The
AREA PLAN COMMISSION
of Tippecanoe County

Notice of Public Hearing

Date: July 15, 2020
Time: 6:00pm
Place: County Office Building
Tippecanoe Room
20 North Third Street
Lafayette, Indiana 47901

AGENDA

I. **PLEASE NOTE:**

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

II. **BRIEFING SESSION**

A. **CONTINUED CASES**

- S-4922 Blacker Minor Subdivision (minor-sketch): This case must be continued to the August 5th Executive Committee because interested parties letters were not mailed and no signs were posted.

III. **APPROVAL OF MINUTES**

Documents:

APC MINUTES 06.17.2020.PDF

IV. **NEW BUSINESS**

A. **FINAL DETAILED PLANS RESOLUTION**

1. **RESOLUTION PD-20-06: PURDUE RESEARCH FOUNDATION (PROVENANCE PD) Z-2766**

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

   Documents:

   PD-20-06 PROVENANCE.PDF

V. PUBLIC HEARING

A. ORDINANCE AMENDMENTS

1. **UZO AMENDMENT #97 BUSINESS PARK & GATEWAY DIRECTORY SIGNS:**

   This amendment would amend the sign section of the UZO and would add a new category of signage: business park signs and gateway directory signs.

   Documents:

   AMEND 97 BUSINESS PARK SIGNS.PDF

B. SUBDIVISIONS

1. **S-4922 BLACKER MINOR SUBDIVISION (MINOR-SKETCH):**

   ****CONTINUE TO THE AUGUST 5TH EXECUTIVE COMMITTEE MEETING.****

   Petitioners are seeking primary approval to replat four existing lots into 2 lots located on the southeast side of Main Street between Park Street and East Orange Street, in Clarks Hill, Lauramie 23 (SW) 21-3.

   Documents:

   S-4922 BLACKER MINOR SUBDIVISION.PDF

C. REZONING ACTIVITIES

1. **Z-2796 STEVEN D. HABY (GB TO R1B):**

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

   Documents:

   Z-2796 STEVEN HABY.PDF

2. **Z-2797 RESONS, LLC (PDRS TO R4W):**

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

Documents:

Z-2797 RESONS, LLC.PDF

VI. ADMINISTRATIVE MATTERS

VII. APPROVAL OF THE AUGUST EXECUTIVE COMMITTEE AGENDA

Documents:

08052020 EXEC AGENDA.PDF

VIII. DETERMINATION OF VARIANCES - AREA BOARD OF ZONING APPEALS

Documents:

2020-07 CDOV .PDF

IX. DIRECTOR'S REPORT

X. CITIZENS' COMMENTS AND GRIEVANCES

XI. ADJOURNMENT

AREA PLAN COMMISSION OF TIPPECANOE COUNTY
MINUTES OF A PUBLIC HEARING

DATE.....June 17, 2020
TIME.....6:00 P.M.
PLACE..... County Office Bldg.
20 N. 3rd Street
Lafayette, IN 47901

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

The Area Plan Commission of Tippecanoe County Public Hearing was held virtually on the 17th day of June 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. He asked that everyone mute their microphones until they wished to speak or vote.

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

I. BRIEFING SESSION

Sallie Fahey said all cases were ready to be heard.

I. APPROVAL OF MINUTES

Gary Schroeder moved to approve the minutes from the May 20, 2020 meeting. Greg Jones seconded and the motion carried by unanimous voice vote.

II. NEW BUSINESS

APC BYLAW AMENDMENT RESOLUTION 2020-04:
Designating a third plan commission member to sign subdivision final plats when the president and vice-president are unavailable.

Gary Schroeder moved to hear and approve **APC BYLAW AMENDMENT RESOLUTION 2020-04**. Greg Jones seconded.

Sallie Fahey said this bylaw amendment was created out of concern by the Area Plan Commission President and Vice President's and their ability to sign any documents that need to be recorded in a timely manner. At a joint Bylaw and Ordinance Committee meeting, a decision was made that when the President or Vice President are not available to sign documents that need recordation, either of the two County

Commissioners that are appointed to the APC may be authorized to perform that duty. If Jackson or Larry are not available to sign documents, there would be two other authorized members close by to sign the documents. This was unanimously recommended by the joint Bylaw and Ordinance Committees.

Zach Williams conducted a vote by roll call. The motion was approved 12 yes to 0 no.

Yes-Votes	**No-Votes**
Jackson Bogan	
Larry Leverenz	
Roland Winger	
Vicki Pearl	
Lisa Dullum	
Gary Schroeder	
Kathy Parker	
Tom Murtaugh	
Carla Snodgrass	
Greg Jones	
Perry Brown	
Tracy Brown	

III. PUBLIC HEARING

Jackson Bogan read the meeting procedures.

Gary Schroeder moved that there be incorporated into the public hearing portion of each application to be heard this evening and to become part of the evidence at such hearing, the Unified Zoning Ordinance, the Unified Subdivision Ordinance, the Comprehensive Plan, the By-laws of the Area Plan Commission, the application and all documents filed therewith, the staff report and recommendation on the applications to be heard this evening and responses from the checkpoint agencies

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

A. Rezoning Activities

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

Petitioner is requesting rezoning of three tracts totaling 97.806 acres east of I65, 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 MAY 20, 2020 APC MEETING AT PETITIONER'S REQUEST. FINAL CONTINUANCE*.

Gary Schroeder moved to hear and approve **Z-2783 CARR FAMILY FARM, LLC (A to I3).** Greg Jones seconded.

Ryan O'Gara presented the zoning map and aerial photos. He said this site is east of I-65 near the Town of Dayton. The rezone commitment was created to prohibit uses like CAFOs, taxicabs, trash transfer stations, junkyards, truck stops or cemeteries. This site was originally zoned R1 but was rezoned to 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 three times starting in 2002. The site is outside of Dayton town limits but has access to public water. There is currently no public sewer available however Dayton anticipates serving this site with public utilities. Before development occurs, the standard utility service agreement with the town must be approved. The Town of Dayton is finalizing its joint EDA TIF district with the county which includes this rezone site. It is anticipated that the site will be annexed by the town, but the process is still unfolding. At the same time, staff is beginning work on a new Comprehensive Plan Amendment for the Town of Dayton to replace the amendment written almost 25 years ago. Staff believes this rezone petition is premature. The town and staff believe that until the annexation and Comprehensive

Plan amendment are done, rezoning this land is premature. Given the current land use plan in this area, staff would support a rezone to I1. This would be consistent with the existing future land use plan. If the petitioner is willing to change to the lighter industrial zoning, staff would recommend approval. Otherwise, staff recommended denial of I3 zoning.

Jackson Bogan asked if the petitioner or their representative wanted to make a presentation. Sallie will share Mr. Teder's photos.

Daniel Teder, 250 Main Street, Lafayette, IN 47901, representative for petitioner, said petitioner is requesting a rezone from A to I3 with commitment. The commitment prevents inappropriate uses on the site. If the commitment is approved, it will stay with the land. I3 is an appropriate zone for this tract because the site is bordered by I3 zoning to the south and the west. The Area Plan Commission and Dayton Town Council have approved I3 in this area previously. Staff recommended denial for I3 zoning based on a 25-year-old amendment to the land use plan but would support I1 zoning. There have been many changes in this area in the last 25 years and he thinks an amendment to the land use plan would show this area to be I3. He presented pictures of I3 zoned sites as examples of the type of buildings that would potentially come to this site. He said the Toyota Tsusho plant that is 350,000 square feet on Haggerty Lane is just half a mile away from the site in this request. The I3 zone is needed for outside storage. The lighter industrial zoning does not permit outside storage. The outside storage is needed to store semi trailers. Petitioner would build something similar to the examples presented and would be complimentary to the SIA plant. There will be direct access to the site from Haggerty Lane. With the push to have off-shore critical manufacturing back in the United States, we need to have shovel ready sites. Site selectors for these industries demand that these sites have zoning and environmental in place. They typically make their decision within 30 days.

Last year, Dayton said they wanted to stay small. This year they want to do an annexation. There was a voluntary annexation on the south side of Dayton that took over 2 years. This annexation would not be voluntary at this point. The annexation is premature because the area needs buildings like this in I3 in order to make the TIF work. The tax assessment in this area is around $1,000 but with a larger building it will be in the $100,000 range. As a result, the TIF will be implemented and the proposed improvements to Yost Drive can be done. The proposed rezone is appropriate and will have a minimal impact on the area. He respectfully requested approval for the rezone and commitment.

Lisa Dullum asked if Dayton wants to eventually annex this land.

Daniel Teder, 250 Main Street, Lafayette, IN 47901, representative for petitioner, said it is not clear because Dayton has said they will not annex this land if it is rezoned. There is a non-exclusive agreement for sewer and water. If this is not annexed, Dayton can decide to not give this land water and sewer. This would indicate that it is non-exclusive, and the petitioner can go other places to get water and sewer. There is water and sewer on the north side of Haggerty.

