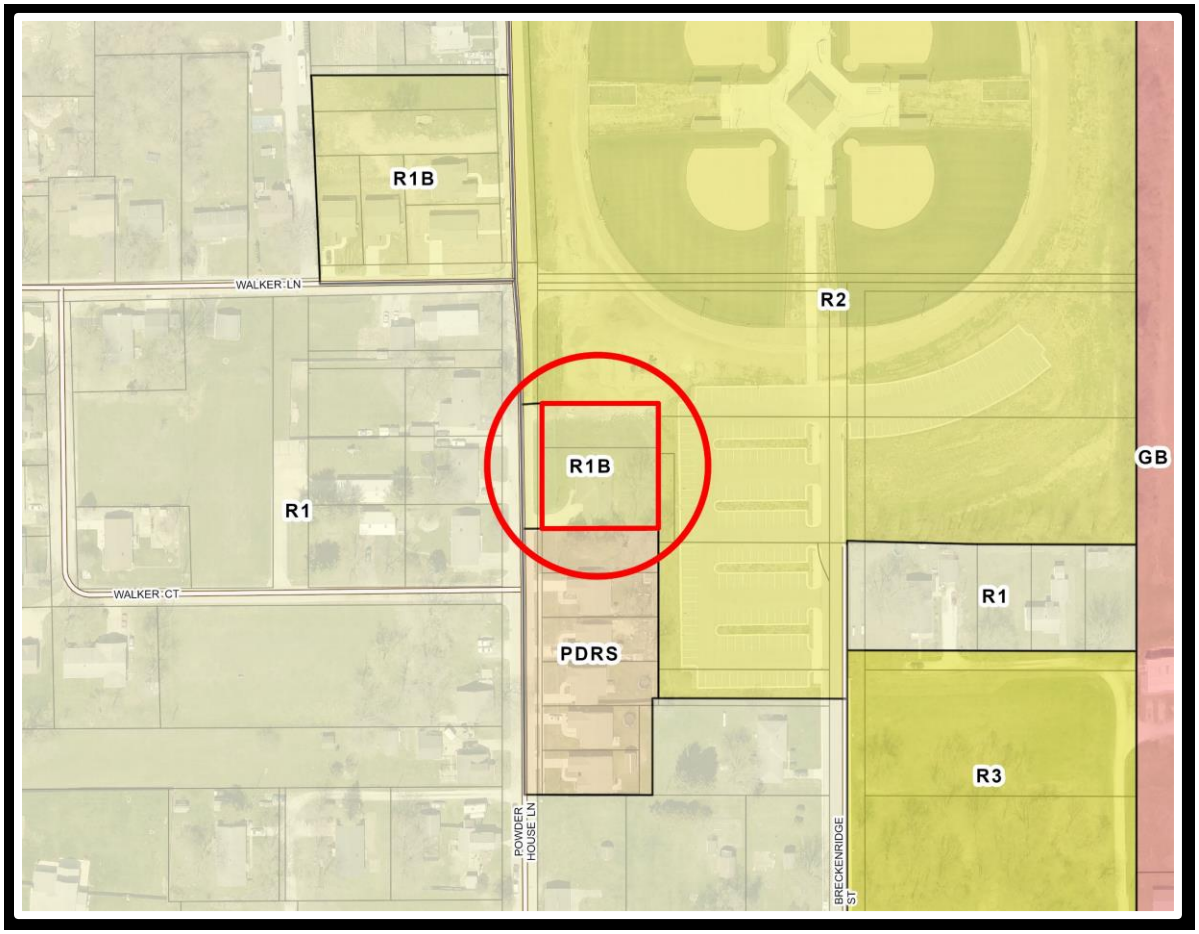
1. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).

2. All required building setbacks shall be platted.

3. The street addresses and County Auditor's Key Number shall be shown.

S-4932
CROSSER COMMONS MINOR SUBDIVISION
(minor-sketch)

