

---

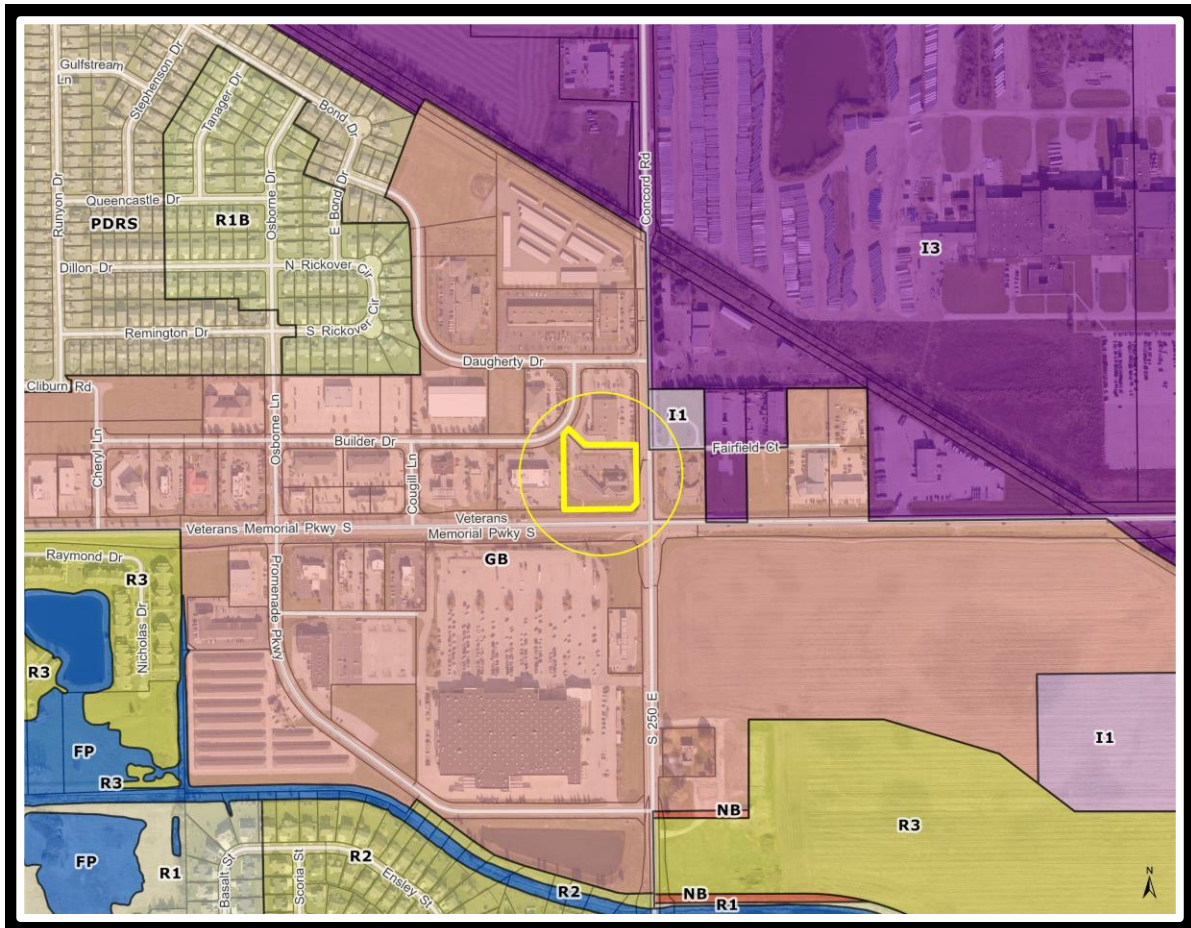
---

**S-5098**  
**CAT LAFAYETTE SUBDIVISION, A REPLAT OF LOT 2,**  
**FIRST FINANCIAL SUBDIVISION REPLAT**  
**(minor-sketch)**

**STAFF REPORT**  
**October 13, 2022**

---

---



**LEGAL DESCRIPTION:**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF TIPPECANOE, STATE OF INDIANA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:  
LOT NUMBER TWO (2) IN FIRST FINANCIAL SUBDIVISION, A REPLAT OF LOT 17C DAUGHTERY COMMERCIAL CENTER AS PER THE PLAT THEREOF DATED DECEMBER 5, 2008 AND RECORDED DECEMBER 18, 2008 AS INSTRUMENT NUMBER 2008028289 PLAT BOOK 6, PAGE 178 IN THE OFFICE OF THE RECORDER OF TIPPECANOE COUNTY, INDIANA, LOCATED IN THE CITY OF LAFAYETTE, TIPPECANOE COUNTY, INDIANA.

