THE

AREA BOARD OF ZONING APPEALS

OF

TIPPECANOE COUNTY

NOTICE OF PUBLIC HEARING

DATE : JULY 22, 2020
TIME: 6:00 P.M.
PLACE: COUNTY OFFICE BUILDING
20 N. 3RD STREET
LAFAYETTE, IN 47901

I. APPROVAL OF MINUTES

Documents:

BZA 05.27.2020 MINUTES.PDF

II. NEW BUSINESS

1. CONTINUED CASES

   - BZA-2041 Murtaugh Law, LLC: This case must be continued to the August 26th BZA meeting because notices were not mailed out in time.

III. PUBLIC HEARING

1. BZA-1786 JANET & RICHARD W. HARLOW, JR. (PREVIOUSLY KNOWN AS CRIDER & CRIDER, INC.):
   Petitioners are requesting a second extension of the previously approved special exception for a mining operation (originally approved December 2009; first extension was approved in July 2015) to modify the expired reclamation plan. The proposed hours of operation are 7am to 7pm, five days a week (Monday through Friday) and 7am to 4:30pm on Saturdays to complete the proposed reclamation plan. There will be no further mining and the proposed reclamation would be completed no later than December 31, 2030. The 32.8 acre tract is located immediately west of the residence at 4503 E 300 N in Fairfield 12 (NW) 23-4. (UZO 3-2) *With conditions.*

   Documents:

BZA-1786 HARLOW SE 2ND EXTENSION.PDF

2. 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 at the northwest corner of US 231 and Samola Drive, specifically, 36 Samola Drive in the Sam Wilson Subdivision, Wea 29 (SW) 22-4 (UZO 2-1-7)

Documents:

BZA-2038 BILL PHILLIPS.PDF

3. BZA-1920 PURDY O'NEALL FARM, LLC:
Petitioner is requesting an extension of a previously approved special exception for a mining operation (BZA-1920 approved in October 2014) which was itself an extension of a previously approved special exception (BZA-1591, approved in October 2001) to extend both mining and reclamation to December 2040. The hours of operation approved in 2001 were "daylight hours only, except for the occasional INDOT or governmental project where aggregate or concrete are needed during nighttime hours." The two tracts included in this request are 180 acres, known as the O'Neall Farm located near the intersection of CR 150 E and CR 510 S and 120 acres commonly known as 5105 E 500 S, in Wea Township, Section 21, 22-4. (UZO 3-2) *With condition.*

Documents:

BZA-1920 PURDY ONEALL FARM 2ND SE EXTENSION.PDF

4. BZA-2039 PURDY O'NEALL FARM, LLC:
Petitioner is requesting a special exception for mining and quarrying of non-metallic minerals, except fuel (SIC 14). The hours of operation would be dawn to dusk, 7 days per week. Both mining and reclamation would be completed by December 2040. The three tracts included in this request are all located south of CR 510 S and east of S. 9th Street and include 3.76 acres in tract B, 76.3 acres in tract C, and 60.1 acres in tract D for a total of 140.16 acres zoned A and FP located in Wea 28 (E1/2) 22-4. (UZO 3-2) *With conditions.*

Documents:

BZA-2039 PURDY ONEALL FARM SE.PDF

5. BZA-2040 PURDY O'NEALL FARM, LLC:
Petitioner is requesting the following 4 variances from the UZO-required standards for mining and quarrying of non-metallic minerals:

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 & d)
4. To allow no bufferyard and no fence on tract C along its eastern property line (next to property owned by Loren Schroeder); (UZO 4-9-7 c & d)
5. To allow no bufferyard and no fence on tract C for a different portion of its eastern property line (next to property owner by William Brunton); (UZO 4-9-7 c & d) and
6. To allow no bufferyard and no fence on tract D along its northern property line; (UZO 4-9-7 c & d)

on properties located south of CR 510 S and east of S. 9th Street and including a total of 140.16 acres zoned A and FP in Wea 28 (E1/2) 22-4.

Documents:

BZA-2040 PURDY ONEALL FARMS VAR.PDF

6. BZA-2041 MURTAUGH LAW, LLC:
   ****Continue to the August 26th ABZA meeting****
   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.

IV. ADMINISTRATIVE MATTERS

V. 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

AREA BOARD OF ZONING APPEALS OF TIPPECANOE COUNTY

MINUTES OF A PUBLIC HEARING

DATE..... May 27, 2020
TIME.....6:00 P.M.
PLACE..... COUNTY OFFICE BUILDING
20 N. 3RD STREET
LAFAYETTE, IN 47901

Due to the public health emergency, the meeting was held virtually. Members of the public may watch the livestream of the meeting at https://www.facebook.com/TippecanoeCountyIndiana

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT
Steve Clevenger	Jen Dekker	Sallie Fahey
Tom Andrew		Ryan O'Gara
Gary Schroeder		Rabita Foley
Frank Donaldson		Larry Aukerman
Carl Griffin		Chyna Lynch
Ed Butz		Zach Williams, Atty.

The Area Board of Zoning Appeals of Tippecanoe County public hearing was held virtually on the 27th day of May 2020 at 6:00 P.M., pursuant to notice given and agenda posted as provided by law.

President Steve Clevenger called the meeting to order. He asked that everyone present mute their microphones until they wish to speak or vote.

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

I. APPROVAL OF MINUTES

Gary Schroeder moved to approve the minutes from the February 26, 2020 BZA public hearing. Carl Griffin seconded and the minutes, as submitted, were approved by unanimous voice vote.

II. NEW BUSINESS

Sallie Fahey said all cases are ready to be heard.

III. PUBLIC HEARING

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 Board of Zoning Appeals, the application and all documents filed therewith, the staff report and recommendation on the applications to be heard this evening and responses from the checkpoint agencies. Carl Griffin seconded, and the motion carried by voice vote.

Steve Clevenger read the meeting procedures.

BZA-2032 JAMES L. AND SHEILA A. COCHRAN:
Petitioners are requesting the following variances to add a residential unit in an existing apartment building on R3W-zoned land:

1. To decrease the required parking to 5 spaces from the minimum requirement of 11 spaces; (UZO 4-6-3).
2. To reduce the building setback from Vine Street to 7.4' from the minimum requirement of 10' (average setback); (UZO 2-10-8).
3. To remove the no parking setback; (UZO 4-6-14).
4. ~~To reduce the one-way maneuvering aisle to 10.8' from the minimum requirement of 22'; and (UZO 4-6-15)~~ Not required per staff review.
5. To reduce the lot width to 54.11' from the minimum requirement of 60' (for single and two-family dwellings); (UZO 2-10-6).

on property located at the southeast corner of Vine Street and Fowler, more specifically, 229 W. Fowler Avenue in West Lafayette, Wabash 19 (NE) 23-4.

Gary Schroeder moved to hear and vote on **BZA-2032 JAMES L. AND SHEILA A. COCHRAN.** Carl Griffin seconded.

Ryan O'Gara presented the zoning map, site plan, and aerial photos. He said this site is zoned R3W in the middle of R2U, R3U and PDRS zoning. This property's zoning has changed over the years. In 1988, a special exception was granted for a professional office in an R3 zone and a setback variance. The professional office is considered an accessory use under the current standards. The rezone activity in the area has been mostly planned developments. The property contains a 1,100 square foot structure with an apartment unit and leasing office. In the Thoroughfare Plan, Fowler Avenue is classified as a primary arterial road and Vine Street is an urban local road. Five paved parking spaces are needed to meet the parking requirement for university-proximate residences. Because the structure also includes a leasing office, it requires an additional 6 parking spaces. On both the side and rear, paved parking spaces would encroach into the 5' no parking setback. Given the age of the building, staff is sympathetic to approve some of these variances for the non-conforming structure.

Regarding request #1, the parking ratio of the proposed renovation is 2.5, which is significantly higher than the recently approved planned development in the area. The leasing office is an accessory use at the location. Staff feels that reducing the parking may cause an undue burden on the public's on-street parking along Fowler and Vine. He spoke to the ballot items. Staff recommended denial.

Regarding request #2, the R3W zone allows the averaging of setbacks of existing primary use buildings on a blockface but never less than 10'. The plan shows the existing setback of 7'4" to the edge of the roofed porch where the building wall begins at 11.5' from the property line. The average setback equals 9.2' however, the ordinance requires 10'. He spoke to the ballot items. Staff recommended approval.

Regarding request #3, the no parking setback creates some separation between parked cars, sidewalks and adjacent properties. However, the parking lot configuration shown in the plan is existing and has operated without a setback for many years. He spoke to the ballot items. Staff recommended approval.

Regarding request #5, no change is proposed to the existing building footprint. If the proposal were to redevelop the substandard lot, staff would have recommended consolidation of multiple lots in the vicinity to create a conforming denser development. He spoke to the ballot items. Staff recommended denial.

Steve Clevenger asked if the petitioner or the representative wanted to make a presentation and if there were any documents to share through GoToMeeting.

Christopher Shelmon, 250 Main Street, Suite 590, Lafayette, IN 47901, representative for petitioner, shared his presentation and said the request is to add a 400 square foot unit at the front of the building. Currently, the building is comprised of an office on the first floor and three-bedroom unit on the second floor. This structure was originally a house that was converted into apartments. This request would permit the petitioner to add residential housing to the first floor. The demand on the office space is now significantly less, so petitioner is looking to add a small apartment. This is would be a convenient addition because this unit was previously an apartment, so the plumbing is existing. It is important to note that the proposed

parking ratio is 2.5 spaces per unit. This is significantly greater than the neighboring planned development and would have little impact on the neighborhood. The current residential tenants do not require parking because the location is in the heart of campus and are able to bike and walk. The other variances are a result of the old structure and subdivision from many years ago. The ordinance requires one parking space per 200 square-feet of office space and the existing 400 square-foot unit only requires one parking space. Turning this portion of the structure into an apartment will reduce the parking requirement.

Carl Griffin asked Mr. Shelmon to clarify the lot width variance and the issue of hardship.

Christopher Shelmon, 250 Main Street, Suite 590, Lafayette, IN 47901, representative for petitioner, said this is a platted city lot. It has been this way since the building was purchased. In order to legitimize the lot and get a permit, the lot needs to be the right size. The only way to make the parking requirement meet ordinance standards would be to purchase some of the neighboring lot.

Steve Clevenger said there will be a one-minute pause for citizen comment. After the minute passed, he asked Ryan O'Gara if any citizen comments had been received. There had not. He asked the board to submit their ballots.

Zach Williams said he received the ballots and conducted a roll call vote to confirm each member's vote for **VARIANCE #1**.

Yes-Vote	No-Vote
Steve Clevenger	Frank Donaldson
Gary Schroeder	
Carl Griffin	
Tom Andrew	
Ed Butz	

The Board voted by ballot 5 yes to 1 no to approve **BZA-2032 JAMES L. AND SHEILA A. COCHRAN, Variance #1.**

Zach Williams said he received the ballots and conducted a roll call vote to confirm each member's vote for **VARIANCE #2.**

Yes-Vote	No-Vote
Steve Clevenger	
Gary Schroeder	
Carl Griffin	
Tom Andrew	
Ed Butz	
Frank Donaldson	

The Board voted by ballot 6 yes to 0 no to approve **BZA-2032 JAMES L. AND SHEILA A. COCHRAN, Variance #2.**

Zach Williams said he received the ballots and conducted a roll call vote to confirm each member's vote for **VARIANCE #3.**

Yes-Vote	No-Vote
Steve Clevenger	
Gary Schroeder	
Carl Griffin	
Tom Andrew	
Ed Butz	
Frank Donaldson	

The Board voted by ballot 6 yes to 0 no to approve **BZA-2032 JAMES L. AND SHEILA A. COCHRAN, Variance #3.**

Zach Williams said he received the ballots and conducted a roll call vote to confirm each member's vote for **VARIANCE #5.**

Yes-Vote	No-Vote
Steve Clevenger	Frank Donaldson
Gary Schroeder	
Carl Griffin	
Tom Andrew	
Ed Butz	

The Board voted by ballot 5 yes to 1 no to approve **BZA-2032 JAMES L. AND SHEILA A. COCHRAN, Variance #5.**

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).

Gary Schroeder moved to hear and vote on **BZA-2033 THE RIDGE GROUP, INC.** Carl Griffin seconded.

Ryan O'Gara presented the zoning map, site plan, and aerial photos. He said this site is zoned R3W surrounded to the east by R3W and lower density zoning to the south. This rezone was done for the US 231 Corridor Rezone. The plan supports the use of multi-family apartments. The site is a challenge in terms of access. It has frontage on US 231 which is a limited access highway and no curb cuts would be allowed to come in from the highway. The site would be limited to access from Lindberg Road. Staff is concerned about turning movements in and out of the site. Given the number of units, there will be a large number of people moving in and out regardless of whether they have a vehicle. This is not the university proximate area. It is a suburban environment. The two parking spaces per unit is the standard in this type of development. In staff's opinion, granting the variance will be injurious to the public health, safety and welfare of the community given the proximity to the intersection and the increased number of units. Reducing the parking requirement will not reduce the number of trips to and from the site. Use and value of the area will be adversely affected. The neighboring properties developed in a conforming matter. Staff does not se a compelling reason why this site needs a reduction in parking besides the driveway access. There is nothing unusual about this site and could be easily redesigned to be developed in a conforming manner. Staff is recommending denial.

Steve Clevenger asked if the petitioner or the representative wanted to make a presentation and if there were any documents to share through GoToMeeting.

Christopher Shelmon, 250 Main Street, Suite 590, Lafayette, IN 47901, representative for petitioner, shared his presentation and said petitioner starting meeting with the City of West Lafayette last fall. Throughout the project, the petitioner has worked with the City Development Office. They want this site to serve West Lafayette, not just Purdue. This lot poses a challenge because it is a remnant of the US 231 project and the Blackbird Farms development. This presented an opportunity for the project to maximize greenspace, storm water retention, tree planting and landscaping. The developer has been in communication with the Parks Department to create a pocket park that could potentially connect with the trail system. The parking exceeds the anticipated need and plans to provide 10 guest parking spaces. This development is comprised of 52 one-bedroom units and 8 two-bedroom units. Most of these units will require only one car and exceeds 1.1 space per bed. The Pure development in the Purdue Research Park is a similar development that has

only .7 spaces per bedroom. These facts, along with the location to the trail system and bus route, will meet the transportation needs of the residents. He presented drawings of the proposed development and showed the locations of parking and the possible pocket park. We believe this will be a good edition to the City of West Lafayette. He respectfully requested approval for the parking variance.

Tom Andrews asked about the comments on this development from the City of West Lafayette.

Christopher Shelmon, 250 Main Street, Suite 590, Lafayette, IN 47901, representative for petitioner, said the City supports this project. Petitioner spoke with the Development Department and the Parks Department.

Steve Clevenger said there will be a one-minute pause for citizen comment. After the minute passed, he asked Ryan O'Gara if any citizen comments had been received.

Ryan O'Gara said one comment had been received from Chad Spitznagle from the City of West Lafayette.

Chad Spitznagle said Engineering, Development, and Building Departments have met with the petitioner. Both former City Engineer Ed Garrison and current City Engineer Mitchell Lankford have reviewed and gave guidance on the entrance. They were/are comfortable with the entrance. Density is by-right so parking is still reasonable per the density. The neighbor has had Purdue University Residential Life students occupying those next-door units so parking hasn't been an issue. Architecture is above standard as well as public amenities.

Steve Clevenger asked the board to submit their ballots.

Zach Williams said he received the ballots and conducted a roll call vote to confirm each member's vote for **VARIANCE #1.**

Yes-Vote	No-Vote
Steve Clevenger	
Gary Schroeder	
Carl Griffin	
Tom Andrew	
Ed Butz	
Frank Donaldson	

The Board voted by ballot 6 yes to 0 no to approve **BZA-2033 THE RIDGE GROUP, INC, Variance #1.**

BZA-2034 DAVE HELTON AND ASSOCIATES, INC.:

Petitioner is requesting a special exception to allow a primary communications tower (SIC 48) in an Agricultural (A) zone. The 198-foot tall unmanned cell tower (including the lighting rod) would operate 24 hours per day, 7 days per week at the southwest corner of CR 500 N and CR 375 W, Wabash 34 (NW) 24-5. (UZO 3-2).

Gary Schroeder moved to hear and vote on **BZA-2034 DAVE HELTON AND ASSOCIATES, INC.** Carl Griffin seconded.

Ryan O'Gara presented the zoning map, site plan, and aerial photos. He said this site and the surrounding properties are zoned agriculture with some residential zoning to the south. The site will be accessed from CR 500N. The tower will be secured by a six-foot fall security fence. There is room for an additional three carriers to co-locate. It is staff's opinion that the requirements for this tower will be met regarding the ballot items. Staff recommended approval.

Steve Clevenger asked if the petitioner or the representative wanted to make a presentation and if there were any documents to share through GoToMeeting.

Dave Helton, 106 Parkridge Drive, Danville, IN 46122, representative for petitioner, said they represent AT&T Wireless and would be happy to answer any questions.

Steve Clevenger said there will be a one-minute pause for citizen comment. After the minute passed, he asked Ryan O'Gara if any citizen comments had been received. There had not. He asked the board to submit their ballots.

Zach Williams said he received the ballots and conducted a roll call vote to confirm each member's vote.

Yes-Vote	No-Vote
Steve Clevenger	
Gary Schroeder	
Carl Griffin	
Tom Andrew	
Ed Butz	
Frank Donaldson	

The Board voted by ballot 6 yes to 0 no to approve **BZA-2034 DAVE HELTON AND ASSOCIATES, INC.**

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, more specifically at 6274 E 375 S, Sheffield 08 (SW) 22-3. **WITH CONDITIONS.**

Gary Schroeder moved to hear and vote on **BZA-2035 JACOB BALLAH.** Carl Griffin seconded.

