AGENDA

I. APPROVAL OF PREVIOUS MEETING MINUTES

Documents:

BZA 05.22.2019.PDF

II. NEW BUSINESS

III. PUBLIC HEARING

1. BZA-2010 BARRY KNECHTEL-KJG ARCHITECTURE, INC.:
   **Continued**
   Petitioner is requesting the following variances to construct an 845 sq. ft. addition to the existing Purdue Hillel Jewish Center in an R3W zone:

   1. To reduce the number of required parking spaces to 3 from the minimum requirement of 19; (UZO 4-6-3)
   2. To reduce the setback from Waldron Street to 16’ from the minimum requirement of 25’; (UZO 2-10-8)
   3. To reduce the rear setback to 6’ from the minimum requirement of 25’; (UZO 2-10-9) and
   4. To increase the building coverage to 42.6% from the maximum allowed 40%; (UZO 2-10-7) on property located at 912 W State Street, West Lafayette, Wabash 19(NW) 23-4. Continued to the July ABZA meeting to add a variance.

2. BZA-2014 PURDUE RESEARCH FOUNDATION:

   Petitioner is requesting a special exception to construct a 15,000 sq. ft. daycare and sales/leasing center (Child Care Centers / SIC 835) for Provenance at Discovery Park District in an R3W zone. The proposed hours of operation are Monday through Friday, 7am to 6pm. The property is located at the southwest corner of State Street and Airport Road, West Lafayette, Wabash 24(SE) 23-5. (UZO 3-2) Continued from the May ABZA meeting at petitioner’s request.

Vote Results  6-Yes and 0-No

BZA-2016.PDF

BZA-2017 KURT BROCK:

Petitioner is requesting a special exception to use an existing single-family home as a Transient Guest House (as defined in the ordinance) in an R1 zone. The proposed hours of operation are 24 hours a day, seven days per week. The property is located at 1700 N. River Road, Wabash 17(NW) 23-4. (UZO 3-2) WITH COMMITMENT AND CONDITION.

Vote Results  6-Yes and 0-No

BZA-2017 (SPECIAL EXCEPTION).PDF

ADMINISTRATIVE MATTERS

ADJOURNMENT
Petitioner is requesting a special exception to construct a 15,000 sq. ft. daycare and sales/leasing center (Child Care Centers / SIC 835) for Provenance at Discovery Park District in an R3W zone. The proposed hours of operation are Monday through Friday, 7am to 6pm. The property is located at the southwest corner of State Street and Airport Road, West Lafayette, Wabash 24(SE) 23-5. Continued from the May ABZA meeting at petitioner's request.

Vote Results  6-Yes and 0-No

Documents:

BZA-2014 (SPECIAL EXCEPTION).PDF

3. BZA-2016 PURDUE RESEARCH FOUNDATION:
Petitioner is requesting the following variances to construct a new daycare and sales/leasing center for Provenance at Discovery Park District in an R3W zone:

1. To increase the height of the structure to 30’ from the maximum allowed 14’ at the finished floor of the upper story; (UZO 2-10-11) Not needed as per staff review.
2. To reduce the front setback to 20’ from the minimum requirement of 60’ from State Street; (UZO 2-10-8) and
3. To reduce the number of parking spaces to 47 from the minimum requirement of 48 spaces; (UZO 4-6-3)

on property located at the southwest corner of State Street and Airport Road, West Lafayette, Wabash 24(SE) 23-5. Continued from the May ABZA meeting to add variances.

Vote Results
Variance #2  6-Yes and 0-No
Variance #3  6-Yes and 0-No

Documents:

BZA-2016.PDF

4. BZA-2017 KURT BROCK:
Petitioner is requesting a special exception to use an existing single-family home as a Transient Guest House (as defined in the ordinance) in an R1 zone. The proposed hours of operation are 24 hours a day, seven days per week. The property is located at 1700 N. River Road, Wabash 17(NW) 23-4. Continued from the May ABZA meeting to add conditions.

Vote Results  6-Yes and 0-No

Documents:

BZA-2017 (SPECIAL EXCEPTION).PDF

IV. ADMINISTRATIVE MATTERS

V. ADJOURNMENT
AREA BOARD OF ZONING APPEALS OF TIPPECANOE COUNTY

MINUTES OF A PUBLIC HEARING

DATE ........................................................................................................................................ MAY 22, 2019
TIME ........................................................................................................................................ 6:00 P.M.
PLACE ...................................................................................................................................... CO. OFFICE BLDG.
 ........................................................................................................................................ 20 N. 3RD STREET
 ........................................................................................................................................ LAFAYETTE, IN 47901

MEMBERS PRESENT
Tom Andrew
Ed Butz
Steve Clevenger
Frank Donaldson
Carl Griffin
Jen Dekker
Gary Schroeder

MEMBERS ABSENT
Ryan O’Gara
Rabita Foley
Diana Trader
Eric Burns, Atty

STAFF PRESENT

The Area Board of Zoning Appeals of Tippecanoe County public hearing was held on the 22nd day of May 2019 at 6:00 P.M., pursuant to notice given and agenda posted as provided by law.

President Steve Clevenger called the meeting to order.

I. APPROVAL OF MINUTES

Ed Butz moved to approve the minutes from the April 24, 2019 BZA public hearing. Jen Dekker seconded, and the minutes were approved by unanimous voice vote.

II. NEW BUSINESS

Ryan O’Gara said that BZA-2013 ELEVEN EIGHTEEN, LLC and BZA-2015 JESSE AND DESTINY PETERS are ready to be heard tonight. Ryan said BZA-2014 PURDUE RESEARCH FOUNDATION and BZA-2016 PURDUE RESEARCH FOUNDATION are being continued to the June 26, 2019 Area Board of Zoning Appeals meeting at the petitioner’s request to add variances.