LESS AND EXCEPT THAT PORTION OF LAND CONVEYED TO THE CITY OF LAFAYETTE, INDIANA BY THAT CERTAIN WARRANTY DEED RECORDED MARCH 3, 2009 AND RECORDED OCTOBER 20, 2009 AS INSTRUMENT NO. 2009026243 IN THE TIPPECANOE COUNTY RECORDER'S OFFICE AND DESCRIBED AS FOLLOWS, TO-WIT:

A PART OF LOT 2 IN FIRST FINANCIAL SUBDIVISION A REPLAT OF LOT 17C DAUGHTERY COMMERCIAL CENTER AND ADDITION TO THE CITY OF LAFAYETTE, INDIANA, THE PLAT OF WHICH IS RECORDED AS DOCUMENT NO. 2008028289 IN THE OFFICE OF THE RECORDER OF TIPPECANOE COUNTY, INDIANA, AND BEING THAT PART OF THE QUANTITIES LAND LYING WITHIN THE RIGHT OF WAY LINES DESCRIBED ON THE ATTACHED RIGHT OF WAY PLAT THAT MARKED AS SHOWN BY DESCRIBED LINES FOLLOWS BEGINNING AT THE NORTHEAST CORNER OF SAID LOT, THENCE SOUTH 4 DEGREES 58 MINUTES 38 SECONDS EAST 105.39 FEET ALONG THE EAST LINE OF SAID LOT, THENCE SOUTH 7 DEGREES 58 MINUTES 38 SECONDS WEST 110.11 FEET ALONG SAID EAST LINE TO THE SOUTHEASTERN CORNER OF SAID LOT, THENCE SOUTH 4 DEGREES 58 MINUTES 38 SECONDS WEST 14.36 FEET ALONG SAID SOUTHEASTERN LINE TO POINT 200' DESIGNATED ON SAID PARCEL PLAT, THENCE NORTH 9 DEGREES 52 MINUTES 30 SECONDS WEST 25.50 FEET TO THE NORTH LINE OF SAID LOT, THENCE NORTH 30 DEGREES 13 MINUTES 13 SECONDS EAST 15.00 FEET ALONG SAID NORTH LINE TO POINT OF BEGINNING AND CONTAINING 0.5899 ACRES, MORE OR LESS.

PARCEL 2:  
TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS AS SET FORTH IN MUTUAL DRIVEWAY EASEMENT AND MAINTENANCE AGREEMENT BY AND BETWEEN SAND RIDGE BANK AS TRUSTEE UNDER TRUST #13-1796 DATED OCTOBER 11, 1994 AND HARRY'S CHOCOLATE SHOP, INC. DATED DECEMBER 9, 2004 RECORDED AS INSTRUMENT NO. 040327 AS CORRECTED BY AFFIDAVIT OF SURVEYOR'S ERROR RECORDED ON DECEMBER 30, 2004 AS INSTRUMENT NO. 040328, BOTH IN THE OFFICE APFORESAID.

**EXCEPTIONS:**

4. TERMS AND CONDITIONS SET FORTH IN MUTUAL DRIVEWAY EASEMENT AND MAINTENANCE AGREEMENT BY AND BETWEEN SAND RIDGE BANK AS TRUSTEE UNDER TRUST #13-1796 DATED OCTOBER 11, 1994 AND HARRY'S CHOCOLATE SHOP, INC. DATED DECEMBER 9, 2004 RECORDED AS INSTRUMENT NO. 040327 AS CORRECTED BY AFFIDAVIT OF SURVEYOR'S ERROR RECORDED ON DECEMBER 30, 2004 AS INSTRUMENT NO. 040328, BOTH IN THE OFFICE APFORESAID.

EASEMENT IS ON THE SURVEYED PROPERTY AND SHOWN HEREON

5. CONDITIONAL COVENANTS, EASEMENTS, RESTRICTIONS, SETBACKS AND OTHER MATTERS SET FORTH IN, AND REFERRED TO IN, THE SUBDIVISION PLAT REPLAT IN PLAT SHEET 7, SLIDE 116, AS DOCUMENT NO. 04005963 IN THE OFFICE APFORESAID.

