The
AREA PLAN COMMISSION
of Tippecanoe County

# Notice of Public Hearing

**Date: March 18, 2020**
**Time: 6:00pm**
**Place: County Office Building**
**Tippecanoe Room**
**20 North Third Street**
**Lafayette, Indiana 47901**
**AGENDA**

## I. BRIEFING SESSION

### A. WITHDRAWN CASES

The following case was withdrawn by petitioner's representative:

- Z-2776 Tammy Appelbaum (GB to AW)

## II. APPROVAL OF MINUTES

Documents:

APC MINUTES 02.19.2020.PDF

## III. NEW BUSINESS

### A. REQUEST TO AUTHORIZE FILING A BELATED PRIMARY APPROVAL EXTENSION REQUEST

1. **PARAMOUNT-LAKESHORE SUBDIVISION (S-3152):**

The developer, Paramount Development Group, LLC (represented by Patrick Cunningham), is requesting authorization to file a belated extension request for the primary approval granted March 20, 2002 and extended several times now expired (March 20, 2018). The preliminary plat covers a 6-lot (5 blocks and 1 outlot) commercial subdivision on 31 acres, located on the north side of US 52, approximately 1/4 mile west of Morehouse Road, Wabash 2 (NE) 23-5.

Documents:

S-3152 PARAMOUNT LAKESHORE EXTENSION REQUEST.PDF

## IV. PUBLIC HEARING

### A. SUBDIVISIONS

1. **S-4905 BELLE TERRA SUBDIVISION, REVISED (MAJOR-PRELIMINARY):**
   Petitioner is seeking primary approval to replace the original 77 lot (and 2 outlots) preliminary plat approved July 18, 2018 (S-4755) on the same 27.64 acre tract located at the northwest corner of CR 600 N and CR 75 E, in Tippecanoe 20 (SE) 24-4. The new layout will be for 79 single-family lots and 3 outlots, including a community building/clubhouse.

   Documents:

   S-4905 BELLE TERRA SUBDIVISION REVISED.PDF

### B. REZONING ACTIVITIES

1. **Z-2776 TAMMY APPELBAUM (GB TO AW):**
   ****WITHDRAWN BY PETITIONER MARCH 12, 2020****
   Petitioner is requesting rezoning of 0.721 acres located at 9036 Mill Street in the unincorporated town of Stockwell, Lauramie 9 (NW) 21-3. *Continued from the February 19, 2020 APC meeting because of an inconclusive vote.*

2. **Z-2783 CARR FAMILY FARM, LLC (A TO I3):**
   Petitioner is requesting rezoning of three tracts totaling 97.806 acres east of I-65, south of Haggerty Lane and west of the T-intersection of CR 650 E with Haggerty Lane, adjacent to the north of the Dayton Town limits, specifically 6445 E 200 S, Sheffield 5 (NW) 22-3. With Commitment added February 19th. *Continued from the February 19th meeting at petitioner's request. First continuance.*

   Documents:

   Z-2783 CARR FAMILY FARM REVISED.PDF

3. **Z-2784 THOMAS C. AND SUSAN L. RIEHLE (R2U TO NBU):**
   Petitioners are requesting rezoning of one lot located on the east side of N. 13th Street between Union and Elizabeth Streets, specifically, 723 N. 13th Street, Lafayette, Fairfield 21 (SW) 23-4. *Continued from the February 19th APC meeting at petitioner's request. First continuance.*

   Documents:

   Z-2784 THOMAS AND SUSAN RIEHLE.PDF

4. **Z-2788 ANTIQUE CANDLE WORKS, INC. (GB TO I2):**
   Petitioner is requesting rezoning of a 1-acre tract located at the southeast corner of Schuyler Avenue and N. 16th Street, specifically 1611 Schuyler Avenue, Lafayette, Fairfield, Longlois Reserve (SW) 23-4.

   Documents:

Z-2788 ANTIQUE CANDLE WORKS, INC..PDF

5. **Z-2789 SPRING VALLEY MANAGEMENT, LLC (R2U & R3U TO R3U):**
Petitioner is requesting rezoning to legitimize an existing four-unit apartment building in order to renovate the building. The property is located downtown on the east side of S. 8th Street, specifically 9 South 8th Street, Lafayette, Fairfield 29 (NE) 23-4.

Documents:

Z-2789 SPRING VALLEY MANAGEMENT, LLC.PDF

**V. ADMINISTRATIVE MATTERS**

**VI. APPROVAL OF THE APRIL EXECUTIVE COMMITTEE AGENDA**

Documents:

04012020 EXEC AGENDA.PDF

**VII. DETERMINATION OF VARIANCES - AREA BOARD OF ZONING APPEALS**

Documents:

2020-03 CDOV .PDF

**VIII. DIRECTOR'S REPORT**

**IX. CITIZENS' COMMENTS AND GRIEVANCES**

**X. ADJOURNMENT**

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY**
**MINUTES OF A PUBLIC HEARING**

DATE.....February 19, 2020
TIME.....6:00 P.M.
PLACE..... County Office Bldg.
20 N. 3rd Street
Lafayette, IN 47901

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

The Area Plan Commission of Tippecanoe County Public Hearing was held on the 19th day of February 2020 at 6:00 P.M., pursuant to notice given and agenda posted as provided by law.

President Jackson Bogan called the meeting to order.

## I. BRIEFING SESSION

Jackson Bogan welcomed Jon Fricker's Land Use Planning class to the meeting this evening.

Sallie Fahey said there are two cases that have asked for continuances. **Z-2783 CARR FAMILY FARM, LLC (A to I3)** and **Z-2784 THOMAS C. AND SUSAN L. RIEHLE (R2U to NBU)** have both asked to be continued to the March 18, 2020 meeting at petitioner's request.

## II. APPROVAL OF MINUTES

Tom Murtaugh moved to approve the minutes from the January 15, 2020 meeting.
Greg Jones seconded and the minutes were approved by unanimous voice vote.

## III. NEW BUSINESS

**RESOLUTION PD-20-02: EVERGREEN CAMPUS RENTALS, LLC (Evergreen Campus Rentals PD) (Z-2715):**

Final Detailed Plans for the Evergreen Campus Rentals Planned Development. The approved preliminary plans allow for the construction of a 5-story multi-family apartment building containing 48 units with a maximum of 64 bedrooms atop a 23-space internal parking garage (with additional off-site parking being provided). A rental office is also an optional ground-floor use. The property is located at 111 E. Columbia Street, West Lafayette, Wabash 20 (NW) 23-4.

Tom Murtaugh moved to hear and vote on Resolution PD #2020-02: Final Detailed Plans for the Evergreen Campus Rentals Planned Development. Greg Jones seconded.

Ryan O'Gara presented the final detailed plans. He said this project was approved in late 2018. This site is in West Lafayette off Columbia Street and is a unique project in that is it is a 5-story apartment building with 48 units, 64 bedrooms and a 23-space internal parking garage with the option for off-site parking. The city will get a new public alley out of this project. There is an alley in existence that has been maintained by the city but has been private. This project cleaned this area up by creating a formal alley that will be platted when the plan is recorded. The project meets all requirements for final detail plans. Staff is recommending approval of PD #2020-02.

Petitioner was present but did not wish to speak.

The Area Plan Commission voted by ballot 10-Yes to 0-No to approve **APC RESOLUTION PD 2020-02: FINAL DETAIL PLANS FOR EVERGREEN CAMPUS RENTALS PLANNED DEVELOPMENT.**

## IV. PUBLIC HEARING

Jackson Bogan read the meeting procedures.

Tom Murtaugh 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.

A. SUBDIVISIONS
   **S-4895 VITA OF WEST LAFAYETTE SUBDIVISION (minor-sketch):**
   Petitioner is seeking primary approval for a 2-lot subdivision on 10.69 acres, located on the northwest side of Cumberland Avenue, just west of the US 231 intersection, in West Lafayette, Wabash 11 (NW) 23-5.

Tom Murtaugh moved to hear and vote on **S-4895 VITA OF WEST LAFAYETTE SUBDIVISION (minor-sketch).** Greg Jones seconded.

Sallie Fahey presented the zoning map, plat, and aerial photos. She said this site is zoned R3W and is located on the north side of Cumberland Avenue extended between US 231 to the east and Klondike Road to the west. There is NB zoning to the south and GB zoning to the north. There is an existing access that was established when Cumberland Avenue was extended that will stay. There are two other access points that will need to be reviewed by the County Highway Department. The care facility that is planned for Lot 1 includes 177 units in 7 buildings including nursing care, memory care and some independent living options. Cumberland Avenue is a secondary arterial; the road right-of-way exceeds the subdivision requirements for both pavement and right-of-way. It is likely the existing entrance in Lot 2 will primarily be used to access the land to the north. Sewer and water are available to serve the site. There is a large 40-foot sanitary sewer easement across the north end of the property. There is also a sanitary sewer easement on the west side. Indiana American Water is in the southwest corner of the site and can easily be brought in. There is a requirement for half of a 30-foot Type-C bufferyard. Petitioner plans to exceed that by installing a full 20-foot buffer on the south side of the drainage easement. When the adjoining property is developed, they will have to provide their 15-feet. Petitioner has filed a request with the Area Board of Zoning Appeals for a building height variance which will be heard on February 26, 2020. There was a subdivision platted on this land prior, so before the final plat for this subdivision is recorded, the owner will have to withdrawal their primary approval on the other subdivision. Staff is recommending conditional primary approval contingent on the following:

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

1. Withdrawal of S-4750 Cottages at Cumberland Subdivision conditional primary approval.
2. Except for the approved entrances, "No Vehicular Access" restrictions shall be platted along the Cumberland Avenue right-of-way line.
3. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
4. All required building setbacks shall be platted.
5. The West Lafayette corporation line shall be labeled.
6. The street addresses and County Auditor's Key Number shall be shown.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

7. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

Daniel Teder, PO Box 280, Lafayette, IN 47902, representative of the petitioner, said they concur with the staff report and recommendation.

The Commission voted by ballot 10-Yes to 0-No for conditional primary approval of **S-4895 VITA OF WEST LAFAYETTE SUBDIVISION (minor-sketch).**

**S-4897 STONEHENGE SUBDIVISION, PHASE 5 (major-preliminary):**
Petitioner is seeking primary approval for a 26-lot addition to the existing Stonehenge Subdivision on 9.69 acres, located at the south end of Amesbury Drive, in Wabash 34 (SE) 24-5.

Tom Murtaugh moved to hear and vote on **S-4897 STONEHENGE SUBDIVISION, PHASE 5 (major-preliminary).** Vicki Pearl seconded.

Sallie Fahey presented the zoning map, plat, and aerial photos. She said this is the last section of the Stonehenge Subdivision. US 52 is south of the property which is zoned R1. There is remaining development in the Stonehenge Planned Development section to the east. They have started the approval process and negotiations for the planned development portion. There will be a connection between the two portions at Amesbury. The connection makes it obvious that it is going from public to private roads. Petitioner has proposed 26 lots. Sewer and water by Indiana American Suburban and American Water will be extended from the north. Storm water will be routed to the detention to the east of the planned development portion. Petitioner has requested permission to bond. Staff is recommending conditional primary approval contingent on the following:

CONSTRUCTION PLANS – The following items shall be part of the Construction Plans application and approval:

1. American Suburban Utilities, Inc. shall approve the sanitary sewer plans.
2. Indiana-American Water Company, Inc. shall approve the water plans.
3. The fire hydrants shall be approved by the Wabash Township Fire Department. Plans for the actual placement of the hydrants shall be approved by the Indiana American Water Company in cooperation with the Fire Department.
4. An Erosion and Sediment Control Plan and a Stormwater Quality Management Plan meeting the requirements of 327 I.A.C. 15-5 shall be submitted to the Tippecanoe County Soil and Water Conservation District and shall also be approved by the Tippecanoe County Drainage Board as required by Tippecanoe County Ordinance #2011-27-CM.
5. The County Drainage Board shall approve the drainage plans.

6. An on-site utility coordinating sheet shall be approved and signed-off by the non-government utility companies. The assigned street addresses for each lot shall be included. If any of these utilities are being extended from an off-site location, this extension shall be made a part of the utility coordinating sheet.

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

7. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
8. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
9. All required building setbacks shall be platted.
10. The street addresses and County Auditor's Key Number shall be shown.

Patrick Cunningham,309 Columbia Street, Lafayette, IN 47901, representative for petitioner, said he was one of the original developers of Stonehenge and has partial ownership in this property however, he is not the developer for this phase. He agreed with staff and the conditions required. He said they are excited to present the last portion of the development. He thanked the Commission and asked for approval.

Christy Rowdon, 3743 Capilano Drive, West Lafayette, IN 47906, said her property backs up to the very corner of Stonehenge. She said she is not opposed to the subdivision, but she did want to bring two things to the attention of the Commission. First, the properties in Capilano get a lot of the runoff water from Stonehenge and it is bad on their septic systems. Second, the neighborhood would love to see if they would be able to hook into the proposed sewer. She asked if this is the correct body to bring this to.

Jackson Bogan said this is not a question for this body. He asked if Sallie Fahey could speak on this issue.

Sallie Fahey said it is a good idea to bring this to the attention of the developer of Stonehenge because if there is a way to work it out, this is an early enough stage to plan for sanitary sewer connection. The health department would be thrilled to have people get off septic systems. Whether there is enough capacity to extend a line that Capilano residents could utilize in their development is unclear. She recommended that Christy speak to Mr. Cunningham.

Jackson Bogan said that this subdivision must go before the Drainage Board as well. This is not the final say; drainage is just out of this Commission's purview.

Christy Rowdon, 3743 Capilano Drive, West Lafayette, IN 47906, asked if they will be notified when this goes before that board.

Tom Murtaugh said the Drainage Board meets the first Wednesday of each month, but it is likely this will not be heard for another two months.