III. PUBLIC HEARING

Ed Butz 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 Board of Zoning Appeals, 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. Jen Dekker seconded, and the motion carried by voice vote.
Ed Butz moved to continue BZA-2014 PURDUE RESEARCH FOUNDATION and BZA-2016 PURDUE RESEARCH FOUNDATION to the June 26, 2019 Area Board of Zoning Appeals meeting. Jen Dekker seconded and the motion passed by unanimous voice vote.

Steve Clevenger read the meeting procedures.

1. **BZA-2013 ELEVEN EIGHTEEN, LLC:**
   Petitioner is requesting a special exception to use an existing single-family home as a Transient Guest House (as defined in the ordinance) in an R1B zone. The proposed hours of operation are 24 hours a day, seven days per week. The property is located in lot 90 of W.K. Rochester’s Southeast subdivision Lafayette, Fairfield 28(NW) 24-4. (UZO 3-2) **WITH CONDITION**

Ed Butz moved to hear and vote on BZA-2013 ELEVEN EIGHTEEN, LLC. Jen Dekker seconded.

Rabita Foley presented the zoning map and site plan. Rabita said the property is located in Lafayette. Rabita said the triangle shaped lot was platted in the 1850s with two street frontages (Ada and Congress Streets) and alleys. However, these platted public streets that adjoined the property have been vacated and transferred to the surrounding property owners. Currently, a private driveway (also known as Elmhurst Drive easement according to the petitioner) and alleys connect to both State Street and Valley Street to provide access to the 0.29-acre site. The driveway is shared with United Way of Lafayette located to the west of the site. Group Homes for children is located to the north and the Haan Mansion Museum of Indiana Art is located to the northwest. There is a single-family home located on the site which the petitioner would like to use as a transient rental house. Rabita said the house has 2 bedrooms and 2 bathrooms and is approximately 1,480 square feet total including the basement, first floor, and second floor. She said it could be rented to a maximum of four adults at any given time. The Valley-Center neighborhood has a mix of owner-occupied and rental homes. Rabita said the petitioner hopes that the short-term rental can be used by individuals who desire to utilize some of the activities in downtown Lafayette. Rabita said there are eight parking spots available but 5 of those are contracted out for use by the United Way. Rabita said that still leaves 3 parking spaces which is more than the required amount of parking spaces for a single-family transient rental house. Rabita said staff recommends approval with the following condition:

**Condition**

1. A permit to operate a transient rental house must be obtained from the Lafayette City Engineer’s Office.

Sharon Bollock, 1742 Mill Pond Lane, Lafayette, IN, 47905, petitioner, said she purchased this home thinking it was a perfect spot for individuals traveling from out of town. She said it is located in a historical neighborhood and it is close to many of the arts. It is also close to the action downtown which everyone wants to support, and to Purdue University. Sharon said the parents of Purdue students enjoy having a quiet environment to visit with their children. She said this is a perfect neighborhood that will provide such an experience for out-of-town guests. She thanked the board for considering this special exception.

Radonna Fiorini, 1130 State Street, Lafayette, IN 47905, said she lives just southeast of the property in question. Radonna said she has lived there for over twenty years and she has invested a lot of money in her property. She said this is a beautiful part of Lafayette but that it is also very much in transition. She said she always holds her breath anytime a home in the neighborhood goes up for sale until she finds out if it will be turned into a rental home or not. She said the rental properties near her have caused her incredible grief. Radonna said she would like to see every rental home along State Street turned into a transient rental property. She said with the transient rental properties she knows people will not be there for very long and even if there is an issue for a weekend, she can put up with that. She said she can talk to the property owner if there is a problem and try to work it out. She said the long-term rental properties
that are no longer single-family homes have de-valued her property. She said there is nothing the homeowners in the area can do about that other than to call the police and to try to talk to the owner of the problem property. Radonna said she would encourage this special exception. She said her family has used these types of properties and she appreciated the opportunity to do that. She said it would be a benefit to the neighborhood to have this type of business come in. She also said these types of properties are self-monitored. She said there are reviews online for these properties and if the owner does not live up to what has been advertised those reviews will be negative. She said she feels very positive about this and she encouraged the board to approve the special exception.

Kathy Downey, 520 S. 10th Street, Lafayette, IN 47905, said she is the past president of the Wallace Triangle Neighborhood. She said she is very familiar with the property and she spent 18 years at the United Way building just across the private drive. She said her daughter lives within yards of the property in question. Kathy said she thought the City of Lafayette required Air BnBs to be owner-occupied dwellings. She also thought an Air BnB could only have one bedroom. She said she is against the special exception.

Steve Wien, 619 S. 10th Street, Lafayette, IN 47905, said he and his wife worked for many years to try to make Wallace Triangle R1B zoned. He said it took over two years to make that happen. Steve said he realizes the zoning is not changing but he asked what will happen when the property changes ownership. He said he has worked too hard to turn the Wallace Triangle Neighborhood around. He said the neighborhood still has a long way to go and he can see the transient rental house really hurting his efforts.

Sharon Bollock, 1742 Mill Pond Lane, Lafayette, IN 47905, petitioner, said in rebuttal that her family has owned many rental properties over the years and she knows how to manage them. She said Air BnBs are typically rented about 50% of the month. Sharon said compared to long-term rental properties Air BnBs typically have less wear and tear on them, and there is less clean-up involved once a tenant leaves. She said her experience with her other Air BnB property is that the tenants take extremely good care of the property and cleanup after themselves. She said her income from the Air BnB is better than from a long-term rental property even though it is occupied for only half the amount of time. Sharon said when the transient rental house is posted on the website, she provides the house rules. She tells the renters what is allowed and what is not allowed in the home. She said the renters must agree to those rules and the rules include having no parties. She feels confident the area will remain quiet and undisturbed with less traffic than if someone lived there, full time.