Rabita Foley presented the zoning map, site plan, and aerial photos. She said the site was rezoned to I3 in 1997 to legitimize an existing heating and air conditioning business. It is currently surrounded by Agricultural zoning. The plan is to build an additional building to accommodate their expanding business. The site plan shows an additional driveway from 375 E to support the proposed expansion. The County Highway Department has completed the preliminary review for the driveway. The site plan also shows an additional septic and well. Petitioner has been working with the required agencies to acquire permits. Because the property is zoned I3 and this is considered a non-conforming site without the bufferyard, petitioner is requesting a variance to eliminate the requirement for a bufferyard. The proposal is for a 9,000 square foot building that will have 2,500 square feet of office space and the remaining area will house trucks, supplies and equipment. The parking lot shown on the site plan supports the requirements for both structures. Petitioner also plans to pave the parking lot.

Variance 1 is to eliminate the bufferyard along the western property line which separates the business from the business owner's residence. The required bufferyard is 30 feet wide. Administrative Officers can make the determination to remove the bufferyard where there is identical ownership. However, the property in the request is owned by John Brand Trust and the adjoining Agricultural land is owned by John and Nancy Brand. Because they are not identical in ownership, the variance is required. The structure is no where near the northern, eastern or western property lines. Any operation will not have a negative impact on the surrounding properties. Regarding Variance 2, because the northern and eastern properties abut unimproved farm fields, only half of the 30-foot bufferyard is required to be constructed on petitioner's property. This is light industrial development that does not generate much traffic. Staff believes requiring a bufferyard for a large proportion of the property needed for the septic, well and drainage systems will cause

a hardship. Staff recommended approval for Variance 1 and Variance 2 contingent on the following conditions:

Conditions:

1. Construction release from the Indiana Department of Homeland security;
2. Approval from the County Highway Department for a commercial driveway;
3. Approval from the Indiana State Department of Health and the Tippecanoe County Health Department for an on-site sewage disposal system;
4. Approval from the Tippecanoe County Surveyor's Office for onsite drainage.

Steve Clevenger asked if the petitioner or the representative wanted to make a presentation and if there were any documents to share through GoToMeeting.

Jacob Ballah, 11 South Third Street, Suite 200, Lafayette, IN 47901, representative for petitioner, said he would be available for any additional questions and respectfully requested approval.

Steve Clevenger said there will be a one-minute pause for citizen comment. After the minute passed, he asked Ryan O'Gara if any citizen comments had been received. There had not. He asked the board to submit their ballots.

Zach Williams said he received the ballots and conducted a roll call vote to confirm each member's vote for VARIANCE #1.

Yes-Vote	No-Vote
Steve Clevenger	
Gary Schroeder	
Carl Griffin	
Tom Andrew	
Ed Butz	
Frank Donaldson	

The Board voted by ballot 6 yes to 0 no to approve **BZA-2035 JACOB BALLAH, Variance #1.**

Zach Williams said he received the ballots and conducted a roll call vote to confirm each member's vote for VARIANCE #2.

Yes-Vote	No-Vote
Steve Clevenger	
Gary Schroeder	
Carl Griffin	
Tom Andrew	
Ed Butz	
Frank Donaldson	

The Board voted by ballot 6 yes to 0 no to approve **BZA-2035 JACOB BALLAH, Variance #2.**

BZA-2036/ BZA-1778 HERITAGE LAND COMPANY, LLC:
Petitioner is requesting an extension of the previously approved special exception for a mining operation (originally approved in 2009) to modify the expired reclamation plan. The proposed hours of operation are 7 a.m. until 7 p.m., five days a week (Monday through Friday) and possible random Saturdays to complete the proposed reclamation plan. There will be no further mining and the proposed reclamation would be completed no later than December 31, 2025. The 8.14-acre tract is located north of SR 25 (Hoosier Heartland) and east of CR 500 E at 3619 N 500 E, Perry 6 (NW) 23-3. (UZO 3-2) **WITH CONDITIONS.**

Gary Schroeder moved to hear and vote on **BZA-2036/ BZA-1778 HERITAGE LAND COMPANY, LLC.** Carl Griffin seconded.

Rabita presented the zoning map, site plan, and aerial photos. She said all the surrounding land is zoned Agricultural with Residential and Industrial zoning to the south along the Hoosier Heartland and I-65. The Board approved the original special exception for the construction of the Hoosier Heartland. The two variances that were approved waived the required bufferyard and permitted a woven-wire fence instead of a security fence. The site currently has a single-family home and an out building. The draft of a proposed parcelization has been submitted to staff for review and would create 4 additional home sites from the larger 21.85-acre tract owned by petitioner. This special exception request is only for the 8.14-acre area. Because the previous special exception has expired, petitioner is asking for an extension to finish the reclamation of this land. The site plan indicates the construction entrance to the north will be removed so the land can be restored to original condition.

The original reclamation plan proposed a 6-acre, 25-foot deep pond with the edges of the pond at a 3:1 slope. The proposed reclamation plan shows the proposed pond to be filled to finished grade with an application of permanent seeding. The original special exception approval allowed mining to begin in 2009 and finish in November 2010; reclamation was to be complete no later than July 2011. The resulting pond would have been 6 acres in size and 25 feet in depth.

Last August, the County Building Commissioner visited the site and observed large pieces of concrete and other construction material being placed in the pit. At the request of the Building Commissioner, the fill was removed and the contractors met with the Building Commissioner and APC staff. Staff learned that after several attempts by the contractor, the pit would not hold water and construction debris was eventually placed in the pit. The contractors were advised to stop all work and request both an extension of their mining operation and permission to alter the approved reclamation plan. The reclamation plan is not clear about what material may be used for reclamation. The ordinance defines suitable fill as material that is organic, stable, compacted, well graded, pervious and generally unaffected by water and frost and is appropriate for the purpose of supporting the intended use. In addition to this, the Building Commissioner will also allow fill to include concrete and asphalt if it is reduced to gravel no greater than 2 inches in diameter. Daily activity logs, fencing and a secured gate will also be required. The zoning ordinance requires the reclamation plan be accompanied with a surety bond in the amount of $3,000 per acre of land within the approved setbacks. After reclamation is complete, petitioner will need to submit a final reclamation plan to the ABZA indicating compliance. At its meeting on May 6, 2020, the Executive Committee of the Area Plan Commission voted that granting this request would not substantially adversely affect the Comprehensive Plan. Staff is recommending approval contingent on the following conditions:

Conditions:

1. A revised reclamation plan must be submitted that adds all items in the third paragraph of staff comments;
2. The BZA-approved reclamation plan must be recorded;
3. Acquire an Improvement Location Permit/Fill Permit from the County Building Commission;
4. Bonding in the amount of $3,000 per acre of land within the setbacks must be submitted.

Steve Clevenger asked if the petitioner or the representative wanted to make a presentation and if there were any documents to share through GoToMeeting.

Daniel Teder, PO Box 280, Lafayette, IN 47902, representative for petitioner, said the mining of this site was completed several years ago. The petitioner has made multiple attempts to try to create a pond on site, but the pond will not hold water. As a result, the petitioner is bringing in suitable fill to bring the site to original grade. This is a request to amend the petition to show a new reclamation plan and extend the date of the

reclamation plan to December 2025. This will continue to be filed as jobs become available in the county. There are no large jobs in the area at this time, so this will likely take the 5 years to complete. He respectfully requested approval.

Steve Clevenger said there will be a one-minute pause for citizen comment. After the minute passed, he asked Ryan O'Gara if any citizen comments had been received. There had not. He asked the board to submit their ballots.

Zach Williams said he received the ballots and conducted a roll call vote to confirm each member's vote.

Yes-Vote	No-Vote
Steve Clevenger	
Gary Schroeder	
Carl Griffin	
Tom Andrew	
Ed Butz	
Frank Donaldson	

The Board voted by ballot 6 yes to 0 no to approve **BZA-2036/ BZA-1778 HERITAGE LAND COMPANY, LLC.**

BZA-2037 TIPPECANOE COUNTY NSE08 SCHOOL BUILDING CORPORATION:
Petitioner is requesting the following parking variances to add a science wing to the existing Harrison High School in an R1 zone:

1. To decrease the required parking to 965 spaces from the minimum requirement of 1048 spaces; and (UZO 4-6-3)
2. To allow the Administrative Officer to permit off-site parking located within 410 feet instead of the maximum allowed within 300 feet; (UZO 4-6-11)

on property located at 5701 N 50 W, Tippecanoe 30 (NE) 24-4.

Gary Schroeder moved to hear and vote on **BZA-2037 TIPPECANOE COUNTY NSE08 SCHOOL BUILDING CORPORATION.** Carl Griffin seconded.

Rabita Foley presented the zoning map, site plan, and aerial photos. She said this site was rezoned to R1 in 1993 by Tippecanoe School Corporation. Burnett Creek Elementary School is to the west and Battle Ground Middle School is to the northwest of the site. Outside of the institutional uses, this site is surrounded by residential uses. There is also a small floodplain area in the southeast corner of the site however the proposed structure is outside of the floodplain line. Petitioner plans to add a new science wing addition to the existing school. The variances to reduce parking to 965 spaces and to allow the Administrative Officer to permit off-site parking to be located 410 feet are the result of the proposed expansion. She indicated on the site map where the new science wing and parking lot would be located. Petitioner currently has more than enough parking to accommodate the new science wing. Harrison has issued only 757 parking permits for 2019-2020 academic year. A total of 179 surplus spaces at Burnett Creek are available when needed. Because there is an addition of class rooms, the parking variance is required.

Regarding the Variance 2, the ordinance allows the Administrative Officer to permit off-site parking for the school provided that the parking area is located within 300 feet of the site. The available surplus parking is 410 feet away from the site in the Burnett Creek Elementary School parking lot. The AO can use various factors to determine eligibility of the proposed off-site parking facilities: proximity of the off-site parking facilities, ease of pedestrian access to the off-site parking facilities and the type of use the off-site parking facilities serve. The AO has indicated concern about the proposed off-site parking area because there is no pedestrian crossing on CR 50 W to ensure public safety. Harrison High School has been substantially built out over the past few decades to support the growing population. Construction of additional paved

parking areas would increase existing drainage challenges. Typically, schools in a rural setting can acquire land to accommodate growth. This is not the case because most of the surrounding site has been developed. If Variance 1 is approved, the need of Variance 2 will be negated. Staff recommended approval of Variance 1 and denial of Variance 2.

Steve Clevenger asked if the petitioner or the representative wanted to make a presentation and if there were any documents to share through GoToMeeting.

Mark DeYoung, 300 Main Street, Suite 900, Lafayette, IN 47901, representative for petitioner, said we are supportive of the staff recommendation on Variance 1. He thanked staff for their assistance during this process. Regarding Variance 2, petitioner is prepared to withdraw that this request is Variance 1 is approved. The off-site parking proposal would only be a back up plan for the for school. The approval of Variance 2 would not require any approval by the Administrative Officer, but it would allow him to do so by eliminating the distance issue caused by the ordinance. This site is large at about 75 acres. Some of the existing parking spaces are located by the softball field and soccer field about 900 feet northwest from the main building. Whereas the Burnett Creek off-site parking is about 750 feet away from the main building. These spaces are only used during special events. The daily attendance of the school is supported by parking closer to the main building. Petitioner is adding classrooms and replacing the parking that the addition is building on. With the expansion of building requires more parking spaces but the school will not require more spaces. He respectfully requested approval for Variance 1.

Steve Clevenger said there will be a one-minute pause for citizen comment. He asked staff if Variance 2 would apply to the current site plan and not allow further expansion.

Rabita Foley said Variance 2 gives the Administrative Officer permission to allow 410 feet off-site parking. It does not grant the petitioner permission.

Steve Clevenger said there is currently nothing that stops people from parking at Burnett Creek during special events that would not be affected by the withdraw of Variance 2.

Rabita Foley said that is correct. TSC may be interested in different options for crossing but it is not something staff can require.

Mark DeYoung, 300 Main Street, Suite 900, Lafayette, IN 47901, representative for petitioner, said TSC will occasionally see patrons crossing the road which can be a safety concern. TSC and the Administrative Officers are welcoming a plan near McCutcheon for crossing a county highway. This site does not have that option now, but it is a possibility in the future.

Steve Clevenger asked Zach Williams if the Board should first vote on Variance 1 to allow petitioner to withdraw the second request if approved.

Zach Williams said the Board should vote on Variance 1 first.

Ryan O'Gara said there were no citizen comments.

Zach Williams said he received the ballots and conducted a roll call vote to confirm each member's vote for VARIANCE #1.

Yes-Vote	No-Vote
Steve Clevenger	
Gary Schroeder	
Carl Griffin	
Tom Andrew	
Ed Butz	
Frank Donaldson	

The Board voted by ballot 6 yes to 0 no to approve **BZA-2037 TIPPECANOE COUNTY NSE08 SCHOOL BUILDING CORPORATION, Variance #1.**

Mark DeYoung, 300 Main Street, Suite 900, Lafayette, IN 47901, representative for petitioner, respectfully withdrew Variance 2 on behalf of the petitioner.

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

IV. ADMINISTRATIVE MATTERS

None.

V. ADJOURNMENT

Steve Clevenger thanked staff and the Board for their support in preparing and holding the virtual meeting.

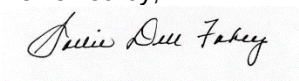
Gary Schroeder moved for adjournment.

The meeting adjourned at 8:21 p.m.

Respectfully submitted,

Chyna Lynch
Recording Secretary

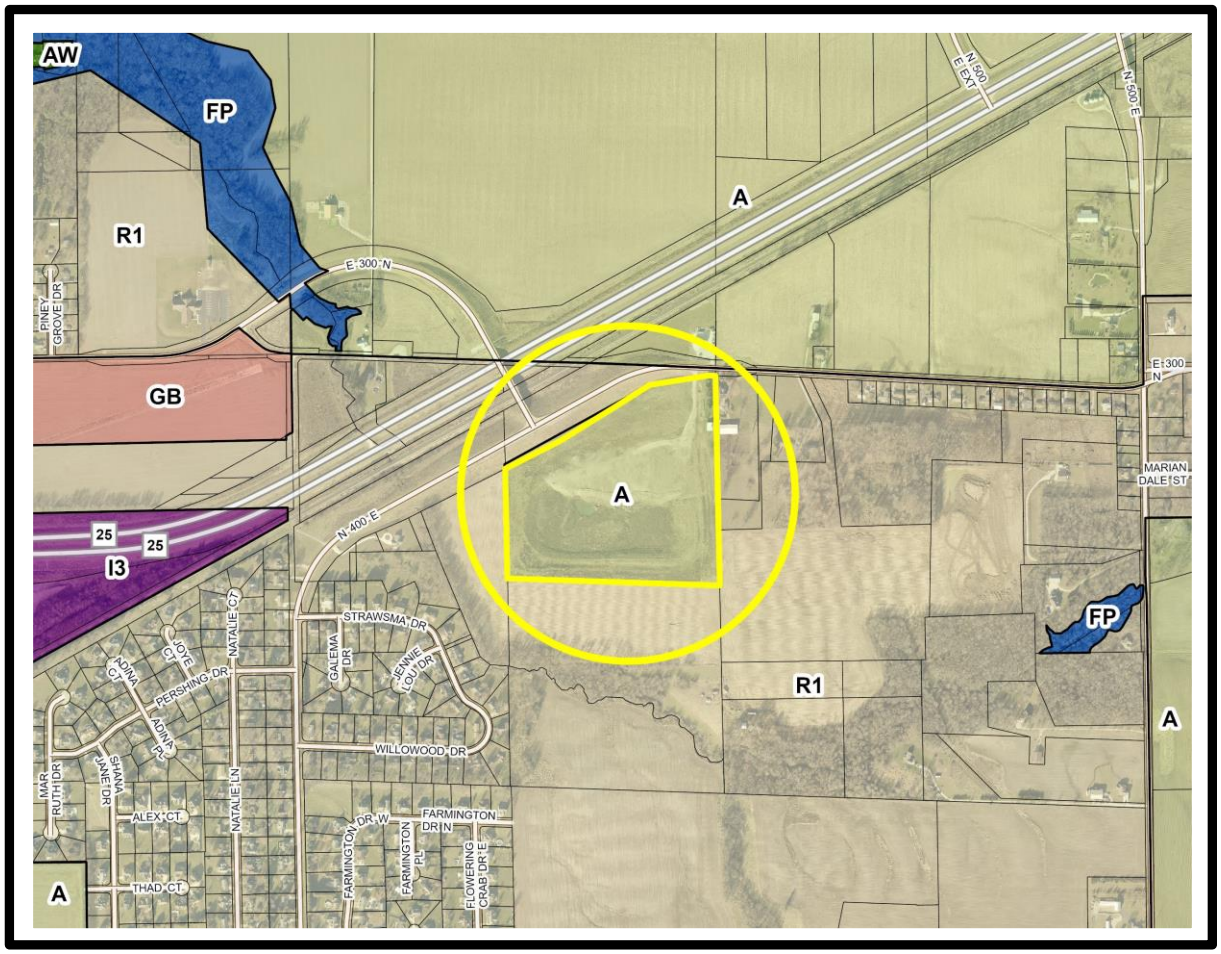
Reviewed by,



Sallie Dell Fahey
Executive Director

BZA-1786
JANET & RICHARD W. HARLOW, JR.
(previously known as Crider & Crider, Inc.)
(special exception 2nd extension)

STAFF REPORT
July 16, 2020



BZA-1786
JANET & RICHARD W. HARLOW, JR.
Special Exception to change and extend the Reclamation of a previously approved mining operation

Staff Report
July 16, 2020

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioners, with consent from owner, are requesting a second extension of the previously approved special exception for a mining operation (originally approved December 2009, first extension was approved in July 2015) to modify the reclamation plan (UZO 3-2). The proposed hours of operation are 7 AM to 7 PM, five days a week (Monday through Friday) and 7 AM to 4 PM on Saturdays. There will be no further mining and the proposed reclamation will be completed no later than December 31, 2030. The 32.8-acre tract is located immediately west of the residence at 4503 E 300 N in Fairfield 12 (NW) 23-4.