Ryan O'Gara read a letter in opposition from the following:

Ron Koehler, President Dayton Town Council PO Box 557, Dayton, IN 47941.

Kevin Bol, 903 Columbia Street, Lafayette, IN 47901, said he was involved in the Toyota Tsusho project. There are a lot of requests from developers in this area. When developers are asking for sites to be submitted, they must be shovel ready. If the site is not ready to go, they will not even make the list of potential sites. This site was recently considered for an 850,000 square foot facility but was passed up because it was not ready. The site will not be seriously considered until it is shovel ready.

Jackson Bogan said we will have a one-minute pause for citizen comment. After the minute passed, he asked Ryan O'Gara if we received any citizen comments. There were none. He asked if petitioner's representative had a rebuttal.

Daniel Teder, 250 Main Street, Lafayette, IN 47901, representative for petitioner, said the County and Dayton are in the middle of finalizing a TIF district. In order to make a TIF district successful, there must be

tax assessment that is more than just farm land, parks or NB zoned areas. This location is close to the interstate, the SIA plant and other I3 zoning. This site will not have a negative effect on the area. The site will allow the TIF district to work with the larger tax assessment. If Dayton does not annex this site, they will not have to provide water and sewer. This allows the petitioner to go to other providers. If that is not allowed, it would be absurd because it would hold back development. There must be an option to get water and sewer. This site is not within Dayton city limits; they should not be able to control development in this area. The previous annexation took over 2 years and was voluntary. This will not be voluntary and will take longer. This proposal is very reasonable and will benefit the community. He respectfully requested a favorable recommendation.

Carla Snodgrass said she is familiar with what is going on in Dayton. She agreed with the letter that was read and thinks this rezone should be held off until the annexation is completed. This process has been hampered due to COVID-19 restrictions. The Dayton Town Council would like for the rezone to hold off until they annex, so they have some say in what will happen in this area. This site is at the edge of town. The town is looking at the TIF district and how they want the town to appear. This rezone is not in the best interest for Dayton currently.

Gary Schroeder said it seems that the annexation can still happen after the rezone. TIF districts are important. This is a well-positioned site for industrial development with what surrounds it. This is would be valuable not only to Dayton but the whole community. This will provide growth, tax income and jobs. Development comes in cycles. Rezoning now would be better than waiting to get this on the list for development. He said he would be in favor of this rezone.

Roland Winger said staff noted in the comments that the Comprehensive Plan did not anticipate I3 use when it was drafted 25 years ago. I3 zoning has come into this area especially to the west of the interstate. There are rarely areas that are so well-organized in going from A to I3 like this. He asked if there is anything else about this area that would not be suitable for I3 zoning.

Sallie Fahey said based on the Comprehensive Plan, staff has recommended denial for each of the requests for I3 rezones in this area. Yet, the rezones were approved by the town. There may have been a shift in the thinking of the Town Council. Staff was more concerned about the McAllister rezone because it was on the east side of Yost Drive. The current plan suggested there be facilities in place that could act as a buffer between industrial development and the existing town. The update of the plan would be largely guided by the interest of the town but also keeping in mind the TIF district in this area. For the TIF district to work, there must be development beyond residential. A town park may be desirable, but it would not benefit the TIF district. The town is concerned about their 20% share of the Yost Drive project. The TIF funds would help the town be able to meet their 20% match for the Yost Drive construction. Right now, there is a contract for engineering, but construction is years away.

Roland Winger said to clarify, the agricultural zoned property and the residential zoned property is also in consideration for the annexation.

Sallie Fahey said that is correct.

Tom Murtaugh asked how long an involuntary annexation takes.

Sallie Fahey said an involuntary annexation takes longer because there are more steps in the process.

Zach Williams said the laws regarding annexation change almost yearly. Regardless of the annexation being voluntary or involuntary, there will be a lot of steps that have their own timeline.

Daniel Teder, 250 Main Street, Lafayette, IN 47901, representative for petitioner, said if the annexation was voluntary and everything went perfect, it would take 9 months. In the previous annexation, there was a

lawsuit filed because there was a disagreement about the fiscal plan and the annexation took over 2 years. The petitioner is concerned about the fiscal plan in this annex. For this annexation to work, there needs to be a fiscal plan in place for it to be completed. This means police, fire, water and sewer are needed. Without having the tax assessment, this will cause problems to make the annexation take longer.

Carla Snodgrass said to clarify, the reason it took so long for the rezone had nothing to do with the annexation. The area Mr. Teder is referring to had already been annexed into town. The issue was regarding the zoning and following through with the fiscal plan.

Jackson Bogan asked Ryan O'Gara if there had been any public comments. There were none.

Zach Williams conducted a vote by roll call to allow the commitment. The commitment was approved 13 yes to 0 no.

Yes-Votes	**No-Votes**
Jackson Bogan	
Larry Leverenz	
Roland Winger	
Vicki Pearl	
Lisa Dullum	
Gary Schroeder	
Kathy Parker	
Tom Murtaugh	
Carla Snodgrass	
Greg Jones	
Perry Brown	
Tracy Brown	
Diana Luper	

Zach Williams conducted a vote to rezone by roll call. The rezone was approved 10 yes to 3 no.

Yes-Votes	**No-Votes**
Jackson Bogan	Greg Jones
Larry Leverenz	Carla Snodgrass
Roland Winger	Lisa Dullum
Vicki Pearl	
Gary Schroeder	
Kathy Parker	
Tom Murtaugh	
Perry Brown	
Tracy Brown	
Diana Luper	

IV. ADMINISTRATIVE MATTERS

None.

V. APPROVAL OF THE JULY EXECUTIVE COMMITTEE AGENDA

Jackson Bogan said there were no new subdivision requests this month.

VI. DETERMINATION OF VARIANCES – AREA BOARD OF ZONING APPEALS

None.

VII. DIRECTOR'S REPORT

Sallie Fahey said there is not much to add to the report. She officially welcomed Carla Snodgrass as the new representative for the Town of Dayton. She handled the meeting and technology admirably this evening.

Jackson Bogan welcomed Carla to the Commission.

VIII. CITIZEN'S COMMENTS AND GRIEVANCES

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

IX. ADJOURNMENT

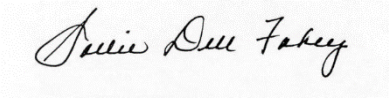
Gary Schroeder moved to adjourn.

The meeting adjourned at 6:54 pm.