Nagabhushana Prabhu, 3740 Capilano Drive, West Lafayette, IN 47906, said he owns Lot 55 which adjoins Lots 164 and 165 of the proposed subdivision. There is a stream that runs next to these properties. It is unclear on the map how the stream will be effect. He said this is a matter of concern because his home has flooded before from the rain. The stream runs so close to the property that any alteration of its course may impact the structural integrity of the home. The developers have likely looked at the impact that this would have on the stream. He requested that this be seriously considered before any final decision is made. If the development takes the course of the stream away from the home, that would be great. It is unclear what the impact would be according to the plan. He said he is also concerned with the considerable erosion next to the stream that may impact Lots 162 and 163. He asked if there could be an erosion study for this area.

Jackson Bogan said this is outside the scope of what this Commission does, but it would be something the Drainage Board would like to hear.

Sallie Fahey said the county website will have the agenda for each meeting. She suggested that the neighbors check the agenda each month see when this subdivision will be heard.

The Commission voted by ballot 10-Yes to 0-No for conditional primary approval of **S-4897 STONEHENGE SUBDIVISION, PHASE 5 (major-preliminary).**

The Commission voted by ballot 10-Yes to 0-No to permit bonding for **S-4897 STONEHENGE SUBDIVISION, PHASE 5 (major-preliminary).**

**S-4898 KAPPA DELTA THETA NU MINOR SUBDIVISION (minor-sketch):**
Petitioner is seeking primary approval to replat four lots into one 0.61acre lot, located at the southeast corner of Northwestern and Fowler Avenues, in West Lafayette, Wabash 19 (NE) 23-4.

Tom Murtaugh moved to hear and vote on **S-4898 KAPPA DELTA THETA NU MINOR SUBDIVISION (minor-sketch).** Greg Jones seconded.

Sallie Fahey presented the zoning map, plat, and aerial photos. She said the site is on the corner of Fowler, Wiggins and Northwestern. The purpose of this subdivision is to condense four lots into one for a new sorority house. The four separate owners of these lots have consented to the platting of this into one lot. The site currently has a duplex and three apartment buildings. Northwestern and Fowler are urban primarily arterials that require an 80-foot wide right-of-way. The right-of-way is currently 60-feet wide. Instead of dedicating 10-feet of additional right-of-way from each street, the petitioner is seeking subdivision variances not to dedicate that additional right-of-way. For this to happen, there must be an approval by the West Lafayette Board of Works. They met on February 18, 2020 and recommended approval of the two variances not to require additional right-of-way. West Lafayette will require no vehicular access along Northwestern and Fowler. Instead, all access will come from the alley on the northeast side. Drainage will be dealt with by West Lafayette at the time of the building permit. Sewer and water are available to the site but there may be a requirement to upgrade the sewer system prior to the construction of the building. The Board of Zoning Appeals will be hearing variances for building height, parking and setbacks. If these zoning variances are approved, then any varied setbacks will need to be shown on the final plat. Staff is recommending conditional primary approval contingent on the following:

**Variances**

1. A variance to waive the required additional half width right-of-way dedication of 10-ft along the Northwestern Avenue frontage to create the total 40-ft half width right-of-way required for an urban primary arterial. (USO Section 5.3-3-b)
2. A variance to waive the required additional half width right-of-way dedication of 10-ft along the Fowler Avenue frontage to create the total 40-ft half width right-of-way required for an urban primary arterial. (USO Section 5.3-3-b)

**Conditions**

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

1. A "No Vehicular Access" statement shall be platted along the Northwestern and Fowler Avenue right-of-way lines.
2. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
3. All required building setbacks shall be platted as granted or denied by the ABZA with notes referencing BZA-2031.
4. The street address and County Auditor's Key Number shall be shown.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

5. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

Daniel Teder, PO Box 280, Lafayette, IN 47902, representative of the petitioner, said they concur with the staff report and recommendation. He thanked the Commission and asked for approval.

The Commission voted by ballot 10-Yes to 0-No to approve **VARIANCE #1** for **S-4898 KAPPA DELTA THETA NU MINOR SUBDIVISION (minor-sketch)**.

The Commission voted by ballot 10-Yes to 0-No to approve **VARIANCE #2** for **S-4898 KAPPA DELTA THETA NU MINOR SUBDIVISION (minor-sketch)**.

The Commission voted by ballot 10-Yes to 0-No for conditional primary approval of **S-4898 KAPPA DELTA THETA NU MINOR SUBDIVISION (minor-sketch).**

**S-4899 WOOD ROW MINOR SUBDIVISION (minor-sketch):**
Petitioner is seeking primary approval for a two-lot subdivision on 5.06 acres, located on the west side of CR 675 E, approximately 1/4 mile south of SR 26, in Perry 29 (NE) 23-3.

Tom Murtaugh moved to hear and vote on **S-4899 WOOD ROW MINOR SUBDIVISION (minor-sketch).** Greg Jones seconded.

Sallie Fahey presented the zoning map, plat, and aerial photos. She said this site is in the central east portion of the county. This request is for two lots zoned R1. The property is part of an original 80-acre tract that was divided by the construction of McCarty Lane. This side of the property has 36 acres and has been rezoned by the developer to R1B zoning. The proposal is for the two lots to be developed which is a combined 5.06 acres. They are proposed not to be adjacent because there is a ravine that runs between them. They both have frontage on 675E which is classified as a local rural road. A 30-foot right-of-way is required, but the highway department is not requiring any restriction on access along the frontages of the lots because 675E is a low volume road. There is a letter from the Health Department that both parcels contain areas that be considered for a shallow trench subsurface absorption system, however there will have to be perimeter drains created for both lots. There is an outlet not requiring an easement which could be the ravine in the middle of the lots. Staff is recommending conditional primary approval contingent on the following:

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

1. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
2. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
3. All required building setbacks shall be platted.
4. The Drainage Board or the County Surveyor shall approve any required drainage plans in compliance with Tippecanoe County Ordinance #2011-27-CM.
5. The street addresses and County Auditor's Key Number shall be shown.

Patrick Williams, 105 North 10th Street, Lafayette, IN 47901, representative for petitioner, said they concur with the staff report and recommendation. He thanked the Commission and requested approval.

The Commission voted by ballot 10-Yes to 0-No for conditional primary approval of **S-4899 WOOD ROW MINOR SUBDIVISION (minor-sketch).**

B. REZONING

**Z-2776 TAMMY APPELBAUM (GB to AW):**
Petitioner is requesting rezoning of 0.721 acres located at 9036 Mill Street in the unincorporated town of Stockwell, Lauramie 9 (NW) 21-3.

Tom Murtaugh moved to hear and approve **Z-2776 TAMMY APPELBAUM (GB to AW).** Greg Jones seconded.

Ryan O'Gara presented the zoning map and aerial photos. He said the proposal is to rezone from GB to AW to build a single-family residence. This area has a scattering of zoning. Petitioner owns several tracts that are adjacent to each other. There was a residence on this site previously that was removed in 2006. The site is served by the town sanitary sewer, but it is on private water with a well. The rezoned area would potentially need to be combined with the adjacent lot in order to establish the residential use. Petitioner has communicated that they are interested in expanding the commercial lot. Established policy would say that agricultural rezones would not be supported if sewer is present; sewer is present in this proposal. There is R1 zoning across the street and is much more appropriate to establish a residence instead of going backwards with an AW zone. When this zoning was first established, it is likely there was not sewer present. Now that it is present, it is more fitting to be zoned residentially. Staff feels there are different ways for this to be rezoned to allow for a single-family home to be built. Staff is recommending denial.

Jackson Bogan asked staff to clarify the difference between R1 and AW zoning.

Sallie Fahey said she wanted to make clear that this has been a challenge to staff because petitioner owns the AW zoned lot to the east. Staff does not understand why petitioner did not put their house on that property. The rezone and possible subdivision would not be necessary. They would retain plenty of land to expand their business which is what they would like to do.

Ryan O'Gara said the petitioner could get permits tomorrow to build a house on the AW portion of their property and leave the GB zoned area the way it is to expand their shop. Agricultural zones offer mostly agricultural uses that are true rural areas that are off a sewer grid. That is established Comprehensive Plan policy. As an area is urbanized, they naturally need to shed the agricultural zoning. Since public sewer is available, R1 would be appropriate.

Joseph Bumbleburg, PO Box 1535, Lafayette, IN, 47902, representative for petitioner, said this property has an interesting history. The previous owners had a car repair business in one of the out buildings and lived in the house that was there. The house was not removed; the house burned down and was not rebuilt. This rezone has been pending since last September because it has been a struggle to get DNR to give them a flood plain elevation. The staff report says this area has a rural feel because of the street conditions, lack of pavement, no urban gutters and the lack of density in the area. This piece is just being put back like it was. There is a benefit to Stockwell to having a new dwelling unit in town. Another added benefit is that Tammy and Paul run their business on the properly zoned piece of land. The rural feel is one that has been there for a long time and will continue to be there if this house is built. This piece of property will be a good new development that does not offend anyone in the town of Stockwell. He thanked the Commission and requested a favorable recommendation to the Tippecanoe County Commissioners.

Tom Murtaugh asked why they did not rezone the property to R1.

Joseph Bumbleburg, PO Box 1535, Lafayette, IN, 47902, representative for petitioner, said they had been looking at the closest GB zoned property which cannot have a home. With the surveyor's drawings, this seemed the most effective way to do this.

Tom Murtaugh asked instead of AW, why did you not request R1.

Joseph Bumbleburg, PO Box 1535, Lafayette, IN, 47902, representative for petitioner, said they knew they could put a house in AW.

Tom Murtaugh said it would have been approved in R1.

Joseph Bumbleburg, PO Box 1535, Lafayette, IN, 47902, representative for petitioner, said this couple is trying to place their house where it is supposed to be in their planning process. A government agency suddenly deciding where a house needs to be built is an invasion of property rights.

Tom Murtaugh said he was curious why they did not zone it R1.

Joseph Bumbleburg, PO Box 1535, Lafayette, IN, 47902, representative for petitioner, said when they were drawing this, AW seemed more appropriate.

Tom Murtaugh asked what made AW more appropriate.

Joseph Bumbleburg, PO Box 1535, Lafayette, IN, 47902, representative for petitioner, said the house can be there and that is the way the properties were joined together. He said he does not have a surveyor with him this evening to explain it. The key thing to remember here is that this is good for the town of Stockwell.

Tom Murtaugh said he does not think the house being there is problem; R1 just seems to make more sense. Is there something in R1 that the petitioner does not agree with.

Jackson Bogan asked if something is allowed in AW that is not allowed in R1.

Joseph Bumbleburg, PO Box 1535, Lafayette, IN, 47902, representative for petitioner, said we did not look at it that way. They saw that a house was permitted in AW and there was other AW land around the property. The whole area is a mixed bag of zoning.

Tracy Brown asked if the business can be expanded on to AW.

Joseph Bumbleburg, PO Box 1535, Lafayette, IN, 47902, representative for petitioner, said the business cannot be expanded into AW. The fact of the matter is, this process has taken since October and there is no longer the thought of expanding the business.

Vicki Pearl asked if the property next to this one is R1.

Ryan O'Gara said the property across the street is R1.

Jackson Bogan asked if the property immediately adjacent is AW.

Sallie Fahey said the piece where the business is located, and the proposed site are currently zoned GB. Everything that is green on the map is AW.

Jackson Bogan asked Sallie if there is anything in AW that would be a negative.

Sallie Fahey said minimum lot size is bigger in AW than in R1 but there is not a negative that she can think of.

Tom Murtaugh said 4-H animals are allowed in AW zoning.

Sallie Fahey said a chicken coop is allowed in AW and not in R1.

*There was discussion away from the microphone that was not recorded.*

Jackson Bogan asked Sallie if there is anything negative that could happen with the AW zoning that would hurt the town.

Sallie Fahey said no but it is odd to serve agricultural land with sanitary sewer.

The Commission voted by ballot 6-Yes to 4-No for no majority. **Z-2776 TAMMY APPELBAUM (GB to AW)** will be heard again next month.

| Yes-votes | No-votes |
|---|---|
| Vickie Pearl | Michelle Long |
| Al Beavers | Tracy Brown |
| Jackson Bogan | Greg Jones |
| Diana Luper | Kathy Parker |
| Tom Murtaugh | |
| Perry Brown | |

**Z-2782 ALLOY CUSTOM PRODUCTS, LLC (A to I3):**
Petitioner is requesting rezoning of slightly more than 4 acres including a platted lot located at 9297 Old SR 25 N and a tract adjacent to the northeast, just east of the CR 1075 N intersection, Washington 1 (NE) 24-3.

Tom Murtaugh moved to hear and approve **Z-2782 ALLOY CUSTOM PRODUCTS, LLC (A to I3).** Greg Jones seconded.

Ryan presented the zoning map and aerial photos. He said this site is in the far northeast corner of the county. This rezone paves the way for a potential expansion of the existing Alloy Custom Products which has been in the community for a long time. The legal description was amended to leave out a small portion of flood plain. The Comprehensive Plan called this area an urbanizing rural sector. This is an area that was not supposed to be cast in concrete to allow flexibility if it slowly starts to urbanize. This would favor commercial septic. The Comprehensive Plan had foreseen this area developing further. The petitioner does not plan to develop this area immediately, but they will have the correct zoning to do so. Staff is recommending approval.

Joseph Bumbleburg, PO Box 1535, Lafayette, IN, 47902, representative for petitioner, said when he received this assignment, he was given a tour of the plant. It was interesting to see them create the tanks. This company has a nation-wide status in this industry. They would like to have their whole site zoned industrial. He asked for a positive recommendation and thanked the Commission.

The Commission voted by ballot 10-Yes to 0-No to recommend approval to the Tippecanoe County Commissioners for **Z-2782 ALLOY CUSTOM PRODUCTS, LLC (A to I3).**

*Vicki Pearl recused herself due to a conflict of interest.*

**Z-2785 ELLIOT ROSE, LLC d/b/a FUEL COFFEE SHOP (R2 to NBU):**
Petitioner is requesting rezoning of two lots located a block south of the Five Points intersection, on the southwest corner of Alabama and S. 16th Streets, specifically 106 S. 16th Street, Lafayette, Fairfield 28 (NW) 23-4.