Rabita Foley said there are three types of transient rentals defined in the ordinance. Rabita said the first two types must be owner-occupied. The third type which is what is being discussed here today does not need to be owner-occupied. She said the intended use is slightly more intense than what is usual for this neighborhood and that is the reason the board is hearing this request.

Carl Griffin asked if the special exception will change when the ownership of the property changes.

Rabita Foley said the special exception does not change with ownership. Rabita said the special exception will no longer be valid if the property is not used as a transient rental house for a period of one year. Rabita said if the property changes ownership and the new owner wishes to continue to use it as a transient rental house the special exception will remain in effect.

Steve Wien, 619 S. 10th Street, Lafayette, IN 47905, said the Haan Mansion was rezoned from R1 to R2 when it became an art museum. Steve said at that time it was decided that if the property was no longer being used as an art museum it would revert back to R1 zoning. Steve asked is something similar could be done for this case.

Eric Burns, Attorney, said it could not be required. He said that option is always available as an agreement between the property owner and neighbors. Eric said the zoning ordinance cannot require it. He said the case with the Haan Mansion was a rezone and once a property is rezoned it has to be used for that specific purpose.
Steve Wien said he realized the difference between the two cases, but he is concerned about what will happen with the property if it is sold.

Rabita Foley said the Haan Museum was rezoned with a commitment stating the zoning would be rezoned back to R1 if it was no longer being used as a museum. Rabita asked Eric Burns whether a commitment could be required by the board in this case in order to restrict a change of use.

Eric Burns said this case was not setup with a commitment and that staff recommends approval of the special exception without any commitment. Eric said procedurally the board cannot consider this as a discussion point. He said the owner could engage in that conversation if she felt the need to, but tonight the board can only consider the case as it is being presented.

Jen Dekker said the special exception would remain with a new owner however the new owner would still have to apply for a permit with the City of Lafayette. Jen said the permit is carried by the owner and not by the property.

Eric Burns said he was not sure about that.

Gary Schroeder said right now the property could be used as a long-term rental property and the board has heard there are problems with that. Gary said if the property was sold it could become a long-term rental. He said that the use as an Air BnB seems less intense. He said there is more control this way because there is a permit with the city, also if there was a bad tenant, he would only stay at the property for a short time. He said a commitment did not seem necessary.

Tom Andrew said he agreed with Gary Schroeder. He said the owner agrees not to have any parties. Tom asked if the property owner and the neighbor could keep in touch so if the property is ever sold the neighbor would get the right of first refusal.

Gary Schroeder said that was not something for the board to consider.

Steve Clevenger said that would have to be a decision between the owner and the neighbor. Steve said the understanding not to throw any parties at the house is in the house regulations and it is not in any commitment before the board.

Rabita Foley said the only way the board can control the noise at the property is indirectly through the number of people allowed to stay at the location at any given time which is four adults.

Steve Clevenger said the zoning is not the only remedy. Steve said the City of Lafayette does have a noise ordinance. He said the police could be called to the property.

Jen Dekker asked Sharon Bollock about the process of renting the Air BnB property. Jen said it is not just a one-click transaction. She said the owner can review the applicant's profile and monitor their history before they are accepted.

Sharon Bollock agreed.

The board voted by ballot 7-Yes and 0-No to approve BZA-2013 ELEVEN EIGHTEEN, LLC

2. **BZA-2015 JESSE AND DESTINY PETERS:**
Petitioners are requesting a special exception to allow an Agricultural Rental Hall (as defined in the ordinance) on 10 acres in the Agricultural zone. The proposed hours of operation are 11am to 11pm, Friday through Sunday (event hours) and noon to 6pm, Monday through Friday (office hours). The property is located on the east side of CR 900 E, south of CR 500 S, Sheffield 22(NE) 22-3. (UZO 3-2)

Ed Butz moved to hear and vote on BZA-2015 JESSE AND DESTINY PETERS. Carl Griffin seconded.
Ryan O’Gara presented the zoning map and site plan. Ryan said the 10-acre site was divided from a larger tract in 2018 when the petitioners purchased it. Ryan said the building was built in 2002 and was originally used as a church retreat. Ryan said the site has approximately 400-ft of road frontage along CR 900 E. and the structure is over 600-ft from the county road. Ryan said a residential driveway was approved for the site in 2017. Ryan said the proposed use as an Agricultural Rental Hall has one parking space per four occupants and the petition states that there can be a maximum of 90 people per event. Ryan said there is an existing septic system on site which has been documented and reviewed by the Indiana Department of Health. Ryan said it has been approved for a capacity of 90 attendees per event with the condition that petitioner must obtain a permit from the County Health Department. It also requires the construction of a new perimeter drain. Ryan said the site plan shows an area for outside events and any outside activities are limited to that area. Ryan said amplified music must take place inside the structure and only non-amplified music is permitted in the outside event area. Ryan said staff recommends approval with the following commitments and conditions:

Approval with the following commitments:
1. Limit the number of attendees to 90 people;
2. All amplified music must take place inside of the structure; only nonamplified music shall be permitted in the outside event area.

Approval with the follow 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.