Respectfully Submitted,

Chyna R. Lynch
Recording Secretary

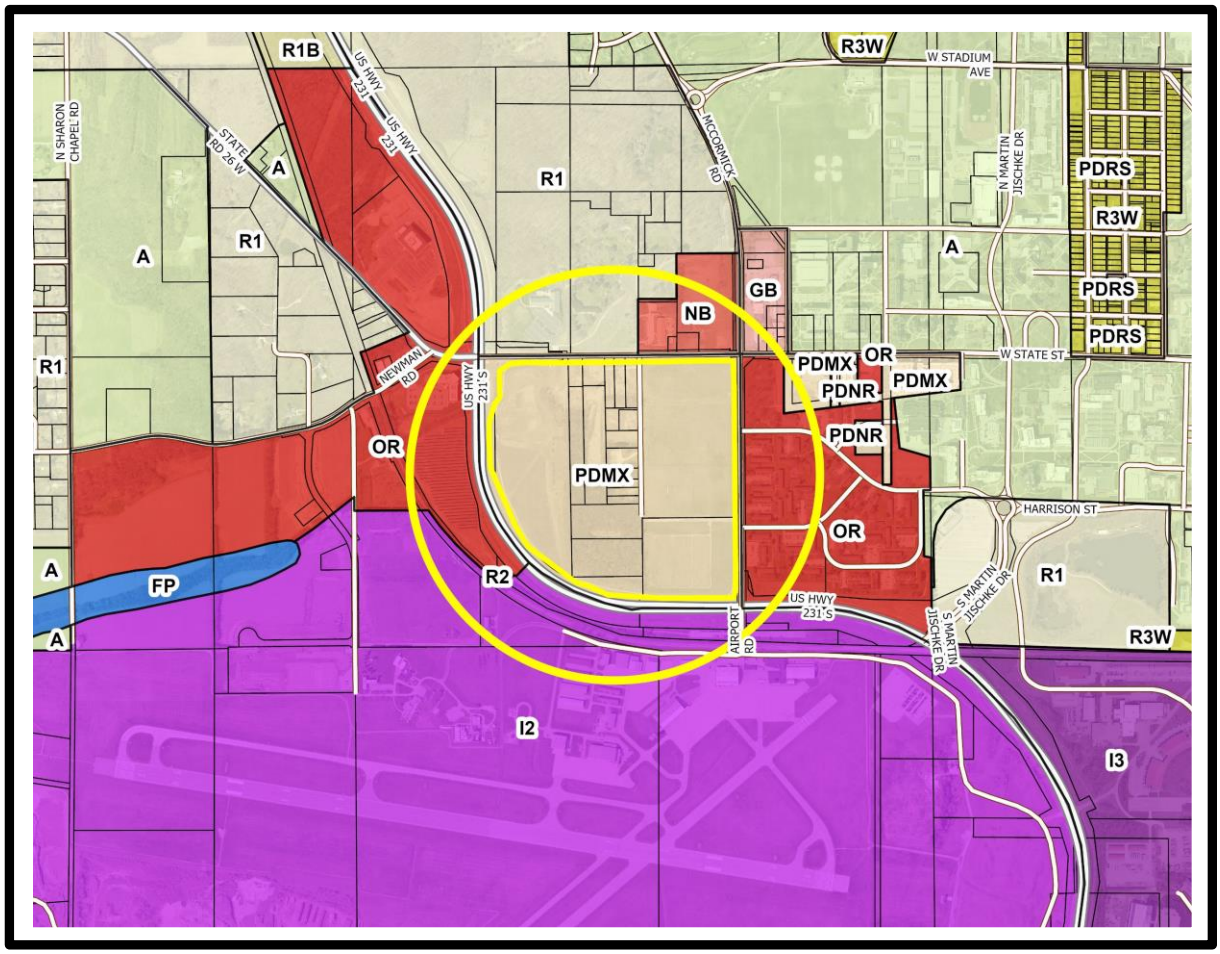
Reviewed By,



Sallie Fahey

RESOLUTION PD-20-06:
PURDUE RESEARCH FOUNDATION
(Provenance PD)
(Z-2766)

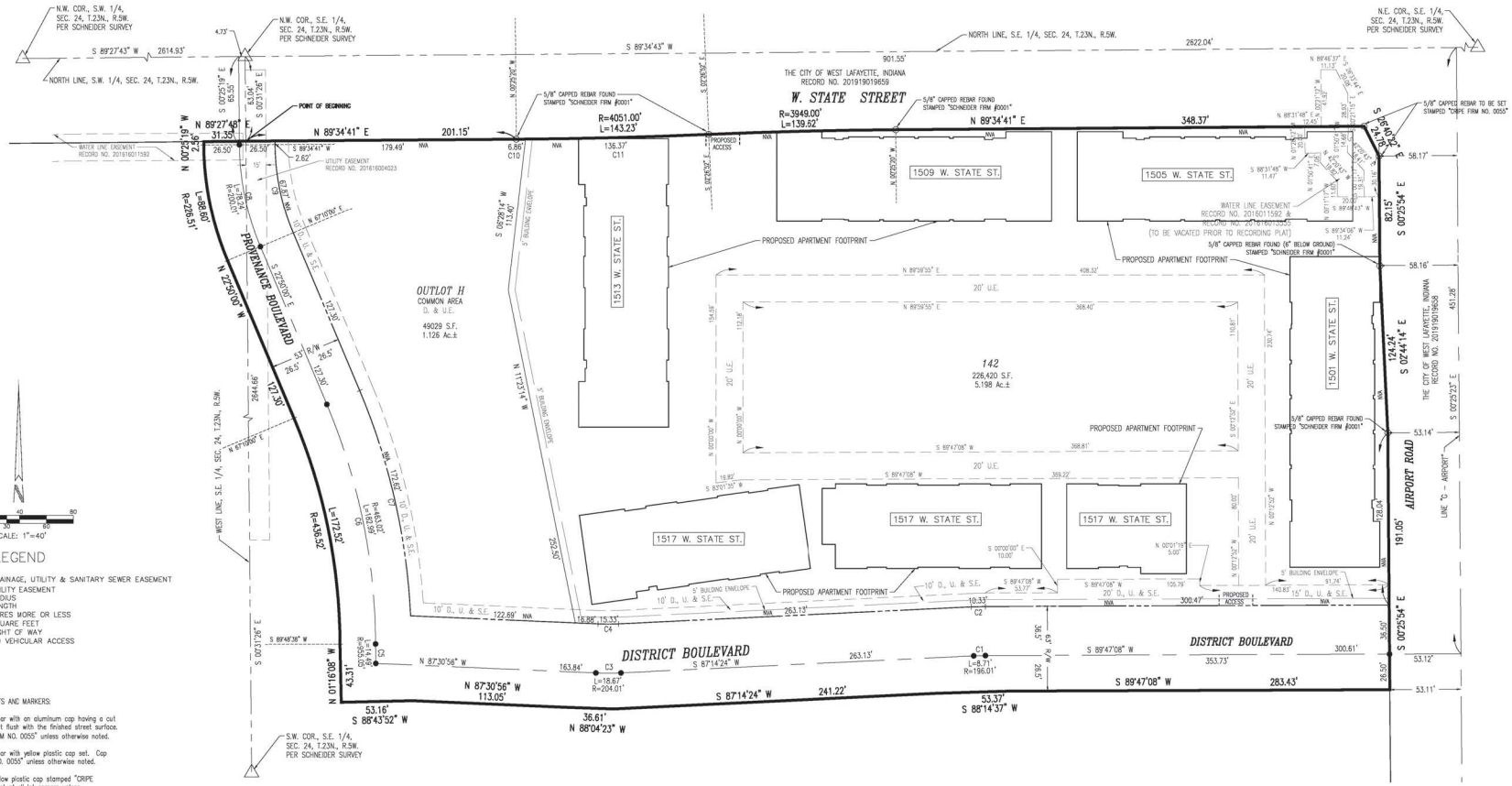
STAFF REPORT
July 9, 2020



FINAL PLAT

PROVENANCE PLANNED DEVELOPMENT (Z-2766) PHASE 1 FINAL PLAT

PART OF SECTION 24, TOWNSHIP 23 NORTH, RANGE 5 WEST, TIPPECANOE COUNTY, INDIANA



LEGEND

D., U & S.E. = DRAINAGE, UTILITY & SANITARY SEWER EASEMENT
U.E. = UTILITY EASEMENT
R = RADIUS
L = LENGTH
Ac.± = ACRES MORE OR LESS
S.F. = SQUARE FEET
R/W = RIGHT OF WAY
NVA = NO VEHICULAR ACCESS

NOTES ON MONUMENTS AND MARKERS:

- Denotes a 5/8" Dia. rebar with an aluminum cap having a cut "x" in the top, to be set flush with the finished street surface. Cap stamped "CRIPE FIRM NO. 0055" unless otherwise noted.
- Denotes a 5/8" Dia. rebar with yellow plastic cap set. Cap stamped "CRIPE FIRM NO. 0055" unless otherwise noted.

A 5/8" Dia. rebar w/yellow plastic cap stamped "CRIPE FIRM NO. 0055" to be set at all lot corners unless otherwise noted.

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	196.01'	8.71'	8.71'	N 88°30'46" E	02°32'44"
C2	232.51'	10.33'	10.33'	N 88°30'46" E	02°32'44"
C3	204.01'	18.67'	18.67'	N 89°51'44" E	05°14'40"
C4	167.51'	15.33'	15.33'	N 89°51'44" E	05°14'40"
C5	955.05'	14.49'	14.49'	S 00°37'27" E	00°52'10"
C6	463.02'	182.99'	181.81'	S 11°30'41" E	22°38'39"
C7	489.52'	172.62'	171.73'	N 12°43'52" W	20°12'16"
C8	200.01'	78.24'	77.74'	S 11°37'40" E	22°24'41"
C9	173.51'	67.87'	67.44'	S 11°37'40" E	22°24'41"
C10	4051.00'	6.86'	6.86'	N 89°31'46" E	00°05'49"
C11	4051.00'	136.36'	136.35'	S 88°30'59" W	01°55'43"

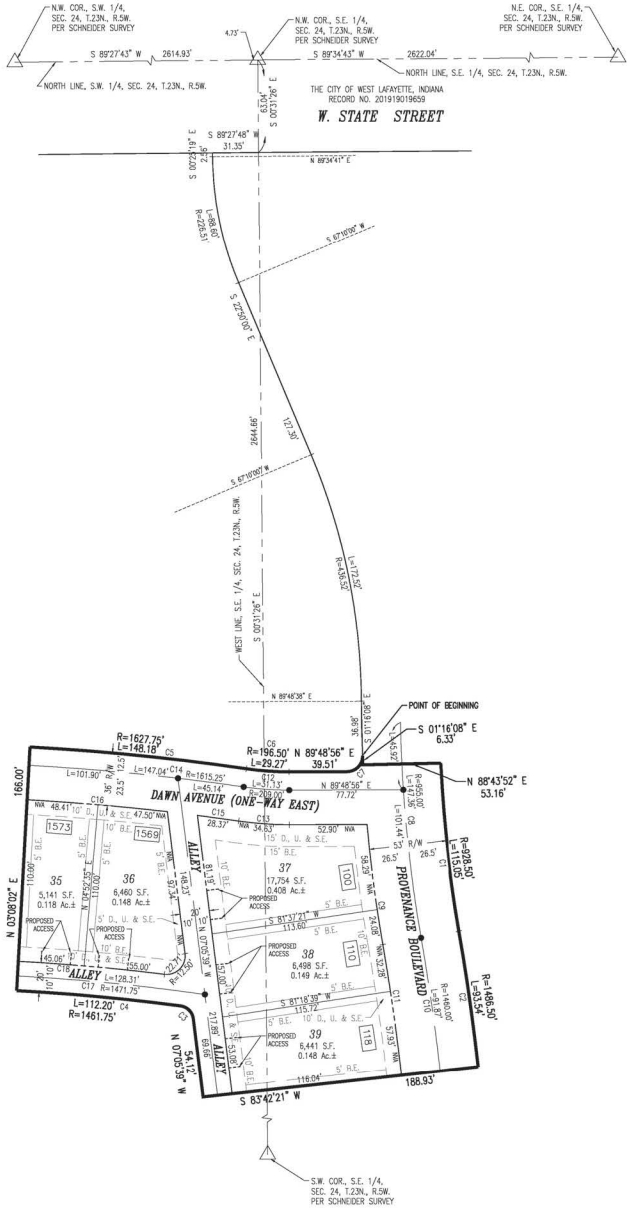
SOURCE OF TITLE FOR PROVENANCE APARTMENTS, LLC: RECORD #