Tom Murtaugh moved to hear and approve **Z-2785 ELLIOT ROSE, LLC d/b/a FUEL COFFEE SHOP (R2 to NBU).** Greg Jones seconded.

Rabita Foley presented the zoning map and aerial photos. She said this site is location on the southwest corner of 16th Street and Alabama in the City of Lafayette. It is currently zoned R2 with an existing home which was used as an engineering consultant firm. The original structure was built in 1910 and expanded in 1917. This area is the Valley Center neighborhood which is predominantly residential with patches of commercial uses. This piece of land is part of the Five Points study area which recognizes this as a potential commercial development area. There is small retail strip mall across the street and a liquor store cattycorner to the property. This general area lacks prepared food options. Petitioner plans to relocate Fuel Coffee Shop from its Main Street location to the site. Petitioner has established rapport with the city engineer's office to figure out a way to repurpose the existing structure for the coffee shop. Staff is recommending approval.

Colleen Mathews, 1801 Wilson Street, Lafayette, IN 47904, petitioner, said Fuel has been in business since 2014 and has been an anchor business on the north side of Main Street. They have seen 15% in growth in the last 6 years and have outgrown their current location. This new location is a great space and it will kickstart the Five Points redevelopment. She thanked the Commission and respectfully asked for approval.

The Commission voted by ballot 9-Yes to 0-No to recommend approval to the Lafayette Common Council for **Z-2785 ELLIOT ROSE, LLC d/b/a FUEL COFFEE SHOP (R2 to NBU).**

*Vicki Pearl rejoined the meeting at 7:08 pm.*

Tom Murtaugh moved that **Z-2783 CARR FAMILY FARM, LLC (A to I3)** and **Z-2784 THOMAS C. AND SUSAN L. RIEHLE (R2U to NBU)** be continued to the March 18th, 2020 APC meeting at petitioner's request. Greg Jones seconded and the motion passed by unanimous voice vote.

## V. ADMINISTRATIVE MATTERS

Sallie Fahey said one of the bills introduced in this year's legislative session, known as Senate Bill 100 is not a good thing for local government and planning. This bill would take away the Commission's right to determine nonconforming uses of single-family homes. It would require that every single-family home, if destroyed or damaged, would have to be allowed to rebuild. She said she does not like when the state takes away local government control and control from elected officials. There are parts of the bill that are not very well worded that could be subverted by a home owner. The terms damaged and destroyed are not tied to an act of god or a natural disaster. A homeowner could destroy their 100-year old shack and they would have to be allowed to build in the same footprint. This would also apply to flood plains. This Commission have been very protective of our flood plains. This bill passed out of the Senate and went to the House. She said she had a conversation with the House sponsor of the bill. At the end he asked what would make this bill acceptable. She told him to not allow single family homes in flood plains to automatically rebuild. He did not get back with her however emailed an amendment that will be offered to excluded reconstruction in the flood plain. She said she plans to go to the committee hearing to make sure that they accept the amendment.

Tom Murtaugh said he attended a dinner yesterday evening in which the speaker referred to this bill as one of the worst bills that has been introduced this year. He suggested that in Sallie's testimony she could say that the Tippecanoe County Area Plan Commission voted that they are overwhelming against this bill because of the portion regarding the flood plain. He asked Zach Williams for advice on phrasing the motion.

Zach Williams said the chair will need to ask for a motion from the Commission to find that the Commission is against SB 100 in its current form and believes it will create an increased risk to property owners.

Jackson Bogan asked if Sallie is testifying.

Tom Murtaugh said she will testify if the amendment to the bill is not made.

Zach Williams said he thinks the motion would be that this body is strongly against SB 100 because it raises grave concern for personal safety and property for areas in the flood plain that will be changed if this bill is passed in the current form.

Tom Murtaugh moved that this body is strongly against SB 100 because it raises grave concern for personal safety and property for areas in the flood plain that will be changed if this bill is passed in the current form. Greg Jones seconded and the motion carried by unanimous voice vote.

## VI. APPROVAL OF THE MARCH 4TH EXECUTIVE COMMITTEE AGENDA

No new subdivision requests this month.

## VII. DETERMINATION OF VARIANCE – AREA BOARD OF ZONING APPEALS

Tom Murtaugh moved that the following request for variance from the Unified Zoning Ordinance is not a request for use variance, prohibited by ordinance and statute:

**BZA-2031 THETA NU HOUSING, LLC;** and
**BZA-2032 JAMES L. AND SHEILA A. COCHRAN.**

Greg Jones seconded and the motion was approved by unanimous voice vote.

## VIII. DIREECTOR'S REPORT

Sallie Fahey said Chyna Lynch and Daelen Ogas passed their 6-month probation with flying colors. She said Kathy Parker and Al Beavers spent about two hours going through an orientation and they will be great Commission members.

## IX. CITIZEN'S COMMENTS AND GRIEVANCES

None.

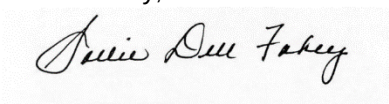
## X. ADJOURMENT

Tom Murtaugh moved to adjourn.
Meeting adjourned at 7:17 p.m.

Respectfully Submitted,

Chyna R. Lynch
Recording Secretary

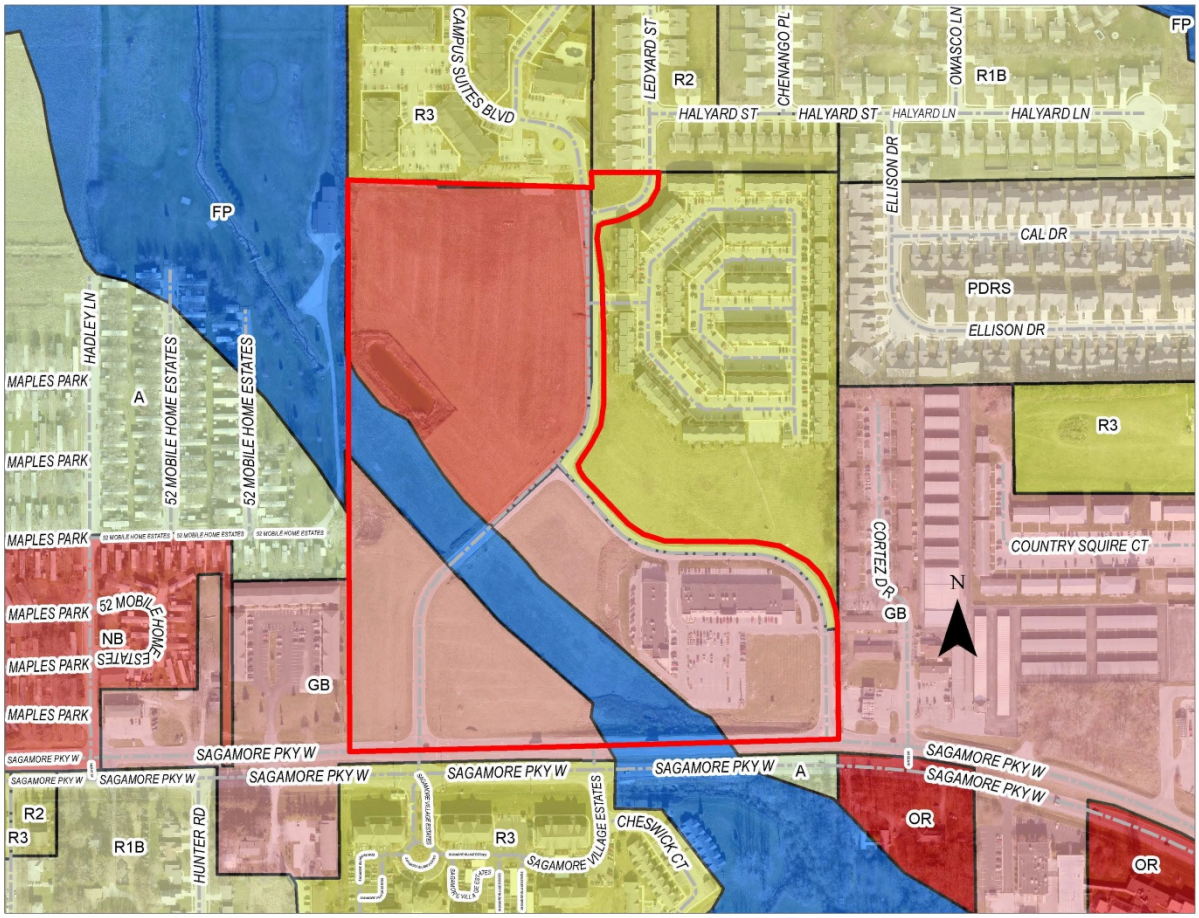
Reviewed By,

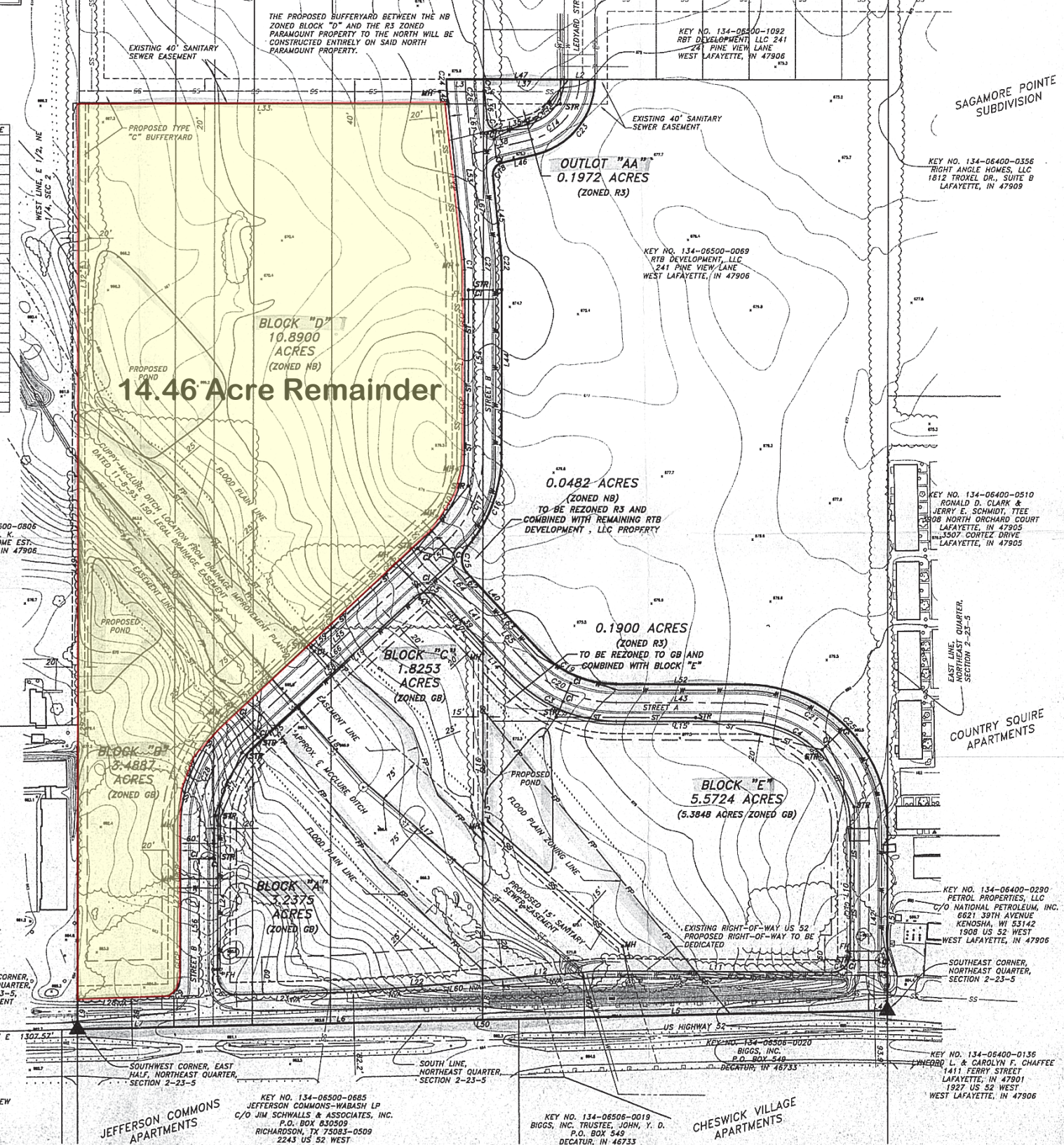


Sallie Fahey

# S-3152
# PARAMOUNT-LAKESHORE SUBDIVISION
# Request to Authorize Filing a 5th Primary Approval Extension

## STAFF REPORT
## March 12, 2020






| NUMBER | CHORD BRG. | CHORD L. | RADIUS | ARC L. | DELTA ANGLE |
|---|---|---|---|---|---|
| C1 | N 02°57'56" W | 17.39 | 170.00 | 17.40 | 05°51'53" |
| C2 | N 45°09'55" E | 42.51 | 30.00 | 47.24 | 90°13'23" |
| C3 | S 66°26'48" E | 183.42 | 230.00 | 188.67 | 47°00'00" |
| C4 | N 44°56'47" W | 240.42 | 170.00 | 267.04 | 90°00'01" |
| C5 | N 87°56'48" W | 42.43 | 30.00 | 47.12 | 90°00'00" |
| C6 | S 45°37'01" E | 42.95 | 30.00 | 47.87 | 91°25'33" |
| C7 | S 23°34'29" W | 135.46 | 170.00 | 139.32 | 46°57'26" |
| C8 | S 23°34'29" W | 183.27 | 230.00 | 188.50 | 46°57'26" |
| C9 | N 44°22'59" E | 41.90 | 30.00 | 46.38 | 88°34'27" |
| C10 | N 23°33'12" E | 135.57 | 170.00 | 139.45 | 47°00'00" |
| C11 | N 38°11'39" E | 92.64 | 75.00 | 99.85 | 76°16'59" |
| C12 | S 54°46'52" E | 30.13 | 20.00 | 34.13 | 97°46'00" |
| C13 | S 02°55'18" E | 17.65 | 170.00 | 17.66 | 05°57'10" |
| C14 | N 38°11'40" E | 123.52 | 100.00 | 133.14 | 76°16'56" |
| C15 | S 00°53'54" E | 40.19 | 30.00 | 44.03 | 84°05'48" |
| C16 | S 20°36'06" W | 161.46 | 230.00 | 164.97 | 41°05'48" |
| C17 | N 23°33'12" E | 159.50 | 200.00 | 164.06 | 47°00'00" |
| C18 | S 35°13'08" W | 26.30 | 20.00 | 28.70 | 82°14'00" |
| C19 | S 66°26'48" E | 135.57 | 170.00 | 139.45 | 47°00'00" |
| C20 | S 66°26'48" E | 159.50 | 200.00 | 164.06 | 47°00'00" |
| C21 | N 44°56'47" W | 282.84 | 200.00 | 314.16 | 90°00'01" |
| C22 | S 02°55'20" E | 23.88 | 230.00 | 23.89 | 05°52'35" |
| C23 | S 38°11'40" W | 154.40 | 125.00 | 166.42 | 76°16'56" |
| C24 | N 02°55'18" W | 23.88 | 230.00 | 23.90 | 05°57'10" |
| C25 | S 44°56'47" E | 325.27 | 230.00 | 361.28 | 90°00'01" |
| C26 | S 02°55'18" E | 20.77 | 200.00 | 20.78 | 05°57'10" |
| C27 | N 02°57'56" W | 20.46 | 200.00 | 20.47 | 05°51'53" |
| C28 | S 23°34'29" W | 159.36 | 200.00 | 163.91 | 46°57'26" |