Destiny Peters, 9450 E 500 S, Lafayette, IN 47905, petitioner, said the business came about as a calling for her to provide an affordable venue for the people in the area. Destiny said it is a much smaller venue than the other Ag Rental Halls in the area. Destiny said in the past they have hosted funeral dinners, baby showers, bridal showers, and family reunions. She said they have held weddings and receptions as well. She said they have been working with the Tippecanoe Highway Department and Starr Associates will be constructing the driveway plans for a commercial driveway. She said they are working with the Tippecanoe County Surveyor’s Office on the drainage review and Starr Associates will be doing the drainage survey. She said Cheeseman, Inc. will be installing the new perimeter drain. She asked the board to grant the special exception.

Ryan read two letters in favor of the special exception from the following people:

Don Miller, 5520 S 900 E, Lafayette, IN 47905
Brandon and Kathryn Brown, 8731 Wyandotte Road, Lafayette, IN 47905

Bernard Smith, 5831 S 900 E, Lafayette, IN 47905, said he has been a resident of Tippecanoe County since 1996. Bernard said he and his wife are the owners of nearby Big Fish N’ Campground. He said they are currently in their 24th season. Bernard said the Big Fish N’ Campground is a beautiful backyard that they open up for people to come and enjoy. He said in total they own 70 acres and 20 acres of that is slated for their retirement homesite. He said the use of the property in question as a church retreat was not noticeable, but the event barn is very much the opposite of that. He said he did not know until recently that the event barn was operating without posting and without receiving a special exception. He said the event barn impacts an area much larger than the 10-acres it consists of. He said his home and campground are very much impacted by this operation. He said he can sit in his home and hear and feel the activities from the barn. He said their deck which they dearly love to sit on is not enjoyable during the barn’s events. He said Big Fish N’ Campground has always operated with a 24-hour per day quiet time and they only play music three times a year on holiday weekends. He said he tells his customers who want to listen to music that if anyone else can hear your radio it is too loud. Bernard said they have made it a priority to sustain the peace and tranquility of the outdoor environment. He said the event barn fills the air with noise nearly every weekend. He said he doubted that keeping the amplified music inside the structure will make much difference given the metal structure of this barn. He said that there was a public
event held just four days ago after being closed by county government and pending public hearing. He said this unlawful event did not even attempt to follow the guidelines or recommendations set forth in the summary.

Destiny Peters, 9450 E 500 S, Lafayette, IN 47905, petitioner, said in rebuttal regarding the event held last weekend that Area Plan and Mike Wolf, the Building Commissioner, were aware of it and that the event was a family event. Destiny said she was told by Mike Wolf that family events can be held at any time but, when it becomes a commercial event the Area Plan needs to be involved. She said all commercial events have been halted and she has cancelled 7 weddings from April through June. She said they have held two family events recently. She said they stop all the noise at 10:30 pm. She said last fall they did have seven commercial events and the adjoining neighbors were informed of all those events. She said they had the County Highway Department come out when they put in the driveway. Destiny said when they purchased the building last year, they were told that it had permits through the State of Indiana and it was zoned for a retreat center. She said they were not aware that it needed to be zoned differently for an event center. She said they hired Pat Grimes, Cube & Company, to come out to do all the coding. She said everything passed and he told them the retreat center and the event center were the same thing. She said they had met with the previous owner and had all the proper permits in hand before operating the event center.

The board voted by ballot 5-Yes and 2-No to approve BZA-2015 JESSE AND DESTINY PETERS

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V. ADMINISTRATIVE MATTERS

None

Steve Clevenger stated that unless any member has an objection the chair will order the findings of each member casting a vote for the majority decision of the Board to be the collective findings of the Board in support of the decision of the Board. Hearing none, it is so ordered.

VI. ADJOURNMENT

Ed Butz moved for adjournment.

The meeting adjourned at 6:55 p.m.

Respectfully submitted,

Diana E. Trader
Acting Recording Secretary
Reviewed by,

Sallie Dell Fahey
Executive Director
BZA-2014
PURDUE RESEARCH PARK FOUNDATION
(special exception)

STAFF REPORT
June 20, 2019
REQUEST MADE, PROPOSED USE, LOCATION:
Petitioner who is the owner, represented by attorneys Joseph Bumbleburg and Sarah Wyatt, is requesting a special exception to construct a Child Care Center in an R3W zone. This 29 acre property is located on the southwest corner of the State Street and Airport Road intersection, West Lafayette, Wabash 24(NW) 23-5.

The proposed 15,000 sq. ft. child care center is expected to be a part of a larger planned development currently under APC review on an approximately 100 acre tract of land. The proposed Residential Village (also known as Provenance) in Discovery Park District development is modeled after the new urbanism theory. It will have walkable blocks and streets, housing and retail nearby, and accessible public spaces. This subject property is the same as the variance case on the June ABZA agenda (BZA-2016).

ZONING HISTORY AND AREA ZONING PATTERNS:
The property is zoned R3W as is the land adjacent to the south and west. OR zoning exists to the east across from Airport Road. NB and GB zoned areas exist north of State Street.

The US 231 Corridor Plan, an amendment to the Comprehensive Plan was adopted in April of 2018. Subsequent to this land use amendment, Area Plan Commission rezoned the subject area to R3W from A as part of the US 231 Corridor Rezone later in the same year.

AREA LAND USE PATTERNS:
The site is currently undeveloped and was used as intramural playing fields. Immediately adjacent to the south is the former student community garden. Squirrel Park is to the east across Airport Road whereas, Purdue University Early Care and Education Center is to the northwest across State Street. A few commercial uses in Purdue West still exist at the northeast corner of State and Airport.

TRAFFIC AND TRANSPORTATION:
The adopted Thoroughfare Plan classifies State Street as a primary arterial and Airport Road as an urban local road. The “Re-State” project recently completed streetscape improvements along the State Street corridor. The site plan shows a proposed driveway from State Street.