AREA ZONING PATTERNS:

After a successful rezone attempt in November 2009, the subject property is currently zoned Agricultural (Z-2417, Crider & Crider R1 to A). Land surrounding the property is zoned R1 except to the north, across CR 300 N, which is also zoned Agricultural.

AREA LAND USE PATTERNS:

The site was farmed and is now a borrow pit with some water pooling at the bottom. There are residences to the east and to the southeast; beyond that land is farmed or wooded. Willowood East Subdivision, while not sharing a property line with the proposed fill site, is located nearby to the southwest. The CR 300 N bridge over the Hoosier Heartland is located immediately north/northwest of this site. The pit is a highly visible eyesore when driving up the hill leading to this bridge.

TRAFFIC AND TRANSPORTATION:

CR 300 N is classified as a rural secondary arterial by the adopted *Thoroughfare Plan.* The main route the trucks would be taking to get to and from the site include a portion of CR 300 N (using the bridge over the Hoosier Heartland) to old SR 25 N, to I-65. This petition does not give vehicular traffic counts for the proposed reclamation. According to a document submitted by petitioners, the fill pit will be operated by a local company because the I-65 project did not provide enough clean fill material to bring the pit back up to its natural elevation.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

The original reclamation plan for this site was to return the property to a farm field. The new plan remains the same but extends the allotted time to 2030.

STAFF COMMENTS:
Normally, adding fill to a low-lying property with no Flood Plain zoning, only requires an Improvement Location Permit (ILP) from the County. The UZO allows reclamation of land with an approved ILP even on the site of an expired special exception for mining for up to a period of three years. In this case, the required reclamation was slated to be complete by August of 2020. Because the reclamation has not been completed in the approved timeframe an extension is being sought. The reclamation plan submitted by the petitioner states that the completion date varies based on the activity in the community to provide suitable fill. The more activity requiring the disposal of fill the faster the reclamation will be completed.

At its meeting on July 1, 2020 the Executive Committee of the Area Plan Commission voted that granting this request would not substantially adversely affect the Comprehensive Plan.

Regarding the ballot items:

1. Section 3.1 of the Unified Zoning Ordinance **DOES** authorize the special exception for a mining operation and required reclamation in the **Agricultural** zoning district.

And it is staff's opinion that:

2. The requirements and development standards for the requested use as prescribed by the Unified Zoning Ordinance **WILL** be met. A 100' setback from all property lines has been shown as well as the required farm field fence. Variances were approved and are still valid that eliminated the required buffering and changed the type of required fencing.
3. Granting the special exception **WILL NOT** subvert the general purposes served by the Ordinance. It would allow the fill and reclamation of a previously approved borrow pit.
4. Granting the special exception **WILL NOT** materially and permanently injure other property or uses in the same district and vicinity because of:
    a. Traffic generation: Traffic to the site will be employees on site and trucks delivering fill to the site.
    b. Placement of outdoor lighting: The lighting is the same as what is currently in use.
    c. Noise production: Noise production will be from trucks delivering fill on site. No crushing of concrete or asphalt will occur at this site.
    d. Hours of operation: 7 AM to 7 PM, five days a week (Monday through Friday) and 7 AM to 4:30 PM on Saturdays. These hours are like the hours previously approved.

STAFF RECOMMENDATION:
Approval with the following conditions:

1. All County Surveyor requirements, which includes IDEM approval, must be met;

2. All lighting for the fill pit must be directed away from motorists on CR 300 N and shall be enforceable by the Tippecanoe County Sheriff's Department;

3. All lighting shall be directed down and away from residences in Willowood East Subdivision and the residence to the east;

4. Per 4-11-4 c of the UZO, the reclamation plan must be recorded;

5. Petitioner must obtain an ILP to fill this site from the County Building Commissioner;

6. Petitioner will provide evidence of annual payment of the bond premium or the County Building Commissioner may pull the fill permit at any time if the bond lapses; and

7. A permit or waiver of permit by the County Highway Department for alterations to the site entrance on CR 300 N as discussed in the reclamation plan narrative.

Note: A special exception approval ceases to be valid if the use is not established within one year of the date that the special exception was granted.

Reclamation Plan for Harlow Borrow Pit

The site will be owned by Janet and Richard W. Harlow, Jr., and is located at 4503 E. 300 North, Lafayette, Indiana 47905. The legal description is N.W. ¼ of Section 12, T23N, R4W, Fairfield Township, Tippecanoe County.

Borrow Pit: The borrow pit site as a source of material is complete and no more material will be excavated and hauled off site. The site will be reclaimed by Fox Hauling & Construction.

Asphalt pave entrance of county road 300 North to protect existing county road edge from future damage and widen entrance with bigger radiuses.

Prepare the site utilizing suitable fill as defined in the ordinance including concrete, reduced to no larger than 2" diameter. Widen and replace entrance gates to 24' wide. Widen drive going back to borrow pit with #53 asphalt millings (# 53 refers to size of material which is from chips or dust size up to 1 ½") for dust control and smoother road that will create less noise.

Place a construction trailer on site with inside storage for fuel, oil, and grease for equipment used on site. Use on site electricity for lights. All transactions for credit card or cash payments for tickets will be performed at Fox Hauling & Construction, Inc., 2887 SR 25 North. Every load brought in will be ticketed with the date, time, origin of material, type of material, size of material and checked for contamination. Daily activity logs, including details of the materials brought in the site will be made available to the Administrative Officer upon request.

Request hours of operation Monday-Friday 7:00 am-7:00 pm and Saturdays 7:00 am- 4:30 pm. There will be signage stating hours of operations, cost of dump fees and rules & regulations for safety at dump site. There will also be a porta-john system on site. The road past the construction trailer will be stoned with #53 stone on top and #53 stone down in the hole (# 53 refers to size of material which is from chips or dust size up to 1 ½"), we want to fill as much as possible from bottom up.

When weather does not permit there will be some top edge dumping, bottom up allows us to use dump trucks to compact materials. Once we get the road dozed all the way to the ponding water at the bottom, we will bring our shooter truck down to the pond and shoot clay dirt into the water to seal up the bottom of the pond to stop any leaching of water.

At this time, we would be ready to except suitable fill of sand, gravel, dirt, and roadbed materials. All concrete chunk loads would be directed to our recycle yards, 2809 Barton Beach Road, Lafayette and/or 849 State Road 25 West, Lafayette. The borrow pit is a big hole, it will take a few thousand loads of suitable fill and the time frame could take several years, depending on the economy and number of local projects. The expected start date after approval could be August or September of 2020 and completion date will be December 2030 or sooner.

EXHIBIT A

The material will come in many kinds of vehicles from pickup truck, trailers, and all different sizes of dump trucks. The more we open it up to the community for suitable fill access, the sooner the reclamation project will be complete.

We would like to store good fill dirt (dirt with almost no rocks or stones that is of sufficient quality to grow grass and crops) in a contained area, silt fence, or concrete blocks to put approximately three feet of good fill dirt down. Then top it off with approximately one foot of topsoil to give the Harlow family a good productive farm field back. Once we get the borrow pit filled and top soil in place, we will seed the completed borrow site with grass seed at a rate of 90 lb. per acre and blown straw at 18 bales per acre for future crop of corn, beans or wheat.

Anytime that suitable filling is done through the dusk or dawn hours, lighting may have to be used but never directed toward vehicles on the road or any housing or subdivisions. The finish elevation of the Harlow borrow pit will be the same as it was prior to 2008 before the borrow pit excavation got started. (See Tippecanoe County GIS 2008 map elevations.)

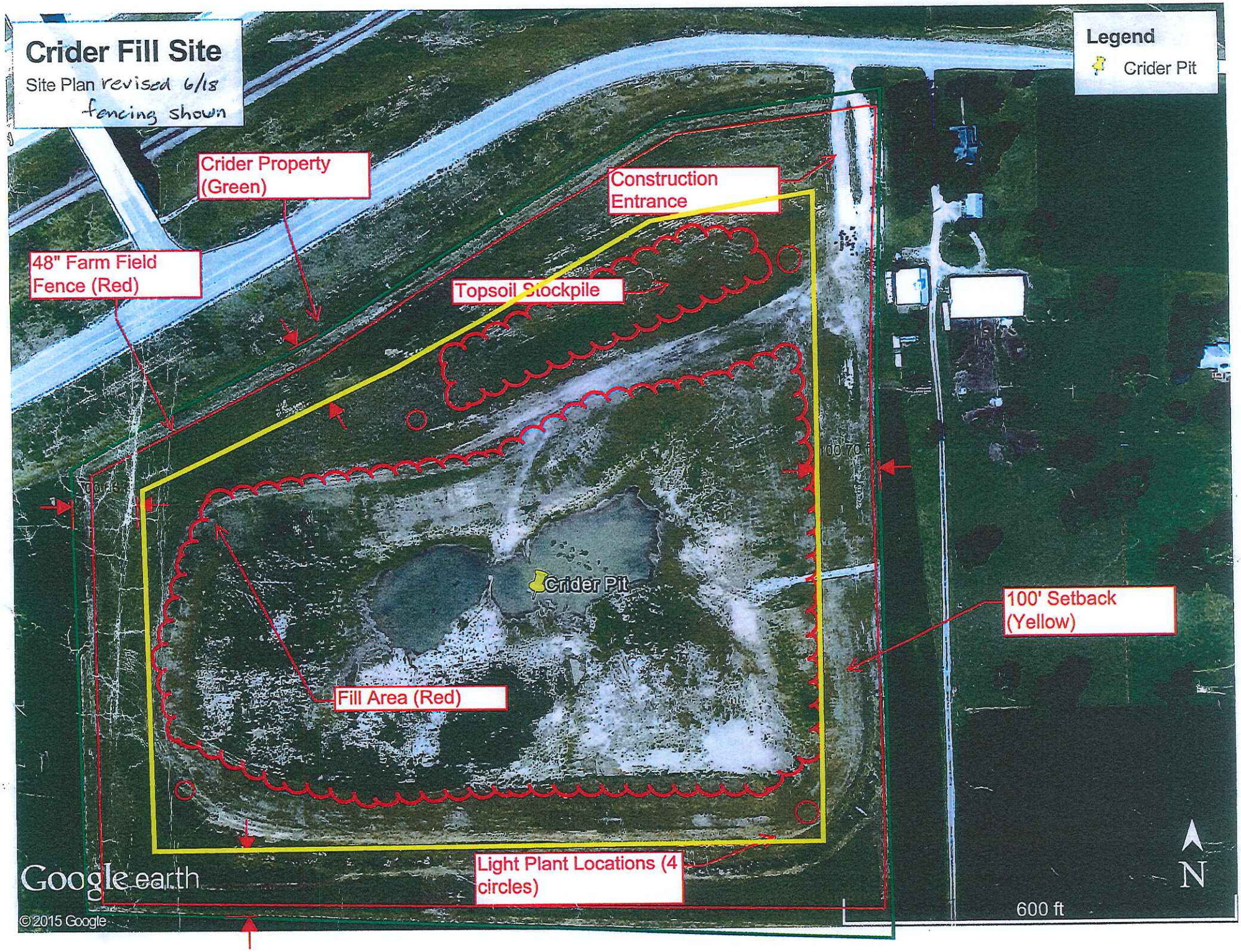
Upon suitable fill pit completion all fencing, roads, gates, trailer, lights, and electric wiring will be removed and hauled off site. We will then inspect the area where the equipment was fueled and parked on site and any contaminated soil will be excavated and hauled to a hazardous site to get the site back to farm ground quality.

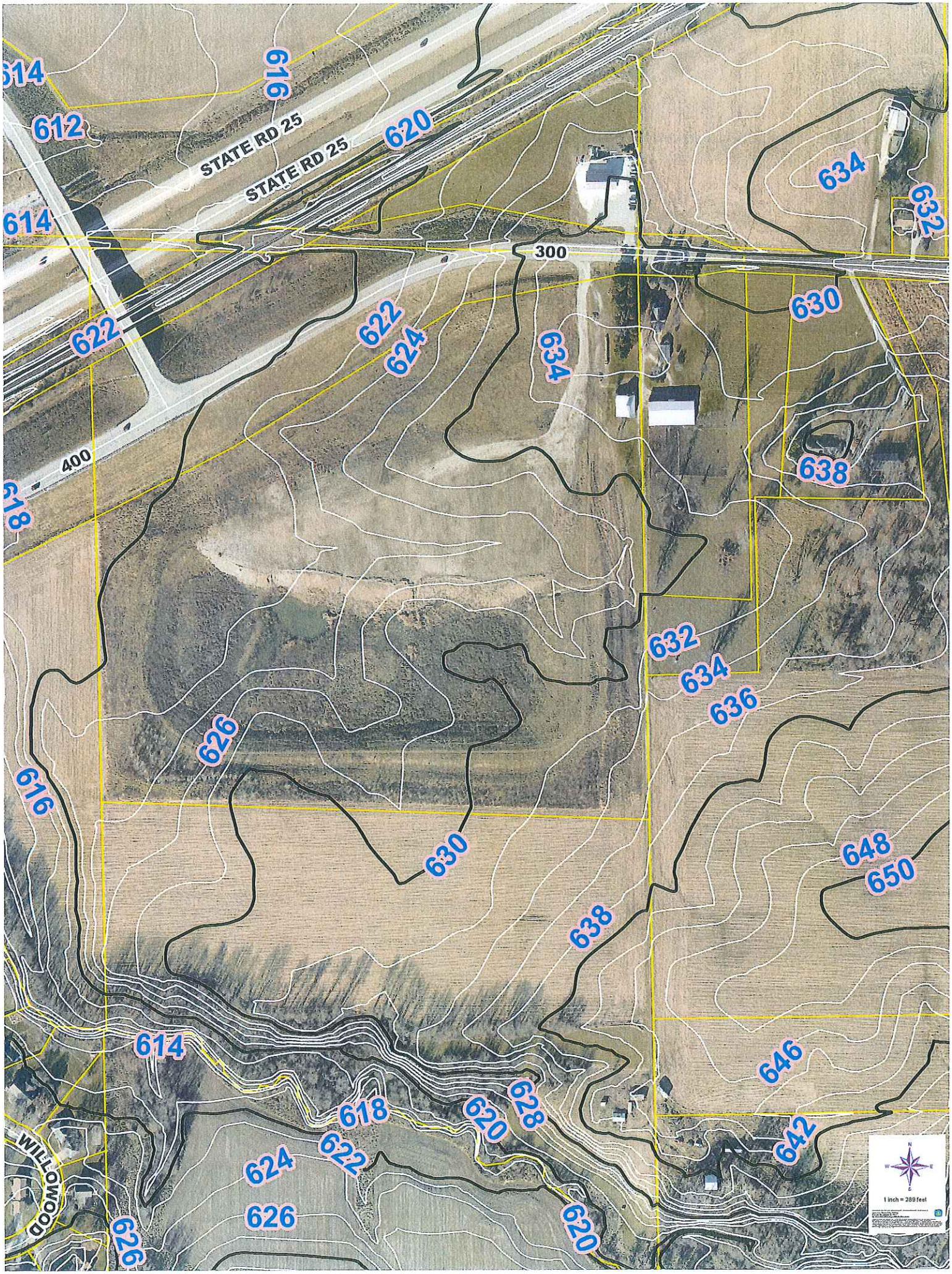
Any unanswered questions that we failed to address we would be happy to answer in a letter, in person or at the meeting.