| NUMBER | BEARING | DISTANCE |
|---|---|---|
| L1 | N 00°03'12" E | 297.57' |
| L2 | S 89°56'43" E | 50.00' |
| L3 | S 89°56'43" E | 60.00' |
| L4 | N 88°38'29" E | 30.02' |
| L5 | N 88°38'29" E | 623.54' |
| L6 | N 88°38'29" E | 457.57' |
| L7 | N 88°38'29" E | 196.44' |
| L8 | S 00°03'12" W | 62.66' |
| L9 | S 00°05'46" W | 49.70' |
| L10 | N 00°03'13" E | 204.03' |
| L11 | S 89°43'24" E | 376.20' |
| L12 | N 85°05'38" E | 187.73' |
| L13 | S 00°03'12" W | 542.32' |
| L14 | N 42°56'48" W | 68.87' |
| L15 | N 89°56'48" W | 208.17' |
| L16 | N 00°03'12" E | 388.73' |
| L17 | S 48°50'25" E | 255.35' |
| L18 | S 41°37'55" E | 161.44' |
| L19 | S 47°03'12" W | 257.63' |
| L20 | N 42°56'48" W | 101.09' |
| L21 | N 00°03'12" E | 153.59' |
| L22 | N 85°05'38" E | 213.05' |
| L23 | N 88°40'13" E | 184.45' |
| L24 | S 00°05'46" W | 242.28' |
| L25 | S 47°03'12" W | 100.31' |
| L26 | N 47°03'12" E | 101.69' |
| L27 | N 00°05'46" E | 245.26' |
| L28 | N 88°40'13" E | 137.17' |
| L29 | S 00°05'46" W | 867.93' |
| L30 | N 41°37'55" W | 471.33' |
| L31 | N 47°03'12" E | 349.51' |
| L32 | S 00°05'46" W | 576.55' |
| L33 | N 89°56'48" W | 595.62' |
| L34 | N 05°53'52" W | 252.31' |
| L35 | N 76°20'08" E | 43.45' |
| L36 | S 05°53'52" E | 48.44' |
| L37 | N 89°56'43" W | 130.00' |
| L38 | N 76°20'08" E | 100.05' |
| L39 | S 42°56'48" E | 169.97' |
| L40 | S 42°56'48" E | 171.34' |
| L41 | S 42°56'48" E | 229.97' |
| L42 | S 00°03'13" W | 296.11' |
| L43 | S 89°56'48" E | 208.17' |
| L44 | S 00°03'12" W | 297.27' |
| L45 | S 05°53'52" E | 129.28' |
| L46 | S 76°20'08" W | 55.73' |
| L47 | S 89°56'43" E | 240.00' |
| L48 | N 05°53'52" W | 16.24' |
| L49 | N 00°05'46" E | 1494.17' |
| L50 | S 88°38'29" W | 1307.57' |
| L51 | S 00°03'12" W | 295.37' |
| L52 | S 89°56'48" E | 208.17' |
| L53 | N 05°53'52" W | 268.55' |
| L54 | N 00°03'12" E | 297.57' |
| L55 | N 47°03'12" E | 451.20' |
| L56 | N 00°05'46" E | 323.38' |
| L57 | N 47°03'12" E | 33.26' |
| L58 | N 47°03'12" E | 357.95' |
| L59 | N 47°03'12" E | 451.20' |
| L60 | N 85°05'38" E | 400.78' |
| L61 | S 05°53'52" E | 100.68' |
| L62 | S 42°56'48" E | 38.13' |
| L63 | S 42°56'48" E | 133.21' |
| L64 | S 42°56'48" E | 128.92' |
| L65 | S 42°56'48" E | 101.04' |
| L66 | N 47°03'12" E | 417.94' |
| L67 | S 05°53'52" E | 167.88' |

**S-3152**
**PARAMOUNT-LAKESHORE SUBDIVISION**
**Request to Authorize Filing a 5th Primary Approval Extension**

**Staff Report**
**March 12, 2020**

## REQUEST MADE, PROPOSED USE, LOCATION:

The owner and developer, Paramount Development Group, LLC (represented by Patrick Cunnington), is requesting authorization to file a fifth 2-year primary approval extension. The original primary approval was granted March 20, 2002. The Commission approved the last primary approval extension in March 2016, which is now expired (March 20, 2018). The 18 year old preliminary plat covers a 6-lot (5 blocks and 1 outlot) commercial subdivision on 31 acres, located on the north side of US 52, approximately 1/4 mile west of Morehouse Rd., Wabash 2 (NE) 23-5.

## STAFF COMMENTS

Construction plans for the entire subdivision were approved in January 2003. The roads and other infrastructure were installed several years ago. In June 2003, a final plat was recorded to cover just the street rights-of-way. These roads provide primary access for three existing subdivisions to the north (Lakeshore, Baywater Townhomes apartments, and Campus Suites apartments) and four lots recorded in two Paramount-Lakeshore final plats (September 2007 & October 2012). As is typical with commercial subdivisions, Paramount-Lakeshore lots have been platted just before they are sold. There are 14.46 acres remaining in this preliminary plat. A draft final plat for a one acre lot at the northwest corner of Paramount Drive and US 52 was filed last week, which is what prompted this request.

Staff does not believe there have been any changes in zoning restrictions or subdivision regulations that would warrant revisions to the original conditional primary approval.

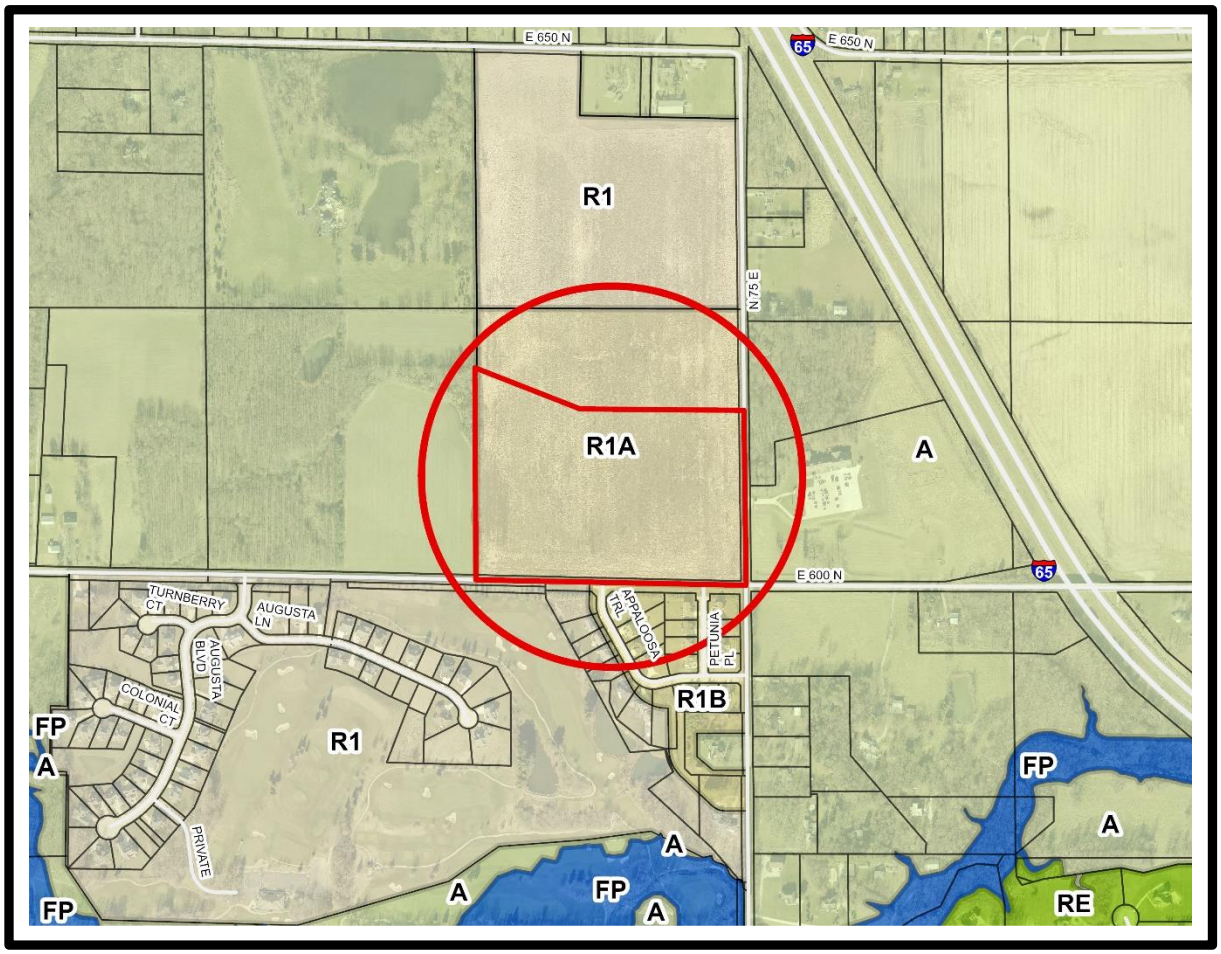
## STAFF RECOMMENDATION:

Approval to authorize the filing of the belated primary approval extension request.

*If authorized by the Area Plan Commission, the belated primary approval extension request can be filed and placed on the April 1, 2020 Executive Committee meeting agenda.*

# S-4905
# BELLE TERRA SUBDIVISION, REVISED
# (major-preliminary)

## STAFF REPORT
## March 12, 2020



VICINITY MAP
NOT TO SCALE

N

0' 100' 200'
HORIZONTAL SCALE: 1" = 100'

# PRELIMINARY PLAT
# BELLE TERRA SUBDIVISION

A PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 24 NORTH, RANGE 4 WEST, TIPPECANOE TOWNSHIP, TIPPECANOE COUNTY, INDIANA

## LEGAL DESCRIPTION - BELLE TERRA SUBDIVISION

A part of the Southwest Quarter of the Southeast Quarter of Section Twenty (20), Township Twenty-four (24) North, Range Four (4) West, Tippecanoe Township, Tippecanoe County, Indiana, being the Whiskir, LLC property as described in Document Number 201919017715 in the Office of the Recorder of Tippecanoe County, being depicted on a survey by C&S Surveying, Job Number 18203, recorded in Document Number 201818005651 in said Recorder's Office, and being more completely described as follows:

BEGINNING at the southwest corner of the southeast quarter of said Section 20-24-4; thence along the south line of said southeast quarter, South 88°51'21" East, 1342.36 feet to the southeast corner of the west half of said southeast quarter; thence along the east line of said west half, North 00°43'32" West, 868.13 feet; thence North 89°30'14" West, 813.52 feet; thence North 68°38'00" West, 561.38 feet to the west line of said southeast quarter; thence along said west line, South 00°16'55" West, 1052.84 feet to the point of beginning, containing 27.64 acres, more or less.

SUBJECT TO ALL EASEMENT, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD.

## 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 — 02/14/20 Date

## LAST INSTRUMENT CONVEYING TITLE TO SUBJECT PROPERTY

| | |
|---|---|
| KEY NO: | 79-03-20-400-016.000-017 |
| DEED RECORD: | 201919017715 |
| GRANTOR: | K & K Homes, LLC |
| GRANTEE: | Whiskir, LLC |
| DATE: | October 10, 2019 |

## SURVEY NOTE

This drawing does not represent a boundary survey of the property depicted. This plat has been prepared pursuant to Section 3.3 (Major Subdivisions) and Section 6.2 (Major Preliminary Plat), of the Unified Subdivision Ordinance of Tippecanoe County as amended, and is based on survey work prepared by C&S Surveying Job No. 18023, recorded as Document No. 201818005651.

## UTILITY INFORMATION

1. EXISTING SANITARY FACILITIES ARE LOCATED WEST OF THE PROPOSED DEVELOPMENT WITHIN WINDING CREEK SUBDIVISION PROPERTY.
2. EXISTING WATER FACILITIES ARE LOCATED WEST OF THE PROPOSED DEVELOPMENT WITHIN WINDING CREEK SUBDIVISION PROPERTY.


