REQUEST MADE, PROPOSED USE, LOCATION:
Petitioner, Sagamore Commons LLC by Tim Stevens, represented by attorney Joseph Bumbleburg and Jim Pence of Schneider Engineering, is requesting rezoning from OR, Office Research to GB, General Business for 28.25 acres located on the west side of Sagamore Parkway, north of Cumberland Avenue, West Lafayette, Wabash 1 (SE) 23-5.

This request also includes a commitment, enforceable by the “developer, other subdivision land owners and the City of West Lafayette.” The commitment filed has two parts: a list of primary uses allowed by right in the GB zone that are excluded from locating within this development and an agreement regarding the “second means of ingress/egress” also known as “the western street” from the development to Cumberland Avenue. This includes who would build it, pay for it, and have the right to use it. (The commitment is attached to this report.)

ZONING HISTORY AND AREA ZONING PATTERNS:
This case represents the fifth attempt to rezone this property by petitioner in the last few years. In 2008, a GB rezone request for this property was withdrawn due to the need to determine the Flood Plain zone boundary (Z-2368). After this FP boundary was established by certification, five rezone attempts have been filed:

- Z-2610 (OR to GB, 28.25 acres): This case was denied by West Lafayette Common Council in September 2015 after receiving two recommendations from staff that the case be continued until a traffic impact study could be done.

- Z-2636 (OR to GB, 7.697 acres) and Z-2637 (OR to NB, 9.8 acres): These two cases were continued two times and withdrawn by petitioner in March 2016 having never gone to public hearing.

- Z-2643 (OR to GB, 24.725 acres): This case was continued two times and withdrawn by petitioner in June 2016 having never gone to public hearing.

- Z-2673 (OR to GB, 28.25 acres): This request was filed for the November 2016 APC meeting. It was continued two times and withdrawn by petitioner in January 2017.
• Z-2716 (OR to GB, 28.25 acres): This is the current request and is the first time a rezone commitment has been filed with the rezone paperwork.

AREA LAND USE PATTERNS:
This acreage is relatively flat, undeveloped and open. An on-site detention pond is located just outside of the rezone boundary. To the north is the iconic MED Institute (former Great Lakes Chemical) building, its parking lot and a large pond. The Purdue Federal Credit Union building and other businesses in the Purdue Research Park are located to the northeast across Sagamore Parkway. Along the south boundary are Applebee’s restaurant, the Four Points (Sheraton) hotel and convention center, and the White Horse Christian Center.

A revised plat for Sagamore Commons Subdivision received preliminary approval from the APC in December but no construction plans or final plat have been submitted to date. The preliminary plat created five lots with frontage (but no direct access) on Sagamore Parkway and one larger 9.8-acre lot farther to the west. A new public street (Sachem Court) that was going to connect to the Applebee’s property now ends in a cul-de-sac before reaching the neighboring property to the south.

TRAFFIC AND TRANSPORTATION:
The Thoroughfare Plan classifies Sagamore Parkway as an urban divided primary arterial. Although no longer designated a state route, the Indiana Department of Transportation (INDOT) still has authority over the right-of-way and road improvements. There are three existing openings through the limited access right-of-way to this property that are specified in documents recorded in 1985 and 1986. However, the approved preliminary plat shows that the developer intends to only use the middle 65-ft wide access. There is an existing break in the median of this four-lane street that lines up with the proposed entrance, but it appears to be undersized for the heavy traffic along this road. The recorded documents establishing these access openings are by court order, and staff believes that the dimensions of these openings and the median break may not be changed.

No Vehicular Access is proposed along the rest of the Sagamore Parkway right-of-way. The proposed public entrance street will extend into the site, connecting to 2 new cul-de-sacs (parallel to Sagamore Parkway), labeled Sachem Court North and Sachem Court South. These courts will provide access to the five lots proposed along Sagamore Parkway, as well as the large nearly 20-acre Lot 6. Near the middle of Lot 6, running north and south, is a proposed 50-ft wide right-of-way labeled “Potential Future West Lafayette Right-of-Way”. This is intended to line up with a proposed entrance road from Cumberland Avenue that will be located on a strip of ground between the White Horse Christian Center and the Four Points hotel and convention center. The details of how this land will be acquired and the road built is one of the two subjects of the commitment filed with this case.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:
Indiana American Water mains and West Lafayette sanitary sewer mains are available to serve this site. Erosion control and stormwater plans would be approved by the West
Lafayette City Engineer. Drainage into the Cuppy McClure regulated drain would also require approval by the Tippecanoe County Drainage Board. These approvals would be obtained as part of the construction plan phase of the subdivision process.