THIS INSTRUMENT PREPARED BY ERIC C. WHITE, P.S. #29700012

FINAL PLAT

PROVENANCE PLANNED DEVELOPMENT (Z-2766) PHASE 2, PART 1 FINAL PLAT

PART OF SECTION 24, TOWNSHIP 23 NORTH, RANGE 5 WEST, TIPPECANOE COUNTY, INDIANA



SCALE: 1"=40'

LEGEND

D., U & S.E. = DRAINAGE, UTILITY & SANITARY SEWER EASEMENT
U.E. = UTILITY EASEMENT
R = RADIUS
L = LENGTH
Ac.± = ACRES MORE OR LESS
S.F. = SQUARE FEET
R/W = RIGHT OF WAY
NVA = NO VEHICULAR ACCESS
B.E. = BUILDING ENVELOPE
[1573] = TYPICAL ADDRESS

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A 5/8" Dia. rebar w/yellow plastic cap stamped "CRIPE FIRM NO. 0055" to be set at all lot corners unless otherwise noted.

BOUNDARY CURVE TABLE

CURVE	RADIUS	ARC LENGTH	RADIAL BEARING-IN	RADIAL BEARING-OUT
C1	928.50'	115.05'	N 87°11'59" E	S 80°06'01" W
C2	1486.50'	93.54'	S 80°06'01" W	N 83°42'21" E
C3	10.00'	13.16'	S 82°54'21" W	N 07°31'54" E
C4	1461.75'	112.20'	S 07°31'54" W	N 03°08'02" E
C5	1627.75'	148.18'	S 03°08'02" W	N 08°20'58" E
C6	196.50'	29.27'	N 08°20'58" E	S 00°11'04" E
C7	10.50'	16.89'	N 00°11'04" W	N 87°39'06" E

STREET CENTERLINE AND RIGHT OF WAY CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C8	955.00'	147.36'	147.21'	N 05°28'45" W	8°50'27"
C9	981.50'	82.37'	82.34'	S 07°29'44" E	4°48'30"
C10	1460.00'	91.87'	91.86'	S 08°05'49" E	3°36'20"
C11	1433.50'	90.21'	90.19'	N 08°05'49" W	3°36'20"
C12	209.00'	31.13'	31.10'	S 85°55'03" E	8°32'02"
C13	232.50'	34.63'	34.60'	S 85°55'03" E	8°32'02"
C14	1615.25'	147.04'	146.99'	S 84°15'30" E	5°12'57"
C15	1591.75'	28.37'	28.37'	S 82°09'40" E	1°01'17"
C16	1591.75'	95.91'	95.89'	S 85°08'24" E	3°27'08"
C17	1471.75'	128.31'	128.27'	S 84°22'07" E	4°59'43"
C18	1481.75'	100.06'	100.05'	S 84°53'53" E	3°52'09"

SOURCE OF TITLE FOR THE PURDUE RESEARCH FOUNDATION

RECORD #201515021805
RECORD #280, PAGE 74
RECORD #78, PAGE 5178
RECORD #200909000170
RECORD #88, PAGE 188

THIS INSTRUMENT PREPARED BY ERIC C. WHITE, P.S. #29700012

Z-2766
PURDUE RESEARCH FOUNDATION
PROVENANCE PD - PHASE 1 FINAL PLAT AND PHASE 2, PART 1
FINAL PLAT
FINAL DETAILED PLANS
RESOLUTION PD-20-06

Staff Report
July 9, 2020

BACKGROUND:
On July 17, 2019, APC, by unanimous vote, recommended approval of a reclassification from R3W to PDMX on approximately 90-acres in the City of West Lafayette for the Provenance Planned Development. The City of West Lafayette Common Council approved the rezone, by unanimous vote, on August 8, 2019. The approved preliminary plans allow for the construction of a multi-phase, multi-lot, mixed-use neighborhood development containing up to 550 residential units (including both single-family and multi-family) and up to 90,000 square feet of non-residential space, including a child care center.

The phases for the project include:

- Phase 1 = A mixed-use environment containing retail, office, daycare center, multi-family apartments, townhouses, with an option for condominium ownership.
- Phase 2 = Single-family detached homes.
- Phase 3 = Townhouses with an option for flexible ground-floor office uses.
- Phase 4 = Single-family detached homes and townhouses.
- Phase 5 = Community Center building.
- Phase 6 = Single-family detached homes and townhouses.
- Phase 7 = Senior housing, independent living and skilled-nursing facility.
- Phase 8 = Mixed-residential or civic uses such as an educational facility.

Petitioner's Final Detailed Plans consist of the Final Plat for Phase 1 and the Final Plat for Phase 2, Part 1. They meet all required conditions at this stage of development. The Construction Plans for these two phases have already been approved and recorded. Bonding is being requested.

STAFF RECOMMENDATION:
Approval of Resolution PD-20-06

RESOLUTION PD-20-06

WHEREAS Preliminary Plans for ***PROVENANCE PD - PHASE 1 FINAL PLAT AND PHASE 2, PART 1 FINAL PLAT,*** are approved as part of Z-2766, with conditions attached; and

WHEREAS all conditions of approval necessary for FINAL DETAILED PLANS - PHASE 1 FINAL PLAT AND PHASE 2, PART 1 FINAL PLAT have been met; and

WHEREAS UZO 2-28-12-a-2 states that minor modifications approvable by the Administrative Officer "any increase in residential density; any decrease in residential density of 10% or more; any increase in building dimension or change in building location other than within the defined building envelope; any change in landscaping other than increases, as determined appropriate by the administrative officer, in the amounts of approved landscaping, substitution of species or redesign with the same materials; any increase in the size of the signage approved with the Preliminary Plan; any change in type of land use; any change in the alignment or intersection of streets; or any change in restrictive covenants, or horizontal property ownership and owners' association documents regarding these items"; and

WHEREAS the Area Plan Commission Staff finds these Final Detailed Plans to conform to the Approved Planned Development as adopted and passed by the City of West Lafayette Common Council on August 8, 2019;

NOW THEREFORE BE IT RESOLVED that the Area Plan Commission of Tippecanoe County, after staff examination of the Final Detailed Plans submitted for ***PROVENANCE PD*** - PHASE 1 FINAL PLAT AND PHASE 2, PART 1 FINAL PLAT***,*** does hereby find them to conform to the Approved Planned Development Z-2766 as adopted and passed by the City of West Lafayette Common Council.

_____ _____

JACKSON BOGAN, PRESIDENT **SALLIE DELL FAHEY, SECRETARY**

_____

DATE

UZO Amendment #97
BUSINESS PARK/GATEWAY DIRECTORY SIGNS

Staff Report
July 9, 2020

Back in September 2019 before anyone had heard the term Covid-19, staff was contacted by the developers of Sagamore Commons asking what size "integrated center" signage could be erected at their new business development in West Lafayette. They were not pleased with staff's response. Integrated center sign size is based on the square footage of the integrated center. This meant no integrated center sign could be installed until after solid plans were in place for the entire development; but the developers wanted to use this sign as both a "coming attractions" type sign for the public and especially as an enticement for possible businesses to locate there.

For months, staff worked on changing the definition of "integrated center" to make it fit Sagamore Commons and worked to amend the UZO standards for "integrated center signs". We emailed and met with the developers as well as West Lafayette staff. Then everything stalled for a couple of months in the spring of 2020. Once staff was back in the office in May, we realized it was too difficult to mold our definition of integrated center to meet every different type of commercial development. In fact, Sagamore Commons was not an integrated center at all; integrated centers require connectivity like a strip center (think The Pavilions or Market Square). What was being planned for Sagamore Commons was something different: a business park with public streets and separate commercial lots.