TBIND
Design Services Corporation
Engineering • Surveying
Environmental • Construction Management
105 North 10th Street • Lafayette, Indiana
(765) 742-1964 • info@tbindesign.com
www.tbindesign.com


CERTIFIED BY:

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

BELLE TERRA SUBDIVISION

WHISKIR, LLC
PO BOX 1071
LAFAYETTE, INDIANA 47902

| MARK | DATE | DESCRIPTION |
|---|---|---|

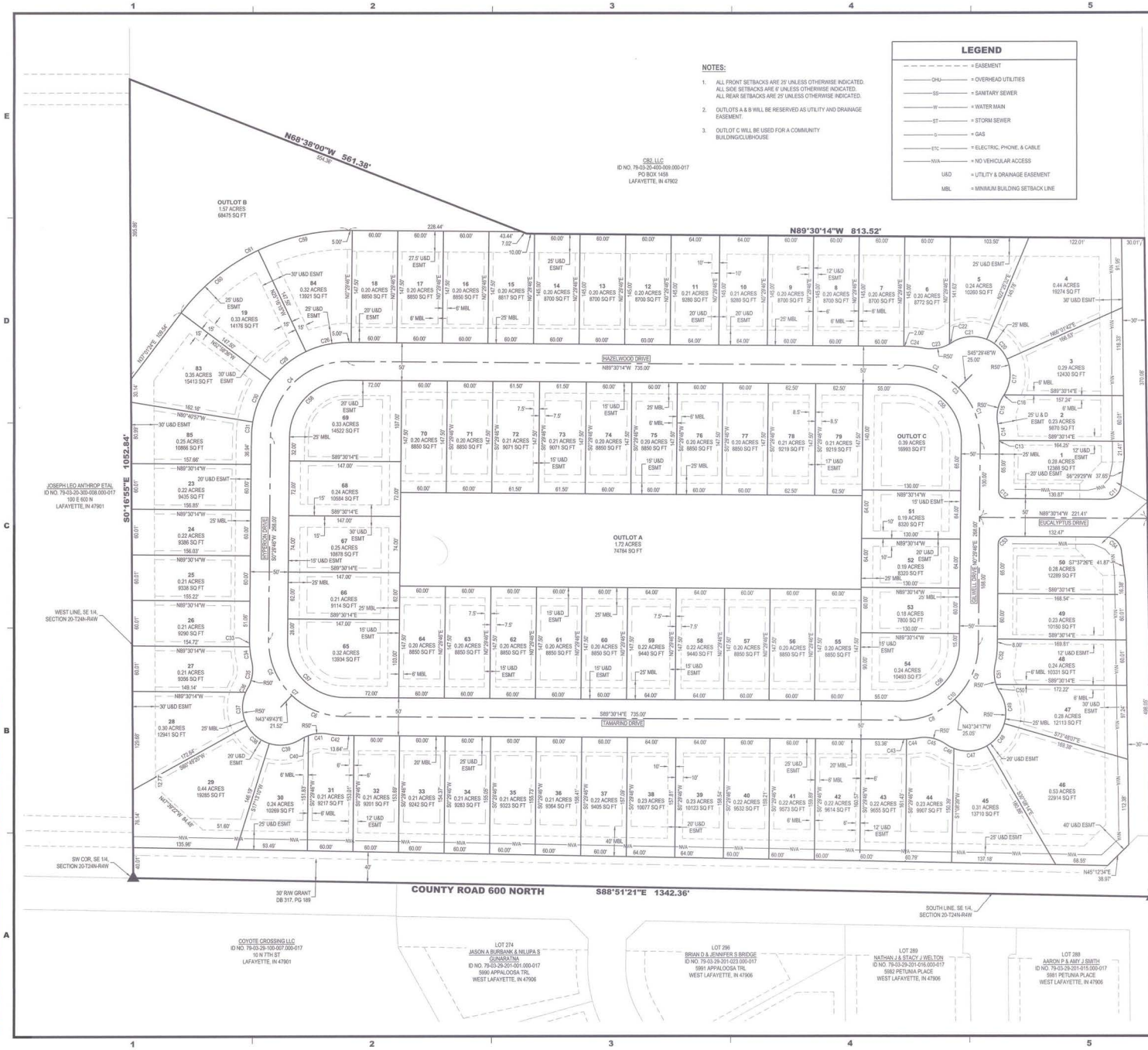
| | |
|---|---|
| PROJECT NO: | 18021 |
| FILE: | 18021-SURVEY PP.DWG |
| DRAWN BY: | DLP/BMB |
| CHECKED BY: | JRF |

LOCATION:
A PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 24 NORTH, RANGE 4 WEST, TIPPECANOE TOWNSHIP, TIPPECANOE COUNTY, INDIANA

TITLE:
PRELIMINARY PLAT
OVERALL

1

FILE: P:\2018\18021 Belle Terra Subdivision\DWG\SURVEY\18021-SURVEY PP.dwg - USER: NICK DIGIACOMO - DATE: Friday, February 14, 2020 10:27 AM




## NOTES:

1. ALL FRONT SETBACKS ARE 35' UNLESS OTHERWISE INDICATED. ALL SIDE SETBACKS ARE 6' UNLESS OTHERWISE INDICATED. ALL REAR SETBACKS ARE 25' UNLESS OTHERWISE INDICATED.
2. OUTLOTS A & B WILL BE RESERVED AS UTILITY AND DRAINAGE EASEMENT.
3. OUTLOT C WILL BE USED FOR A COMMUNITY BUILDING/CLUBHOUSE

## LEGEND

| | |
|---|---|
| | = EASEMENT |
| OHU | = OVERHEAD UTILITIES |
| SS | = SANITARY SEWER |
| W | = WATER MAIN |
| ST | = STORM SEWER |
| G | = GAS |
| ETC | = ELECTRIC, PHONE, & CABLE |
| NVA | = NO VEHICULAR ACCESS |
| U&D | = UTILITY & DRAINAGE EASEMENT |
| MBL | = MINIMUM BUILDING SETBACK LINE |

N

0' 60' 120'

HORIZONTAL SCALE: 1" = 60'

## CURVE TABLE

| CURVE | LENGTH | RADIUS | DELTA | CHORD |
|---|---|---|---|---|
| C1 | 78.54' | 100.00' | 45°00'00" | N22°00'14"W 76.54' |
| C2 | 78.54' | 100.00' | 45°00'00" | N67°00'14"W 76.54' |
| C3 | 157.08' | 100.00' | 90°00'00" | N44°30'14"W 141.42' |
| C4 | 157.08' | 100.00' | 90°00'00" | S45°29'46"W 141.42' |
| C5 | 81.45' | 100.00' | 46°40'02" | S22°50'16"E 79.22' |
| C6 | 75.63' | 100.00' | 43°19'58" | S67°50'16"E 73.84' |
| C7 | 157.08' | 100.00' | 90°00'00" | S44°30'14"E 141.42' |
| C8 | 76.91' | 100.00' | 44°04'03" | N68°27'44"E 75.03' |
| C9 | 80.17' | 100.00' | 45°55'58" | N23°27'44"E 78.04' |
| C10 | 157.08' | 100.00' | 90°00'00" | N45°29'46"E 141.42' |
| C11 | 29.32' | 20.00' | 84°00'17" | S48°29'37"W 26.77' |
| C12 | 15.71' | 10.00' | 90°00'00" | N44°30'14"W 14.14' |
| C13 | 1.76' | 125.00' | 0°48'32" | N0°05'30"E 1.76' |
| C14 | 22.13' | 125.00' | 10°08'36" | N5°23'04"W 22.10' |
| C15 | 38.76' | 50.00' | 44°24'55" | N11°45'05"E 37.80' |
| C16 | 1.13' | 50.00' | 1°17'24" | N33°18'50"E 1.13' |
| C17 | 49.43' | 50.00' | 56°38'26" | N4°20'55"E 47.44' |
| C20 | 38.05' | 50.00' | 43°36'10" | N45°46'23"W 37.14' |
| C21 | 48.34' | 50.00' | 55°23'33" | S84°43'45"W 46.48' |
| C22 | 3.31' | 50.00' | 3°47'28" | S58°55'43"W 3.31' |
| C23 | 35.45' | 50.00' | 40°37'27" | S81°06'10"W 34.71' |
| C24 | 23.89' | 125.00' | 10°57'08" | N84°01'40"W 23.86' |
| C26 | 56.21' | 125.00' | 25°46'01" | S77°36'45"W 55.74' |
| C28 | 60.44' | 125.00' | 27°42'21" | S50°52'34"W 59.86' |
| C30 | 60.44' | 125.00' | 27°42'21" | S23°10'14"W 59.86' |
| C31 | 19.25' | 125.00' | 8°49'18" | S4°54'24"W 19.23' |
| C33 | 8.95' | 125.00' | 4°06'10" | S1°33'20"E 8.95' |
| C34 | 19.38' | 125.00' | 8°52'59" | S8°02'54"E 19.36' |
| C35 | 36.97' | 50.00' | 42°22'07" | S8°41'40"W 36.14' |
| C36 | 5.63' | 50.00' | 6°29'48" | S26°37'49"W 5.67' |
| C37 | 45.87' | 50.00' | 52°33'35" | S2°53'52"E 44.28' |
| C38 | 38.05' | 50.00' | 43°36'10" | S50°58'45"E 37.14' |
| C39 | 43.15' | 50.00' | 49°26'27" | N82°29'57"E 41.82' |
| C40 | 11.18' | 50.00' | 12°46'44" | N64°11'05"E 11.16' |
| C41 | 25.79' | 50.00' | 29°33'23" | N85°22'09"E 25.51' |
| C42 | 21.06' | 125.00' | 9°39'05" | S84°46'42"E 21.03' |
| C43 | 6.64' | 125.00' | 3°02'39" | N88°58'26"E 6.64' |
| C44 | 15.21' | 125.00' | 6°58'17" | N83°57'59"E 15.20' |
| C45 | 38.78' | 50.00' | 44°26'31" | S77°17'54"E 37.82' |
| C46 | 11.80' | 50.00' | 13°31'24" | S61°50'21"E 11.77' |
| C47 | 44.97' | 50.00' | 51°32'11" | N85°37'52"E 43.47' |
| C48 | 38.10' | 50.00' | 43°39'53" | N38°01'50"E 37.19' |
| C49 | 42.12' | 50.00' | 48°15'48" | N7°56'0"W 40.88' |
| C50 | 12.16' | 50.00' | 13°55'56" | N25°05'57"W 12.13' |
| C51 | 26.62' | 50.00' | 30°30'35" | N2°52'42"W 26.31' |
| C52 | 25.92' | 125.00' | 11°52'50" | N6°26'11"E 25.87' |
| C53 | 15.71' | 10.00' | 90°00'00" | N45°29'46"E 14.14' |
| C54 | 28.58' | 20.00' | 81°52'49" | S48°33'50"E 26.21' |
| C55 | 117.81' | 75.00' | 90°00'00" | S44°30'14"E 106.07' |
| C56 | 117.81' | 75.00' | 90°00'00" | S45°29'46"W 106.07' |
| C57 | 117.81' | 75.00' | 90°00'00" | N44°30'14"W 106.07' |
| C58 | 117.81' | 75.00' | 90°00'00" | N45°29'46"E 106.07' |
| C59 | 122.55' | 272.50' | 25°46'01" | N77°36'45"E 121.52' |
| C60 | 131.77' | 272.50' | 27°42'21" | N50°52'34"E 130.49' |
| C61 | 254.32' | 272.50' | 53°28'22" | S63°45'35"W 245.19' |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CERTIFIED BY:

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

# BELLE TERRA SUBDIVISION

WHISKIR, LLC
PO BOX 1071
LAFAYETTE, INDIANA 47902

| MARK | DATE | DESCRIPTION |
|---|---|---|

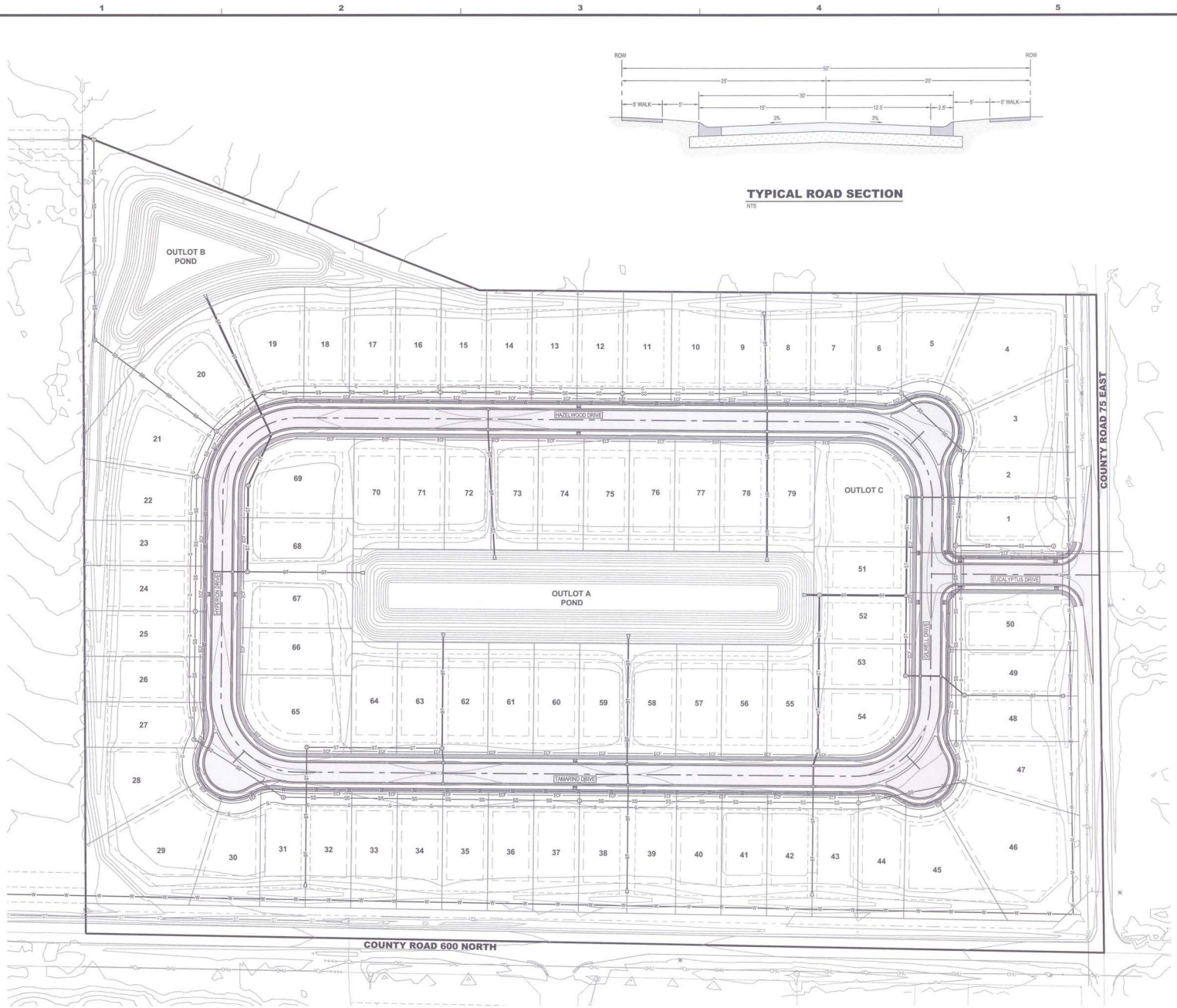
PROJECT NO: 18021
FILE: 18021-SURVEY PP.DWG
DRAWN BY: DLP/BMB
CHECKED BY: JRF