Robert L. Fox, President

Fox Hauling & Construction

Incorporated in 1976


Crider Fill Site
Site Plan revised 6/18
fencing shown
Legend
Crider Pit
Crider Property (Green)
Construction Entrance
48" Farm Field Fence (Red)
Topsoil Stockpile
Crider Pit
100' Setback (Yellow)
Fill Area (Red)
Light Plant Locations (4 circles)
Google earth
© 2015 Google
600 ft
N


STATE RD 25
STATE RD 25
300
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WILLOWOOD
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634
636
626
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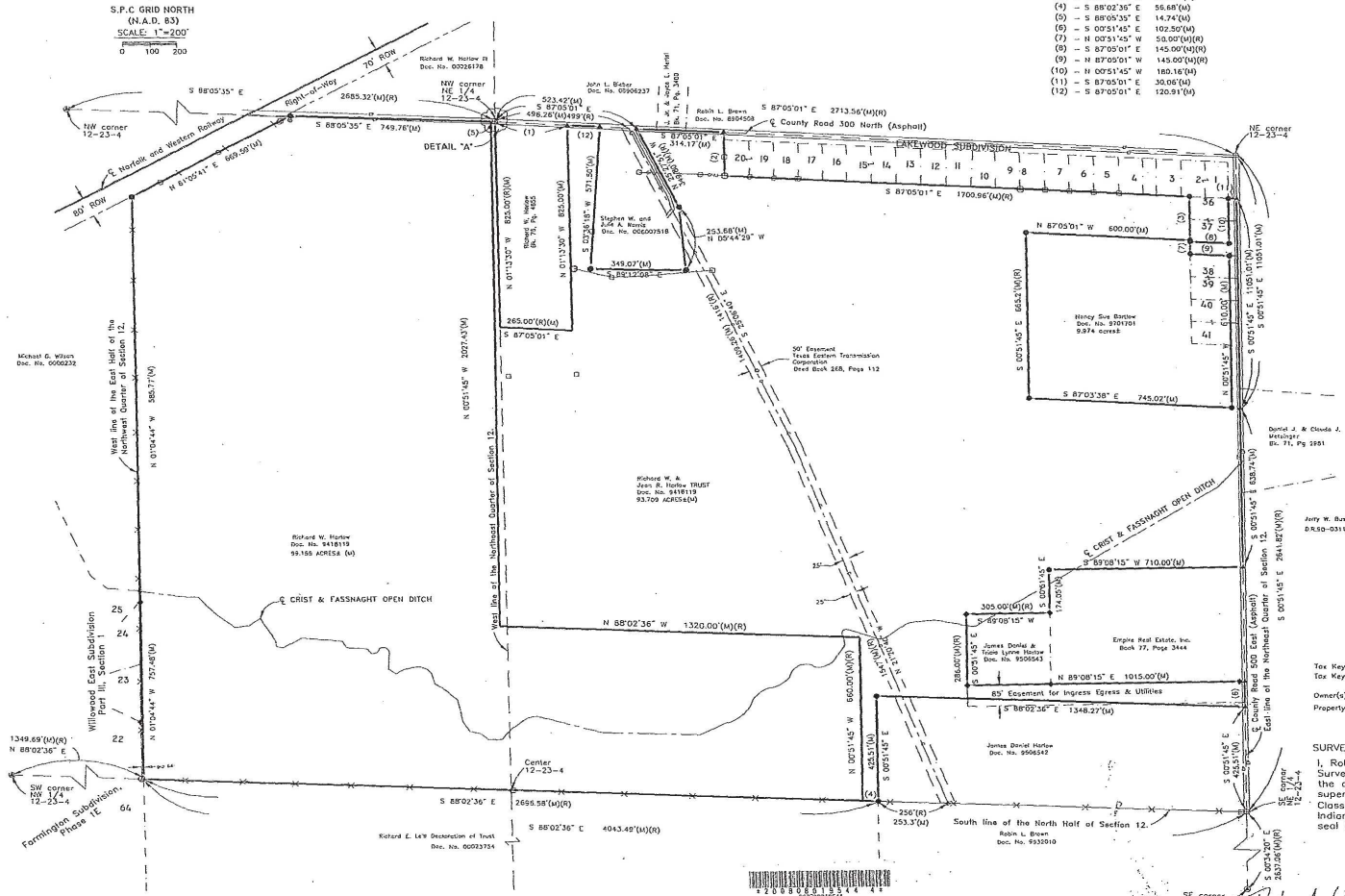
628
642
624
622
626
620
626
1 inch = 289 feet

BOUNDARY SURVEY

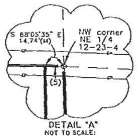
PART OF THE NORTH HALF OF SECTION 12, TOWNSHIP 23 NORTH, RANGE 4 WEST, IN FARIFIELD TOWNSHIP IN TIPPECANOE COUNTY, INDIANA

S.P.C GRID NORTH
(N.A.D. 83)
SCALE: 1"=200'
0 100 200



COURSE CALLS

(1)	– N 87°05'01" E	265.00'(M)(R)
(2)	– S 00°51'45" E	175.85'(M) 175.00(R)
(3)	– S 00°51'45" E	174.50'(M)
(4)	– S 88°02'36" E	56.68'(M)
(5)	– S 88°05'35" E	14.74'(M)
(6)	– S 00°51'45" E	102.50'(M)
(7)	– N 00°51'45" W	50.00'(M)(R)
(8)	– S 87°05'01" E	145.00'(M)(R)
(9)	– N 87°05'01" W	145.00'(M)(R)
(10)	– N 00°51'45" W	180.16'(M)
(11)	– S 87°05'01" E	30.06'(M)
(12)	– S 87°05'01" E	120.91'(M)



LEGEND

- ⊕ – Berntsen monument found
- ⊡ – Wood fence post found
- ◆ – Rebar found
- ○ – Iron pipe found
- △ – PK Nail found
- O – Power Pole
- ● – 5/8" ø plastic capped rebar stamped "RWG 880043" set this survey
- ▲ – Mag Nail set
- ● – Road Nail set
- Under ground gas line
- Farm field fence
- Wood fence
- ⊗ – No point set or found
- (R) – Recorded
- (M) – Measured
- Fiber Optic Manhole
- Gas Riser
- Overhead Utility

ADJACENT PROPERTY OWNERS

LAKEWOOD SUBDIVISION

Lot No.	Owner(s)	Deed Record
1	Douglas L. & Nancy L. Hart	D.R.08719814
2	Douglas L. & Nancy L. Hart	D.R.08719814
3	Stephen L. & Debra Stetler	D.R.8709337
4	Jennifer Jo Smith	D.R.9532091
5	F. Robert & Ruth A. Brown	D.R.92-20387
6	James M. & Patricia VanFosson	D.R.9520747
7	Orville E. & Ruby F. Shultheis	Bk.316, Pg.90
8	Robert E. Layton	D.R.04035005
9	Wilbur A. & Eleanor L. Starrett	Bk.75 Pg.2154
10	Ned L. & H. Jean Slate	Bk.77, Pg.1069
11	Ned L. & H. Jean Slate	Bk.71, Pg.2743
12	Ned L. & H. Jean Slate	Bk.77, Pg.1070
13	Arleigh W. & Sherry D. Walker	D.R.04012138
14	Joseph Ray &.Wanda Lee Shidler	Bk.78, Pg.1348
15	Joseph Ray &.Wanda Lee Shidler	D.R.08719814
16	Shelly A. & Deloris L. Edmondson	D.R.9919259
17	Joseph W. & Cheryl L. Ross	D.R.9724678
18	Tommy K. Sullivan	D.R.93-17123
19	Patricia G. Greve	D.R.00015867
20	Patricia G. Greve	D.R.00015867
36	Leo F. Klemme & James P. Riehle	D.R.04033108
37	Leo F. Klemme & James P. Riehle	D.R.04033108
38	Allan D. & Shirley A. Elenbaas	D.R.9724691
39	Allan D. & Shirley A. Elenbaas	D.R.9724691
40	James F. & Joyce A. Loft	D.R.90-13296
41	James F. & Joyce A. Loft	D.R.90-13296

WILLO EAST SUBDIVISION PART III, SECTION I

Lot No.	Owner(s)	Deed Record
22	James F. & Marjorie A. Yeoman	D.R.8405680
23	David L. & Kimberly L. Mcer	D.R.8700237
24	Richard D. & Pamela K. Berglund	D.R.90-03112
25	Daniel L. & Carolyn J. Galema	D.R.8501214

FARMINGTON SUBDIVISION, PHASE IE

Lot No.	Owner(s)	Deed Record
64	Jason L. & Kristen A. Williams	D.R.2000017242

DULY ENTERED FOR TAXATION SUBJECT TO FINAL ACCEPTANCE FOR TRANSFER.

OCT 07 2008

AUDITOR OF TIPPECANOE CO.

Tax Key Number(s): 104-02300-0081
Tax Key Number(s): 106-04900-0013

Owner(s) of Record: Richard W. & Jean R. Harlow Trust

Property Address: 4609 East 300 North
Lafayette, Indiana 47905

SURVEYOR'S CERTIFICATION

I, Robert Wm. Gross, a Registered Professional Land Surveyor in the State of Indiana, do hereby certify that the above Plat of Survey was prepared under my direct supervision, and meets or exceeds the requirements of a Class "C" Survey as defined in Title 865 Rule 12 of the Indiana Administrative Code. Given under my hand and seal this 13th day of June, 2006.

Robert Wm. Gross, R.L.S. No. 880043

ROBERT WM. GROSS REGISTERED LAND SURVEYOR No. 880043 STATE OF INDIANA

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, AND THIS INSTRUMENT WAS PREPARED BY:

Robert Wm. Gross, R.L.S. No. 880043

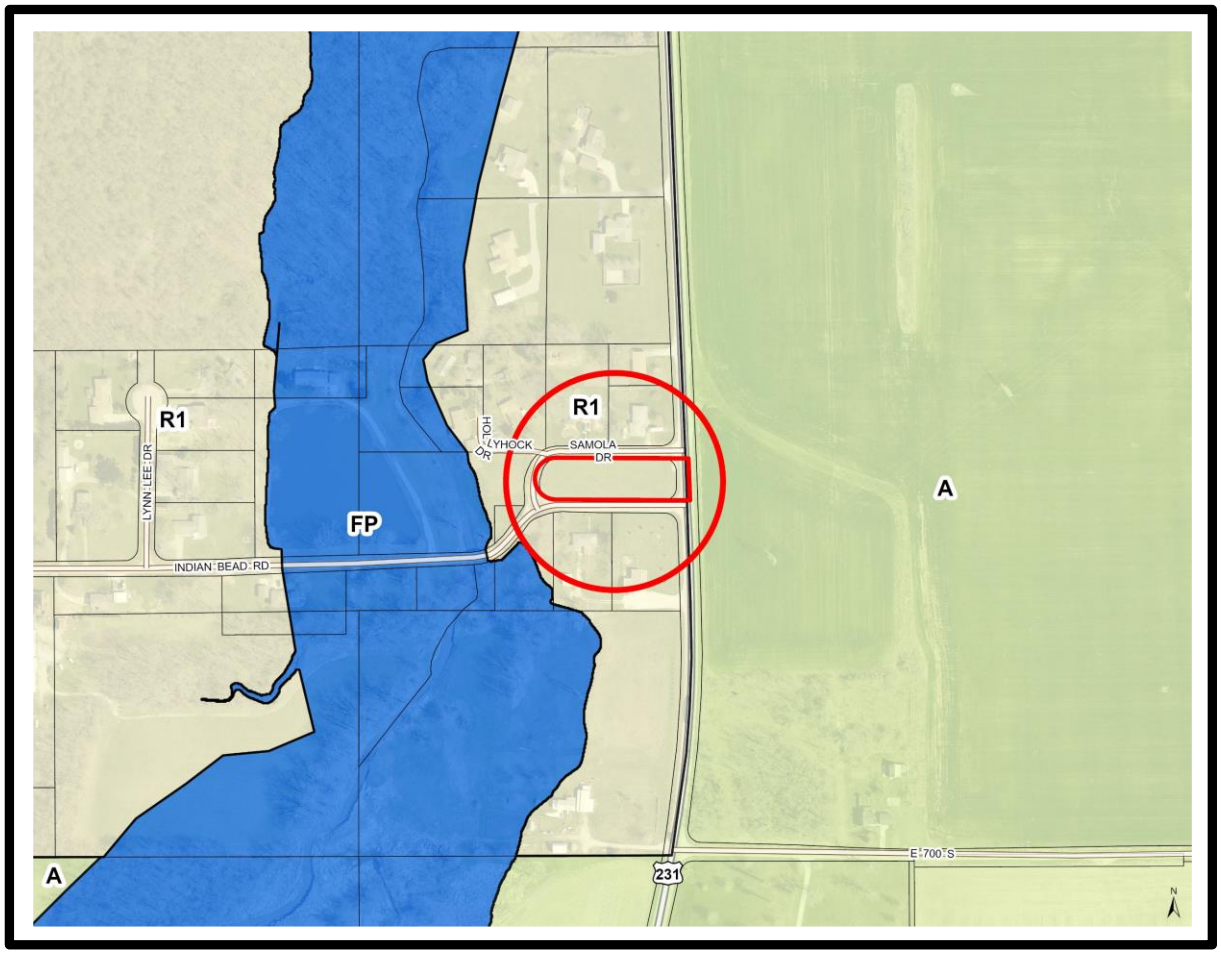
R. W. GROSS & ASSOCIATES, INC.
420 COLUMBIA STREET, SUITE 100
LAFAYETTE, INDIANA 47901-1300
PHONE: (765) 742-0101
FAX: (765) 742-7223

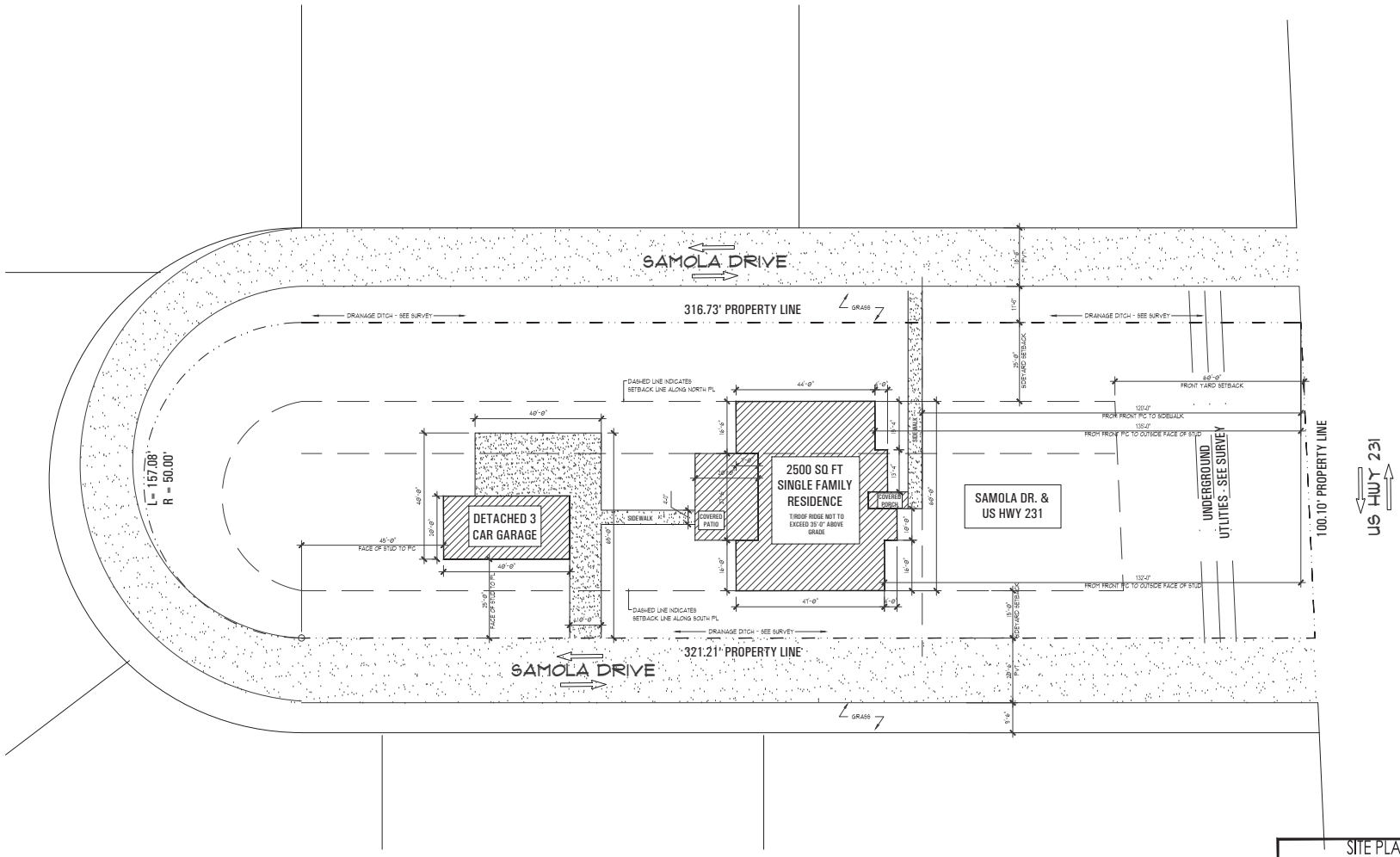
BOUNDARY SURVEY

DRAWING NAME: 0512BND
DATE: June 13, 2006
DRAWN BY: L.R. JONES
CHECKED BY: RWG
SHEET No. 1 OF 4
JOB NUMBER: 05-12-D-BND

BZA-2038
BILL J. PHILLIPS
(variance)

STAFF REPORT
July 16, 2020





1 PROPOSED SITE PLAN
1/16" = 1'-0"

NORTH

SITE PLAN NOTES

1. GRADE TO SLOPE AWAY FROM BUILDING.
2. REFER TO SURVEY FOR ADDITIONAL SITE INFORMATION.
3. SITE PLAN FOR THE USE OF ZONING/VARIANCE BOARD.
4. ALL DIMENSIONS SHOWN ARE FROM PROPERTY LINES TO OUTSIDE FACE OF STUD.

ELEVATION:
T/SUBFLOOR = +0'-0"

ZAGER
ARCHITECTURE
352 North Marion School Rd.
Rensselaer, IN 47978
ph. (219) 869-4812
fax (219) 866-8667

PHILLIPS RESIDENCE
LAFAYETTE, INDIANA 47909

I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED UNDER MY DIRECTION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF CONFORM TO THE APPLICABLE BUILDING CODES AND ORDINANCES.

NAME: SARAH ZAGER #AR11200076
ITS: PRINCIPAL

	DATE	ISSUED FOR
1	06/22/20	OWNER APPROVAL
2	06/23/20	ISSUE TO OWNER
3	06/24/20	ISSUE TO OWNER
4	07/16/20	ISSUE TO OWNER
5		
6		
7		
8		
9		
10		

DRAWING TITLE:
PROPOSED SITE PLAN

PROJ NO: 2022
PROJ. START : 2020
DN. BY: SZ
CK. BY:
SCALE:

A1.0

BZA-2038
BILL J. PHILLIPS
Setback Variance

Staff Report
July 16, 2020

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, with consent of the property owner, Sharon Southern, 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 located at the northwest corner of US 231 and Samola Drive, specifically, 36 Samola Drive in the Sam Wilson subdivision, Wea 29 (SW) 22-4. (UZO 2-1-7)

AREA ZONING PATTERNS:

The site is zoned R1, Single-family Residential as is all surrounding property to the north, west and south. Land to the east across the highway is zoned Agricultural; Flood Plain zoning associated with the Little Wea Creek, as well as a detention pond, exists just to the west.