STAFF COMMENTS:
Staff has long stated that the most likely future for this site is commercial. With office research uses solidly to the north and to the east in the Purdue Research Park and with commercial lots to the south fully developed, it appears to staff that GB zoning for this site makes the most sense. But, as also stated in previous staff reports, the generation of a large volume of traffic near an already incredibly busy signalized intersection, without addressing the size and location of proper ingress and egress from the site is a major safety concern. Without the traffic concerns being addressed, a GB rezone at this site is premature.

Now a traffic study has been done and reviewed by INDOT; the design of a new driveway with a traffic light on Sagamore Parkway has INDOT’s approval (The permit itself has not been issued yet due to bonding requirements and the one-year time limit on the permit.) and plans have been hammered out by the developer and the City of West Lafayette regarding a new public street accessing Cumberland between the church and the convention center properties. It would appear that staff’s original concern over traffic safety has been addressed and the GB rezone can now move forward.

STAFF RECOMMENDATION:
Approval
STATE OF INDIANA  )
COUNTY OF TIPPECANOE  )

COMMITMENT

Pursuant to IC §36-7-4-1015, Sagamore Commons, LLC ("Owner") makes the following Commitments to the Tippecanoe County Area Plan Commission and the City of West Lafayette Common Council regarding the hereinafter described real estate.

Description of Real Estate:

See Exhibit "A" attached hereto and incorporated herein.

Statement of Commitments:

1. The Zoning Restriction is incorporated into this Commitment by reference and is attached hereto as Exhibit "B".

2. The below enumerated excluded primary uses may not be constructed, operated or maintained on the real estate of this subdivision, or shall be restricted to Area 2 described and depicted in the Zoning Restrictions Exhibit included with this subdivision. Land uses allowed only in Area 2 are denoted by the note "Area 2 only" beside the description of the use. This covenant may be enforced by the developer, other subdivision land owners and the City of West Lafayette.

   SIC GROUP   EXCLUDED PRIMARY USES
   
   0741 Retail Commercial Greenhouses – Area 2 only;
   078 Landscape and horticultural services (spraying services) – Area 2 only, and restricted to the provision of off-site service only. No livestock may be permitted on site;
   085 Forestry services (sawmill);
   2084 Bottling for wholesale distribution at a Winery – Area 2 only;
   27 Wholesale printing – Area 2 only;
   39 Miscellaneous manufacturing industries – allowed only with a Special Exception – Area 2 only;
   41 Local and suburban transit and interurban highway passenger transportation;
   4121 Taxicabs – Area 2 only;
   42 Motor freight transportation and warehousing – Area 2 only;
   4225 Miniwarehouse and self-storage warehousing – up to 10,000 square feet permitted – Area 2 only;
   44 Recycling processing facilities;
50 Wholesale trade – durable goods – Area 2 only;
5047 Wholesale Medical, Dental and Hospital Equipment and Supplies – Area 2 only;
5083 Farm machinery and equipment (sales and service) – Area 2 only;
51 Wholesale trade – nondurable goods – Area 2 only;
512 Wholesale Drugs, Drug Proprietaries, and Druggists’ Sundries – Area 2 only;
521 Lumber and other building materials dealers – Area 2 only, with the additional
provision that no there be no outside storage of any materials with the exception of seasonal
plant sales;
527 Mobile home dealers;
55 Automotive dealers (554 Gasoline Service Stations are allowed);
554 Card lock systems for commercial fleets (554 Gasoline Service Stations are allowed);
5942 Adult bookstores;
701 Motels (701 Hotels are allowed);
704 Organizational hotels and lodging houses, on membership basis;
721 Laundry, cleaning and garment services – Area 2 only;
751 Automotive rental and leasing, without drivers – Area 2 only, restricted to
automobiles and light trucks;
753 Automotive repair shops – Area 2 only;
7699 Farm machinery and equipment service and repair – Area 2 only;
7833 Adult motion picture theaters and adult mini motion picture theaters, except drive-ins;
7941 Drive-in motion picture theaters and adult drive-in motion picture theaters;
993 Adult motion picture arcade;
993 Adult live entertainment arcade;
993 Adult cabaret;