LOCATION:
A PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTON 20, TOWNSHIP 24 NORTH, RANGE 4 WEST, TIPPECANOE TOWNSHIP, TIPPECANOE COUNTY, INDIANA

TITLE:
**PRELIMINARY PLAT**
GEOMETRICS

2

FILE: P:\2018\18021 Belle Terra Subdivision\DRAWINGS\SURVEY\18021-SURVEY PP.dwg USER: NICK DISHONGO DATE: Friday, February 14, 2020 10:27:51 AM

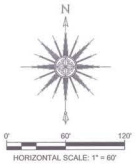






**TYPICAL ROAD SECTION**

NTS




**NOTES:**

1. ALL FRONT SETBACKS ARE 25' UNLESS OTHERWISE INDICATED. ALL SIDE SETBACKS ARE 6' UNLESS OTHERWISE INDICATED. ALL REAR SETBACKS ARE 25' UNLESS OTHERWISE INDICATED.
2. OUTLOTS A & B WILL BE RESERVED AS UTILITY AND DRAINAGE EASEMENT, AND WILL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
3. OUTLOT C WILL BE USED FOR A COMMUNITY BUILDING/CLUBHOUSE

**LEGEND**

| | |
|---|---|
| - - - - - - - - | = EASEMENT |
| OHU | = OVERHEAD UTILITIES |
| SS | = SANITARY SEWER |
| W | = WATER MAIN |
| ST | = STORM SEWER |
| G | = GAS |
| ETC | = ELECTRIC, PHONE, & CABLE |
| NVA | = NO VEHICULAR ACCESS |
| U&D | = UTILITY & DRAINAGE EASEMENT |
| MBL | = MINIMUM BUILDING SETBACK LINE |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CERTIFIED BY:

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

# BELLE TERRA SUBDIVISION

WHISKIR, LLC
PO BOX 1071
LAFAYETTE, INDIANA 47902

| MARK | DATE | DESCRIPTION |
|---|---|---|

| | |
|---|---|
| PROJECT NO: | 18021 |
| FILE: | 18021-SURVEY PP.DWG |
| DRAWN BY: | DLP/BMB |
| CHECKED BY: | JRF |

LOCATION:
A PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 24 NORTH, RANGE 4 WEST, TIPPECANOE TOWNSHIP, TIPPECANOE COUNTY, INDIANA

TITLE:
**PRELIMINARY PLAT**
UTILITY PLAN

**3**

FILE: P:\2018\18021 Belle Terra Subdivision\DRAWINGS\SURVEY\18021-SURVEY PP.dwg USER: nick DATE: Friday, February 14, 2020 10:27:54 AM

# S-4905
# BELLE TERRA SUBDIVISION, REVISED
# Major-Preliminary Plat

**Staff Report**
**March 12, 2020**

## REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner is seeking primary approval to replace the original 77 lot (and 2 outlots) preliminary plat approved July 18, 2018 (S-4755) on the same 27.64 acre tract located at the northwest corner of CR 600 N and CR 75 E, in Tippecanoe 20(SE)24-4. The new layout will be for 79 single-family lots and 3 outlots, including a community building/clubhouse.

## AREA ZONING PATTERNS:

This 27.64 acre site is part of a 40.7 acre tract that was rezoned from A (Agricultural) to R1A in February 2018 (Z-2711). At the same time, adjoining on the north, a 34.45 acre tract was rezoned from A to R1 (Z-2712). To the west, east and southeast are A zoned tracts. Properties to the south, across CR 600 N, are zoned R1 and R1B.

## AREA LAND USE PATTERNS:

The site is open and farmed, as is the adjoining field to the north. Agricultural production is the predominant land use surrounding the subject property, mixed with a scattering of large and small lot single-family homes. To the east, across CR 75 E, is a church. The Winding Creek subdivision and the Coyote Crossing golf course are located to the south. The acreage to the north was granted conditional primary approval in August 2018 for a 119 lot single-family subdivision called The Preserve.

## TRAFFIC AND TRANSPORTATION:

The *Thoroughfare Plan* classifies CR 600 N as a rural secondary arterial and CR 75 E as a rural local road. As with the previous subdivision design, there is only a single entrance from CR 75 E to serve the lots in this revised Belle Terra. Except for the entrance, a “No Vehicular Access” restriction has been shown along both perimeter road rights-of-way to control access for the double frontage lots.

Other than the two additional lots, the main difference between this revised preliminary plat and the previous is the new street layout. The two north-south connector streets in the middle of the site have been removed. There is now just a loop street system to serve the 79 lots. Five street names have been reviewed and accepted by the post office, 911 and APC staff (Eucalyptus, Gilwell, Hazelwood, Hyperion and Tamarind) and are shown on the preliminary plat. Because there is only one intersection (the entrance street and the loop), the beginning and end of most of these streets will need to be clearly marked on the final plat.

As with the previous application, a variance has been filed to **not** extend any of the subdivision streets to the boundaries where connectivity to adjacent developable land is desirable. USO Section 5.3(1)(c)(v) states:

> *Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Commission such extension is not necessary or desirable for the coordination of the layout or the most advantageous future development of adjacent tracts.*

This variance was submitted to and heard by the Board of County Commissioners at its March 2nd meeting. And the Board has again voted to recommend approval of the variance with a condition that an access adequate to accommodate emergency vehicles be constructed to the north boundary of the subdivision to connect to The Preserve Subdivision. The Preserve was approved with this same condition.

Staff acknowledges that a public street connection to the north for this revised Belle Terra preliminary plat is not realistic, since The Preserve is approved with no connecting public street. Therefore, this variance can only apply to the west boundary. However, it is staff's opinion that the land adjoining on the west (currently zoned A) is potentially developable (with utilities being extended for this subdivision), and that a stub street should be extended to the west.

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**
American Suburban Utilities and Indiana American Water will provide the sanitary sewer and water services to this development. These utilities will be extended from existing mains in Winding Creek Subdivision to the south. Outlot B located in the northwest corner of the site and Outlot A located in the center of the site will be used for stormwater detention ponds. A community building/clubhouse is planned for Outlot C, located in the northeast quadrant of the subdivision, between Lots 51 and 79.

**CONFORMANCE WITH UZO REQUIREMENTS:**
All building setbacks appear to be shown correctly and each lot meets the width and area requirements for R1A zoning.

**IMPROVEMENTS AND PERFORMANCE BOND:**
Petitioner <u>has</u> requested permission to bond, in lieu of completing all of the required public improvements prior to the submission of the final plat.

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

A. Variances

1. A variance to waive the requirement to extend new streets to the boundary lines of the subdivision to connect to adjacent tracts for future development, per USO Section 5.3(1 )(c)(v).

B. Conditions

**CONSTRUCTION PLANS –** The following items shall be part of the Construction Plans application and approval:

1. The conditional primary approval of Belle Terra Subdivision S-4755 shall be withdrawn.

2. An access adequate to accommodate emergency vehicles shall be constructed from the north boundary of the subdivision to an internal street to connect to the adjoining emergency access required in The Preserve Subdivision.

3. American Suburban Utilities, Inc. shall approve the sanitary sewer plans.

4. Indiana-American Water Company, Inc. shall approve the water plans.

5. The fire hydrants shall be approved by the Tippecanoe Township Fire Department. Plans for the actual placement of the hydrants shall be approved by the Indiana American Water Company in cooperation with the Fire Department.

6. An Erosion and Sediment Control Plan and a Stormwater Quality Management Plan meeting the requirements of 327 I.A.C. 15-5 shall be submitted to the Tippecanoe County Soil and Water Conservation District and shall also be approved by the Tippecanoe County Drainage Board as required by Tippecanoe County Ordinance #2011-27-CM.

7. The County Drainage Board shall approve the drainage plans.

8. An on-site utility coordinating sheet shall be approved and signed-off by the non-government utility companies. The assigned street addresses for each lot shall be included. If any of these utilities are being extended from an off-site location, this extension shall be made a part of the utility coordinating sheet.

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

9. Except for the approved entrance, a "No Vehicular Access" statement shall be platted along the CR 75 E and CR 600 N right-of-way lines.

10. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.

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

12. Gateway signs, if any, shall be placed in an appropriate easement at the entrance.

13. All required building setbacks shall be platted.

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

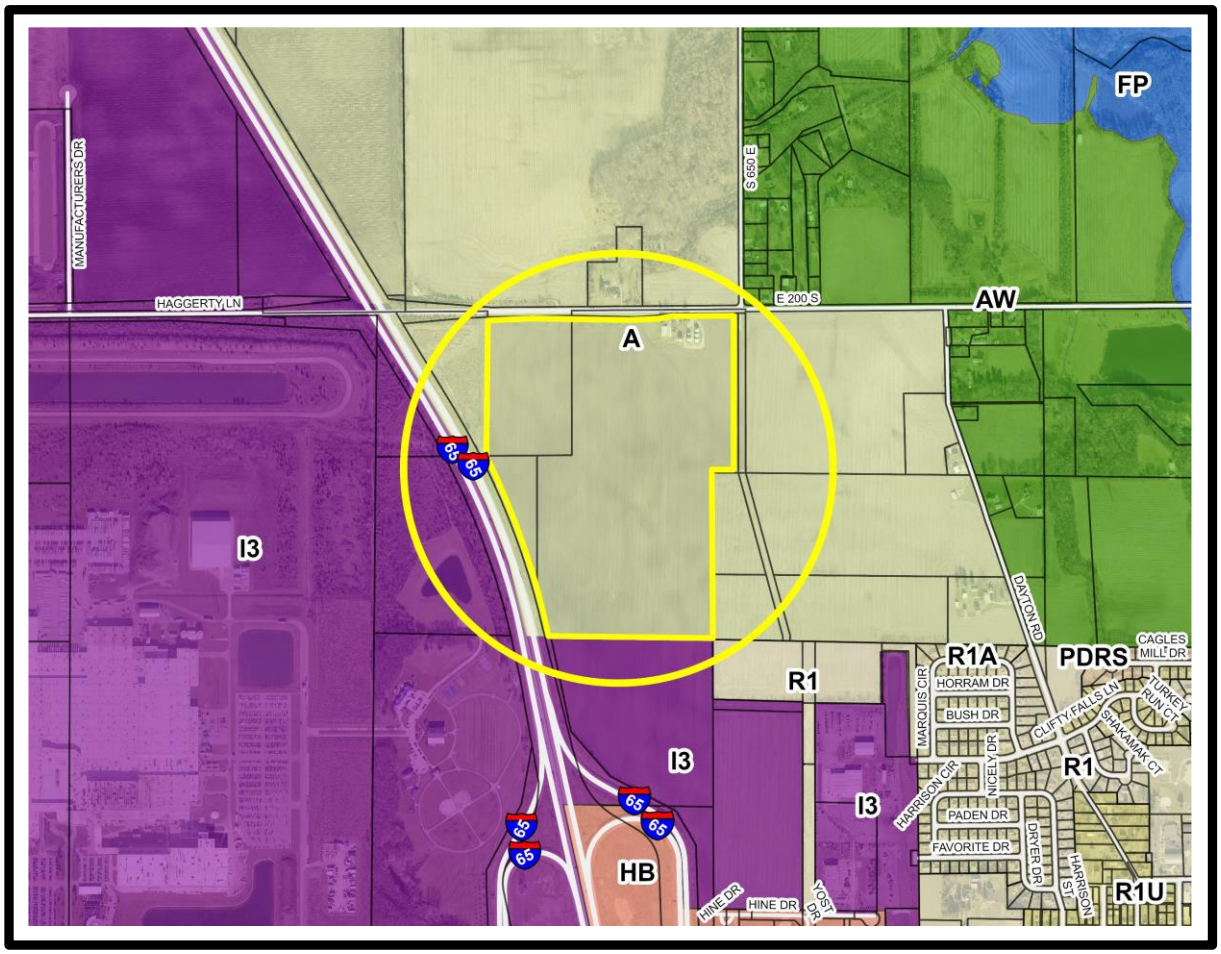
**SUBDIVISION COVENANTS** – The following items shall be part of the subdivision covenants:

15. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

16. The purpose, ownership and maintenance of the outlots shall be specified.

# Z-2783
# CARR FAMILY FARM, LLC
# (A to I3)

## REVISED STAFF REPORT
## March 12, 2020



# Z-2783
# CARR FAMILY FARM, LLC
# A to I3

**Revised Staff Report**
**March 12, 2020**

## REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner and property owner, Carr Family Farm, LLC, by member Guthrie P. Carr, represented by attorneys Daniel Teder and Kevin Riley, is requesting rezoning of three tracts totaling 97.806 acres east of I-65, south of Haggerty Lane and west of the T-intersection of CR 650 E with Haggerty Lane, adjacent to the north of the Dayton Town limits, specifically 6445 E 200 S, Sheffield 5 (NW) 22-3. Petitioner has no specific plans for the land in the rezone request, other than to make the land "shovel ready" for future industrial businesses.