STAFF REPORT
August 13, 2020

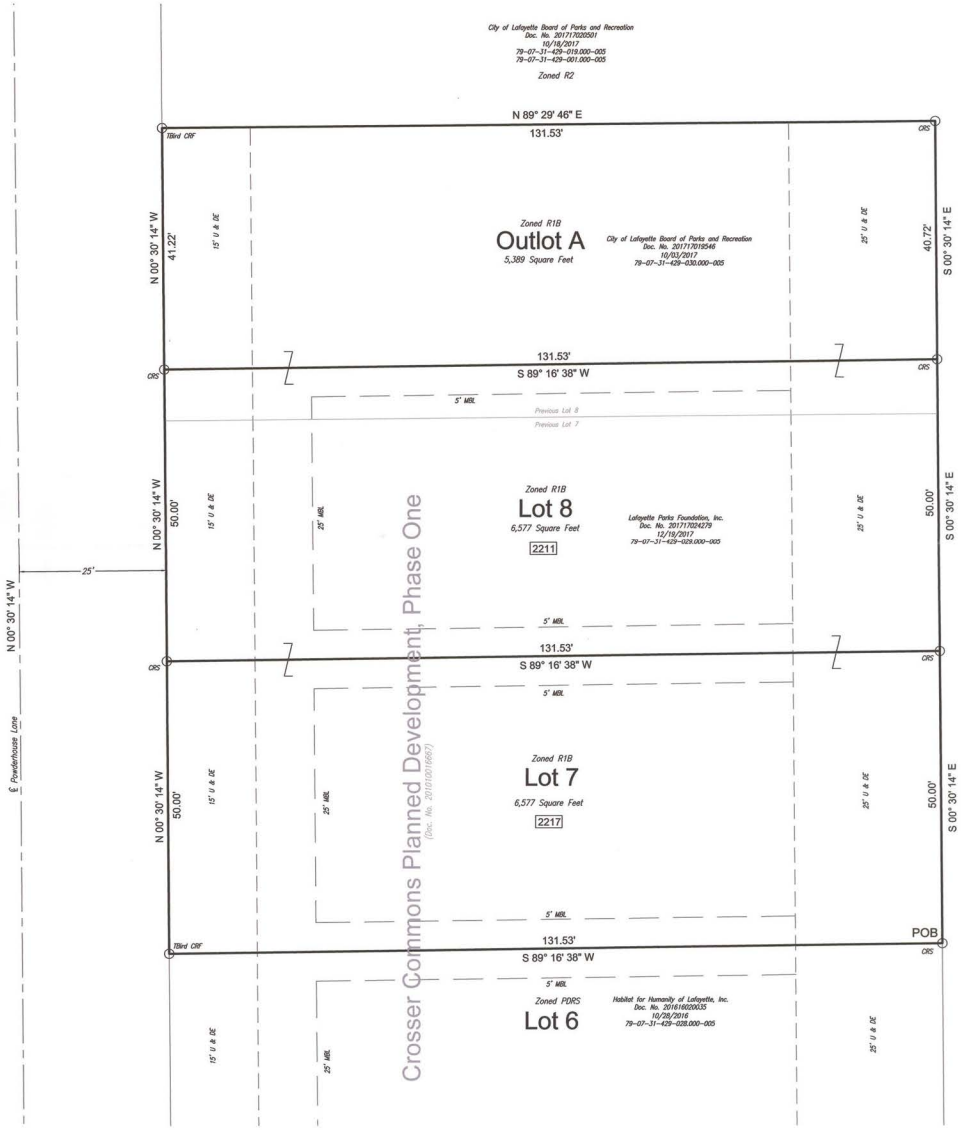


CROSSER COMMONS MINOR SUBDIVISION (SKETCH PLAN)

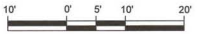
A REPLAT OF LOTS 7 & 8 IN CROSSER COMMONS PLANNED DEVELOPMENT

DESCRIPTION OF CROSSER COMMONS MINOR SUBDIVISION:

Lot Numbers 7 and 8 in Crosser Commons Planned Development, Phase One, as recorded in Document Number 201010016667 in the Office of the Recorder of Tippecanoe County, Indiana, and being a part of the East Half of the Southeast Quarter of Section 31, Township 23 North, Range 4 West, Fairfield Township, Tippecanoe County, Indiana, containing 0.426 of an Acre.



Bearings are based on Crosser Commons Planned Development.



Vicinity Map
Not to Scale

LEGEND

CRS = Capped Rebar Set is a 5/8" rebar with a yellow plastic cap marked "STARR FIRM NO. 0093"

CRF = Capped Rebar Found

MBL = Minimum Building Line

U & DE = Utility & Drainage Easement

Title Holder: Lafayette Parks Foundation, Inc. — Tax Key No: 79-07-31-429-029.000-005

Title Holder: City of Lafayette Board of Parks and Recreation — Tax Key No: 79-07-31-429-030.000-005

CROSSER COMMONS MINOR SUBDIVISION - SKETCH PLAN	SHEET 1 OF 1

Drawn By: TAS
Proj. No. 20206580

Revised:

This instrument was prepared by Todd Ashley Starr

"I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." Todd Ashley Starr.

STARR ASSOCIATES
LAND SURVEYORS & ENGINEERS
215 ALABAMA STREET
LAFAYETTE, INDIANA 47901
(765) 471-8813
(765) 471-0365 FAX

S-4932
CROSSER COMMONS MINOR SUBDIVISION
Minor-Sketch Plan

Staff Report
August 13, 2020

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioners and owners, Lafayette Board of Parks and Recreation & Lafayette Parks Foundation. Inc. (represented by surveyor Todd Starr) are seeking primary approval to replat two lots into 2 lots plus one outlot on 0.426 acres, located on the east side of Powder House Lane, just north of the Walker Court intersection, in Lafayette, Fairfield 31(SE)23-4.

AREA ZONING PATTERNS:

The site was recently rezoned from PDRS to R1B. Adjoining to the south is a small area of PDRS. To the west, northwest and farther south is a large area of R1 zoning. At the northwest corner of Powder House Lane and Walker Lane is more R1B zoning. Adjoining to the north and east is a large area of R2. Farther east are properties zoned R1 and R3. Farther to the northwest, I3 (Industrial) zoning has existed since the inception of zoning in the county.

AREA LAND USE PATTERNS:

These two lots (Lots 7 and 8) were recorded in 2004 as part of an eight lot plat in Crosser Commons Planned Development, Phase 1. This development originally covered 22 acres and was planned for 82 single-family lots. However, the rest of the Crosser Commons land to the east and north was rezoned from PDRS to R2 in 2014 after the unplatted 14.4 acres of the planned development fell into abandonment. The existing larger Lot 7 is occupied by a single-family home. The north lot (Lot 8) is vacant. Directly east is the parking lot for the new Lafayette City park - Crosser Sports Complex. To the northeast are four softball fields. To the south, west and northwest are mostly single-family homes. Farther northwest is an asphalt - concrete paving business and a temporary batch plant.

TRAFFIC AND TRANSPORTATION:

The *Thoroughfare Plan* classifies Powder House Lane as an urban local road, which is paved with curb and gutter and is in good condition.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

City sanitary sewer and water serves this property. A 25-ft wide utility and drainage easement is shown along the east boundary, matching the 25-ft rear setback.