The Sam Wilson subdivision was created by a plat, signed by the three County Commissioners and recorded in 1953, which predated both the current Unified Subdivision Ordinance (enacted in 1979) as well as the Subdivision Control Ordinance (in effect from 1962). As such, it does not meet all the standards required of plats today. No building setbacks are shown, many of the street rights-of-way are too small to meet current county specifications, some streets, like Hollyhock Drive are actually private driveways. Also, there are places where the word "Excepted" is shown (including the site in question). However, the lots shown on the plat are considered legal building sites. The building site in question, labeled "Excepted" was created by virtue of being surrounded by rights-of-way and cut off from any other piece of land.

AREA LAND USE PATTERNS:

The site in question is undeveloped. Single-family houses are located to the north, and south of the property; more houses exist to the west of the detention pond. Land to the east is farmed. A single-family house and a three-car detached garage are proposed.

TRAFFIC AND TRANSPORTATION:

US 231 S is classified as a primary arterial by the adopted *Thoroughfare Plan*. Samola Drive, a U-shaped county road is a local, paved road within a 30' right-of-way that surrounds the lot in question on three sides. The three-car detached garage shown on the site plan has a 10' wide access from the southern branch of Samola Drive. The garage would be constructed to meet the required 25' front setback.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:
The lots in the subdivision are on individual septic systems and wells. The site in question, at 0.8228 acres (35,841 square feet) meets the 30,000-square foot lot area requirement for an R1-zoned lot with septic and well. According to the county health department, "they have had soil work done on a couple of lots to the front and have limited space" for a septic system.

STAFF COMMENTS:
The unusual shape of this lot, and the fact that streets entirely surround it, creates a long, but narrow building envelope. With 25 foot building setbacks from the north, west and south, and a 60 foot setback from US 231, there is only 50' of buildable area between the right-of-way for Samola Drive to the north and Samola Drive to the south. This might have been cause for a hardship, except houses with a dimension of 50' or less are not uncommon. A smaller house could be constructed here without needing a variance. In fact, the main body of petitioner's proposed house is 47' x 60' in area with the front facing the highway. If the planned house was turned 90 degrees, so that the 47' dimension was running north/south and the front of the house faced the (southern) Samola Drive, the house minus the covered patio, would fit within the building envelope and no variance would be needed. While the situation is definitely unique, there does not appear to be an ordinance-imposed hardship.

Regarding the ballot items:

1. The Area Plan Commission on July 15th determined that the variance requested **IS NOT** a use variance.

And it is staff's opinion that:

2. Granting this variance **WILL NOT** be injurious to the public health, safety, and general welfare of the community. The construction of a house and detached garage here will not be a danger to the public health. Sufficient room would exist for motorists to safely exit the proposed garage driveway.

3. Use and value of the area adjacent to the property included in the variance request **WILL NOT** be affected in a substantially adverse manner. A house and detached garage are permitted uses here; sufficient area exists for a septic system and well. The state-owned US 231 is protected by the 60' setback.

4. The terms of the zoning ordinance are being applied to a situation that **IS NOT** common to other properties in the same zoning district. This lot is peculiar by virtue of its shape and because of the rights-of-way that surround it. This is not a situation one would likely find anywhere else in the R1 zone.

5. However, strict application of the terms of the zoning ordinance **WILL NOT** result in an unusual or unnecessary hardship as defined in the zoning ordinance. A smaller house could be constructed here without the necessity of a variance. In fact, petitioner's proposed house could be constructed here without a variance if it were

turned 90 degrees.

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

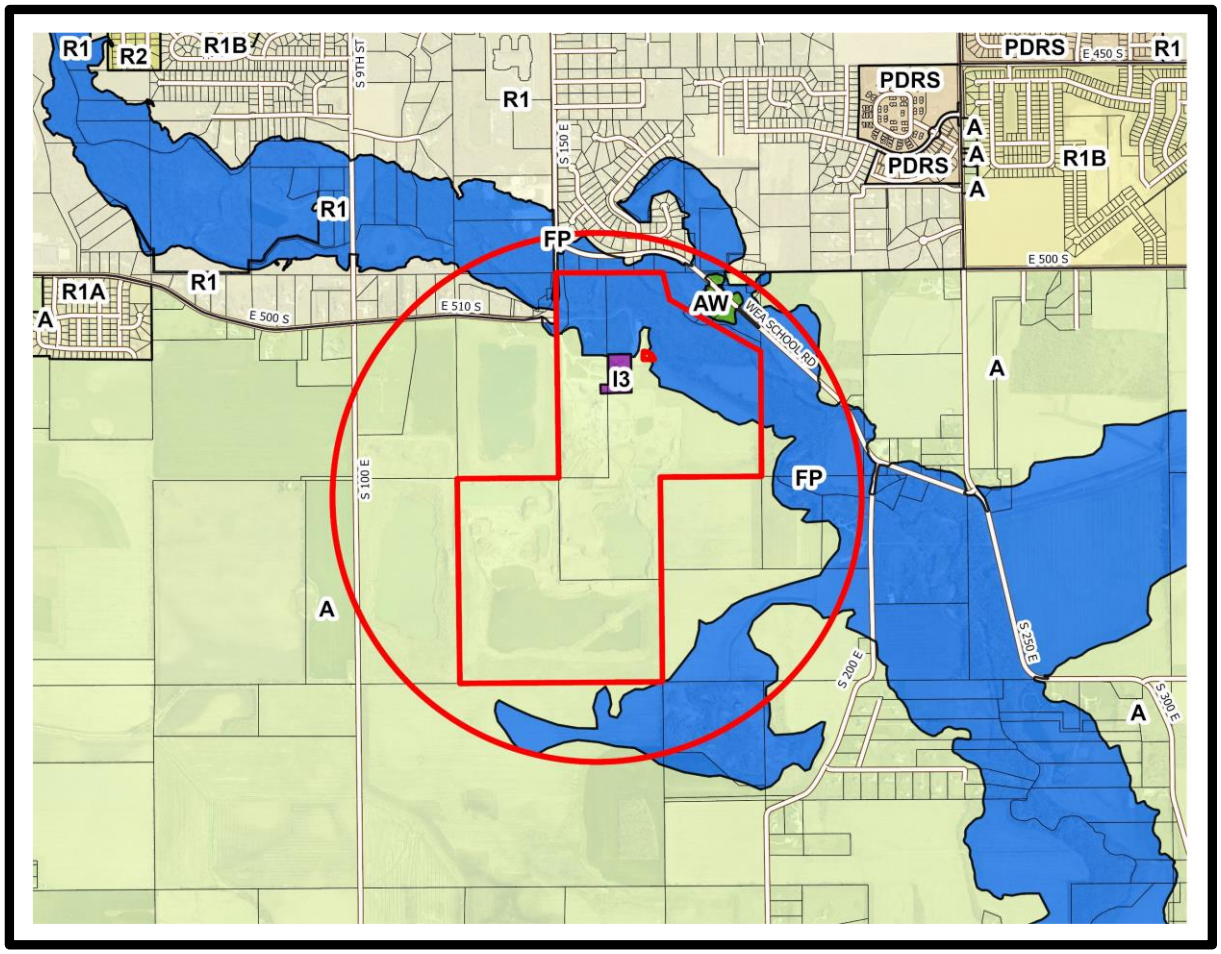
5a. The hardship involved **IS** self-imposed or solely based on a perceived reduction of or restriction on economic gain. A smaller house similar to the ranch style houses in the Sam Wilson subdivision would fit without a variance if they fronted Samola Drive instead of the highway.

5b. The variance sought **DOES NOT** provide only the minimum relief needed to alleviate the hardship because there is no hardship.

STAFF RECOMMENDATION:
Denial

BZA-1920
PURDY O'NEALL FARM, LLC
(special exception extension)

STAFF REPORT
July 16, 2020



BZA-1920
PURDY O'NEALL FARM, LLC
Special Exception, 2nd Extension

Staff Report
July 16, 2020

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, represented by attorney Daniel Teder and engineer Tim Balensiefer of TBird, is requesting a second extension to their mining operation. The original approval granted in October 2001 (BZA-1591) allowed mining until 2022. Then in October 2014 the area of mining was expanded, and the end date was extended to 2036 (BZA-1920). This new request would allow mining and reclamation to be extended until December 2040. Also on this agenda is a special exception for petitioner's new mining area just south of the subject land; several variances are also being requested with this new area to mine (BZA-2039 and BZA-2040).

The hours of operation will remain unchanged from the approval in 2001: Daylight hours only, except for the occasional INDOT or governmental project where aggregate or concrete are needed during nighttime hours. The site in this request consists of 302 acres known as the O'Neall Farm and is located south and southeast of the intersection of CR 150 E (S.18th Street) and CR 510 East, Wea 21-22-4.

AREA ZONING PATTERNS:

The 302 acres in this request is mostly zoned A (Agricultural) with FP (Flood Plain) zoning along the northern edge near Wea Creek. A small area of I3 in this petition was rezoned in 2006 for the sole purpose of locating a batch plant on the site (Z-2295). Adjoining land is all zoned A, FP and AW (Agricultural Wooded) with the exception of a very small area of R1 (single-family residential) west across the intersection of CR 510 and CR 150.

AREA LAND USE PATTERNS:

The property in question has been an active mining operation since receiving special exception approval in 2001. A batch plant, scale house and a few buildings serving as an office are also located on site.

A handful of houses exist on the north side of CR 510; one house is located on the south side of the road and is adjacent to this request. Bordering the southern property line is land in agricultural production.

TRAFFIC AND TRANSPORTATION:

The site has frontage along CR 150 E (rural primary arterial) where it intersects with CR 510 S (rural secondary arterial). Access to the mining operation is located at this intersection and no changes are proposed to the existing entrance. A recorded

commitment with special exception (Document # 20060617235) limits the number of trucks (excluding personal use vehicles) entering the site to 250 per day and limits the number of trucks exiting the site to 250.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:
Bufferyards, setbacks and fencing are required along the boundaries of mining operations but the petitioner received variances to eliminate these requirements along a majority of the property lines in 2014 (BZA-1919). These variances have not expired.

The reclamation plan, also a requirement of mining operations, was approved in 2014 and shows the required seeded slopes of no more than 3:1 meeting the requirements of the ordinance. This original approval states that extraction will be to a depth of 30' to 40' and all water will be recirculated on site. None of the work or stockpiling will be conducted in the Flood Plain.

STAFF COMMENTS:
Petitioner is seeking an extension of the special exception granted in 2014 that allowed mining and reclamation until 2036. This extension would allow mining and reclamation to be extended until 2040. If this extension is approved, petitioner's new mining operation, if approved, due south (BZA-2039) will transport aggregate via a conveyor belt to the subject site for processing and loading onto trucks. Both the subject site and the proposed mine to the south will be complete and reclaimed by December 2040.

At its meeting on July 1st the Executive Committee of the Area Plan Commission voted that granting this request would not substantially adversely affect the Comprehensive Plan.

Regarding the ballot items:

1. Section 3.1 of the Unified Zoning Ordinance **DOES** authorize this special exception for mining and quarrying of non-metallic minerals, except fuels (SIC 14) in the Agricultural district.

And it is staff's opinion that:

2. The requirements and development standards for the requested use as prescribed by the Unified Zoning Ordinance **WILL** be met by virtue of the seven variances approved in 2014 (BZA-1919).
3. Because there have been multiple approved mining operations in this area for at least 25 years, granting this special exception **WILL NOT** subvert the general purposes served by the Ordinance.
4. Granting the special exception **WILL NOT** materially and permanently injure other property or uses in the same district and vicinity because of:
    a. Traffic generation: No more traffic will be generated by this use than was already approved in BZA-1591.

b. Placement of outdoor lighting: Work will be completed during daylight hours primarily and any lighting on the site will be directed away from neighboring properties;
c. Noise production: No additional noise will be produced than what has been occurring on site and approved by BZA-1591; and
d. Hours of operation: Dawn to dusk hours with nighttime hours only to satisfy aggregate needs during night time road project construction are consistent with previous approvals and will not be intrusive to neighboring residential and agricultural uses.

STAFF RECOMMENDATION:
Approval with the following conditions:

1. Evidence that the letter of credit from Union Planters Bank in the amount of $285,000.00 is still in effect, or new surety in the form of a bond or letter of credit supplied to staff.

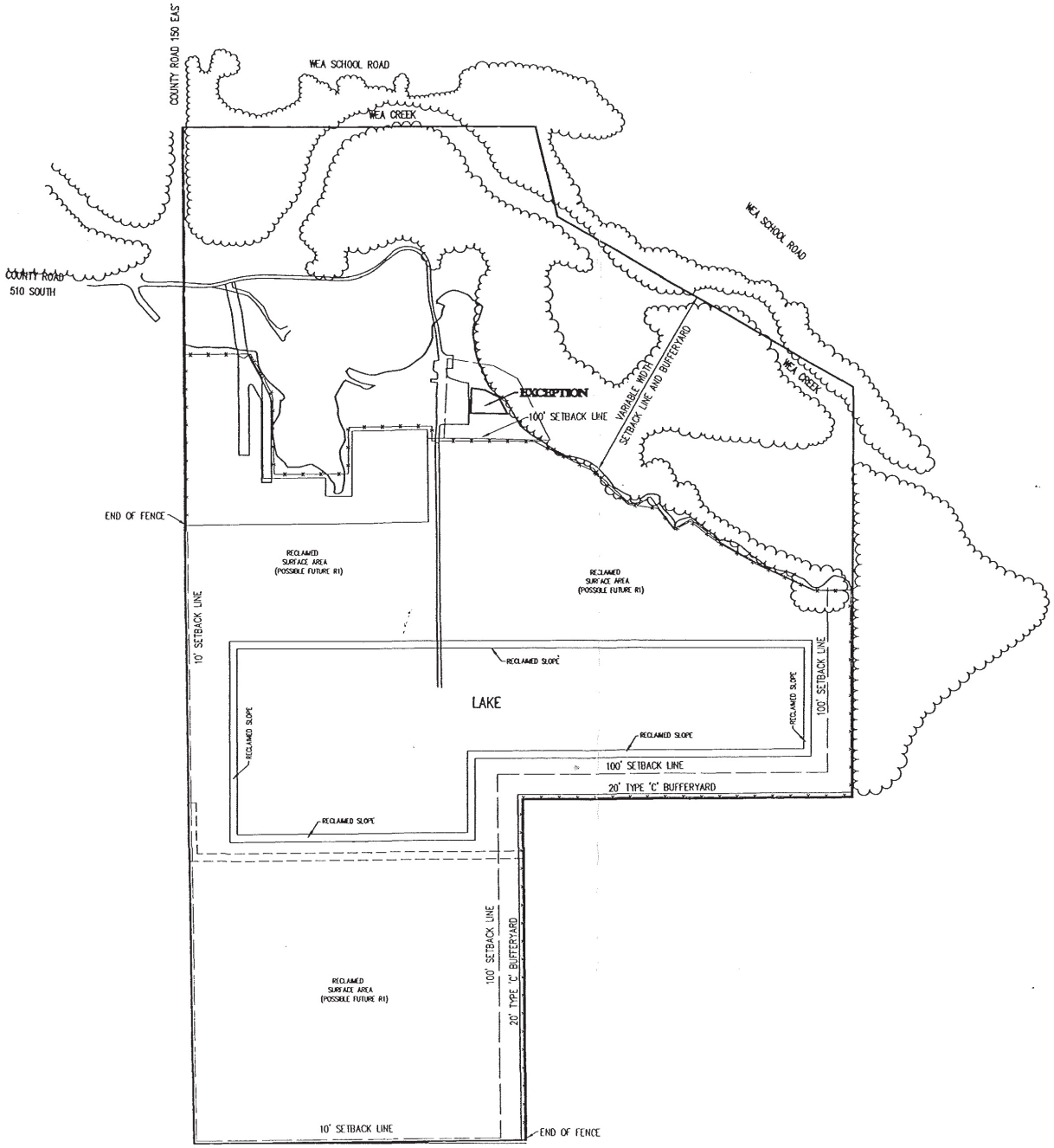
Note: A special exception approval ceases to be valid if the use is not established within one year of the date that the special exception was granted.

Reclamation

All final mining slopes will be graded and seeded in sections as the final mining limits are completed. This grading and seeding of final slopes will take place within 18 months following completion. All final excavations will be graded to a slope of three feet horizontal per foot vertical and seeded to prevent erosion. The final plant area will be seeded when operations are complete. All fencing shall be removed with lake and possible future residential sites remaining.

Because the site of the proposed special exception is neither in the floodway nor in the flood plain, reclamation activities will be guided by the USDA Soil Conservation Service 327 IAC 15-5 or its successor regarding soil erosion and sediment control.

From BZA-1591 file
Oct. 19, 2001



N

(IN FEET)
1 inch = 200 ft.

HOLEY MOLEY SAYS
"DON'T DIG BLIND"

"IT'S THE LAW"
CALL 2 WORKING DAYS BEFORE YOU DIG
1-800-382-5544
CALL BELL FREE
PER INDIANA STATE LAW IC-8-1-26-1 ET SEQ. AS AMENDED AND SUPPLEMENTED, IT IS AGAINST THE LAW TO EXCAVATE WITHOUT NOTIFYING THE UNDERGROUND LOCATION SERVICE TWO (2) WORKING DAYS BEFORE COMMENCING WORK.

REVISIONS:

DATE:

2001, THE SCHNEIDER CORPORATION

Schneider

THE SCHNEIDER CORPORATION
3725 Rome Drive
Lafayette, IN 47905-4450
Telephone: 765.448.6661
Fax: 765.448.6665
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PURDY MATERIALS, INC.
SOUTHSIDE OPERATIONS
TIPPECANOE COUNTY, INDIANA

PURDY MATERIALS, INC.