   a. The City of West Lafayette (the “City”) has required an off-site street connecting the Real
   Estate to Cumberland Avenue to serve as a second means of public ingress-egress. The
   street right-of-way (the “Western Street”) will be obtained by the Owner along the west
   end of the Four Winds/Sheraton hotel property owned by Pardey Hotel West Lafayette
   LLC. The Western Street will be constructed in accordance with the City’s public street
   requirements by Owner and dedicated to the City at the earlier of:

      i. Three years after the completion of the project’s frontage lots along Sagamore
         Parkway; or
      ii. The construction of any business on the proposed Lot 6, west of the proposed
          frontage road, Sachem Court.

   b. All internal street circulation and lots on the Real Estate shall have access to both the
   Western Street (after its construction) and to Sagamore Parkway.

   c. The Owner will enter into an agreement with the City of West Lafayette Redevelopment
   Commission for reimbursement for the cost of acquisition and construction of the
Western Street. Such reimbursement will come from the incremental assessed value created by this development. No more than 50 percent of the incremental assessed value added by development of the Owner’s Real Estate will be utilized to reimburse Owner subject to a final agreement to be entered into with the Redevelopment Commission.

4. The Area Plan Commission staff may review the site if there are concerns regarding adjacent or adjoining properties regarding lighting, noise, or any other performance standards specified in the Tippecanoe County Zoning Ordinance. If the Department determines that changes need to be made, the Real Estate shall be altered to conform to such changes.

**Binding Effect:**

These Commitments are binding on the owner of the Real Estate, each subsequent owner of the Real Estate, and each person acquiring an interest in the Real Estate, unless modified or terminated by operation of law or by the Tippecanoe County Area Plan Commission or its successor, or the City of West Lafayette Common Council.

**Recording:**

The undersigned authorizes the Director of the Tippecanoe County Area Plan Commission to record these Commitments in the Office of the Recorder of Tippecanoe County, Indiana, upon granting of the approval of Owner’s proposed Development Plan by the Area Plan Commission.
Enforcement:

These Commitments may be enforced by the Tippecanoe County Area Plan Commission.

IN WITNESS WHEREOF, Owner executed these Commitments this __19th__ day of __January__, 2018.

Sagamore Commons, LLC

By: [Signature]

Title: Manager

Name Printed: J. Brian Mann

STATE OF INDIANA )
COUNTY OF ___________ ) SS:

Before me, a Notary Public in and for said County and State, personally appeared

_________________________, Notary Public, residing in ___________ County, IN

My Commission expires

This instrument prepared by: Joseph T. Bumbleburg, of the firm of BALL EGGLESTON PC, 201 Main Street, Suite 810, P.O. Box 1535, Lafayette, Indiana 47902, Telephone: (765) 742-9046 and I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document unless required by law.
ZONING RESTRICTION NOTE:

Zoning restrictions are hereby created by the division of the site into two (2) separate areas. **Area 1** is comprised of the frontage lots (Lots 1-5) along Sagamore Parkway and also that part of Lot 6 which lies within 275' of the westerly R/W line of Sachem Court North and Sachem Court South, as depicted in the drawing above. **Area 2** is comprised of the remaining real estate located west of **Area 1**, that is, that portion of the site that lies at least 275' west of the westerly R/W line of Sachem Court North and Sachem Court South.

The intent of this division of the land included within this plat is to restrict certain land uses from occurring within the first two rows of lots lying west of Sagamore Parkway. Any subdivision of Lot 6 into smaller lots shall follow this general guideline.