So, staff threw out the proposed changes to integrated centers and integrated center signs and instead created two new definitions: business parks and gateway directory signs. (See the attached.)

While meeting with the developers and West Lafayette staff, everyone agreed that changes were also needed to the freestanding sign allowance. Currently, the ordinance allows freestanding signs on each road frontage. A corner lot gets two freestanding signs; a lot with three street frontages gets to have three freestanding signs no matter how short the frontages are. It also allows lots that have additional street frontages to possibly double or triple the amount of signage they are permitted. The developers reasoned that if a business had the choice to either locate where they could have much larger freestanding signs on every road frontage or move to developers' business park and be limited to a single monument sign, some fascia signage and advertise on the gateway directory sign, business owners would choose not to locate at the business park.

So, the amendment was originally written to also limit freestanding signs to one sign permitted per 2000' of total lot frontage and to eliminate the additional sign area given because of a third or fourth road frontage. At the July Ordinance Committee meeting, these sections of the amendment were removed against staff's recommendation. Staff still believes that the portions deleted by the Ordinance Committee are an essential part of the amendment package. The goal of the amendment has always been to encourage business park signage. To do that we have to level the playing field between business park signage and stand-alone commercial lot signage. The only way to do that is to reduce the amount of freestanding signage allowed on a stand-alone lot by adding back in the portion of the amendment removed by the Ordinance Committee.

Attachment A (as revised by the Ordinance Committee) creates two new definitions of a type of commercial development and stipulates the signage this type of development is allowed to have. It is stricter by far compared to the signage allowed to a stand-alone business. But it does one thing the Sagamore Commons developers wanted. It allows a developer to install a gateway directory sign (like an integrated center sign) early since it is based on acreage instead of building size.

Attachment B (representing the amendment as originally proposed) is included should APC decide to add back the sections that create a more level playing field.

—Attachment A—

ORDINANCE NO._____

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

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

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

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

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

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

The maximum total ***sign*** area for a ***sign-lot*** (except for ***building marker signs***, ***gateway signs***, ***gateway directory signs,*** ***incidental signs***, ***flags*** and ***event oriented signs*** which are exempt from this section), is calculated using the following table. It is determined for ***street frontages*** along a private or public ***road*** by multiplying the appropriate ***zonal base rate*** by the ***road*** speed limit factor, the ***building setback*** factor, and the percent of permitted ***freestanding sign*** area used. A ***sign-lot's*** maximum total

sign area is then the calculated sum of the ***sign*** areas for all ***street frontages***, unless that sum falls below the ***sign area assurance*** or above the ***sign area cap*** noted on the following page. Except as indicated in 4-8-6 below regarding ***freestanding signs***, the total ***sign*** area may be applied at any location on a ***sign-lot***. See 4-8-7 below for maximum ***sign*** area for ***primary uses*** within ***integrated centers*** and for ***integrated center signs***. Notes follow on the next page. A worksheet can be found in Appendix D.

Section 3. Add two new charts as **UZO 4-8-8 (b) and (c)** to calculate the area and height of gateway directory signs as follows:

Gateway Directory Sign Area equals:

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

Gateway Directory Sign height maximum:

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

Minimum sign setback is no less than the sign height.

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

—Attachment B—

ORDINANCE NO._____

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

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

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

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

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

The maximum total ***sign*** area for a ***sign-lot*** (except for ***building marker signs***, ***gateway signs***, ***gateway directory signs,*** ***incidental signs***, ***flags*** and ***event oriented signs*** which are exempt from this section), is calculated using the following table. It is determined for up to two ***street frontages*** along a private or public ***road*** by multiplying the appropriate ***zonal base rate*** by the ***road*** speed limit factor, the ***building setback*** factor, and the percent of permitted ***freestanding sign*** area used. A ***sign-lot's***

maximum total ***sign*** area is then the calculated sum of the ***sign*** areas for ~~all~~ up to two ***street frontages***, unless that sum falls below the ***sign area assurance*** or above the ***sign area cap*** noted on the following page. Except as indicated in 4-8-6 below regarding ***freestanding signs***, the total ***sign*** area may be applied at any location on a ***sign-lot***. See 4-8-7 below for maximum ***sign*** area for ***primary uses*** within ***integrated centers*** and for ***integrated center signs***. Notes follow on the next page. A worksheet can be found in Appendix D.

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

	Institutional Use: Res/Rural zone	MRU NBU NB OR MR GB HB CB	I1, I2, I3
MAX. NUMBER OF FREESTANDING SIGNS	1 per ~~each road frontage~~ 2,000 total linear feet of all frontages		

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

Gateway Directory Sign Area equals:

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

Gateway Directory Sign height maximum:

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

Minimum sign setback is no less than the sign height.

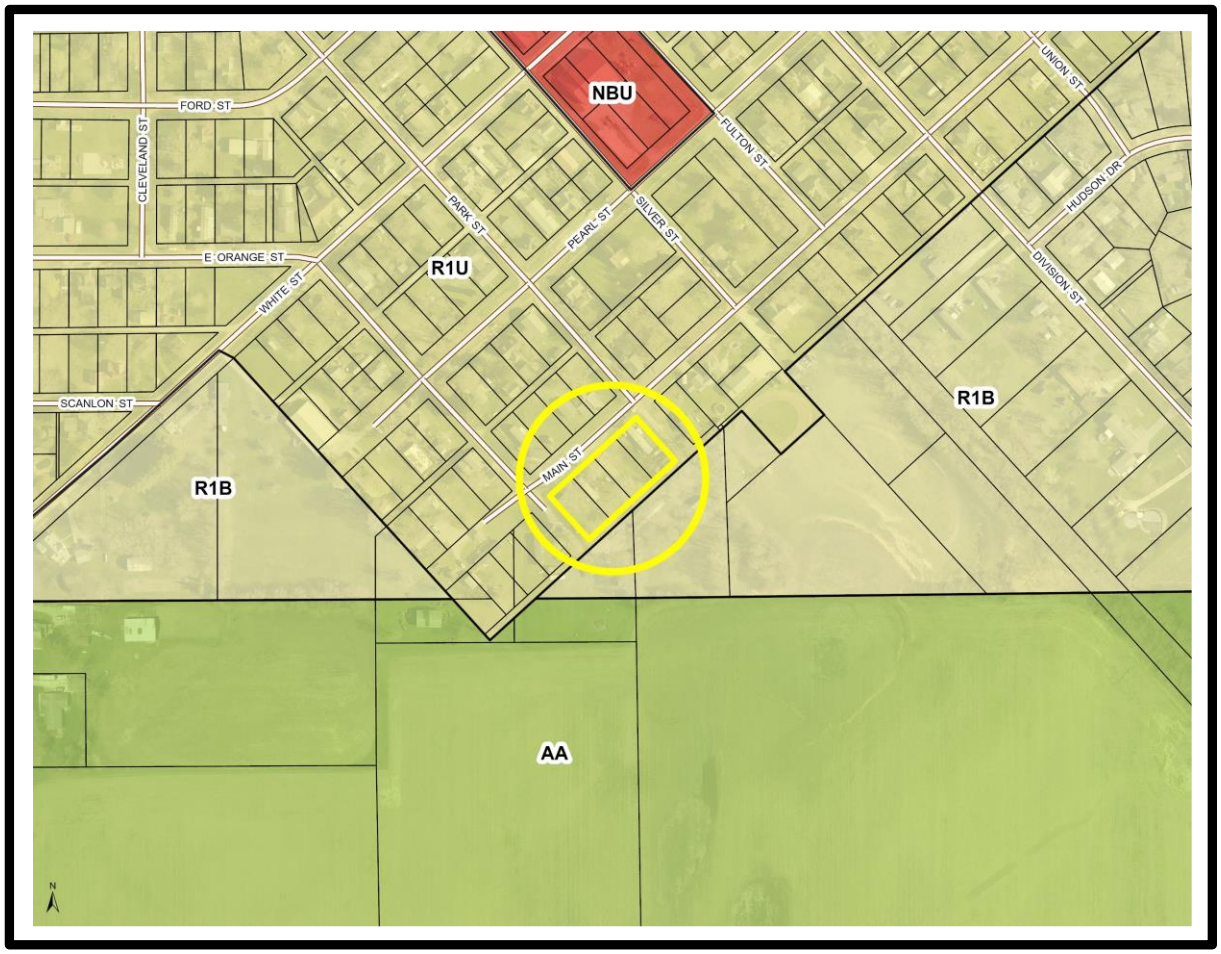
Section 5. Change the sign worksheet in **UZO Appendix D-2** as follows:

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

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

S-4922
BLACKER MINOR SUBDIVISION
(minor-sketch)