CONFORMANCE WITH UZO REQUIREMENTS:
All required building setbacks are shown and the two lots meet the minimum area and width standards for R1B zoning. The remaining outlot at the north end is approximately 40-ft wide.

STAFF COMMENTS:
The purpose of this replat is to create two standard sized 50-ft wide lots and add the new outlot on the north side to the adjoining city park. The two new lots are intended for new Habitat for Humanity homes.

STAFF RECOMMENDATION:
Conditional primary approval, contingent on the following:

A. Conditions

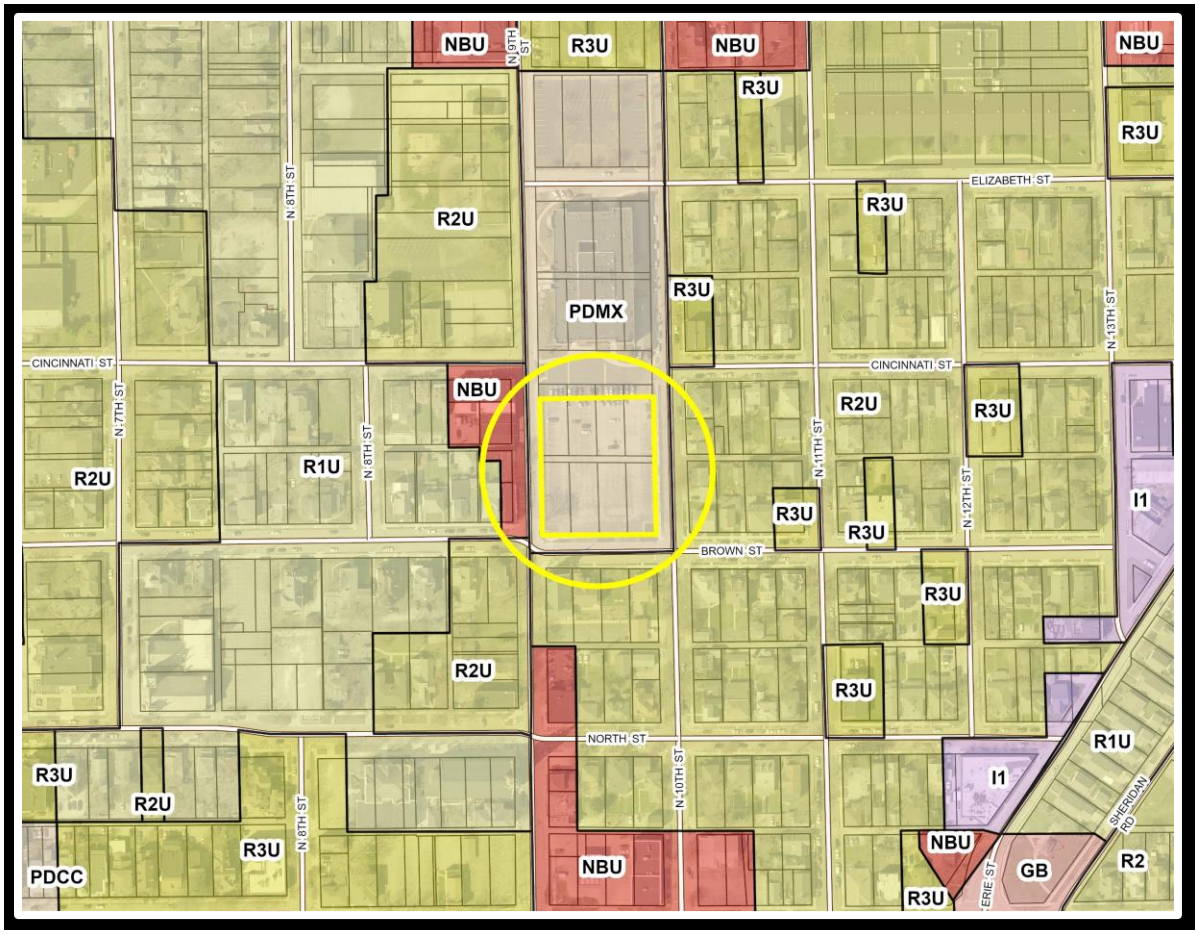
1. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).

2. All required building setbacks shall be platted.

3. The street addresses and County Auditor's Key Number shall be shown.

Z-2799
STENZ / LNHS, LLC
(PDMX to R3)

STAFF REPORT
August 13, 2020



Z-2799
STENZ/LNHS, LLC
PDMX to R3

Staff Report
August 13, 2020

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner/owner, represented by attorney Kevin Riley, is requesting rezoning of 8 lots located at the northeast corner of North 9th Street and Brown Street (currently part of the parking lot for the Old Jeff Centre PD, 619 N. 9th Street) in Lafayette, Fairfield 21(SW)23-4.

ZONING HISTORY AND AREA ZONING PATTERNS:

This property was rezoned in 2002 from R3U to PDMX for the Old Jeff Centre Planned Development (Z-2060). This rezone followed the recommendations of the *Historic Jeff Neighborhood Amendment to the Adopted Land Use Plan*, adopted in 2001, that planned development zoning be utilized in the repurposing of the historic school building site. A diverse mix of primarily urban residential zoning surrounds the subject property with NBU zoning located across North 9th Street to the west.

AREA LAND USE PATTERNS:

The subject property is currently improved with a parking lot that serves the adjacent senior apartment use located in the Old Jeff Centre. The Historic Jeff Neighborhood itself is primarily residential in character and supports a mix of apartments, duplexes and single-family homes on traditional grid-streets with alleys. Commercial and light-industrial development are found along Union Street to the north and Erie Street to the east respectively.