Note: This request was continued from the February APC meeting to add a zoning commitment. This commitment would prevent the following uses from locating on site if this I3 rezone request is approved:

1. Confined feeding operations (SIC Major Group 02);
2. Ordnance & accessories, except vehicles and guided missiles (SIC Major Group 348);
3. Taxicabs (SIC 4121);
4. Trash transfer stations, recycling collection facilities and recycling processing facilities (SIC 4212);
5. Scrap & waste material and junkyards (SIC 5093);
6. Motor vehicle parts, used (SIC 5015);
7. Truck stops (SIC 554);
8. Cemeteries (SIC 726) and
9. Truck tire mobile sales and service (SIC 754).

## ZONING HISTORY AND AREA ZONING PATTERNS:

Originally zoned R1, Single-family Residential, this site became zoned Agricultural in 1983 with the overall rezone of Sheffield Township. Land to the south of this site, located in the Town of Dayton, has been rezoned to I3 over the years as shown below.

- Z-2724: Carr Family Farm, A & HB to I3, approved July 2018
- Z-2723: McCoy Group, R1 & HB to I3, approved May 2018
- Z-2612 and three other rezone requests: MacAllister Machinery, all to I3, approved between 2015 and 2002.

Land adjacent to the east and north is also zoned Agricultural. AW, Agricultural Wooded zoning exists to the northeast; 15 acres of R1 zoning is in place to the southeast. Land west

of the interstate and adjacent to the south of the rezone site is zoned I3. A triangular-shaped tract of land located southeast of the Haggerty Lane bridge and adjacent to the east of the interstate is not part of this request and is owned by the state. The Lafayette corporate boundary runs along the I-65 western right-of-way line, crosses the interstate at Haggerty, then extends due north across the road from this site. Also, the Dayton town limits run along the southern line of this rezone request. The Town of Dayton is in the process of annexing all of the land in this request as well as properties to the east to Dayton Road.

**AREA LAND USE PATTERNS:**
These 97 acres are gently rolling farmland with an existing farmstead including a house and several agricultural-related structures near its northeast corner. Current surrounding land uses are all agricultural except for one residence to the north and a couple of houses farther to the east along Dayton Road. Farther to the southeast is MacAllister Machinery. South of the rezone site, on the west side of Yost Drive extended, a 26 acre site rezoned to I3 in 2018 will soon be home to a Daimler truck dealership; construction is due to begin this spring. West of I-65 and north of Haggerty is a Toyota commercial warehouse and the Lafayette Armory; the 608 acres south of Haggerty stretching to SR 38 is home to the Subaru automotive plant.

**TRAFFIC AND TRANSPORTATION:**
Haggerty Lane is classified as a rural secondary arterial by the adopted *Thoroughfare Plan*. Yost Drive, which will eventually connect SR 38 to the south with CR 650 E at Haggerty will be a collector and will provide about a quarter mile of frontage to the rezone site. The Town of Dayton is currently using federal funds to develop the necessary engineering on this road project. A small piece of right-of-way is still needed and will be obtained in fiscal year 2024 with the actual construction of the road occurring after that.

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**
The site in question has water from the town, but currently not sewer. There is a water main located in the Yost Drive right-of-way to Haggerty. Sewer exists just to the south of the rezone site. An agreement between Dayton and Lafayette states that Dayton will serve this area south of Haggerty Lane with utilities. Before development can occur, the standard utility/service agreement with Dayton would have to be approved.

A type C bufferyard is a requirement between I3 and Agricultural zoned land and would be necessary along two sections of the rezone site's property line.

**STAFF COMMENTS:**
In 1996, the Town Board of Dayton as well as the County Commissioners adopted the *Second Amendment to the Adopted Land Use Plan for Dayton and Vicinity*. (The first amendment was done in 1987 when the announcement of the SIA plant was made.) This *Second Plan* was very specific regarding future land uses between the town proper and the interstate and SR 38 and Haggerty Lane to the north. The Plan calls for Office Research/Light Industrial on the site in question on the west side of Yost Drive, extended.

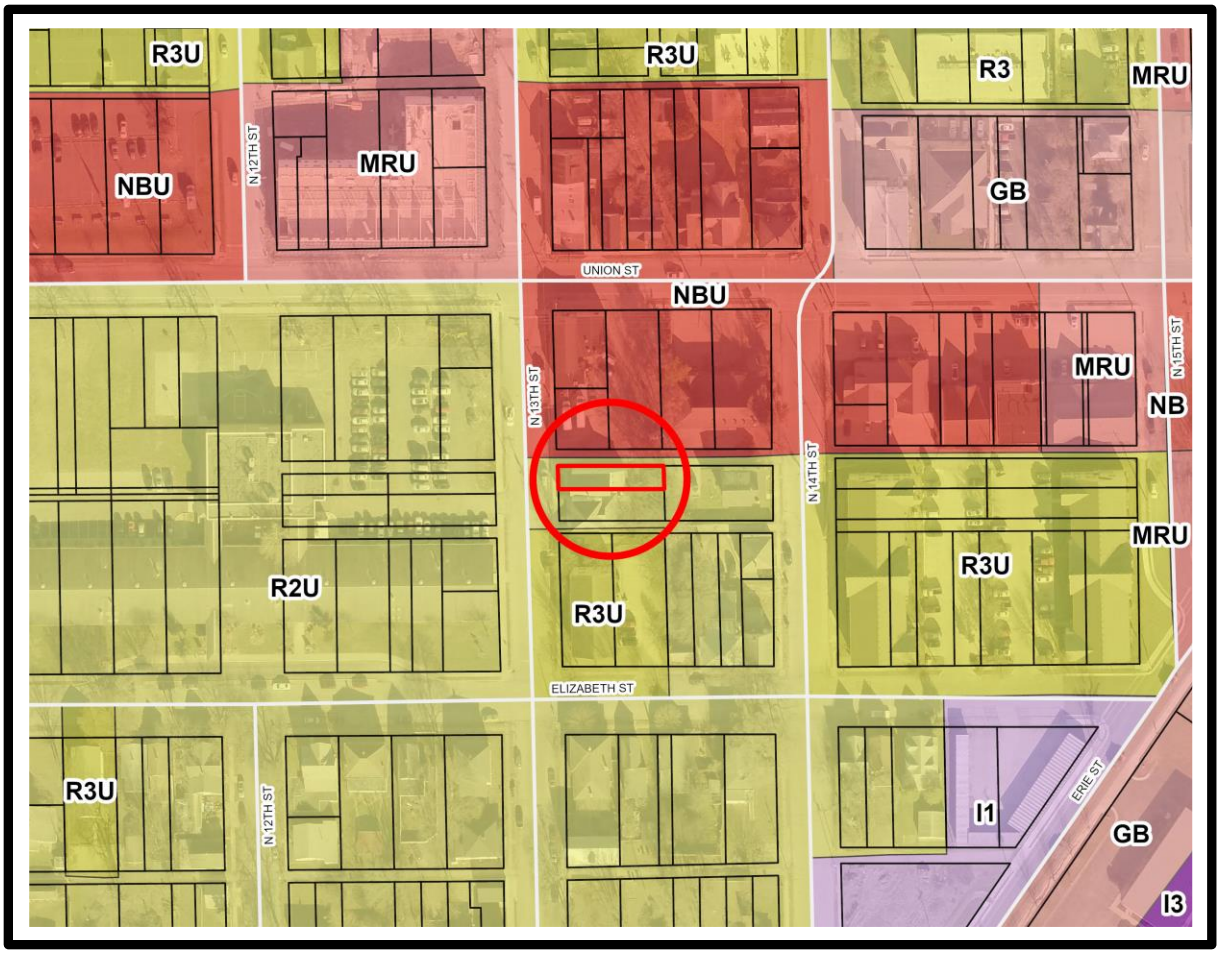
Currently the town is finalizing the "Dayton & Tippecanoe County Joint EDA-TIF district that includes this rezone site; this area is also in the process of being annexed by the town. Once this is completed, APC staff will begin work on a new Comprehensive Plan Amendment for this area to replace the amendment written almost 25 years ago.

Until the annexation is completed and the new plan amendment is finished, staff feels it is premature to rezone this land currently under the jurisdiction of the County Commissioners. However, if the hearing moves forward, staff can only recommend rezoning to the I1, Light Industrial district since that is what the adopted plan currently in place recommends. While the commitment added to this rezone request places some limits on uses that may locate here, it would still allow outside storage of materials. Based on the plan currently in place, staff still feels the I1 zone would best fulfill the plan's recommendation.

**STAFF RECOMMENDATION:**
Denial
If revised to I1, Light Industrial, staff recommends approval

# Z-2784
# THOMAS C. AND SUSAN L. RIEHLE
# (R2U to NBU)

## STAFF REPORT
## February 13, 2020



# Z-2784
# THOMAS C. RIEHLE AND SUSAN L. RIEHLE
# R2U to NBU

**Staff Report**
**February 13, 2020**

## REQUEST MADE, PROPOSED USE, LOCATION:

Petitioners, who own the property and are represented by attorney Tyler Ochs of Ball Law, are requesting a rezoning from R2U to NBU. If rezoned, petitioners plan to add a commercial kitchen to the first floor of the single-family home on site and retain an apartment on the second floor. The kitchen would be used to prepare food that is catered off-site on food trucks. This site is commonly known as 723 North 13th Street, Lafayette, Fairfield 21(SW) 23-4.

## ZONING HISTORY AND AREA ZONING PATTERNS:

The property is zoned R2U; the earliest zoning maps show this property with R3 zoning, which was changed to R2U with the adoption of an overall neighborhood rezone for Historic Jeff in 2000 (Z-2046).

Property adjacent to the south and west across 13th is also zoned R2U. A few areas of R3U can be found in the neighborhood, with the closest being south at the northeast corner of Elizabeth and 13th Streets. NBU zoning can be found adjacent to the north of the property in question across the alley on lots fronting Union Street.

## AREA LAND USE PATTERNS:

The site in question (only 22' wide) contains a single-family home and a small backyard. Land to the north is used commercially and land to the south is used residentially. West across 13th is the former Washington Elementary school, now utilized by LARA (Lafayette Adult Resource Academy).

## TRAFFIC AND TRANSPORTATION:

The site is located on North 13th Street, classified as an urban local road in *The Thoroughfare Plan*. Parking required for the proposed use will be accommodated off-site by way of a recorded off-site parking agreement as approved by the Administrative Officer for Lafayette.

## ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

City utilities serve the site. No buffer yard is required if rezoned.

The County Health Department will need to inspect any new commercial kitchen. Compliance with The Indiana State Health Department's "Retail Food Establishment Sanitation Requirements" will need to be met as well as all state and local building codes.

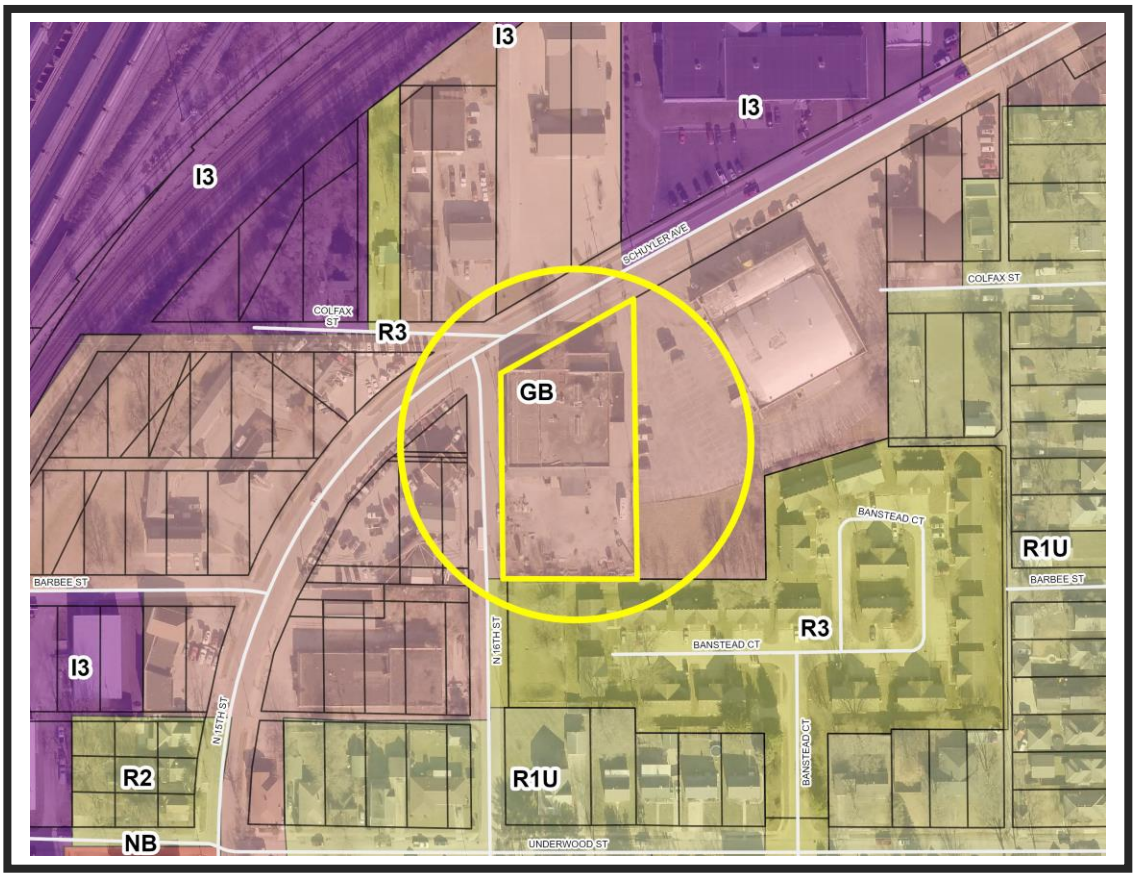
**STAFF COMMENTS:**
Petitioners plan to convert the first floor of this older home into a commissary for their mobile food truck business while retaining an apartment on the second floor. Currently, the tavern just north of the subject property contains a small kitchen that is used for the food trucks, but the business has outgrown this space.