SUBJECT TO ANY EASEMENTS, CLAIMS OF EASEMENTS, CONDITIONS, COVENANTS AND RESTRICTIONS RECORDED ON OR PRIOR TO FEBRUARY 22, 1998 IN THE OFFICE OF THE RECORDER OF TIPPECANOE COUNTY, INDIANA.

NO DOCUMENTS PROVIDED

6. RESTRICTIONS, DEDICATIONS, CONDITIONS, RESERVATIONS, EASEMENTS AND OTHER MATTERS SHOWN ON THE PLAT OF FIRST FINANCIAL SUBDIVISION A REPLAT OF LOT 17C DAUGHTERY COMMERCIAL CENTER AS RECORDED IN PLAT BOOK 6, PAGES 178, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION CONCERNING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 USC 3604C.

EASEMENT IS ON THE SURVEYED PROPERTY AND SHOWN HEREON

7. 25 FOOT RIGHT OF ENTRY, SETBACK AND USE RESTRICTIONS, POSSIBLE ASSESSMENTS FOR MAINTENANCE AND/OR RESTRICTION, AND ALL RIGHTS OF OTHERS ENTITLED TO THE CONTINUED UNINTERRUPTED FLOW OF WATER THROUGH THE LINES IN INSTRUMENT A LOCAL DRAIN ESTABLISHED IN ACCORDANCE WITH I.C. 36-8-27-33.

NO DOCUMENTS PROVIDED

**UTILITY DISCLAIMER:**

THE UTILITIES SHOWN HEREON HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND/OR EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UTILITIES LOCATED HEREON COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UTILITIES LOCATED ARE THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE.

MANIPULATION PROVIDED BY THE UNDERGROUND DETECTIVES ON 6/01/2022.

**FLOOD ZONE STATEMENT:**

BY INFORMATION PROVIDED BY FEMA FLOOD MAP SERVICE CENTER, THIS PROPERTY WAS FOUND TO BE LOCATED WITHIN FLOOD ZONE X (AREA OF ANNUAL FLOODING HAZARD) BY THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 181500050 WHICH BEAR AN EFFECTIVE DATE OF AUGUST 15, 2011. SUBJECT TO MAP SCALING.

**BENCHMARK DESCRIPTIONS:**

BENCHMARK #1: CROSS NOTCH SET ON THE NORTHEAST FACE OF ALLOYSTE PIPE BASE LOCATED NEAR THE SOUTHEAST CORNER OF PIZZA HUT PARKING LOT APPROXIMATELY 8 FEET FROM THE PARKING LOT CURB.  
ELEV = 444.94 (NAVD 84)

BENCHMARK #2: CROSS NOTCH ON THE NORTH END OF A SANITARY MANHOLE LOCATED ON THE SOUTH SIDE OF BUILDER ROAD 150' EAST OF THE ENTRANCE TO THE PIZZA HUT PARKING LOT, APPROXIMATELY 7' SOUTHWEST FROM A TELEPHONE PEG SIGN.  
ELEV = 445.92 (NAVD 84)

BENCHMARK #3: CROSS NOTCH SET ON THE NORTHEAST CORNER OF A CONCRETE PROFORM SIGN, NOW LOCATED ON THE NORTH SIDE OF COUNTY ROAD 350 SOUTH NEAR THE SOUTHEAST CORNER OF THE SURVEYED PROPERTY.  
ELEV = 441.23 (NAVD 84)

**DESIGNER:**

12522 RILEY  
DAVID FEYER  
3601 ROCKY ROAD, SUITE 300  
MAMMANSBURG, OH 45342  
PHONE: (937) 435-8584

**DEVELOPER:**

12067 PINEWOOD  
MARK WILKINTE  
3805 EDWARDS ROAD, SUITE 390  
CINCINNATI, OH 45299  
PHONE: (513) 411-2199

LOT 34C  
DAUGHTERY COMMERCIAL CENTER  
INSTRUMENT NO. 2008028289

LOT 1  
FIRST FINANCIAL SUBDIVISION  
REPLAT OF LOT 17C DAUGHTERY COMMERCIAL CENTER  
ZANN REAL ESTATE GROUP LLC  
INSTRUMENT NUMBER 2022030275