The parking standard for a child care center is 1 space per 20 children for drop-off (not separated from an entrance by parking or traffic lanes), plus 1 space per employee on
the largest shift, plus 1 space per 10 children at the licensed capacity. According to the petitioner, the center will have 156 children at capacity and 24 employees at the largest shift, requiring a total of 48 parking spaces. The site plan only shows 47 spaces east of the proposed center. A request to reduce on-site parking is on the agenda along with this request (BZA-2016).

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:
Public utilities are available to serve the site.

STAFF COMMENTS:
Petitioner is seeking a special exception to build and operate a child care center that would replace the existing Patty Jischke Early Care and Education Center building (slated for demolition) east of Airport Road. The ordinance defines child care centers as “a State licensed (or exempted) facility in a nonresidential structure where one or more individuals provide child care for any number of children.” This use is permitted by special exception in a few residential zones including R3W. The proposed 15,000 sq. ft. child care center is similar to the existing child care center to the northwest across State Street permitted by right in an NB zone. Additionally, the center will be part of a larger mixed-use development at the southwest corner of State and Airport. If both variance and special exception requests are approved, petitioner plans to get an early start on the construction of the child care center.

According to the Discovery Park District Map, Provenance is “envisioned as a neighborhood of predominantly single-family homes and townhomes, …. neighborhood-oriented retail and amenities such as a community center, fitness center, daycare facility and preschool, a centralized greenspace, and community gardens.” Petitioner recently submitted a planned development draft plan with an intent to realize this vision. The inclusion of different uses along with the development standards for such uses are negotiated as part of the PD process. Therefore, these requests for variances (BZA - 2016) and special exception for this child care center will become irrelevant post establishment of the PDMX zone.

The proposed hours of operation is 7am – 6pm, Monday through Friday. The noise generated is expected from children’s activities, employees’ vehicles, and parents dropping off and picking up their children. The traffic generated at the site due to this use on a primary arterial road is not unusual. The maximum sign allowed for this sign-lot is calculated to 40 sq. ft. One free standing (or monument) sign, a maximum of five feet tall is permitted in an R3W zone.

At its meeting on June 5, 2019 the Executive Committee of the Area Plan Commission voted that granting this request would not substantially adversely affect the Comprehensive Plan.

Regarding the ballot items:

1. Section 3.1 of the Unified Zoning Ordinance DOES authorize the special exception for a child care center in an R3W zone.
And it is staff's opinion that:

2. The requirements and development standards for the requested use, including street setbacks and parking as prescribed by the Unified Zoning Ordinance WILL be met if the requests in BZA-2016 are approved by the board.

3. Granting the special exception WILL NOT subvert the general purposes served by the ordinance in that there is nothing about this child care center that would violate the public’s health, safety, convenience or general welfare. Similar uses exist nearby.

4. Granting the special exception WILL NOT materially and permanently injure other property or uses in the same district and vicinity because of the following:

   a. Traffic generation: The traffic generated due to this use would be no different than other uses in the Discovery Park District and along State Street;

   b. Placement of outdoor lighting: The use is proposed for daytime operation. Therefore, minimal illumination is proposed or needed for site security;

   c. Noise production: The noise at the site will be from vehicles dropping off and picking up children which is common in this area along a primary arterial road;

   d. Hours of operation: 7am to 6pm, Monday through Friday is the same as the Purdue University Early Care and Education Center to the northwest across State Street.

STAFF RECOMMENDATION:
Approval

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.
DISCOVERY PARK DISTRICT
RESIDENTIAL VILLAGE
BUILDINGS D & E
TIPPECANOE COUNTY
WEST LAFAYETTE, IN 47906

GENERAL LOCATION MAP
PROJECT LOCATION MAP
REQUEST MADE, PROPOSED USE, LOCATION:
Petitioner, who is the owner, represented by attorneys Joseph Bumbleburg and Sarah Wyatt is requesting the following variances to construct a new daycare and sales/leasing center for Provenance at Discovery Park District in an R3W zone:

1. To increase the height of the structure to 30' from the maximum allowed 14' at the finished floor of the upper story; (UZO 2-10-11) Not required.
2. To reduce the front setback to 20' from the minimum requirement of 60' from State Street; (UZO 2-10-8) and
3. To reduce the number of parking spaces to 47 from the minimum requirement of 48 spaces; (UZO 4-6-3)

on a 29 acre property located at the southwest corner of State Street and Airport Road, West Lafayette, Wabash 24(SE) 23-5. The proposed 15,000 sq. ft. child care center is expected to be a part of a larger planned development under APC review on approximately 100 acres of land. The subject property is the same as that involved in the special exception case BZA-2014 (Child Care Center).

After reviewing the case, staff determined that request #1 is not needed because as per submitted building elevations, the proposed structure is only one story. Because the maximum building height is measured as 14’ at the finished floor of the upper story in the R3W zone, for a one story building this requirement is not applicable.

AREA ZONING PATTERNS:
The subject property is zoned R3W as is the land adjacent to the south and west. OR zoning exists to the east across from Airport Road. NB and GB zoned areas exist north of State Street.

The US 231 Corridor Plan, an amendment to the Comprehensive Plan was adopted in April of 2018. Subsequent to this land use amendment, Area Plan Commission rezoned the subject area to R3W from A as part of the US 231 Corridor Rezone later in the same year.

AREA LAND USE PATTERNS:
The site is currently undeveloped and was used as intramural playing fields. Immediately adjacent to the south is the former student community garden. Squirrel Park is to the east
across Airport Road whereas, Purdue University Early Care and Education Center is to the northwest across State Street. A few commercial uses in Purdue West still exist at the northeast corner of State and Airport.