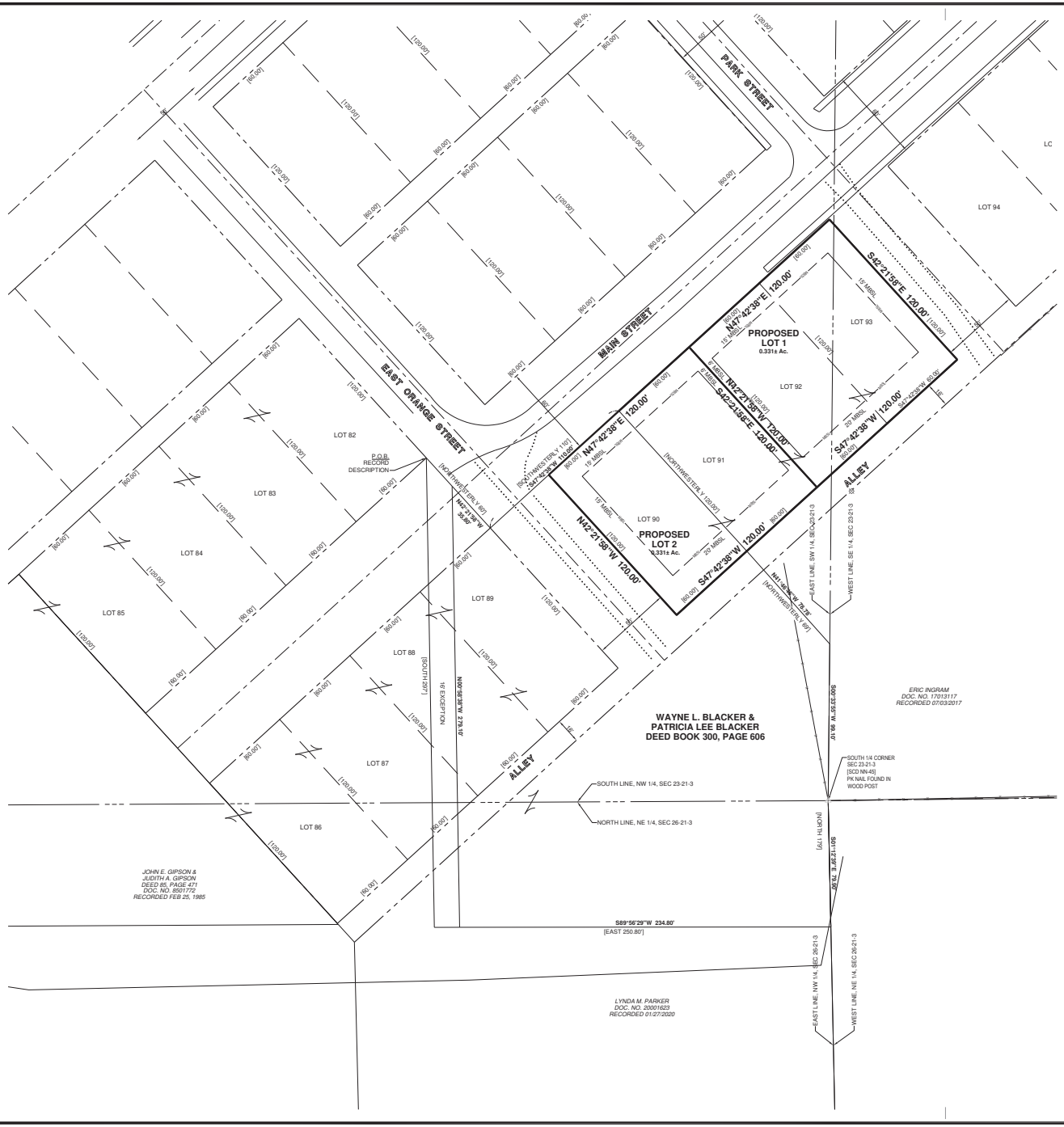
STAFF REPORT
July 9, 2020



SKETCH PLAN

BLACKER MINOR SUBDIVISION

A REPLAT OF LOTS 90, 91, 92, 93 & PARTS OF LOTS 87, 88 & 89 IN THE TOWN OF CLARKS HILL, AND PART OF THE SW 1/4 OF SEC. 23 AND PART OF THE NW 1/4 OF SEC. 26-T21N-R3W, TIPPECANOE COUNTY, INDIANA



LEGAL DESCRIPTION

LOTS NUMBER NINETY (90), NINETY-ONE (91), NINETY-TWO (92) AND NINETY-THREE (93) IN THE ORIGINAL PLAT OF THE TOWN OF CLARKSVILLE, NOW CALLED CLARKS HILL. LOCATED IN LAURAMIE TOWNSHIP, TIPPECANOE COUNTY, INDIANA.

LAST INSTRUMENT CONVEYING TITLE TO SUBJECT PROPERTY:

DOCUMENT NO: DEED RECORD 300, PAGE 606
GRANTOR: INMAN KESLER
GRANTEE: WAYNE L. BLACKER AND PARTICIA LEE BLACKER
DATE: APRIL 23, 1966

LAND SURVEYOR'S CERTIFICATE

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

ROGER A. FINE REGISTERED No. S0424 STATE OF INDIANA LAND SURVEYOR

ROGER A. FINE - S0424 — 05/28/2020 DATE

PREPARED FOR: WAYNE L. BLACKER AND PARTICIA LEE BLACKER

TITLE HOLDER: WAYNE L. BLACKER AND PATRICIA LEE BLACKER

STATE ID NUMBERS: 79-16-23-382-002.000-008, 79-16-23-382-003.000-008, 79-16-23-382-008.000-008, 79-16-23-382-009.000-008, 79-16-23-382-010.000-008, 79-16-23-382-011.000-008, 79-16-23-382-012.000-008

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 6.1 (Major Sketch Plan), of the Unified Subdivision Ordinance of Tippecanoe County as amended November, 1988.

A boundary survey meeting the requirements of the Indiana Administrative Code, Title 865, Article 1, Rule 12 will be published and recorded at a later date.

LEGEND

△ = BERNTSEN A1NB OR RT-1 SECTION CORNER MONUMENTATION, FOUND AS NOTED

⊠ = EXISTING WOOD POST

—MBSL— = PROPOSED BUILDING SETBACK LINE

[SCD X-X] = REFER TO SECTION CORNER DOSSIER SHEET, ON FILE IN THE TIPPECANOE COUNTY SURVEYOR'S OFFICE

BLACKER MINOR SUBDIVISION

A REPLAT OF LOTS 90, 91, 92, 93 & PARTS OF LOTS 87, 88 & 89 IN THE TOWN OF CLARKS HILL, AND PART OF THE SW 1/4 OF SEC. 23 AND PART OF THE NW 1/4 OF SEC. 26-T21N-R3W, TIPPECANOE COUNTY, INDIANA

FISHER ENGINEERING
Affiliate of Chastain & Associates LLC
FISHER ENGINEERING
AFFILIATE of CHASTAIN ASSOCIATES LLC
5154A South 43rd Avenue
Lafayette, Indiana 47904-5602
Office (765) 448-1555 www.fisher-assoc.net

DWG. DATE	05/28/2020
DRAWN BY	TLP
CHECKED BY	RAF
REVISIONS	
(1) 07/08/2020: REVISED PER APC REVIEW	
(2)	
(3)	
(4)	
SHEET 1 OF 1	COMMISSION NO. 7558.00

A PART OF THE SW 1/4 OF SECTION 23, AND THE NW 1/4 OF SECTION 26, TOWNSHIP 21 NORTH, RANGE 3 WEST, LAURAMIE TOWNSHIP, TIPPECANOE COUNTY, INDIANA

S-4922
BLACKER MINOR SUBDIVISION
Minor-Sketch Plan

Staff Report
July 9, 2020

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioners, who are also the owners, represented by Roger Fine of Fisher Engineering, are seeking primary approval to replat four existing lots (Lots 90, 91, 92 and 93 from the original plat of the town of Clarksville, now Clarks Hill) into 2 lots located on the southeast side of Main Street between Park Street and East Orange Street, in Clarks Hill, Lauramie 23 (SW) 21-3.

AREA ZONING PATTERNS:

The four lots in question are zoned R1U, Single-family Residential, Urban. All the surrounding land is also zoned R1U except to the southeast which is zoned R1B. Beyond that is a large expanse of AA zoned property.

AREA LAND USE PATTERNS:

Based on the aerial photo of the site, there was once a mobile home on each of these lots; now two of those mobile homes have been removed and there are plans to remove a third. The fourth mobile home will likely be replaced with a newer mobile home on the combined lots 90 and 91 (Lot 2) per Section 5-1-3(b)1 of the ordinance.

The site is on the edge of Clarks Hill, with the town proper to the north and farmland to the south. The four lots are surrounded by platted rights-of-way; however only Main Street is improved. Park Street, adjacent to the northeast and Orange Street, adjacent to the southwest and the alley to the rear of the lots have never been completed. There are currently no plans to either pave these streets or vacate them.

TRAFFIC AND TRANSPORTATION:

The required 60’ of right-of-way is already in place, no further dedication of right-of-way is needed.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

All four of the existing lots have sewer and water; no public improvements are required in order to serve the two “new” lots.