DATE: 9/14/01	PROJECT NO.: 3932.001
DRAWN BY: MRW	CHECKED BY: MRW

SHEET TITLE:
RECLAMATION PLAN

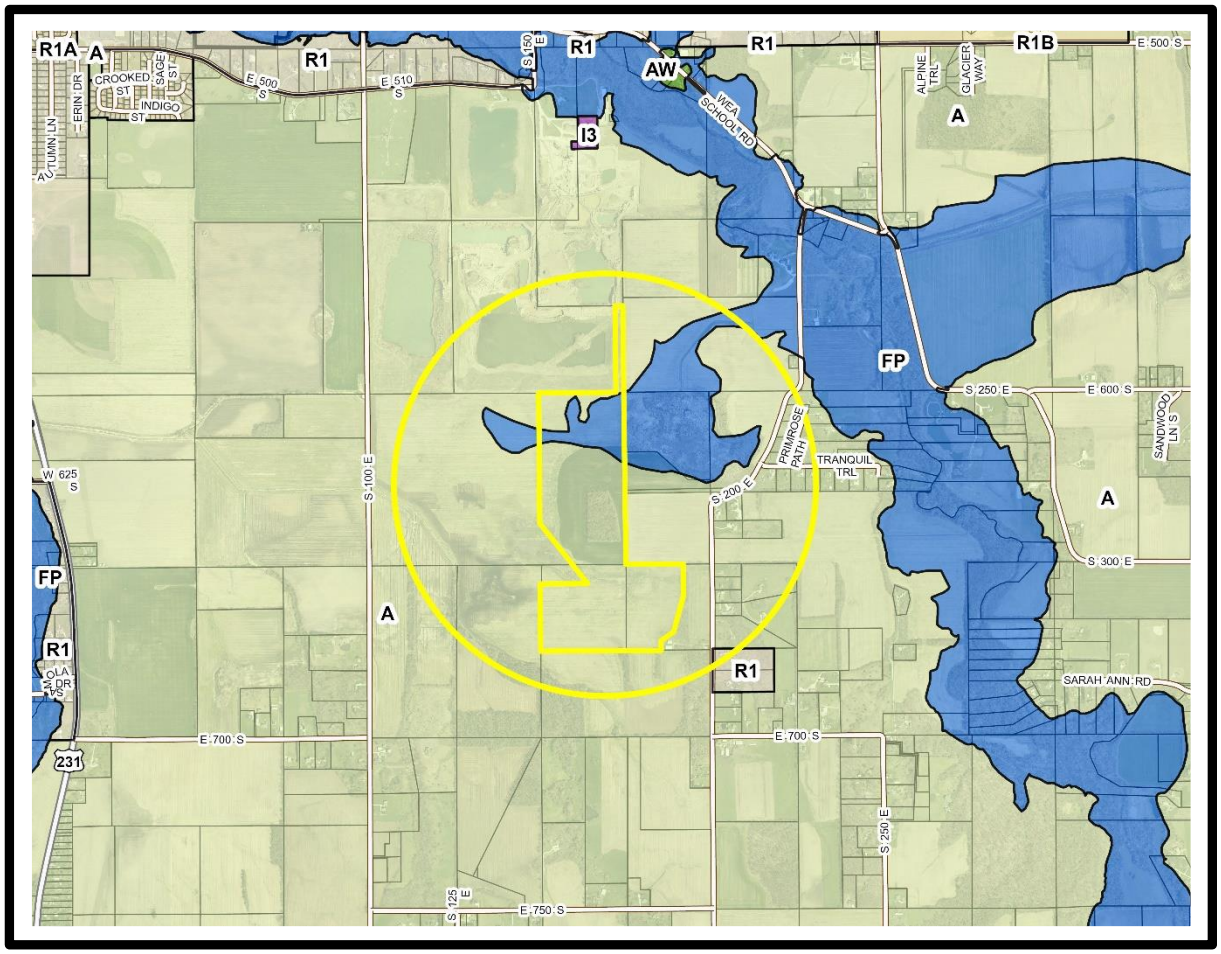
DRAWING FILES:
J:\3\3932\001\DWGS\C103.DWG
J:\3\3932\001\DWGS\3932PLT05.DWG

SHEET NO.:
C103

Part of the approved Reclamation Plan BZA-1591 10/19/01

BZA-2039
PURDY O'NEALL FARM, LLC
(special exception)

STAFF REPORT
July 16, 2020



BZA-2039
PURDY O'NEALL FARM, LLC
Special Exception

Staff Report
July 16, 2020

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, represented by attorney Daniel Teder and engineer Tim Balensiefer of TBird, is requesting a special exception to allow mining and quarrying of non-metallic minerals (SIC 14) for 140.09 acres adjacent to their existing operation (BZA-1920). The aggregate from this site will be transported by way of a conveyor belt to the existing operation (adjacent to the north) for processing and loading. The hours of operation will be dawn to dusk, seven days a week. This land is located about 1 mile south of CR 510 S between CR 100 E and CR 200 E, Wea 28-22-4.

AREA ZONING PATTERNS:

The property is mostly zoned A (Agricultural) and some FP (Flood Plain). Petitioner must certify land zoned FP as being above the Regulatory Flood Elevation prior to the public hearing because the UZO requires additional outside approvals for mining in the flood plain. Surrounding land is all zoned similarly. The mining operation adjoining on the north was originally approved in 2001 (BZA-1591 and 1920).

AREA LAND USE PATTERNS:

The area in this request is mostly farmland and some woods. Active mining is located immediately north; several large lot residences can be found about ½ mile east of the site along CR 200 E.

TRAFFIC AND TRANSPORTATION:

No trucks will enter or leave this site because all mined aggregate will be transported to petitioner's adjacent mining operation due north by way of a conveyor belt. Additionally, the truck traffic entering and leaving the adjacent site will not increase, as bound by the recorded commitment in 2006 which states that no more than 250 trucks may enter the site per day and no more than 250 trucks exiting the site per day (excluding personal use vehicles).

The extension of CR 600 S from Wea School Road to US 231 is a planned project in the 2045 Metropolitan Transportation Plan. The proposed road would border the north portion of the subject site. There is no date for the project and its priority is classified as low.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

Bufferyards, setbacks, fencing and a reclamation plan are required of mining operations.

Petitioner has requested variances from the bufferyard, setback and fencing requirements (BZA-2040). The petition states that no water will be needed on this land because processing will occur at their existing operation adjacent to the north.

A small (.08 acre) wetland is shown on site and petitioner is working with IDNR to obtain a permit to allow its removal.

The submitted reclamation plan shows a resulting pond about 30 feet deep with the required slopes not to exceed 3:1.

STAFF COMMENTS:
Petitioner is requesting a special exception to allow the quarrying and mining of non-metallic minerals (gravel) on 136 acres adjacent to their existing mining operation. The end date of both the existing operation and the subject site is December 2040 (including reclamation). The aggregate from the subject site will be transported by a conveyor belt to the existing site for processing and loading. Four variances regarding bufferyards, setbacks and fencing have been requested for this proposed quarry (BZA-2040).

The submitted reclamation plan shows a pond approximately 30 feet deep. The required seeded slopes of the pond are shown not to exceed 3:1, meeting ordinance requirements. The reclamation plan states that "grading and backfill shall not contain noxious, flammable, nor combustible solids…Any overburden or excavated material that does not suit the operator's needs may be moved aside or left in place, but shall be leveled, graded and landscaped to blend into the surrounding area."

At its meeting on July 1st, the Executive Committee of the Area Plan Commission voted that granting this request would not substantially adversely affect the Comprehensive Plan.

Regarding the ballot items:

1. Section 3.1 of the Unified Zoning Ordinance **DOES** authorize a special exception for mining and quarrying of minerals (SIC 14) in the A zoning district.

And it is staff's opinion that:

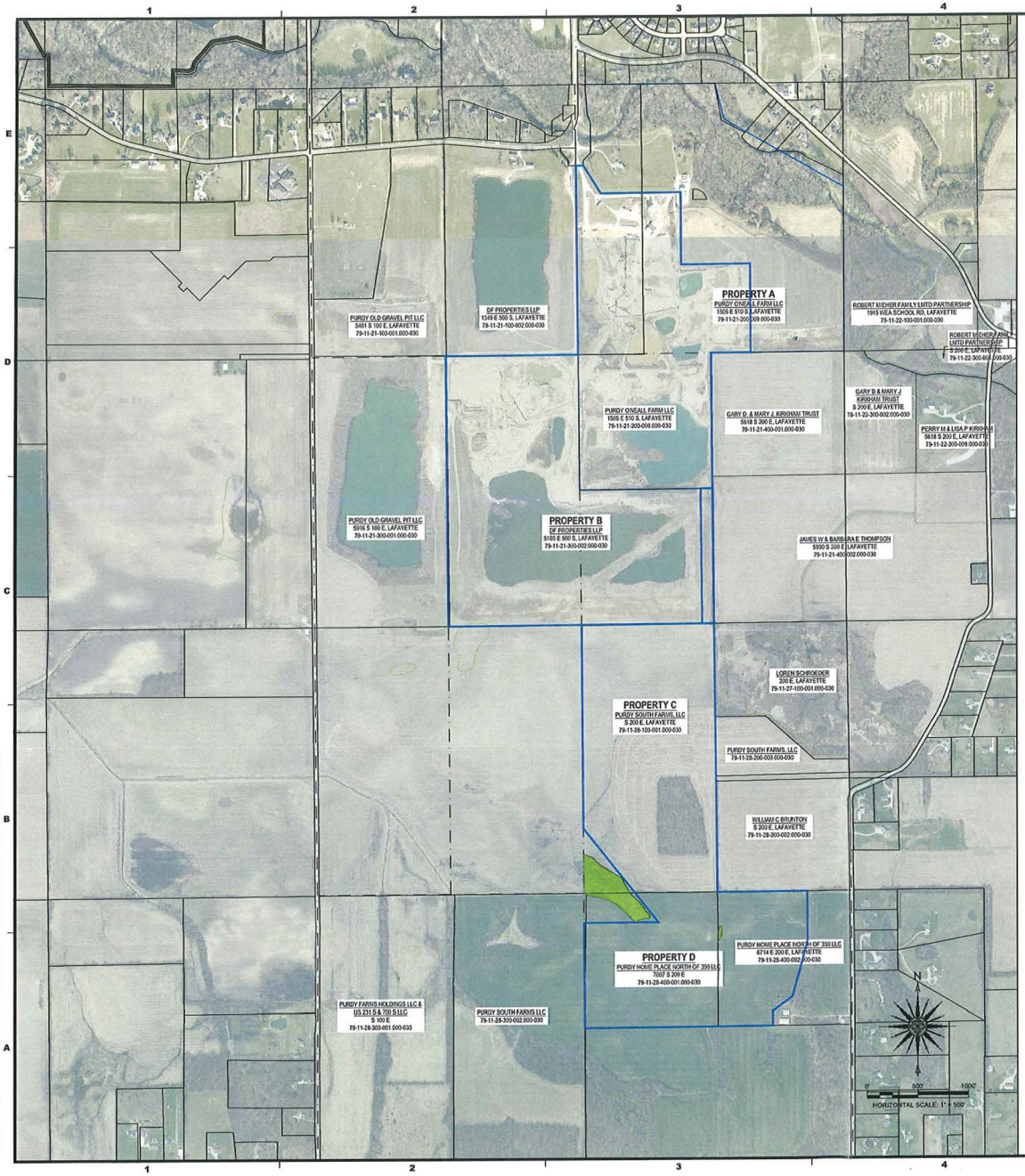
2. The requirements and development standards for the requested use as prescribed by the Unified Zoning Ordinance **WILL** be met, provided that the variances in BZA-2040 are approved and land in the petition zoned FP is certified above the Regulatory Flood prior to the hearing.
3. Because there have been multiple approved mining operations in this area for at least twenty-five years, granting the special exception **WILL NOT** subvert the general purposes served by the Ordinance.
4. Granting the special exception **WILL NOT** materially and permanently injure other property or uses in the same district and vicinity because of:

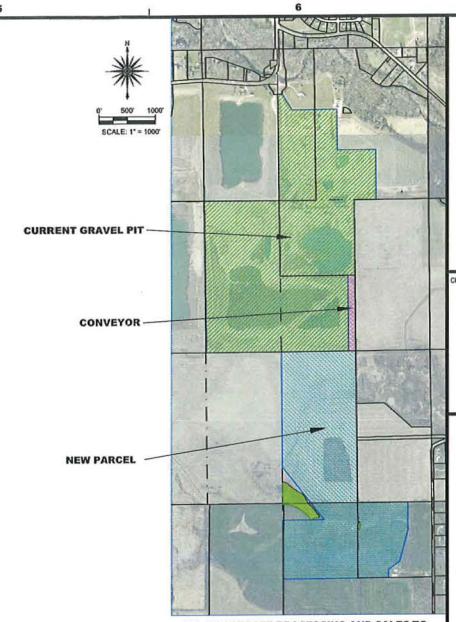
a. Traffic generation: No additional truck traffic will be generated from this use beyond what was approved for the adjacent operation to the north (BZA-1920).
b. Placement of outdoor lighting: 250-watt and 400-watt high-pressure sodium lights will be used but will not be fixed in place so that they can be moved to allow illumination of the areas being mined. The lights will always be directed away from the areas outside the property limits. Lights should seldom be needed because hours of operation are limited to dawn to dusk.
c. Noise production: Sources of noise will be from equipment that is not dissimilar to farm equipment used in the area. Berms, setbacks and wooded areas will aid in noise reduction. All processing of aggregate will be done off-site on petitioner's operation adjacent to the north.
d. Hours of operation: dawn to dusk, seven days a week are typical of this type of use.

STAFF RECOMMENDATION:
Approval with the following conditions:

1. All County Surveyor requirements, including IDEM approval and which may include Drainage Board approval, shall be met;
2. Per 4-11-1 c of the UZO, the reclamation plan must be recorded;
3. Petitioner must provide surety in favor of Tippecanoe County in the amount equal to $3000 per acres of land within the approved setbacks before seeking an Improvement Location Permit.
4. An approved permit from IDNR allowing the removal of the small wetland on-site.

Note: A special exception approval ceases to be valid if the use is not established within one year of the date that the special exception was granted.





ALL AGGREGATE PROCESSING AND SALES TO CONTINUE FROM THE CURRENT GRAVEL PIT

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Engineering • Surveying
Environmental • Planning • Development
155 North 17th Street • Lafayette, Indiana
(765) 742-7930 • info@dsdcorp.com
www.dsdcorp.com

CERTIFIED BY:

PURDY SOUTH GRAVEL PIT
PURDY MATERIALS, INC.
LAFAYETTE, INDIANA

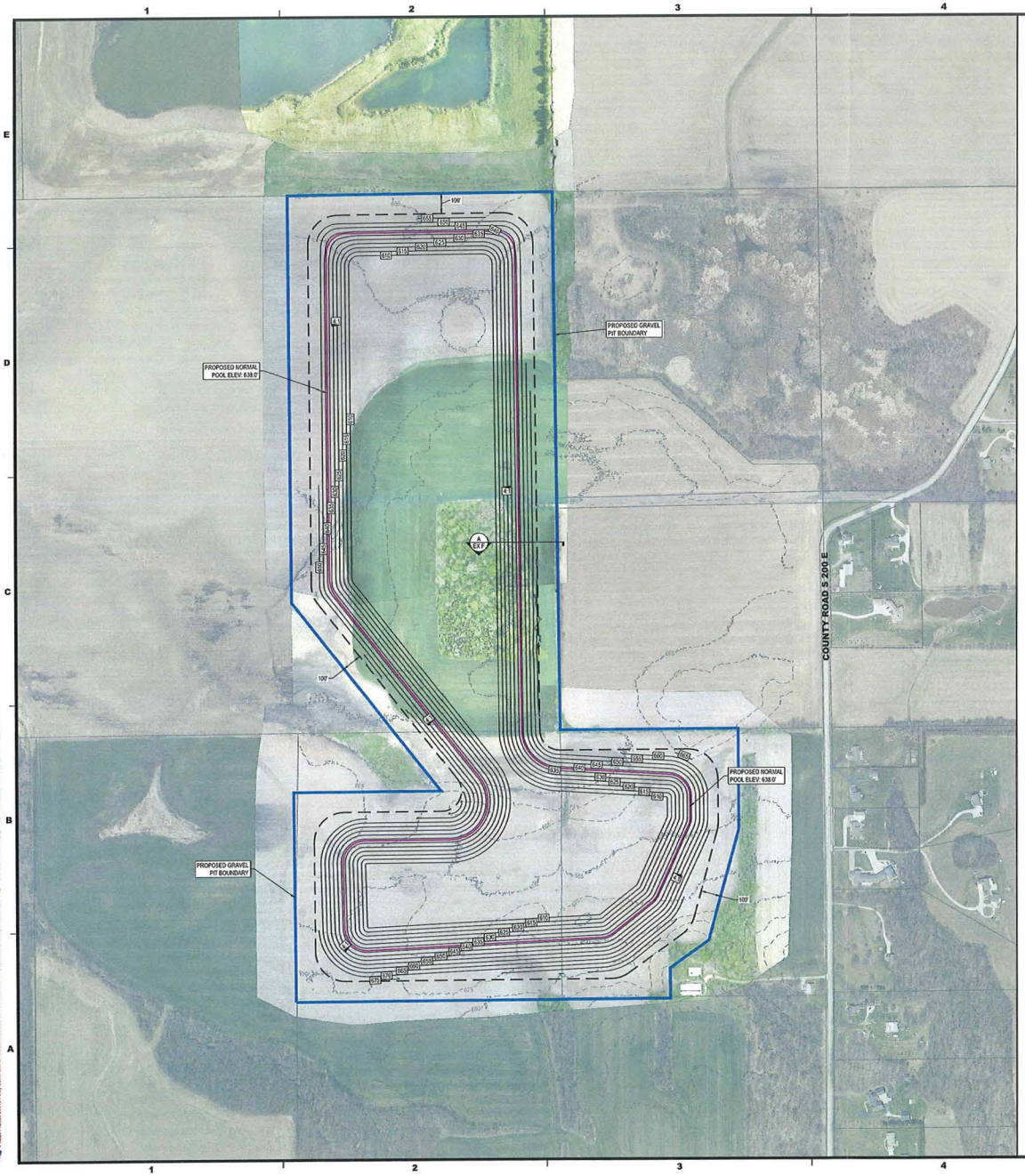
MARK	DATE	DESCRIPTION

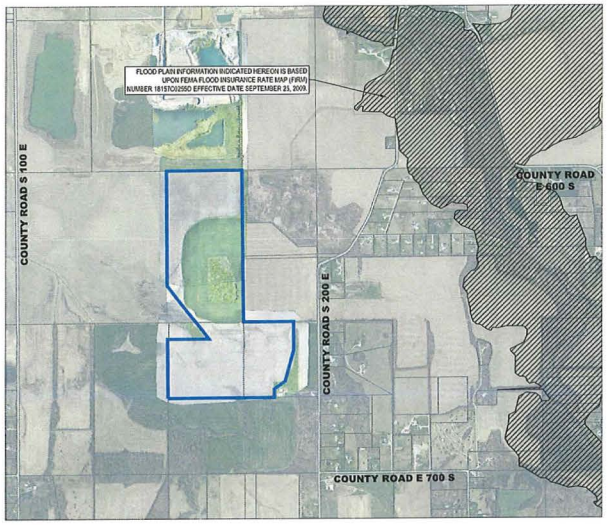
PROJECT NO: –
FILE: FUTURE PIT EXHIBIT.DWG
DRAWN BY: –
CHECKED BY: –
LOCATION:
A PART OF SECTIONS 21 & 28, TOWNSHIP 22 NORTH, RANGE 4 WEST, WEA TOWNSHIP, TIPPECANOE COUNTY, INDIANA