**TRAFFIC AND TRANSPORTATION:**
The adopted *Thoroughfare Plan* classifies State Street as a primary arterial and Airport Road as an urban local road. The "Re-State" project recently completed streetscape improvements along the State Street corridor. The site plan shows a proposed driveway from State Street.

The parking standard for a child care center is 1 space per 20 children for drop-off (not separated from an entrance by parking or traffic lanes), plus 1 space per employee on the largest shift, plus 1 space per 10 children at the licensed capacity. According to petitioner, the center will have 156 children at capacity and 24 employees at the largest shift, requiring a total of 48 parking spaces. The site plan only shows 47 spaces east of the proposed center.

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**
Public utilities are available to serve the site.

**STAFF COMMENTS:**
Petitioner is seeking variances to construct a new 15,000 sq. ft. child care center that will replace the existing Patty Jischke Early Care and Education Center building scheduled for demolition east of Airport Road on Nimitz Drive. Because the existing center is scheduled for demolition in the near future, petitioner needs to construct the new center to ensure a continual operation of child care services.

Staff can support request #2 (setback from State Street) because all the recent development along the State Street corridor, after the Re-State project, has maintained urban setbacks to promote a pedestrian friendly streetscape. Regarding request #3 (parking), reducing the requirement by 1 parking space would have a minimal impact for this use as the parking standard accounts for eight spaces utilized for children’s drop off and pick up with a quick turn over. However, staff feels that petitioner could have easily accommodated one parking space on a 29 acre site.

Approximately 100 acres of land in the Discovery Park District southwest of State and Airport, including the subject property is slated for a planned neighborhood of predominantly single-family homes and townhomes, small-scale neighborhood-oriented retail, community center, fitness center, preschool, centralized greenspace, and community gardens. The petitioner recently submitted a planned development draft plan with an intent to realize this vision. The inclusion of different uses along with the development standards for such uses are negotiated as part of the PD process. If the proposed planned development is approved, the requested variances will become conforming to the standards set for the PDMX zone.
Regarding the ballot items:

1. The Area Plan Commission at its meeting on June 19, 2019 determined that the variances requested ARE NOT use variances.

And it is staff’s opinion that:

2. Granting these variances (#2 & #3) WILL NOT be injurious to the public health, safety, and general welfare of the community. The development is expected to replace the existing early child care facility that is much needed in the area.

3. Use and value of the area adjacent to the property included in the variance requests (#2 & #3) WILL NOT be affected in a substantially adverse manner. The Purdue Early Child Care facility across the street to the north is a building with a reduced setback. The reduction of one parking space in the presence of eight floating spaces will not cause a parking shortage for this use.

4. The terms of the zoning ordinance are being applied to a situation that IS NOT common to other properties in the same zoning district regarding request #2. The site is in the Re-State redevelopment area that aims to promote an urban streetscape. The recently adopted land use policy (US 231 Corridor Plan) is consistent with the urban setback standards.

Regarding Request #2:

5. Strict application of the terms of the zoning ordinance WILL result in an unusual or unnecessary hardship as defined in the zoning ordinance regarding request # 2. The US 231 Corridor Plan including the subject property encourages urban standards consistent with the other redevelopment projects along State Street.

**Note:** Questions 5a. and 5b. need only be answered if a hardship is found in Question 5 above.

5a. The hardship involved IS NOT self-imposed or solely based on a perceived reduction of or restriction on economic gain. The proposed setback is in line with the land use policy for the area.

5b. The variance sought DOES provide only the minimum relief needed to alleviate the hardship because the center can acquire an ILP at the earliest possible date without the completion of the Planned Development process.
Regarding Request #3:

5. Strict application of the terms of the zoning ordinance **WILL NOT** result in an unusual or unnecessary hardship as defined in the zoning ordinance regarding request # 3. A 29 acre tract is large enough to accommodate one additional parking space.

**Note**: Questions 5a. and 5b. need only be answered if a hardship is found in Question 5 above.

5a. The hardship involved **IS** self-imposed or solely based on a perceived reduction of or restriction on economic gain because there is ample space to place a 9’ x 18’ parking spot.

5b. The variance sought **DOES NOT** provide only the minimum relief needed to alleviate the hardship because an ordinance defined hardship could not be established.

**STAFF RECOMMENDATION:**
Request # 2 (setback) Approval
Request # 3 (parking) Denial
OVERALL PLAN - BUILDINGS D & E

SITE DESCRIPTION NOTES:
1. AREAS WHERE PLANING ON CONCRETE SLAB ARE MINIMUM PONDING AND LEAKS IN PLANTING AREAS ARE PROHIBITED. WHERE POSSIBLE CONCRETE SLAB WILL BE 1" THICKhält LIEF AND DEEPER FOR SATURATED AND EXPANSION JOINTS AND WATER DRAINAGE. THE CONTRACTOR SHALL PROVIDE THE PROPER WATER DRAINAGE OR DREDGING.
2. POSITIVE SLOPE OR TILT OF 1" PER FOOT TO ACCOUNT FOR DRAINAGE OR DREDGING.
3. REMOVE NON-DAMAGED MATTER THAT WOULD INTERFERE WITH PROPERLY PLANTED MATERIAL.
4. INSTALL SEED OR SOD DAMAGE TO EXCAVATED AREAS AFTER FINAL GRADING UNLESS OTHERWISE NOTED.
5. THE EXCAVATING CONTRACTOR OR LANDSCAPE CONTRACTOR SHALL PREPARE THE FINISH GRADE AT 1/2" BELOW ADJACENT PAVED AREAS. FINISHED GRADES IN PLANTING AREAS SHALL BE 1" LOWER THAN ADJACENT PAVING AND ARE TO INCLUDE 3" MULCH OVER PLANTING SOIL.