CONFORMANCE WITH UZO REQUIREMENTS:

The setbacks shown are correct; lot widths and lot areas meet the R1U zone standards.

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

A. Conditions

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

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

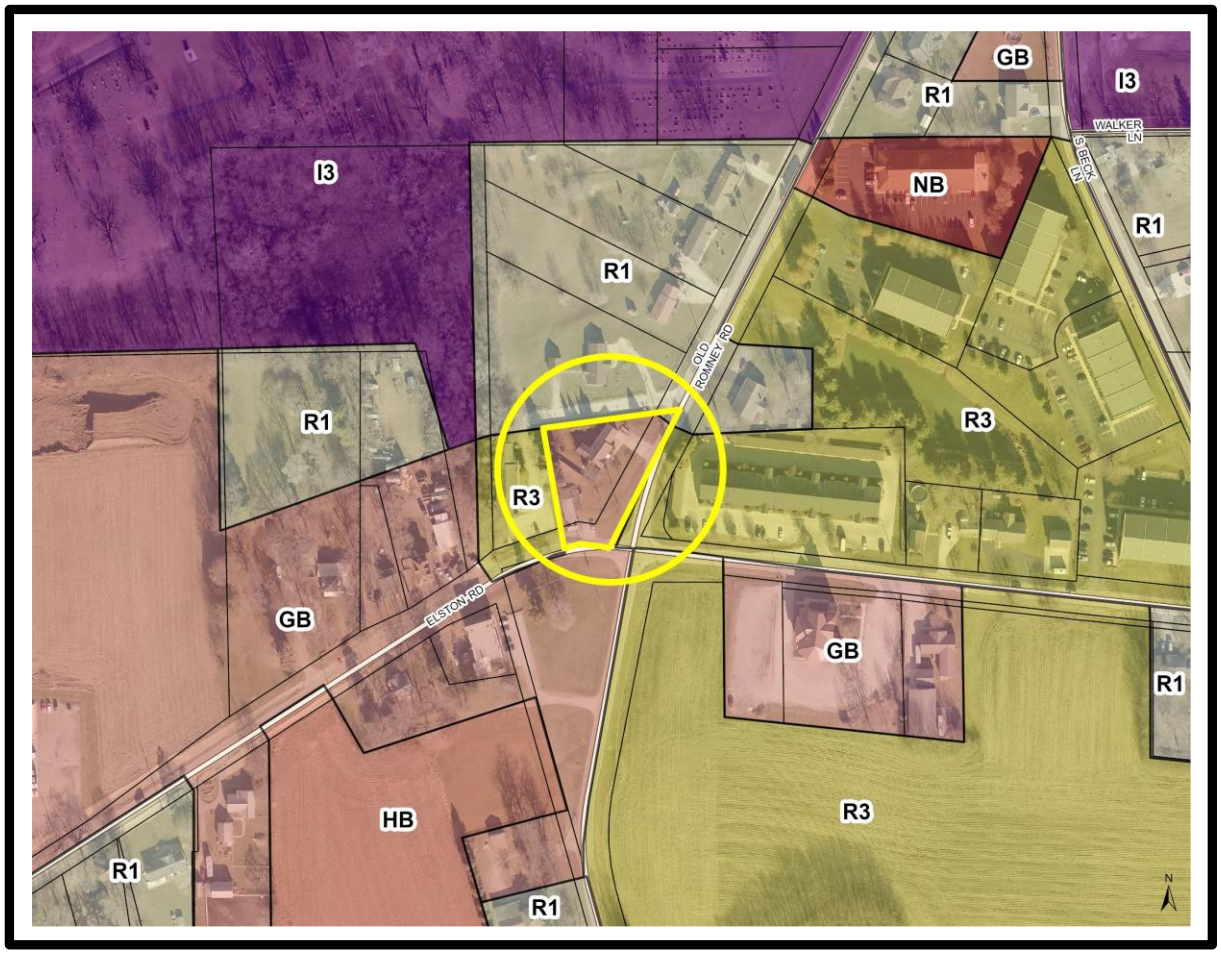
2. All required building setbacks shall be platted.

3. The Drainage Board or the County Surveyor shall approve any required drainage plans in compliance with Tippecanoe County Ordinance #2011-27-CM.

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

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

STAFF REPORT
July 9, 2020



Z-2796
STEVE D. HABY
GB to R1B

Staff Report
June 8, 2020

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner/owner is requesting rezoning of the northwest corner of Elston Road and Old Romney Road, specifically, 2360 Old Romney Road and 410 Elston Road, (there are two houses on one lot), Lafayette, Fairfield 31 (SE) 23-4. Petitioner plans to file for a minor subdivision once the rezone is complete, so each home will be on a single lot.

ZONING HISTORY AND AREA ZONING PATTERNS:

This property is currently zoned GB. Property to the north of this tract is zoned R1; the site to the west is zoned R3. Property to the east and southeast across Old Romney is likewise zoned R3. The triangular-shaped lot to the south of Elston is zoned GB as are a couple of lots farther to the southeast. This area of town is a hodgepodge of zoning with I3, HB and NB zones nearby, but most of the properties in the vicinity are zoned R3, GB or R1.

Prior to the zoning ordinance update in 1998, residential uses were permitted on GB zoned properties. That makes the two single-family residences legally nonconforming by zone.

AREA LAND USE PATTERNS:

There are numerous multi-family developments in the area, single-family homes, a church, a coach service, cemetery, and additional businesses in the area.

TRAFFIC AND TRANSPORTATION:

Both Elston and Old Romney Road are classified as secondary arterials by the adopted *Thoroughfare Plan*. The front setback along these roads is 40' in the R1B zone. Neither house meets this setback.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

The two homes are currently connected to sewer by one tap and share a well. Through the process of separating the homes, they will be hooked up to sewer and water individually.

STAFF COMMENTS:

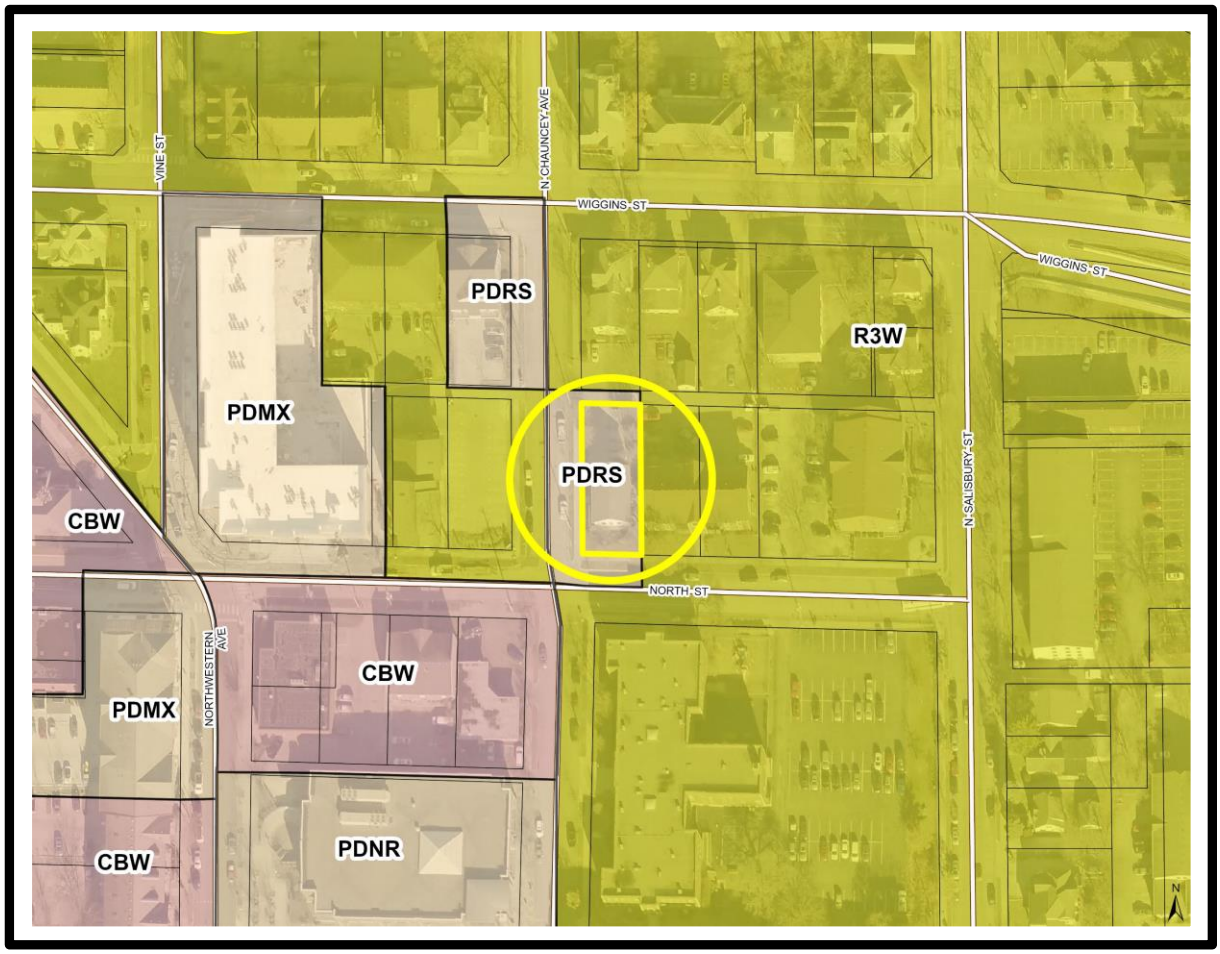
This rezone request is the first step for the petitioner to create separate lots for the two existing single-family homes. According to data from the County Assessor, both structures were built in 1954.