TITLE:
SITE EXHIBIT

EXHIBIT E

BZA- 2039

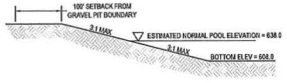




VICINITY MAP

N

0' 500' 1000'
SCALE: 1" = 1000'



(A) POND CROSS SECTION (TYP)
NTS

N

0' 250' 500'
HORIZONTAL SCALE: 1" = 250'

NOTES

1	GRADING AND BACKFILL SHALL NOT CONTAIN NOXIOUS, FLAMMABLE, NOR COMBUSTIBLE SOLIDS.
2	BACKFILLED AREA SHALL BE GRADED TO PRODUCE SAFE AND APPEALING SURFACES, DESIGNED TO MINIMIZE EROSION, AND BLEND WITH THE TERRAIN FEATURES OF THE SURROUNDING AREAS. GRADED SURFACE SHALL BE NO STEEPER THAN 2:1 HORIZONTAL TO VERTICAL.
3	ALL LAND SURFACES SHALL BE LANDSCAPED WITH GRASS OR OTHER GROUND COVER, SHRUBS, AND TREES.
4	ANY OVERBURDEN OR EXCAVATED MATERIAL THAT DOES NOT SUIT THE OPERATOR'S NEEDS MAY BE MOVED ASIDE OR LEFT IN PLACE, BUT SHALL BE LEVELED, GRADED, AND LANDSCAPED TO BLEND INTO THE SURROUNDING AREA.

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PURDY SOUTH GRAVEL PIT
PURDY MATERIALS, INC.
LAFAYETTE, INDIANA

MARK	DATE	DESCRIPTION

PROJECT NO:	20013
FILE:	20013-RECLAMATION PLAN.DWG
DRAWN BY:	BMB
CHECKED BY:	JRF

LOCATION:
A PART OF SECTIONS 21 & 28, TOWNSHIP 22 NORTH, RANGE 4 WEST, WEA TOWNSHIP, TIPPECANOE COUNTY, INDIANA

TITLE:
RECLAMATION PLAN

EXHIBIT F

BZA-2039

PERMANENT SEEDING RECOMMENDATIONS:

This table provides several seeding options. Additional seed species and mixtures are available commercially. When selecting a mixture, consider site conditions, including soil properties (e.g. soil pH and drainage), slope aspect and the tolerance of such species to shade and droughtiness.

OPEN AND DISTURBED AREAS (REMAINING IDLE MORE THAN 1 YR.)

SEED SPECIES AND MIXTURE	RATE PER ACRE	OPTIMUM SOIL pH
1. Perennial ryegrass + white or ladino clover*	35 to 50 lbs 1 to 2 lbs.	5.6 to 7.0
2. Kentucky bluegrass + smooth bromegrass + switchgrass + timothy + perennial ryegrass + white or ladino clover*	20 lbs. 10 lbs. 3 lbs. 4 lbs. 10 lbs. 1 to 2 lbs.	5.5 to 7.5
3. Perennial ryegrass + tall fescue**	15 to 30 lbs. 15 to 30 lbs.	5.6 to 7.0
4. Tall fescue** + ladino or white clover*	35 to 50 lbs. 1 to 2 lbs.	5.5 to 7.5

* For best results: (a) legume seed should be inoculated; (b) seeding mixtures containing legumes should preferably be spring-seeded although the grass may be fall-seeded and the legume frost-seeded; and (c) if legumes are fall-seeded, do so early in fall.

STEEP BANKS AND CUTS, LOW MAINTENANCE AREAS (NOT MOWED)

SEED SPECIES AND MIXTURE	RATE PER ACRE	OPTIMUM SOIL pH
1. Smooth bromegrass + red clover*	25 to 35 lbs. 10 to 20 lbs.	6.5 to 7.5
2. Tall fescue** + white or ladino clover*	35 to 50 lbs. 1 to 2 lbs.	5.5 to 7.5
3. Tall fescue** + red clover*	35 to 50 lbs. 10 to 20 lbs	5.5 to 7.5
4. Orchardgrass + red clover* + ladino clover*	20 to 30 lbs. 10 to 20 lbs. 1 to 2 lbs.	5.6 to 7.0

** Tall fescue provides little cover for, and may be toxic to, some species of wildlife. The IDNR recognizes the need for additional research on the alternatives to tall fescue, such as buffalograss, orchardgrass, smooth bromegrass, and switch-grass. This research, in conjunction with demonstration areas, should focus on erosion and control characteristics, wildlife toxicity, turf durability, and drought resistance.

INSTALLATION AND MAINTENANCE REQUIREMENTS:

1) Contractor shall roughen all disturbed surfaces by bulldozer cleats, disk, litter, or other methods prior to seeding where vegetation will be established.

2) Topsoil shall be added to a depth needed for establishment of vegetation before permanent seeding.

3) Lime shall be applied to the soil when the pH level is unsuitable for seeding at a rate of 30 lbs. per 1000 square feet or as recommended by soil test.

4) Apply 14 lbs. per 1000 square feet of 12-12-12 fertilizer, or equivalent, or as recommended by soil test. Work fertilizer into soil 2 to 4 inches deep by disking or raking.

5) Permanent seeding will be permitted only from March 15 through October 31. Mulch or other approved means shall be used outside of these dates until the following year when permanent seeding will be required. Permanent seeding done between June 1 and August 31 shall be watered according to the following schedule: Once every twenty-four (24) hours for the first week, once every forty-eight (48) hours for the second week, once every seventy-two (72) hours for the third week, and once a week thereafter until completion of the project. The amount of watering shall be sufficient to saturate the upper few inches of the soil. During periods of ample rainfall, watering may be modified to simulate the above schedule.

6) Seed shall be applied uniformly with a drill or cultipacker-seeder or by broadcasting, and cover to a depth of 1/4 to 1/2 inch. If drilling or broadcasting, seeded shall be firmed with a roller or cultipacker.

7) All permanently seeded areas shall be mulched and anchored by crimping or tackifying. If seeding is done with a hydroseeder, fertilizer and mulch can be applied with the seed in a slurry mixture.

8) An oat or wheat companion or nurse crop may be used with any of the permanent seeding mixtures at the following rates: Spring Oats--1/4 to 3/4 bu./acre; Wheat--no more than 1/2 bu./acre.

9) Additional seed species and mixtures that are commercially available may be used. Rates and mixtures shall be equivalent to those contained in the above chart.

10) If heavy rains occur during grass establishment causing erosion and loss of seed, fertilizer, etc., the affected area shall be reseeded immediately.

11) Sparse, bare, or damaged areas shall be refertilized, seeded, and mulched.

SEQUENCE

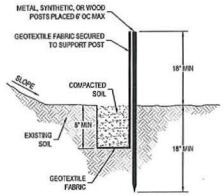
PRE-CONSTRUCTION ACTIVITIES:

1. CALL THE INDIANA UNDERGROUND PLANT PROTECTION'S SYSTEMS, INC. ("HOLEY MOLEY") AT PHONE NUMBER "811" TO CHECK THE LOCATION OF ANY EXISTING UTILITIES. THEY SHOULD BE NOTIFIED TWO WORKING DAYS BEFORE CONSTRUCTION TAKES PLACE.
2. A SILT FENCE SHALL BE INSTALLED AS SHOWN ON PLANS.
3. A CONSTRUCTION ENTRANCE LOCATION TO BE USED AS SHOWN ON THE PLANS.
4. ESTABLISH AREA FOR EQUIPMENT AND VEHICLES AS FAR FROM WATER BODIES AND SWALES AS POSSIBLE.
5. ESTABLISH ONSITE LOCATION FOR OWNER/OPERATOR/CONTRACTOR PLACEMENT OF APPROVED PLANS AND RULE 5 NOI AND RULE 5 INSPECTION DOCUMENTATION.

CONSTRUCTION ACTIVITIES:

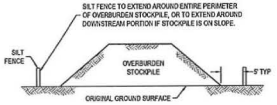
THE PIT EXCAVATION AND MATERIAL EXTRACTION WILL BE CONDUCTED IN AN INCREMENTAL MANOR AND WILL GENERALLY BE PERFORMED ON THE SITE FROM SOUTH TO NORTH.

1. BEGINNING AT THE SOUTHERLY EXTENTS OF THE SITE, REMOVE AND STOCKPILE OVERBURDEN FROM THAT PORTION OF THE SITE CURRENTLY BEING EXCAVATED. OVERBURDEN STOCKPILE SHALL BE LOCATED ONSITE AND SHALL BE STABILIZED TO PREVENT SEDIMENT RUNOFF.
2. INSTALL AND ARRANGE MATERIAL CONVEYOR SYSTEM AS NECESSARY FOR LOCATION OF MATERIAL EXTRACTION.
3. CONDUCT EXCAVATION AND MATERIAL EXTRACTION. MATERIAL WILL BE EXCAVATED AND MOVED BY MECHANICAL CONVEYOR SYSTEM.
4. ONCE MATERIAL EXTRACTION IS COMPLETE FOR THAT PORTION OF THE SITE, USE OVERBURDEN STOCKPILE TO BACKFILL EXCAVATION AREAS AROUND PERIMETER OF EXCAVATION. THE BACKFILL SHALL BE PLACED IN ACCORDANCE WITH THE APPROVED RECLAMATION PLAN.
5. STABILIZE ALL BACKFILL AREAS WITH PERMANENT SEEDING AS SPECIFIED ON THIS PLAN.
6. REPEAT THE ABOVE SEQUENCE FOR EACH INCREMENTAL PORTION OF SITE BEING EXCAVATED, GENERALLY WORKING FROM SOUTH TO NORTH.



SILT FENCE

NTS



OVERBURDEN STOCKPILE

NTS

LEGEND

AREA OF PERMANENT SEEDING (PS)

SILT FENCE (SF)

TEMPORARY STOCK PILE LOCATION

NOTES

THE NOI AND REQUIRED INFORMATION FOR THIS PROJECT MUST BE POSTED AS NOTED THROUGHOUT THE DURATION OF CONSTRUCTION ACTIVITIES UNTIL A NOTICE OF TERMINATION (NOT) HAS BEEN FILED.

ALL CONSTRUCTION ACTIVITY ALONG WITH ANY EROSION CONTROL AND STORM WATER QUALITY MEASURES INSTALLED SHALL BE AS DETAILED AND SPECIFIED IN THE CURRENT INDIANA STORM WATER QUALITY MANUAL. THE INDIANA STORM WATER QUALITY MANUAL, PUBLISHED BY THE INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, IS HEREBY INCORPORATED INTO THE PROJECT DOCUMENTS BY REFERENCE.

N

0' 250' 500'

HORIZONTAL SCALE: 1" = 250'

Design Services Corporation
Engineering • Surveying
Environmental • Construction Management
105 North 17th Street • Lafayette, Indiana
(765) 742-1964 • fax (765) 742-1968
www.dsiindiana.com

CERTIFIED BY:

PURDY SOUTH GRAVEL PIT
PURDY MATERIALS, INC.
LAFAYETTE, INDIANA

MARK	DATE	DESCRIPTION

PROJECT NO:	20013
FILE:	20013-SWPPP.DWG
DRAWN BY:	BMB
CHECKED BY:	JRF

LOCATION:

A PART OF SECTIONS 21 & 28, TOWNSHIP 22 NORTH, RANGE 4 WEST, WEA TOWNSHIP, TIPPECANOE COUNTY, INDIANA

TITLE:

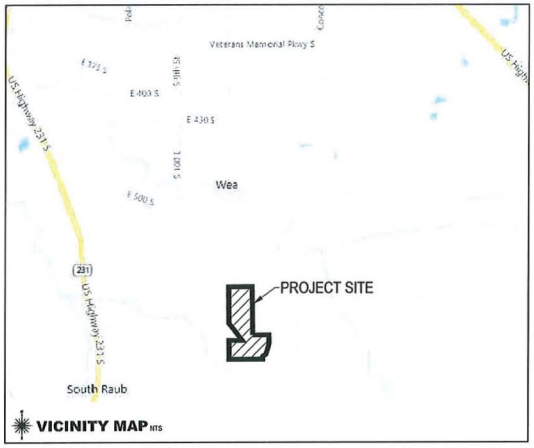
STORMWATER POLLUTION PREVENTION

OVERALL PLAN

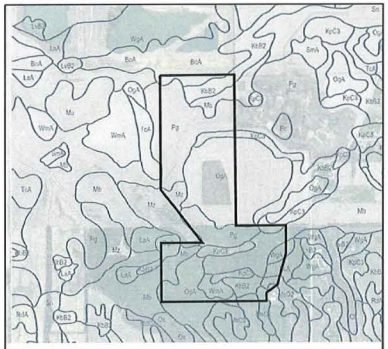
1 OF 2

BZA-2039

STORMWATER POLLUTION PREVENTION PLAN



VICINITY MAP NTS



SOILS MAP NTS

SOIL MAP INDEX

KEY	NAME	SOIL GROUP
BoA	BOWES SILT LOAM, 0 TO 2 PERCENT SLOPES	B
KsB2	KALAMAZOO SILT LOAM, 2 TO 6 PERCENT SLOPES, ERODED	B
KpC3	KOSCIUSKO GRAVELLY SANDY CLAY LOAM, 6 TO 12 PERCENT SLOPES, SEVERELY ERODED	B
Mb	MAHALASVILLE SILTY CLAY LOAM, GRAVELLY SUBSTRATUM	B/D
MsC2	MIAMI SILT LOAM, 6 TO 12 PERCENT SLOPES, ERODED	C
MsD2	MIAMI SILT LOAM, 12 TO 18 PERCENT SLOPES, ERODED	C
Mz	MUSKEGO MUCK, DRAINED OsA - OCKLEY SILT LOAM, 0 TO 2 PERCENT SLOPES	A/D
Pg	PELLA SILTY CLAY LOAM, POTTAGE	B/D
TcA	HACKERY SILT LOAM, 0 TO 2 PERCENT SLOPES	C
WpA	WAUPECAN SILT LOAM, 0 TO 2 PERCENT SLOPES	B

SECTION A
ASSESSMENT OF CONSTRUCTION PLAN ELEMENTS

A1 *INDEX SHOWING LOCATIONS OF REQUIRED PLAN ELEMENTS*
INDEX HEREBY PROVIDED

A2 *11 BY 17 INCH PLAT SHOWING BUILDING LOT NUMBERS/BOUNDARIES AND ROAD LAYOUT/NAMES*
PROVIDED BY PLOTTING THE CONSTRUCTION PLANS AT 50% SCALE

A3 *NARRATIVE DESCRIBING THE NATURE AND PURPOSE OF THE PROJECT*
THE SUBJECT PROJECT IS A PROPOSED GRAVEL PIT. THE OVERALL EXCAVATION AREA DEPICTED IS APPROXIMATELY 100 ACRES.

A4 *VICINITY MAP SHOWING PROJECT LOCATION*
VICINITY MAP LOCATED ON THIS SHEET.

A5 *LEGAL DESCRIPTION OF THE PROJECT SITE*
THE SUBJECT PROJECT IS IN PART OF THE NORTHEAST QUARTER AND PART OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 22 NORTH, RANGE 4 WEST, WEA TOWNSHIP, TIPPECANOE COUNTY, INDIANA.
LONGITUDE: 86°52'18"W LATITUDE: 40°19'30"N

A6 *LOCATION OF ALL LOTS AND PROPOSED SITE IMPROVEMENTS*
REFER TO SHEET PLAN FOR LOCATION OF ALL PROPOSED SITE IMPROVEMENTS.

A7 *HYDROLOGIC UNIT CODE (14 DIGIT)*
05120106020060

A8 *NOTATION OF ANY STATE OR FEDERAL WATER QUALITY PERMITS*
IDEM RULE 5 PERMIT REQUIRED, ON/SITE WETLAND PERMIT/EXEMPTION.