GENERAL NOTES:
1. IN CASE OF DISCREPANCIES BETWEEN THE PLAN AND PLANT LIST, THE PLAN SHALL DICTATE.
2. ACCESSIBLE RAMPS AND SIGNAGE SHALL BE IN ACCORDANCE WITH FEDERAL, STATE, AND LOCAL AGENCIES. AREAS WHERE THE EXISTING PAVEMENT OR PAVEMENTS ARE DAMAGED DURING CONSTRUCTION OR DURING THE SCHEDULED REPAIR AND/or RECONSTRUCTION SHALL TAKE PLACE AT THE END OF THE PROJECT CONSTRUCTION OR DURING THE SCHEDULED REPAIR AND/or RECONSTRUCTION. THE GENERAL CONTRACTOR, SUBCONTRACTOR, OR SUPPLIERS, WITH THE LANDSCAPE ARCHITECT IMMEDIATELY.

3. THE EXCAVATING CONTRACTOR OR LANDSCAPE CONTRACTOR SHALL PROVIDE THE PROPER WATER DRAINAGE OR DREDGING.
4. POSITIVE SLOPE OR TILT OF 1" PER FOOT TO ACCOUNT FOR DRAINAGE OR DREDGING.
5. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REMOVE MUD, DIRT, GRAVEL, AND ANY OTHER MATERIALS FROM THE SITE.
6. RADII INDICATED SHALL BE FORMED AS CIRCULAR ARCS. CURVES AND ARCS SHALL BE TO FACE OF CURB. DIMENSIONS FROM BUILDING SHALL BE FROM FACE OF BUILDING.
7. WHERE NOT SHOWN, SIDEWALK AND RETAINING WALL EXPANSION JOINTS SHALL BE 30'-0: O.C.
8. REMOVAL OF EXISTING CONCRETE AND ASPHALT PAVEMENT INDICATED ON PLANS SHALL BE BY THE CONTRACTOR. WHERE POSSIBLE SLEEVING SHOULD BE STACKED AND NOT LEFT IN EXISTING CONCRETE. WHERE POSSIBLE SLEEVING SHOULD BE STACKED AND NOT LEFT IN NEW CONCRETE.
9. REFER TO ARCHITECTURAL DRAWINGS FOR BUILDING DIMENSIONS.
10. REFER TO ARCHITECTURAL DRAWINGS FOR RESOLUTION.
11. REFER TO PLANTING PLANS FOR LAYOUT OF TREES, SHRUBS, PLANTING BEDS AND EXTENT OF ALL SERVICES AND SERVICES.

UTILITY NOTES:
1. ASSESSMENT LIMITS ARE APPROXIMATE. THE CONTRACTOR WILL BE RESPONSIBLE FOR CORRECTING THE EXACT LOCATIONS OF THE UTILITIES AND DRAINAGE BY CALLING INDIANA UNDERGROUND CABLE LOCATIONS, INC. PRIOR TO STARTING WORK.
2. CONTRACTOR SHALL COORDINATE WITH UTILITY COMPANIES FOR THE LOCATION OF UTILITIES PRIOR TO BEGINNING WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF EXISTING UTILITIES. UTILITIES CALL INDIA UNDERGROUND CABLE LOCATIONS, INC.

LEGAL DESCRIPTION LIMITS:
1. LANDSCAPE ARCHITECT RESERVES THE RIGHT TO ADJUST PLANT LOCATIONS ON THE GENERAL CONTRACTOR.

SHEETS AND SHEET NO.:
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LEGAL DESCRIPTION LIMITS:
1. SHREWSBERRY AND ASSOCIATES, LLC. CLAIMS NO RESPONSIBILITY FOR THE ACCURACY OF THE LEGAL DESCRIPTION LIMITS.
2. DO NOT SCALE DRAWING FOR DETERMINING EXACT LAYOUT INFORMATION.
3. REFER TO PLANTING PLANS FOR LAYOUT OF TREES, SHRUBS, PLANTING BEDS AND EXTENT OF ALL SERVICES AND SERVICES.
4. REFER TO ARCHITECTURAL DRAWINGS FOR BUILDING DIMENSIONS.
5. REFER TO ARCHITECTURAL DRAWINGS FOR RESOLUTION.

NOTE: ALL SHAPES AND LINES REPRODUCED DO NOT INDICATE EXACT LAYOUT INFORMATION.

SITE STRUCTURE NOTES:
1. IF IN CASE OF DISCREPANCIES BETWEEN THE PLAN AND PLANT LIST, THE PLAN SHALL DICTATE.
2. ACCESSIBLE RAMPS AND SIGNAGE SHALL BE IN ACCORDANCE WITH FEDERAL, STATE, AND LOCAL AGENCIES. AREAS WHERE THE EXISTING PAVEMENT OR PAVEMENTS ARE DAMAGED DURING CONSTRUCTION OR DURING THE SCHEDULED REPAIR AND/or RECONSTRUCTION SHALL TAKE PLACE AT THE END OF THE PROJECT CONSTRUCTION OR DURING THE SCHEDULED REPAIR AND/or RECONSTRUCTION. THE GENERAL CONTRACTOR, SUBCONTRACTOR, OR SUPPLIERS, WITH THE LANDSCAPE ARCHITECT IMMEDIATELY.

LOCAL AGENCIES, AREAS WHERE THE EXISTING PAVEMENT OR PAVEMENTS ARE DAMAGED DURING CONSTRUCTION OR DURING THE SCHEDULED REPAIR AND/or RECONSTRUCTION SHALL TAKE PLACE AT THE END OF THE PROJECT CONSTRUCTION OR DURING THE SCHEDULED REPAIR AND/or RECONSTRUCTION. THE GENERAL CONTRACTOR, SUBCONTRACTOR, OR SUPPLIERS, WITH THE LANDSCAPE ARCHITECT IMMEDIATELY.