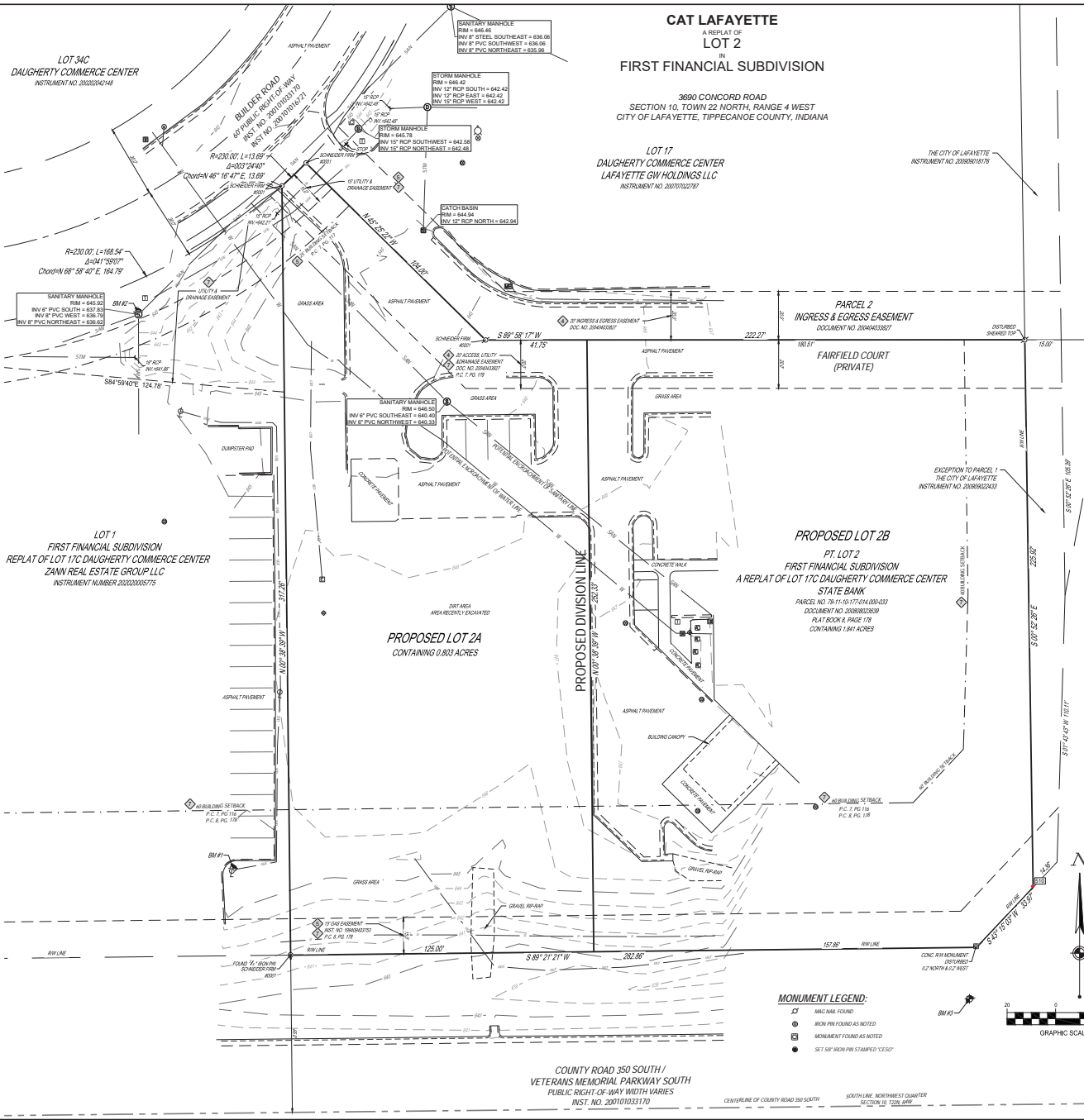
PROPOSED LOT 2A  
CONTAINING 0.803 ACRES

CAT LAFAYETTE  
A REPLAT OF  
LOT 2  
IN  
FIRST FINANCIAL SUBDIVISION

3690 CONCORD ROAD  
SECTION 10, TOWN 22 NORTH, RANGE 4 WEST  
CITY OF LAFAYETTE, TIPPECANOE COUNTY, INDIANA

LOT 17  
DAUGHTERY COMMERCIAL CENTER  
LAFAYETTE GW HOLDINGS LLC  
INSTRUMENT NO. 2021071077

PROPOSED LOT 2B  
PT. LOT 2  
FIRST FINANCIAL SUBDIVISION  
A REPLAT OF LOT 17C DAUGHTERY COMMERCIAL CENTER  
STATE BANK  
PARCEL NO. 79-17-10-077014-00001  
DOCUMENT NO. 2008028289  
PLAT BOOK 6, PAGE 178  
CONTAINING 1.841 ACRES