TRAFFIC AND TRANSPORTATION:

North 9th Street is a primary arterial while Brown and 10th Streets are urban local roads according to the adopted *Thoroughfare Plan*. The subject property is currently accessed from 10th Street on the east side of the block. In a redevelopment scenario, any additional driveways into the site would require approval from the city engineer.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

Public utilities are available to serve the site.

STAFF COMMENTS:

The Old Jeff Centre Planned Development is one of Lafayette's successes for the adaptive reuse of a historic building. This planned development consisted of the three sites: The parking lots to the north and south of the historic school building and the historic school building itself. While the historic school building was repurposed for senior

apartments and some limited commercial uses, the two parking lot sites had no accompanying development plan. Instead they were labeled, in the approved preliminary plan, as to be developed under a separate planned development petition.

According to the *Historic Jeff Neighborhood Amendment to the Adopted Land Use Plan*, adopted in 2001:

> *"The Historic Jeff properties, currently used by IVY Tech, would have a mixed use future, possibly a commercial first floor and residential uses above. The neighborhood feels it is important to hear any proposed development of these properties as a planned development."*

The concerns of neighborhood at that time seem to still be applicable today. In the plan, neighborhood concerns included "…potential parking problems, as well as noise and trash generated by an apartment conversion...." with the solution being "…The PD process will allow neighborhood input at a very early stage in the rezoning, allowing for necessary negotiation and compromise…" (*Historic Jeff Neighborhood Amendment to the Adopted Land Use Plan*, Page 8, bullet-point 3).

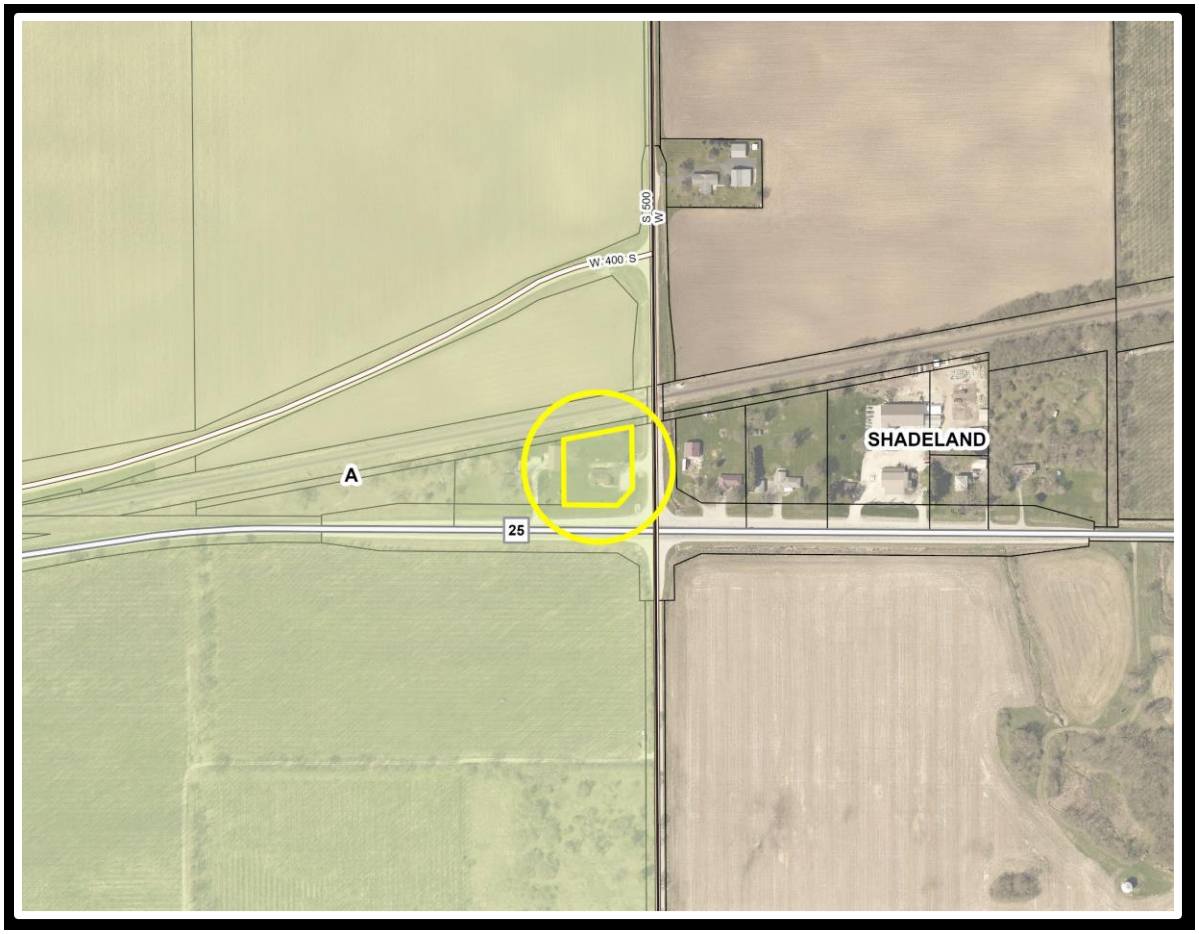
A rezone to R3 would provide no guarantees or assurances to the neighborhood or city council. No site plan was submitted with the rezone petition and, even if one was, it would be non-binding as there is no requirement to submit site plans with conventional rezone petitions. Furthermore, the R3 zone is more appropriate for suburban environments. The R3U zone was established for urban and sewered parts of the city that developed on the traditional city grid-street system. Introducing a suburban-styled zone into a historic urban area could potentially be disruptive to the historic context of the neighborhood.