The alley that borders the northern lot line of the property in this request serves as the boundary between residential and commercial zoning. To the north is property in the *Union/Salem Corridor* plan and to the south is land in the *Historic Jeff Neighborhood Plan*, both adopted as part of *The Comprehensive Plan.* The neighborhood plan recommends commercial areas to remain along the periphery of the neighborhood as they have historically. Based on staff experience, allowing this one small lot to be rezoned commercially will likely lead to a series of other commercial rezones into the interior and can drastically alter the character of the neighborhood. Additionally, staff has concerns about the small size of the lot, 22' wide and 100' deep, and its proximity to adjacent residences if rezoned.

**STAFF RECOMMENDATION:**
Denial

# Z-2788
# ANTIQUE CANDLE WORKS, INC.
# (GB to I2)

## STAFF REPORT
## March 12, 2020



# Z-2788
# ANTIQUE CANDLE WORKS, INC.
# GB to I2

**Staff Report**
**March 12, 2020**

## REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, who is the owner and represented by attorney Ryan Munden of Reiling, Teder & Schrier Law Firm, is requesting a rezone from GB to I2 for a tract of land located at the southeast corner of Schuyler Avenue and North 16th Street. If rezoned, petitioner will locate their candle manufacturing business (SIC 39) at this property that is commonly known as 1611 Schuyler Avenue, Lafayette, Fairfield (Longlois Reserve) 23-4.

## ZONING HISTORY AND AREA ZONING PATTERNS:

The property in question is zoned GB as are properties to the north, east and west. Land adjacent to the south is zoned R3.

The site in question is part of the St. Lawrence-McAllister Neighborhood, which was the site of a neighborhood-wide land use plan and rezone request. That rezone petition, approved in 2006, did not change the zoning of the subject site (Z-2288).

## AREA LAND USE PATTERNS:

The 1.11-acre tract in question supports a one-story brick commercial building constructed in 1950, per the Assessor's records. The rear of the property is fenced and contains parking and a loading dock. The most recent user of the site was ServPro (water damage restoration). Previously a lumber company occupied the site.

Surrounding uses are mostly commercial with a bowling alley adjacent to the east and a car lot west across N. 16th Street as well as north across Schuyler. Other nearby uses include a laundromat, crematorium and auto repair. Immediately south of the rezone site is Northfield Commons, a residential subdivision of duplexes.

## TRAFFIC AND TRANSPORTATION:

The site has frontage along Schuyler Avenue, an urban secondary arterial, and North 16th Street, an urban local road. On-site parking (gravel lot) and a loading berth exist behind the building in a fenced area.

The parking standard for this use is 1 space per 1,000 square feet, plus 1 per 200 square feet of office, sales or similar floor area. According to the Assessor's records the building is 16,098 square feet requiring a minimum of 17 spaces. The lot appears large enough to support the required parking.

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**
The site is served by city utilities. If this rezone is approved, a 'type C' bufferyard 30' in width is required where I2 zoning abuts R3 zoning on the southern property line and a 'type A' bufferyard 20' in width is required where I2 zoning abuts GB on the eastern property line.

**STAFF COMMENTS:**
In 2006, petitioner received a special exception in the NB zone to operate the candle manufacturing business in a strip center on the east side of town, leasing 2,400 square feet of area (BZA-1947). This use is permitted by special exception in the NB and NBU zone and by right in the GB, CB and CBW zones, but only if the ground floor area is less than 5,000 square feet. It may be increased to 10,000 square feet if a retail element is included, but petitioner sells the product on-line only. However, if this use is located in an industrial zone there is no limitation on the gross floor area, so petitioner has chosen to rezone the subject land to I2. The presence of a loading dock at this location is especially attractive for the business operator.

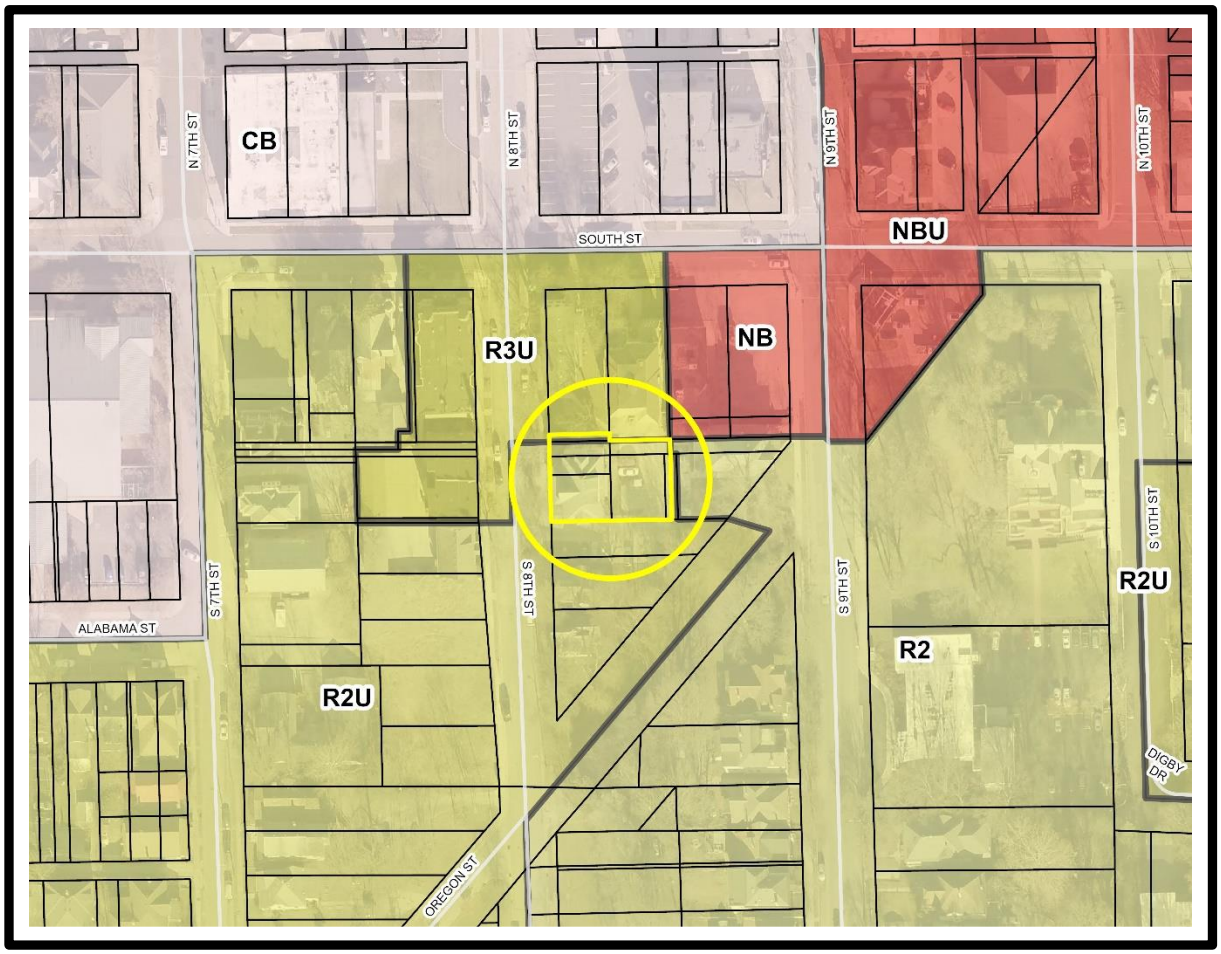
One of the components of the St. Lawrence/McAllister Neighborhood Plan is to "preserve the commercial area lining…Schuyler Avenue." It was critical to the neighborhood that businesses "not be permitted to intrude into existing residential areas."

This area of Lafayette on Schuyler Avenue has long been home to commercial and industrial users. The earliest zoning maps show this area with Industrial zoning on the north side of Schuyler and commercial zoning along the south side. Staff could support I1 zoning for this site because it can provide better protection to the adjacent residents to the south than the existing GB zone and is more in keeping with the neighborhood plan than a heavier industrial zone. I1 zoning is low in impact because businesses are operated entirely indoors with attached or indoor loading facilities. GB zoning can be more impactful because of potential outdoor storage of materials and outdoor loading and unloading.

**STAFF RECOMMENDATION:**
Denial; however
Approval, if the request is amended to I1

# Z-2789
# SPRING VALLEY MANAGEMENT, LLC
# (R2U & R3U to R3U)

## STAFF REPORT
## March 12, 2020



# Z-2789
# SPRING VALLEY MANAGEMENT, LLC
# R2U & R3U to R3U

**Staff Report**
**March 12, 2020**

## REQUEST MADE, PROPOSED USE, LOCATION:
Petitioner, with signed consent from Jon Caron, member and manager, represented by attorney Christopher Shelmon, is requesting rezoning to legitimize an existing four-unit apartment building in order to renovate the building. The property is located on the east side of S. 8th Street, specifically 9 South 8th Street, Lafayette, Fairfield 29 (NE) 23-4.

## ZONING HISTORY AND AREA ZONING PATTERNS:
Residential zoning (R2U and R3U) is prevalent in the immediate vicinity. NB zoning is located northeast of the subject property. The most recent rezoning activity includes Z-2555 (PDCC to CB) and Z-2689 (NBU to CB) in 2013 and 2017 respectively.

## AREA LAND USE PATTERNS:
The subject property contains an existing grandfathered four-unit apartment building, though it was originally constructed as a duplex. A diverse mix of single, duplex, and multi-family residential uses are found adjacent to the subject property with commercial and mixed-uses found to the north.

## TRAFFIC AND TRANSPORTATION:
South 8th Street is an urban local road, according to the *Thoroughfare Plan*. Vehicular parking is currently found in a lot on the rear of the subject property with driveway access onto South 8th Street.

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

## STAFF COMMENTS:
The future land use plan for the *Ellsworth-Romig Historic Neighborhood Amendment* to the *Comprehensive Plan of Tippecanoe County* has designated this section of South 8th Street "Residential, Moderate Density". This land use category is defined in the plan as being "…*typified by single-family and two-family housing*…". The plan's recommendation for new multi-family housing is also tightly focused on "…*the 100 block of S. 3rd and the 100, 200 and 300 blocks of S. 4th*…" and having the character of being "…*above a non-residential ground floor*…", a mixed-use environment with residential atop commercial ground-floors.

The current building, originally constructed as a duplex, is generally in keeping with the historic architectural character of the neighborhood. If rezoned to a multi-family district, there are no guarantees for the neighborhood that any new multi-family construction, even if there are no immediate plans to redevelop, will serve Goal 1, Objective A of the plan which states:

> "*Maintain the Character of the Neighborhood – Since the Neighborhood has a Victorian, early 1900's workers' cottages, and some bungalows from the 1920's, members of the SNIC (Southside Neighborhood Improvement Coalition) feel that any newly constructed buildings should be in harmony with these historic structures."*

While staff understands petitioner's desire to legitimize a grandfathered use and respects the fact that they are seeking to currently maintain the existing historic structure, there are no guarantees that this building's status, if the rezone is approved, will continue. And since no commitments can be approved, by ordinance and statute, which would prohibit demolishing this building and redeveloping in a style against the policies of the neighborhood plan and the fact that the neighborhood plan also expressly prohibits multi-family residential uses in this part of the neighborhood, staff cannot support this rezone petition.

**STAFF RECOMMENDATION:**
Denial

# THE
# AREA PLAN COMMISSION
# OF TIPPECANOE COUNTY

**EXECUTIVE COMMITTEE**
**NOTICE OF PUBLIC HEARING**

DATE.....APRIL 1, 2020
TIME.....4:30 P.M.
PLACE ..... COUNTY OFFICE BUILDING
20 N. 3RD STREET
LAFAYETTE, IN 47901

*(TENTATIVE)*
**A G E N D A**

I. APPROVAL OF MINUTES

II. NEW BUSINESS

III. PUBLIC HEARING

A. SUBDIVISIONS

**S-4908 KKLM SUBDIVISION (minor-sketch):**
Petitioners are seeking primary approval for a one lot subdivision on 1.885 acres, located on the west side of N. County Line Road East, approximately 1/2 mile north of SR 26 E, in Perry 24 (NE) 23-3.

IV. APPROVAL OF THE APRIL APC PUBLIC HEARING AGENDA

V. APPROVAL OF THE APRIL ABZA PUBLIC HEARING AGENDA

VI. DETERMINATION OF VARIANCES

A. Lafayette Division of the Area Board of Zoning Appeals

VII. REVIEW AND APPROVAL OF THE MARCH 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: March 25, 2020

**March 12, 2020**

1. **BZA-2033 THE RIDGE GROUP, INC.:**
   Petitioner is requesting a parking variance to allow 76 spaces from the minimum requirement of 120 to construct a two-story multi-family building (containing a total of 60 units: 52 one-bedroom and 8 two-bedroom) on R3W-zoned land. The property is located at the southeast corner of Lindberg Road and US 231 in West Lafayette, Wabash 14 (NE) 23-4. (UZO 2-10-12)

2. **BZA-2035 JACOB BALLAH:**
   Petitioner is requesting the following bufferyard variances to construct a new structure for the existing business on property zoned I3:

   1. To eliminate the required bufferyard along the western property line; and (UZO 4-9-3)
   2. To eliminate the required bufferyard along the northern and eastern property lines; (UZO 4-9-3)

   on property located on the north side of CR 375 S, specifically 6274 E 375 S, Sheffield 08 (SW) 22-3.

**RECOMMENDATION:**
Staff advises that the above requests do not constitute use variances.