- LEGEND:**
- REINFORCED CONCRETE
  - EXISTING CATCH BASIN
  - EXISTING STORM MANHOLE
  - EXISTING SANITARY MANHOLE
  - EXISTING CLEANOUT
  - EXISTING FIRE HYDRANT
  - EXISTING FIRE METER
  - EXISTING WATER METER
  - EXISTING WATER VALVE
  - EXISTING IRRIGATION CONTROL VALVE
  - EXISTING GAS METER
  - EXISTING AIR CONDITIONER
  - EXISTING CABLE BOX
  - EXISTING TELEPHONE BOX
  - EXISTING MAIL BOX
  - EXISTING LIGHT POLE
  - EXISTING SIGN
- PROPERTY BOUNDARY**
- ADJOINING PROPERTY BOUNDARY
  - EASEMENT LINE
  - EXISTING FENCE LINE
  - STIM
  - SAW
  - SP
  - CH
  - UT
  - LC
- EXISTING UNDERGROUND UTILITY**
- EXISTING UNDERGROUND ELECTRIC
  - EXISTING UNDERGROUND GAS
  - EXISTING UNDERGROUND TELEPHONE

**SURVEYORS REPORT:**

THIS SURVEY IS PREPARED PER TITLE 16, ARTICLE 1, CHAPTER 12, SECTIONS 1 THROUGH 19 OF THE INDIANA ADMINISTRATIVE CODE 8-6-1. THE LOCATION OF THE SURVEYED LINES AND CORNERS AS SHOWN HEREON ARE REPORTED TO BE ACCURATE TO THE DEGREE OF ERROR AND UNCERTAINTIES WITHIN THE COMPLETION OF THE SURVEY AS A RESULT OF THE FOLLOWING:

- AVAILABILITY AND CONDITION OF REFERENCE MONUMENTS
- OCCUPATION OF POSSESSION LINES
- CLEARLY OR AMBIGUITY OF THE RECORD DESCRIBING USED AND OF ADJACENT DESCRIPTIONS AND THE RELATIONSHIP OF THE LINES OF THE SUBJECT TRACT WITH ADJACENT LINES
- THE RELATIVE POSITIONAL ACCURACY OF THE MEASUREMENTS

THIS SURVEY CONSISTS OF THE SUBJECT FOLLOWING PARCEL:

PARCEL NO. 79-17-10-077014-00001

**NORTH LINE:**  
THE NORTH LINE WAS ESTABLISHED BY HOLDING THE FOUND MAG NAILS AS SHOWN HEREON.

**EAST LINE:**  
THE EAST LINE WAS ESTABLISHED WITH RECORD DISTANCES FOR THE EAST LINE AND THE FOUND MAG NAILS USED TO ESTABLISH THE NORTHERN LINE AND THE FOUND CONCRETE BRICK OF IRON MONUMENT FOR THE NORTH RIGHT OF WAY LINE OF COUNTY ROAD 350 SOUTH AS SHOWN HEREON.

**SOUTH LINE:**  
THE SOUTH LINE BEING THE NORTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 350 SOUTH WAS RE-ESTABLISHED WITH A FOUND #300/PPM AND A CONCRETE MONUMENT AS SHOWN HEREON.

**WEST LINE:**  
THE WEST LINE WAS ESTABLISHED WITH A FOUND MAG NAIL AND A FOUND #300/PPM AS SHOWN HEREON.

THE RELATIVE POSITIONAL ACCURACY OF THE CORNERS OF THE SUBJECT PARCEL ESTABLISHED BY THIS SURVEY IS WITHIN THE REQUIREMENTS FOR AN IRON SURVEY 0.00 FEET (2) MILLIMETERS PLUS SIXTY PER MILLION AS DEFINED BY I.A.C. 8-6.