With the recommendations of the *Plan* still relevant today and officially still city policy, staff cannot support the rezone request.

STAFF RECOMMENDATION:
Denial

Z-2800
JOSHUA SHIVES
(A to GB)

STAFF REPORT
August 13, 2020



Z-2800
JOSHUA SHIVES
A to GB

Staff Report
August 13, 2020

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, who is also the owner, is requesting rezoning of Lot 2 of Oliver Subdivision, 0.917 acres in area, located at the northwest corner of SR 25 W and CR 500 W, more specifically 5000 SR 25 West, in Wayne, 22 (SE) 22-5. The petitioner plans to sell ATVs, UTVs and Jeeps at this location.

ZONING HISTORY AND AREA ZONING PATTERNS:

This property is currently zoned A, Agricultural. All property within a mile of this site to the north, west and south is also zoned A. Land to the east across CR 500 W is within the Town of Shadeland; the town is not a participating member of the Area Plan Commission.

AREA LAND USE PATTERNS:

This property was subdivided in 2008. Prior to the subdivision the house and a veterinarian clinic were located on one lot. The vet clinic, a use permitted by right in the A zone, is the building in this request. A landscaping business is located to the east in Shadeland. Most surrounding uses are agricultural or large lot single-family homes; there are houses to the east in Shadeland and a house next door to the west. Railroad tracks are adjacent to the north. South across SR 25 is a tree farm.

TRAFFIC AND TRANSPORTATION:

SR 25 West is classified as a rural secondary and CR 500 West is considered a local road by the adopted *Thoroughfare Plan*. The building on site meets the required setbacks based on the aerial and parcel data.

Paved parking and maneuvering aisles are a requirement of uses located in the GB zone. This site will need drainage approval from the county surveyor if there is additional land used for parking and maneuvering. Required parking for the proposed use is 1 space per 400 square foot of gross floor area.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

A 20’ type B bufferyard is required when GB zoned property is redeveloped next to A zoned land. Sewer and water are not available at this location. According to the health department, the site has an onsite septic for a few employees.

STAFF COMMENTS:
The petitioner is proposing to run an ATV, UTV, and Jeep dealership at this location. According to the petitioner many people drive by this location on the way to the Badlands Off Road Park in Attica to drive off-road vehicles. The petitioner would like to locate a business at this location to capitalize on the passing traffic.

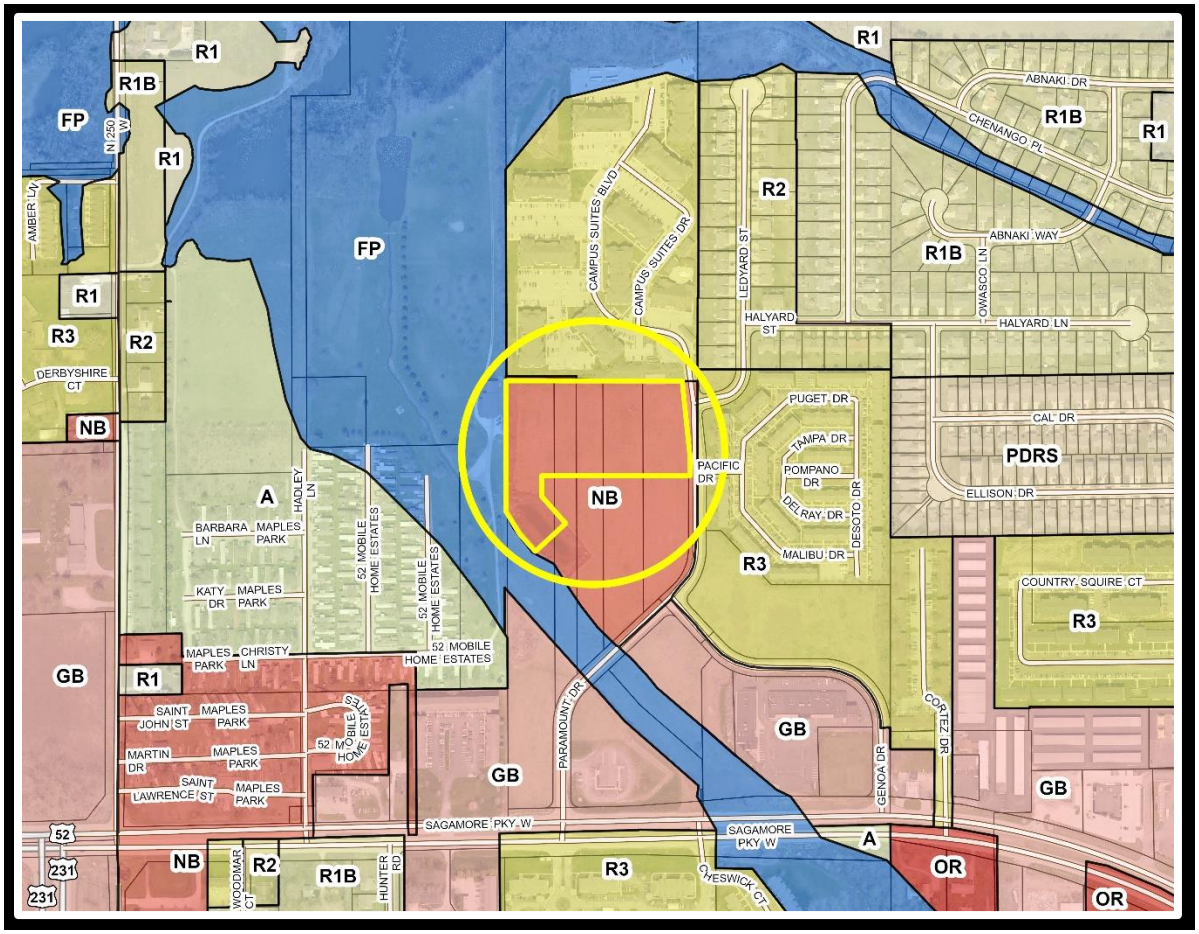
Staff is concerned about the potential uses that could locate in the GB zone on this lot. The GB zone would permit a gas station to operate by right. In addition, GB allows buildings to cover up to 60% of the lot and only requires 10% vegetative cover; this development pattern is fine in an urban area, but does not match the surrounding area. The proposed use is similar in nature to a car dealership. There are numerous potential uses that could be considered a nuisance to the adjacent single-family home. There is no noise ordinance in the county, so any business could in theory operate 24 hours a day becoming a larger issue for the neighbor. Sewer and water are not available to this site; the Comprehensive Plan does not recommend commercial zoning for any property unless it is served by sewer and water.