Staff worked with the City of Lafayette (Z-2546), and Tippecanoe County (Z-2545), to rezone apartment complexes that were nonconforming in 2013. This has not been discussed for other types of residential use. Staff can support this request as the first step toward making this site and use conforming.

STAFF RECOMMENDATION:
Approval

Z-2797
RESONS, LLC
(PDRS to R4W)

STAFF REPORT
July 9, 2020



Z-2797
RESONS, LLC
PDRS to R4W

Staff Report
July 9, 2020

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, represented by attorney Chris Shelmon, is requesting rezoning of a lot located at the northeast corner of Chauncey Avenue and North Street, specifically, 302 N. Chauncey Avenue (Chauncey Townhouses Planned Development) in West Lafayette, Wabash 19 (NE) 23-4. Petitioner is proposing to add additional units to the existing structure which is currently prohibited per the property's planned development zone.

ZONING HISTORY AND AREA ZONING PATTERNS:

This property was rezoned in January of 2004 from R3W to PDRS for the Chauncey Townhouses Planned Development (Z-2216). The design intent of the planned development was to build a new structure (in place of the previous converted single-family home) that retained the look of the many old homes in the vicinity that were converted to student apartments. Also, the planned development zone allowed for a higher residential density (approximately 19.7 units per acre) than what R3W permits (no higher than 15 units per acre). The property is surrounded by R3W zoning to the north, south, east, and west. To the southwest is CBW zoning and to the northwest is PDRS zoning.

AREA LAND USE PATTERNS:

This immediate vicinity is near the core of West Lafayette's downtown area. Numerous redevelopment efforts over the last two decades have been steadily transforming the Historic Chauncey Village neighborhood into a vibrant, mixed-use, downtown environment. Higher-density multi-family and retail uses dominate the neighborhood.

TRAFFIC AND TRANSPORTATION:

North Street is an urban local road and Chauncey Avenue is classified as a primary arterial according to the adopted *Thoroughfare Plan*. There are no changes planned to the existing 6-parking spaces created with the planned development.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

Public utilities are available to serve the site. Since all abutting properties are zoned residentially, there are no bufferyard requirements between residential zones.

STAFF COMMENTS:

The property is within the study-area boundary of the recently adopted (March of 2020) amendment to the *Comprehensive Plan of Tippecanoe County*, the *West Lafayette*

Downtown Plan. According to the *Plan's* future land use map (Block 8 of Chauncey Village):

> *<u>BLOCK 8 – (North Street, Wiggins Street, Salisbury Street, and Chauncey Avenue)</u> This block, recommended for Downtown Edge, should continue the mixed-density residential transition begun on the east half of Block 7 and continuing onto Block 9. Any non-residential uses, consistent with the intent of the Downtown Edge land use category, should be focused on the North/Chauncey intersection.*

The "Downtown Edge" land use category is described as a downtown-periphery area that should promote an appropriate residential transition to adjacent lower-density residential neighborhoods. The proposed R4W zone is well suited to provide a variety of residential options, particularly since it does not have the density requirement found in the R3W zone. The relatively modest increase in residential density proposed with this rezone petition, all within an existing building, can be easily supported by the land use recommendations of the *Plan*. Staff supports the rezone proposal.

STAFF RECOMMENDATION:
Approval

THE
AREA PLAN COMMISSION
OF TIPPECANOE COUNTY

EXECUTIVE COMMITTEE
NOTICE OF PUBLIC HEARING

DATE..... AUGUST 5, 2020
TIME.....4:30 P.M.
PLACE ..... COUNTY OFFICE BUILDING
20 N. 3RD STREET
LAFAYETTE, IN 47901

*Due to the public health emergency, this will be a virtual meeting. Public comment on agenda items may be submitted prior to noon on the meeting day at apc@tippecanoe.in.gov. Comments must include **name** and **address** to be heard. Comments may also be made live on the streaming platforms. Members of the public may watch the livestream on Facebook https://www.facebook.com/TippecanoeCountyIndiana (you must have an account) or YouTube https://www.youtube.com/channel/UCJIeeA9ZQo9ElIGdZTdjurQ (you must be a subscriber to comment). Links can also be found on the APC website at: www.tippecanoe.in.gov/apc.*

(TENTATIVE)
A G E N D A

I. APPROVAL OF MINUTES

II. NEW BUSINESS

III. PUBLIC HEARING

A. SUBDIVISIONS

1. **S-4927 AYALA MINOR SUBDIVISION (minor-sketch):**
Petitioner is seeking primary approval for two lots on 4.726 acres located at the northwest corner of US 52 S and CR 900 S in Lauramie 3 (SE) 21-3.

2. **S-4928 FRANKS FIELD MINOR SUBDIVISION (minor-sketch):**
Petitioners are seeking primary approval for a two lot replat of two existing commercial lots on 12.99 acres, located just east of S. Creasy Lane and just south of South Street, in Lafayette, Fairfield 26 (NE) 23-4.

3. **S-4929 NORFLEET COMMERCIAL SUBDIVISION, PART 3, A REPLAT OF PARTS 1 & 2 (minor-sketch):**
Petitioner is seeking primary approval to replat 2 existing industrial lots into 3 lots (plus one outlot) on 11.677 acres, located on the north side of Brady Lane, between Concord Road and Sagamore Parkway, in Lafayette, Wea 3 (NE) 22-4.

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

4. **S-4930 ELSTON ACRES MINOR SUBDIVISION (minor-sketch):** Petitioner is seeking primary approval for two lots on 0.686 acres, located at the northwest corner of Old Romney Road and Elston Road, in Lafayette, Fairfield 31 (SE) 23-4.

IV. APPROVAL OF THE AUGUST APC PUBLIC HEARING AGENDA

V. APPROVAL OF THE AUGUST ABZA PUBLIC HEARING AGENDA

VI. DETERMINATION OF VARIANCES

A. Lafayette Division of the Area Board of Zoning Appeals

VII. REVIEW AND APPROVAL OF THE JULY BUDGET REPORT

VIII. OTHER BUSINESS

IX. ADJOURNMENT

Determination of Variance
Area Board of Zoning Appeals
Meeting Date: July 22, 2020

July 9, 2020

1. **BZA-2038 BILL J. PHILLIPS:**
   Petitioner is requesting a variance to allow a setback of 15' instead of the required 25' from the (southern) Samola Drive to build a house on 0.82 acres zoned R1, located between Samola Drive and Samola Drive on the west side of US 231 in the Sam Wilson Subdivision, Wea 29 (SW) 22-4. (UZO 2-1-7)

2. **BZA-2040 PURDY O'NEALL FARM, LLC:**
   Petitioner is requesting the following 6 variances from the UZO- required standards for mining and quarrying of non-metallic minerals:

   1. To allow no bufferyard and no setback on the tract A site along its eastern property line; (UZO 4-9-7c)
   2. To allow no bufferyard on the tract B site along its eastern property line; (UZO 4-9-7-c)
   3. To allow no bufferyard, no fence, and no setback on the tract C site along its northern property line; (UZO 4-9-7 c and d)
   4. To allow no bufferyard and no fence on tract C for its eastern property line (next to property owned by Loren Schroeder); (UZO 4-9-7 c and d)
   5. To allow no bufferyard and no fence on tract C for a different portion of its eastern property line (next to property owned by William Brunton); (UZO 4-9-7 c and d) and
   6. To allow no bufferyard and no fence on tract D for its northern property line; (UZO 4-9-7 c and d)

   on properties located south of CR 510 S and eat of S. 9th Street and including a total of 438.4 acres zoned A and FP in Wea Township, Sections 21 and 28, 22-4.

3. **BZA-2041 MURTAUGH LAW, LLC:**
   Petitioner is requesting the following two variances for a proposed self-storage warehouse business on a half-acre tract of GB-zoned property:

   1. To allow a 1' setback from Old SR 25 N instead of the required 60'; (UZO 2-17-7) and
   2. To eliminate the requirement for each required off-street auto space to open directly on an unobstructed maneuvering aisle; (UZO 4-6-15 b)

on property located at 10 Aretz Lane, Fairfield 11 (SW) 23-4.

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