**SURVEYORS NOTES:**

- NORTH AND BEARING SYSTEM BASED ON THE INDIANA WEST 11020 AND UPON GPS OBSERVATIONS TAKEN BY CESO IN JULY OF 2022. SCALED TO GROUND AT A LAT 39° 22' 02.37000" LONG. WAB 91° 38' 48.191" AT A PROJECT HEIGHT OF 334.56 FEET AND A SCALE FACTOR OF 1.000048999.
- ALL DATA SOURCES, DOCUMENTS AND RECORDS SHOWN HEREON ARE ON FILE IN THE TIPPECANOE COUNTY RECORDERS OFFICE LOCATED IN LAFAYETTE, INDIANA, UNLESS NOTED OTHERWISE.
- SURVEY PREPARED FROM FIELDWORK PERFORMED IN JULY OF 2022. ALL MONUMENTATION SHOWN HEREON IS GOOD CONDITION UNLESS OTHERWISE SPECIFIED.
- SURVEYED PARCELS IS LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF COUNTY ROAD 350 AND CONCORD ROAD.
- ACCESS TO THE SURVEYED PARCEL IS AVAILABLE VIA BUILDER ROAD, BEING A PUBLIC RIGHT-OF-WAY.
- THE SOUTHERN PORTION OF THE SURVEYED PARCEL SHOWS EVIDENCE OF CURRENT OR RECENT EARTH MOVING WORK, INCLUDING CONSTRUCTION OF BUILDING ADJOINING CORNERED AT THE TIME OF SURVEY.
- NO PROPOSED CHANGES IN ROAD RIGHT-OF-WAYS OR STREET SIDEWALK CONSTRUCTION WAS OBSERVED OR PROVIDED TO THE SURVEYOR AT THE TIME OF SURVEY.

**SKETCH PLAN**

**VETERANS MEMORIAL PARKWAY CHIPOTLE**

3690 CONCORD ROAD  
CITY OF LAFAYETTE

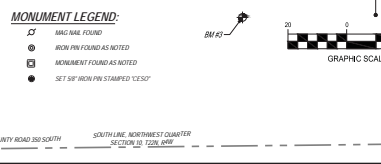
S10 - T22N - R4W  
TIPPECANOE COUNTY, INDIANA

SCALE: 1" = 20'  
DATE: 8/19/2022

DESIGN: N/A  
DRAWN: TAB  
CHECKED: DMT

JOB NO.: 760894  
SHEET NO.: 1 OF 1

**CESO**  
www.ceso-inc.com



COUNTY ROAD 350 SOUTH /  
VETERANS MEMORIAL PARKWAY SOUTH  
PUBLIC RIGHT-OF-WAY WIDTH VARIES  
INST. NO. 2001013331

---

---

**S-5098**

**CAT LAFAYETTE, A REPLAT OF LOT 2 FIRST FINANCIAL  
SUBDIVISION  
Minor-Sketch Plan**

**Staff Report  
October 13, 2022**

---

---

**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioner Mark Wilhoite from Compton Addy, with consent of Tony S. Albrecht, representing the owner, State Bank and represented by David Teyber of CESO, Inc., is seeking preliminary plat approval of a 2-lot commercial subdivision on 1.841 acres located on the northwest corner of Concord Road and Veterans Memorial Parkway, Lafayette, Wea 10 (NW) 22-4.

**AREA ZONING PATTERNS:**

This is a two-lot replat of a previous two-lot replat of the original lot 17C in Daugherty Commercial Subdivision. The site and all surrounding properties are zoned GB, General Business except for one lot to the northeast which is zoned I1, Industrial. Beyond this one lot, the northeast quadrant of Veterans Memorial and Concord Road has a large swath of I3 zoning.

**AREA LAND USE PATTERNS:**

Proposed Lot 2B has an existing branch bank; a Chipotle is proposed for the new Lot 2A. There is a Walmart across the street to the south and various commercial and light industrial uses surround the site in question.

**TRAFFIC AND TRANSPORTATION:**

The required rights-of-way for both Veterans Memorial Parkway, an urban primary arterial, and Concord Road, an urban secondary arterial, have already been dedicated to the public. The city engineer's office is requiring a "no vehicular access" statement be platted along both road frontages except for the access easement (Fairfield Court).

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

Sewer and water mains are in place in the Builder Drive right-of-way. The unimproved lot will need to tap on to these mains rather than to the lines serving the bank lot. Private utility easements will need to be platted over the existing laterals serving the bank which cross the proposed Chipotle lot.

Daugherty Commercial subdivision was master-planned for stormwater drainage per the city. However, this planning did not necessarily account for the amount of development proposed. According to the engineer's office, "We will review the applicant's proposed

storm water plan and calculations as part of our standard building permit review process.”

**CONFORMANCE WITH UZO REQUIREMENTS:**

The required building setbacks have been shown; lot area and lot width are sufficient. No buffering is required.

**STAFF RECOMMENDATION:**

Conditional primary approval, contingent on the following:

A. Conditions

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

1. Except for the approved entrance, a "No Vehicular Access" statement shall be platted along the Veterans Memorial Parkway and Concord Road 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). New private easements shall be platted to protect existing utility lines.
3. All required building setbacks shall be platted.
4. The street addresses 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.