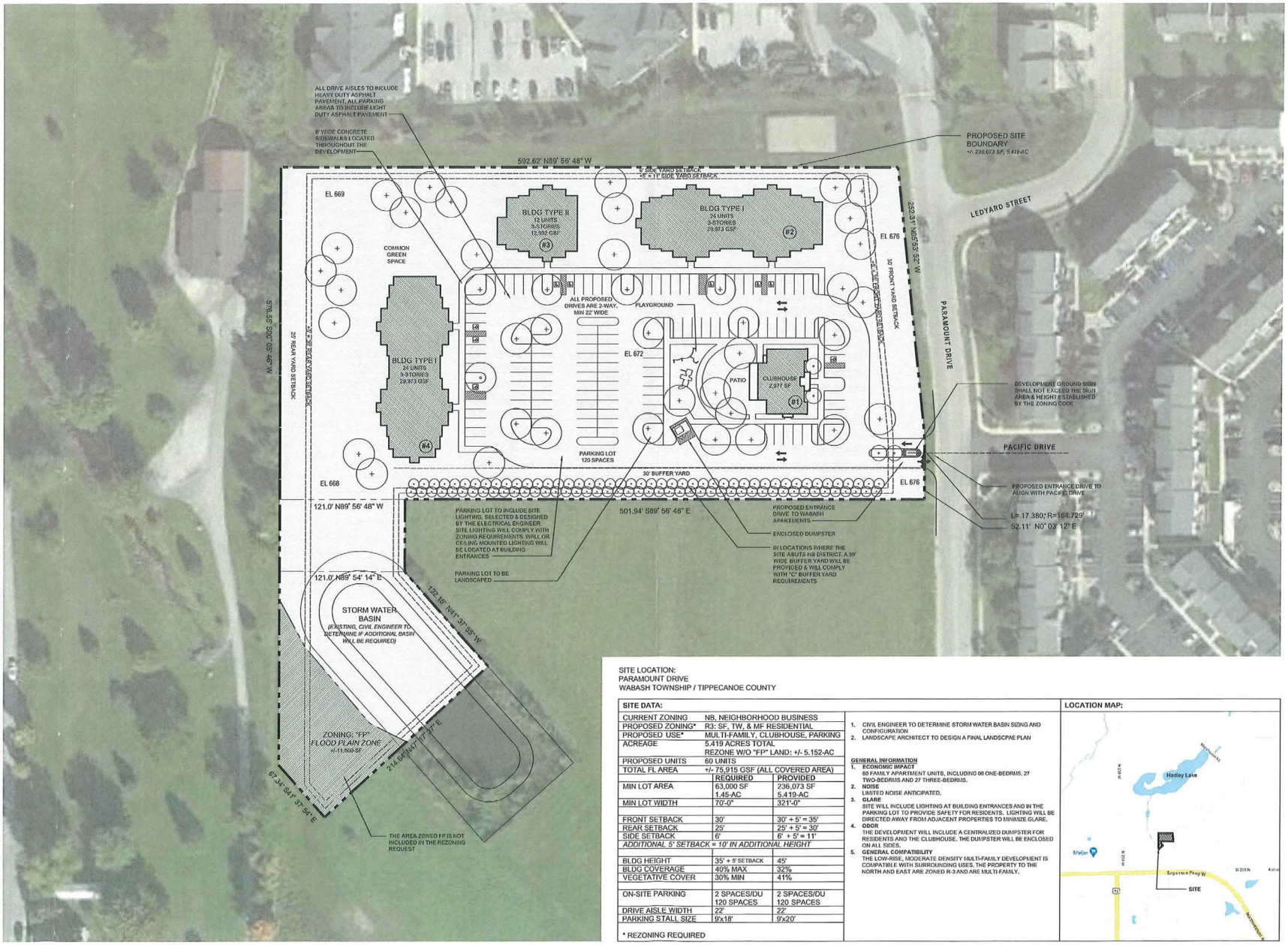
Potential commercial uses here should be limited to those uses permitted by right in the current Agricultural zone; those agricultural-related businesses would fit with the surrounding area and not be considered a detriment to nearby residences.