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LOCAL AGENCIES, AREAS WHERE THE EXISTING PAVEMENT OR PAVEMENTS ARE DAMAGED DURING CONSTRUCTION OR DURING THE SCHEDULED REPAIR AND/or RECONSTRUCTION SHALL TAKE PLACE AT THE END OF THE PROJECT CONSTRUCTION OR DURING THE SCHEDULED REPAIR AND/or RECONSTRUCTION. THE GENERAL CONTRACTOR, SUBCONTRACTOR, OR SUPPLIERS, WITH THE LANDSCAPE ARCHITECT IMMEDIATELY.
REQUEST MADE, PROPOSED USE, LOCATION:
Petitioner, who is also the owner, is requesting a special exception for a transient guest house (short-term rental) on property zoned R1 and FP (this special exception and the submitted legal description will only apply to the R1 zoned portion of the property). The business would operate 24 hours per day, seven days a week, as is typical of residentially used property. The site is located on the west side of North River Road extending up the hill to Happy Hollow Road and is commonly known as 1700 North River Road. The western end of this land is located in the City of West Lafayette and the rest of the land (including the homesite) is located in the unincorporated area of Tippecanoe County, Wabash 17 (NW) 23-4.

AREA ZONING PATTERNS:
The area contained in the special exception petition is zoned R1, single-family residential as are all adjoining properties to the north, west and south. The area of FP zoning on petitioner’s property has been excluded from the legal description of this request. Additional FP zoning associated with the Wabash River is located between the R1 and the river. An area of R3W is located approximately 500 feet to the south.

AREA LAND USE PATTERNS:
The North River Road corridor was designated by Indiana as a State Scenic Byway in 2008 and is now formally known as the Wabash River Scenic Byway. Land uses in the area are dominated by single-family homes with most being located on the west side of the road due to frequent flooding of the Wabash. A multi-family development, Knob Hill Apartments, is located about 500 feet to the south.

TRAFFIC AND TRANSPORTATION:
North River Road, a state designated Scenic Byway, is classified as an urban secondary arterial in The Thoroughfare Plan. Traffic counts taken in 2015 indicate that approximately 14,460 vehicles pass this site daily.

The driveway access for this home is from North River Road. The two required parking spaces can easily be accommodated on the site.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:
West Lafayette sanitary sewer and a private well serves this site. No buffering is required.
STAFF COMMENTS:
Petitioner, who lives on land adjacent to the south, is requesting a special exception to use the existing single-family home as a Transient Guest House, which is a short-term rental that is not required to ever be owner-occupied. Previously, this home had been rented on a long-term basis (more than 30 days).

Most homes located along North River Road are served by long and often steep driveways and are obscured by dense vegetation. This property, including the home, is similar to others because it sits high above the river and the Flood Plain zone. The two required parking spaces can easily be accommodated in the driveway or garage. Lighting shown on the site plan is typical of residences with lights at all entries as well as the driveway and parking area.

According to the petition, the home will be rented as a single unit for up to 4 adults (not including children). The home contains 2 bedrooms. The house may be rented to up to 4 adults provided that it complies with the definition of “family” in the zoning ordinance. “Family” is defined as “one or more persons related by blood, marriage or adoption and not more than two unrelated persons living as a single housekeeping unit.” Petitioner may rent to four adults as long as two of them are related so that the definition of family will be met.

At its meeting on June 5, 2019 the Executive Committee of the Area Plan Commission voted that granting this request would not substantially adversely affect the Comprehensive Plan.

Regarding the ballot items:

1. Section 3.1 of the Unified Zoning Ordinance DOES authorize the special exception for this use in this zoning district.

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. The site plan shows that the property meets the requirements of the R1 zone regarding setbacks, vegetative coverage, lot coverage and parking.

3. Granting the special exception WILL NOT subvert the general purposes served by the Ordinance because the property will be used as a residential rental as it has been for the past several years except it will be rented on a short-term basis (less than 30 days).

4. Granting the special exception WILL NOT materially and permanently injure other property or uses in the same district and vicinity because of:
a. Traffic generation: The traffic generated by this use will be very similar to other nearby homes. Site distance at the location of the driveway on North River Road is adequate.
b. Placement of outdoor lighting: The lighting shown on the site plan is existing and typical of homes with 75-watt bulbs illuminating the driveway, parking area and access points to the home.
c. Noise production: Any noise produced from this use will be similar to other residential properties in the area. Because the number of occupants must meet the definition of “family”, the home will not be rented to large groups of unrelated people.
d. Hours of operation: Twenty-four hours per day, seven days per week is the same as any other residential use.

STAFF RECOMMENDATION:
Approval with the following recorded commitment and condition:

Commitment

1. The single-family home shall be rented only to one family as defined in the Unified Zoning Ordinance at any given time.

Condition

1. Following the recordation of the commitment, a permit to operate a Transient Guest House must be obtained from the County Building Commission.

Note: A special exception approval ceases to be valid if the use is not established within one year of the date that the special exception was granted.
All measurements are approximate and were taken from the Tippecanoe County GIS using the GIS measurement tool.
The four car parking is paved asphalt and includes a gravel apron on the south side.

Lighting:
- Porch lights standard household 110 w/ 75 watt bulbs - front porch (2), back porch (1), garage (2)
- Spot Lights standard household 110 w/ 75 watt bulbs - located on all four corners of the house
- Post Lanterns standard household 110 w/ 75 watt bulbs - located half way (1) and three quarters (1) up drive