STAFF RECOMMENDATION:
Denial

Z-2801
WALLICK COMMUNITIES
(NB to R3)

STAFF REPORT
August 13, 2020





SITE LOCATION:
PARAMOUNT DRIVE
WABASH TOWNSHIP / TIPPECANOE COUNTY

SITE DATA:

CURRENT ZONING	NB, NEIGHBORHOOD BUSINESS	
PROPOSED ZONING*	R3: SF, TW, & MF RESIDENTIAL	
PROPOSED USE*	MULTI-FAMILY, CLUBHOUSE, PARKING	
ACREAGE	5.419 ACRES TOTAL REZONE W/O "FP" LAND: +/- 5.152-AC	
PROPOSED UNITS	60 UNITS	
TOTAL FL AREA	+/- 75,915 GSF (ALL COVERED AREA)	
	REQUIRED	PROVIDED
MIN LOT AREA	63,000 SF 1.45-AC	236,073 SF 5.419-AC
MIN LOT WIDTH	70'-0"	321'-0"
FRONT SETBACK	30'	30' + 5' = 35'
REAR SETBACK	25'	25' + 5' = 30'
SIDE SETBACK	6'	6' + 5' = 11'
ADDITIONAL 5' SETBACK = 10' IN ADDITIONAL HEIGHT		
BLDG HEIGHT	35' + 5' SETBACK	45'
BLDG COVERAGE	40% MAX	32%
VEGETATIVE COVER	30% MIN	41%
ON-SITE PARKING	2 SPACES/DU 120 SPACES	2 SPACES/DU 120 SPACES
DRIVE AISLE WIDTH	22'	22'
PARKING STALL SIZE	9x18'	9x20'

* REZONING REQUIRED

1. CIVIL ENGINEER TO DETERMINE STORM WATER BASIN SIZING AND CONFIGURATION
2. LANDSCAPE ARCHITECT TO DESIGN A FINAL LANDSCPAE PLAN

GENERAL INFORMATION

1. **ECONOMIC IMPACT**
   60 FAMILY APARTMENT UNITS, INCLUDING 06 ONE-BEDRMS, 27 TWO-BEDRMS AND 27 THREE-BEDRMS.
2. **NOISE**
   LIMITED NOISE ANTICIPATED.
3. **GLARE**
   SITE WILL INCLUDE LIGHTING AT BUILDING ENTRANCES AND IN THE PARKING LOT TO PROVIDE SAFETY FOR RESIDENTS. LIGHTING WILL BE DIRECTED AWAY FROM ADJACENT PROPERTIES TO MINIMIZE GLARE.
4. **ODOR**
   THE DEVELOPMENT WILL INCLUDE A CENTRALIZED DUMPSTER FOR RESIDENTS AND THE CLUBHOUSE. THE DUMPSTER WILL BE ENCLOSED ON ALL SIDES.
5. **GENERAL COMPATIBILITY**
   THE LOW-RISE, MODERATE DENSITY MULTI-FAMILY DEVELOPMENT IS COMPATIBLE WITH SURROUNDING USES. THE PROPERTY TO THE NORTH AND EAST ARE ZONED R-3 AND ARE MULTI-FAMILY.

LOCATION MAP:

RDL ARCHITECTS
16102 Chagrin Blvd, Suite 200
Shaker Heights, Ohio 44120
PHONE: 216-752-4300
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www.RDLarchitects.com

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WABASH COMMONS

WABASH TOWNSHIP / TIPPECANOE COUNTY, INDIANA

PRELIMINARY DEVELOPMENT PLAN

THE DRAWINGS, SPECIFICATIONS, IDEAS, DESIGNS AND ARRANGEMENTS REPRESENTED THEREBY ARE AND SHALL REMAIN THE PROPERTY OF RDL ARCHITECTS. THEY ARE NOT TO BE DISCLOSED TO OTHERS OR USED IN CONNECTION WITH ANY WORK, OTHER THAN THE PROJECT FOR WHICH THEY HAVE BEEN PREPARED AND DEVELOPED WITHOUT THE WRITTEN CONSENT OF RDL ARCHITECTS, INC. THE REPRODUCTION OF DRAWINGS OR SPECIFICATIONS SHALL CONSTITUTE CONCURRENCE WITH THE ABOVE STATEMENT. DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS. CONTRACTORS SHALL BE SOLELY RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL REPORT ANY ERRORS, OMISSIONS OR CONFLICTS IN THE DIMENSIONS AND CONDITIONS SHOWN BY THESE DRAWINGS.

ISSUE

- 2020-07-08 CONCEPTUAL PLAN

PROPOSED SITE PLAN

SCALE: 1" = 50'-0"

0' 20' 40' 80'

PROJECT #	20103
DRAWN BY	
CHECKED BY	RDL
FILE NAME	
PLOT DATE	July 13, 2020

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SP-1.01

Z-2801
WALLICK COMMUNITIES
NB to R3

Staff Report
August 13, 2020

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, with consent from property owner Paramount Development Group, LLC by its president, Patrick Cunningham, is requesting rezoning of 5.22 acres on the west side of Paramount Drive, just south of Lark apartments (formerly known as Campus Suites), for a proposed 60-unit, three building multi-family development known as Wabash Commons in Wabash 2 (NE) 23-5.

ZONING HISTORY AND AREA ZONING PATTERNS:

The zoning history on this part of the county is quite lengthy. The site is currently zoned NB, Neighborhood Business as is land adjacent to the south; the property to the north is zoned R3, Single, Two-family and Multi-family Residential. Originally all of these properties, located between the Cuppy-McClure regulated drain to the south and Hadley Lake to the north were zoned Flood Plain with a small elevated area zoned R1. In 1998, this small R1-zoned area was rezoned to NB (Z-1790). Sometime after that change, a Flood Plain certification was completed which drastically changed the FP boundary taking a majority of this land out of the FP and at the same time expanded the NB zone. In 2001, the 16 acres adjacent to the north were rezoned from NB to its current R3 designation.

Four acres to the southeast of the site in question has been rezoned three times (Z-1918, R1 & NB to R3; Z-2090, R3 to NB; and Z-2516, NB to R3) and is currently on this agenda as the site of Paramount Minor Subdivision (a two-lot split which will result in apartments on one of the two lots). A commercial building under construction to the south at the northwest corner of Sagamore Parkway and Paramount is the location of a signage variance on the August ABZA agenda.

While there is a plethora of zones within a mile radius of the site, only three are adjacent to the property: R3 to the north and east, NB to the south and FP to the west.

AREA LAND USE PATTERNS:

The site is currently unimproved. Half of an existing stormwater basin is located in the southwest corner of the rezone site. Although the property is composed of pieces of five separate small tracts, a multi-family subdivision is required in order to build the proposed development; this required plat will eliminate these old property lines. The nonbinding site plan (attached) shows a clubhouse and three buildings with a total of 60 low-income units (6 one-bedroom; 27 two-bedroom; and 27 three-bedroom units).

Surrounding the site in question are: Lark apartments; Lakeshore subdivision (duplexes); Lark townhomes (formerly Baywater Townhomes); and opposite the Cuppy-McClure county regulated drain, the US 52 mobile home estates.

TRAFFIC AND TRANSPORTATION:
The required 120 paved parking spaces have been shown on the submitted site plan. The site is located on Paramount Drive, classified by the adopted *Thoroughfare Plan* as a rural local road. An old proposed alignment for a connector between US 52 and I-65 was shown running through this property, but that plan has been replaced in favor of an alignment farther to the north of the site in question. CityBus has a route (21 A) that stops at the corner of Paramount and Pacific Drive which would be the driveway entrance to the proposed apartments.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:
American Suburban Utilities and Indiana-American Water serve the rezone site. Drainage approval from either Drainage Board or the County Surveyor will be necessary to complete the subdivision process.

STAFF COMMENTS:
The many R3 rezone staff reports written over the decades for this area included both recommendations of approval and denial. The negative recommendations at times were due to issues with sanitary sewer and drainage, other times staff argued for single-family developments to the north with higher densities extending to the south with commercial closest to Sagamore Parkway. These arguments are no longer valid since sewer and water are both available and land to the north already is developed with apartments.

Staff has more recently argued to limit the locations for new apartments, particularly apartments for Purdue students, to the downtown area of West Lafayette. Anecdotal evidence as well as the latest Rental Study would indicate a higher percentage of vacancies for student apartments farther away from campus. Currently, (or at least pre-Covid), it appears students prefer to live closer to both classes and city amenities than previous generations that relied heavily on their cars. The jury is still out on if the virus will change people's perceptions about living in a more densely populated environment.

Petitioner's website, however, indicates that it builds apartments for "low-income families and seniors," a demographic that could use additional choices in places to live. It is important to note that this site is located on a CityBus route. With existing multi-family developments adjacent to the north, northeast, east and a new apartment development likely to the southeast, it seems pointless to argue against an R3 rezone in this location.

STAFF RECOMMENDATION:
Approval

THE
AREA PLAN COMMISSION
OF TIPPECANOE COUNTY

EXECUTIVE COMMITTEE
NOTICE OF PUBLIC HEARING

DATE..... SEPTEMBER 2, 2020
TIME.....4:30 P.M.
PLACE ..... COUNTY OFFICE BUILDING
20 N. 3RD STREET
LAFAYETTE, IN 47901

Due to the public health emergency, this will be a virtual meeting. Public comment on agenda items may be submitted prior to noon on the meeting day at apc@tippecanoe.in.gov*. Comments must include* ***name*** *and* ***address*** *to be heard. Comments may also be made live on the streaming platforms. Members of the public may watch the livestream on Facebook* https://www.facebook.com/TippecanoeCountyIndiana *(you must have an account) or YouTube* https://www.youtube.com/channel/UCJIeeA9ZQo9EllGdZTdjurQ *(you must be a subscriber to comment). Links can also be found on the APC website at: www.tippecanoe.in.gov/apc.*

(TENTATIVE)
A G E N D A

I. APPROVAL OF MINUTES

II. NEW BUSINESS

III. PUBLIC HEARING

IV. APPROVAL OF THE SEPTEMBER APC PUBLIC HEARING AGENDA

V. APPROVAL OF THE SEPTEMBER ABZA PUBLIC HEARING AGENDA

VI. DETERMINATION OF VARIANCES

A. Lafayette Division of the Area Board of Zoning Appeals

VII. REVIEW AND APPROVAL OF THE AUGUST BUDGET REPORT

VIII. OTHER BUSINESS

IX. ADJOURNMENT

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the Area Plan Commission of Tippecanoe County will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. For more information visit www.tippecanoe.in.gov/ada

Determination of Variance
Area Board of Zoning Appeals
Meeting Date: August 26, 2020

August 13, 2020

1. BZA-2042 ZERN VESS:
Petitioner is requesting a variance to allow a fascia sign of 63.20 sq. ft. in an integrated center instead of the maximum allowed 40 sq. ft. for a Domino's Pizza on a GB zoned lot. The property is in Paramount-Lakeshore Subdivision, more specifically at 3504 Paramount Drive, Wabash 2 (NE) 23-5. (UZO 4-8-7)

RECOMMENDATION:
Staff advises that the above request does not constitute a use variance.

Note: *Petitioner has requested to continue* ***BZA-2043 RESONS, LLC*** *to the September ABZA meeting to add additional variances.*