A9 *SPECIFIC POINTS WHERE STORMWATER DISCHARGE WILL LEAVE THE SITE*
THIS SITE WILL BE A EXCAVATED GRAVEL PIT AND SURFACE STORMWATER WILL NOT LEAVE THIS SITE.

A10 *LOCATION AND NAME OF ALL WETLANDS, LAKES, AND WATER COURSES ON AND ADJACENT TO THE SITE*
JOHN MCCOY LEGAL DRAIN IS LOCATED ON THE SITE. JK O'NEAL LEGAL DRAIN IS LOCATED ADJACENT TO THE SITE. WETLANDS ARE ON AND ADJACENT TO THE SITE AS DEPICTED ON THE PLAN.

A11 *IDENTIFICATION OF ALL RECEIVING WATERS*
THIS SITE WILL BE A EXCAVATED GRAVEL PIT AND SURFACE STORMWATER WILL NOT LEAVE THIS SITE.

A12 *IDENTIFICATION OF POTENTIAL DISCHARGES TO GROUND WATER*
THERE ARE NO KNOWN AREAS WHERE STORMWATER MAY BE POTENTIALLY DISCHARGED TO GROUNDWATER.

A13 *100 YEAR FLOODPLAINS, FLOODWAYS, AND FLOODWAY FRINGES*
THERE ARE NO FLOODWAY OR FLOODPLAIN LIMITS LOCATED ON THE PROJECT SITE AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) FOR TIPPECANOE COUNTY, INDIANA AND INCORPORATED AREAS, MAP NUMBER 18157C0234D, EFFECTIVE DATE SEPTEMBER 25, 2009 & MAP NUMBER 18157C0255E, REVISED DATE AUGUST 19, 2017.

A14 *PRE-CONSTRUCTION AND POST CONSTRUCTION ESTIMATE OF PEAK DISCHARGE*

(SEE A9 ABOVE FOR DISCHARGE LOCATIONS)

	PRE-CONSTRUCTION 10YR (CFS)	POST-CONSTRUCTION 10YR (CFS)
SITE OUTLET:	100±	0.0

A15 *ADJACENT LAND USE, INCLUDING UPSTREAM WATERSHED*
THE ADJACENT LAND USE TO THE NORTH IS AN ACTIVE GRAVEL PIT. ALL OTHER ADJACENT PROPERTY IS AGRICULTURAL.

A16 *LOCATIONS AND APPROXIMATE BOUNDARIES OF ALL DISTURBED AREAS*
THE LIMITS OF THE PROPOSED DISTURBED AREAS FOR CONSTRUCTION ARE DEPICTED ON THE OVERALL PLAN.

A17 *IDENTIFICATION OF EXISTING VEGETATIVE COVER*
THE EXISTING VEGETATIVE COVER ON THIS PROJECT SITE CONSISTS OF FIELD CROPS.

A18 *SOILS MAP INCLUDING SOIL DESCRIPTIONS AND LIMITATIONS*
REFER TO THIS SHEET.

A19 *LOCATIONS, SIZES AND DIMENSIONS OF PROPOSED STORMWATER SYSTEMS*
THERE WILL BE NO PROPOSED STORMWATER SYSTEMS.

A20 *PLANS FOR ANY OFF-SITE CONSTRUCTION ACTIVITIES ASSOCIATED WITH THIS PROJECT*
NO OFF-SITE CONSTRUCTION ACTIVITIES ARE PLANNED FOR THIS PROJECT.

A21 *LOCATIONS OF PROPOSED SOIL STOCKPILES AND/OR BORROW/DISPOSAL AREAS*
STOCKPILES ARE PROPOSED AS DESCRIBED IN THIS SEQUENCING ON THE OVERALL PLAN.

A22 *EXISTING SITE TOPOGRAPHY AT AN INTERVAL APPROPRIATE TO INDICATE DRAINAGE PATTERNS*
REFER TO THE OVERALL PLAN.

A23 *PROPOSED FINAL TOPOGRAPHY AT AN INTERVAL APPROPRIATE TO INDICATE DRAINAGE PATTERNS*
REFER TO THE OVERALL PLAN.

STORMWATER POLLUTION PREVENTION PLAN

AS REQUIRED BY TITLE 327, ARTICLE 15, RULE 5, SECTION 7 (B) (8) OF THE INDIANA ADMINISTRATIVE CODE:

THE PROJECT SITE OWNER/MANAGER SHALL POST A NOTICE NEAR THE MAIN ENTRANCE OF THE PROJECT SITE. FOR LINEAR PROJECT SITES, SUCH AS A PIPELINE OR HIGHWAY, THE NOTICE MUST BE PLACED IN A PUBLICLY ACCESSIBLE LOCATION NEAR THE PROJECT FIELD OFFICE. THE NOTICE MUST BE MAINTAINED IN A LEGIBLE CONDITION AND CONTAIN THE FOLLOWING INFORMATION:

- A COPY OF THE COMPLETED NOTICE OF INTENT (NOI) LETTER AND NPDES PERMIT NUMBER, WHERE APPLICABLE.
- NAME, COMPANY NAME, TELEPHONE NUMBER, E-MAIL ADDRESS AND ADDRESS OF THE SITE OWNER OR LOCAL CONTACT PERSON.
- THE LOCATION OF THE CONSTRUCTION DOCUMENTS IF THE SITE DOES NOT HAVE AN ON-SITE LOCATION TO STORE THE PLAN.

THE NOI AND REQUIRED INFORMATION FOR THIS PROJECT MUST BE POSTED AS NOTED THROUGHOUT THE DURATION OF CONSTRUCTION ACTIVITIES UNTIL A NOTICE OF TERMINATION (NOT) HAS BEEN FILED.

ALL CONSTRUCTION ACTIVITY ALONG WITH ANY EROSION CONTROL AND STORM WATER QUALITY MEASURES INSTALLED SHALL BE AS DETAILED AND SPECIFIED IN THE CURRENT INDIANA STORM WATER QUALITY MANUAL. THE INDIANA STORM WATER QUALITY MANUAL, PUBLISHED BY THE INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, IS HEREBY INCORPORATED INTO THE PROJECT DOCUMENTS BY REFERENCE.

PERSON(S) RESPONSIBLE FOR EROSION & SEDIMENT CONTROL:

PURDY MATERIALS, INC.
CONTACT: JOANNE PURDY
3633 OLD US 231 SOUTH
LAFAYETTE, IN 47909
PHONE: 765-474-9611

SECTION B
STORMWATER POLLUTION PREVENTION PLAN - *CONSTRUCTION COMPONENT*

B1 *DESCRIPTION OF POTENTIAL POLLUTANT SOURCES ASSOCIATED WITH CONSTRUCTION ACTIVITIES*
ERODED SOILS AND SEDIMENTS, OILS, GREASES, COOLANTS, PETROLEUM FUELS AND OTHER FLUIDS ASSOCIATED WITH THE OPERATION OF CONSTRUCTION MACHINERY, AND FERTILIZERS ASSOCIATED WITH SEEDING AND PLANTING. TEMPORARY EROSION CONTROL MEASURES WILL BE INSTALLED TO MINIMIZE ERODED SOILS FROM ENTERING STORMWATER.

B2 *SEQUENCE DESCRIBING STORMWATER QUALITY MEASURE IMPLEMENTATION RELATIVE TO LAND DISTURBING ACTIVITIES*
A SEQUENCE DESCRIBING STORMWATER QUALITY MEASURE IMPLEMENTATION RELATIVE TO LAND DISTURBING ACTIVITIES IS PROVIDED ON THE OVERALL PLAN SHEET.

B3 *STABLE CONSTRUCTION ENTRANCE LOCATIONS AND SPECIFICATIONS*
REFER TO THE OVERALL PLAN SHEET FOR THE LOCATION OF THE CONSTRUCTION ENTRANCE AS WELL AS A DETAIL AND SPECIFICATIONS.

B4 *SEDIMENT CONTROL MEASURES FOR SHEET FLOW AREAS*
REFER TO THE OVERALL PLAN FOR SEDIMENT CONTROL MEASURES FOR SHEET FLOW AREAS.

B5 *SEDIMENT CONTROL MEASURES FOR CONCENTRATED FLOW AREAS*
THERE WILL BE NO CONCENTRATED FLOW AREAS RELATED TO THIS PROJECT.

B6 *STORM SEWER INLET PROTECTION MEASURE LOCATIONS AND SPECIFICATIONS*
NO STORM SEWER IS PROPOSED FOR THIS PROJECT.

B7 *RUNOFF CONTROL MEASURES*
THERE WILL BE NO STORMWATER RUNOFF FROM THIS PROJECT.

B8 *STORM WATER OUTLET PROTECTION SPECIFICATIONS*
NO STORMWATER OUTLETS ARE PROPOSED FOR THIS PROJECT.

B9 *GRADE STABILIZATION STRUCTURE LOCATIONS AND SPECIFICATIONS*
GRADE STABILIZATION STRUCTURES ARE NOT PROPOSED FOR THIS PROJECT.

B10 *LOCATION, DIMENSIONS, SPECIFICATIONS, AND CONSTRUCTION DETAILS OF EACH STORMWATER QUALITY MEASURE*
REFER TO THE OVERALL PLAN FOR THE LOCATION OF THE PROPOSED PIT.

B11 *TEMPORARY SURFACE STABILIZATION METHODS APPROPRIATE FOR EACH SEASON*
REFER TO THE OVERALL PLAN.

B12 *PERMANENT SURFACE STABILIZATION SPECIFICATIONS*
REFER TO THE OVERALL PLAN.

B13 *MATERIAL HANDLING AND SPILL PREVENTION PLAN*

SPILL PREVENTION AND CONTROL

THE FOLLOWING ARE THE MATERIAL MANAGEMENT PRACTICES THAT WILL BE USED TO REDUCE THE RISK OF SPILLS OR OTHER ACCIDENTAL EXPOSURE OF MATERIALS AND SUBSTANCES TO STORM WATER RUNOFF.

1. GOOD HOUSEKEEPING
   - A. SUPERINTENDENT SHALL INSPECT PROJECT AREA DAILY FOR PROPER STORAGE, USE AND DISPOSAL OF CONSTRUCTION MATERIALS
   - B. STORE ONLY ENOUGH MATERIAL ON SITE FOR PROJECT COMPLETION
   - C. ALL SUBSTANCES SHOULD BE USED ENTIRELY BEFORE DISPOSAL OF CONTAINER
   - D. ALL CONSTRUCTION MATERIALS STORED SHALL BE ORGANIZED IN THE PROPER CONTAINER AND IF POSSIBLE, STORED UNDER A ROOF OR PROTECTIVE COVER.
   - E. PRODUCTS SHALL NOT BE MIXED UNLESS DIRECTED BY THE MANUFACTURER.
   - F. ALL PRODUCTS SHALL BE USED AND DISPOSED OF ACCORDING TO THE MANUFACTURER'S RECOMMENDATIONS.
2. HAZARDOUS PRODUCTS
   - A. ENVIRONMENTAL EMERGENCY CONTACT
     TIPPECANOE EMERGENCY RESPONSE: 765-742-1334
     DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, OFFICE OF LAND QUALITY, EMERGENCY RESPONSE SECTION: 1-888-233-7745
   - B. MATERIALS SHOULD BE KEPT BY ORIGINAL CONTAINER WITH LABELS UNLESS THE ORIGINAL CONTAINERS CANNOT BE RESEALED. IF ORIGINAL CONTAINERS CANNOT BE USED, LABELS AND PRODUCT INFORMATION SHALL BE SAVED.
   - C. PROPER DISPOSAL PRACTICES SHALL ALWAYS BE FOLLOWED IN ACCORDANCE WITH MANUFACTURER AND LOCAL/STATE REGULATIONS.
3. PRODUCT SPECIFIC PRACTICES
   - A. PETROLEUM PRODUCTS MUST BE STORED IN PROPER CONTAINERS AND CLEARLY LABELED. VEHICLES CONTAINING PETROLEUM PRODUCTS SHALL BE PERIODICALLY INSPECTED FOR LEAKS. PRECAUTIONS SHALL BE TAKEN TO AVOID LEAKAGE OF PETROLEUM PRODUCTS ON SITE.
   - B. THE MINIMUM AMOUNT OF FERTILIZER SHALL BE USED AND MIXED INTO THE SOIL IN ORDER TO LIMIT EXPOSURE TO STORM WATER. FERTILIZERS SHALL BE STORED IN A COVERED SHED. THE CONTENTS OF ANY PARTIALLY USED BAGS OF FERTILIZER SHALL BE TRANSFERRED TO A SEALABLE PLASTIC BIN TO AVOID SPILLS.
   - C. PAINT CONTAINERS SHALL BE SEALED AND STORED WHEN NOT IN USE. EXCESS PAINT MUST BE DISPOSED OF IN AN APPROVED MANNER.
   - D. CONCRETE TRUCKS SHALL NOT BE ALLOWED TO WASH OUT OR DISCHARGE SURPLUS CONCRETE OR DRUM WASH WATER ON THE SITE EXCEPT IN AREA AS DESIGNATED ON PLANS AND CONSTRUCTED BY CONTRACTOR.

SPILL CONTROL PRACTICES

IN ADDITION TO THE GOOD HOUSEKEEPING AND MATERIAL MANAGEMENT PRACTICES DISCUSSED IN THE PREVIOUS SECTIONS OF THIS PLAN, THE FOLLOWING PRACTICES SHALL BE FOLLOWED FOR SPILL PREVENTION AND CLEANUP.

1. SPILL CLEANUP INFORMATION SHALL BE POSTED ON SITE TO INFORM EMPLOYEES ABOUT CLEANUP PROCEDURES AND RESOURCES.
2. THE FOLLOWING CLEAN-UP EQUIPMENT MUST BE KEPT ON-SITE NEAR THE MATERIAL STORAGE AREA: GLOVES, MOPS, RAGS, BROOMS, DUST PANS, SAND SAWDUST, LIQUID ABSORBER, DOGGIES AND TRASH CONTAINERS.
3. ALL SPILLS SHALL BE CLEANED UP AS SOON AS POSSIBLE
4. WHEN CLEANING A SPILL, THE AREA SHOULD BE WELL VENTILATED AND THE EMPLOYEE SHALL WEAR PROPER PROTECTIVE COVERING TO PREVENT INJURY.
5. TOXIC SPILLS MUST BE REPORTED TO THE PROPER AUTHORITY REGARDLESS OF THE SIZE OF THE SPILL.
6. AFTER A SPILL, THE PREVENTION PLAN SHALL BE REVIEWED AND CHANGED TO PREVENT FURTHER SIMILAR SPILLS FROM OCCURRING. THE CAUSE OF THE SPILL, MEASURES TO PREVENT IT, AND HOW TO CLEAN THE SPILL UP SHALL BE RECORDED.
7. THE SUPERINTENDENT SHALL BE THE SPILL PREVENTION AND CLEANUP COORDINATOR AND IS RESPONSIBLE FOR THE DAY TO DAY SITE OPERATIONS. THE SUPERINTENDENT ALSO OVERSEES THE SPILL PREVENTION AND CLEANUP PROCEDURES.
8. THE SUPERINTENDENT SHALL ORGANIZE THE TRAINING FOR INSPECTION PROCEDURES AND PROPER EROSION CONTROL METHODS FOR EMPLOYEES THAT COMPLETE INSPECTIONS.

B14 *MONITORING AND MAINTENANCE GUIDELINES FOR EACH PROPOSED STORMWATER QUALITY MEASURE*
REFER TO OVERALL PLAN.

B15 *EROSION & SEDIMENT CONTROL SPECIFICATIONS FOR INDIVIDUAL LOTS*
NOT APPLICABLE FOR THIS PROJECT.

SECTION C
STORMWATER POLLUTION PREVENTION PLAN - *POST CONSTRUCTION COMPONENT*

C1 *DESCRIPTION OF POLLUTANTS AND THEIR SOURCES ASSOCIATED WITH THE PROPOSED LAND USE*
FOLLOWING RECLAMATION OF THE GRAVEL PIT, THERE WILL BE LIMITED SOURCES OF POLLUTANTS.

C2 *SEQUENCE DESCRIBING STORMWATER QUALITY MEASURE IMPLEMENTATION*
REFER TO THE OVERALL PLAN.

C3 *DESCRIPTION OF PROPOSED POST CONSTRUCTION STORMWATER QUALITY MEASURES*
THIS PROJECT IS A SEDIMENT BASIN WITHOUT DISCHARGE. NO OTHER POST CONSTRUCTION STORMWATER QUALITY MEASURES ARE PROPOSED.

C4 *LOCATION, DIMENSIONS, SPECIFICATIONS, AND CONSTRUCTION DETAILS OF EACH STORMWATER QUALITY MEASURE*
REFER TO OVERALL PLAN.

C5 *DESCRIPTION OF MAINTENANCE GUIDELINES FOR POST CONSTRUCTION STORMWATER QUALITY MEASURES*
REFER TO OPERATIONS MANUAL.

Date: _____
Project: _____
Inspected By: _____
Type of Inspection: ☐ Scheduled Weekly ☐ Rain Event

CONSTRUCTION SITE INSPECTION AND MAINTENANCE LOG
(To be Completed by Property Owner or Agent)

All stormwater pollution prevention BMP's shall be inspected and maintained as needed to ensure continued performance of their intended function during construction and shall continue until the entire site has been stabilized and a Notice of Termination has been issued. An inspection of the project site must be completed by the end of the next business day following each measurable storm event. If there are no measurable storm events within a given week, the site should be monitored at least once in that week. Maintenance and repair shall be conducted in accordance with the approved site plans. This log shall be kept as a permanent record and must be made available to Tippecanoe County Drainage Board, in an organized fashion, within forty-eight (48) hours of a request.

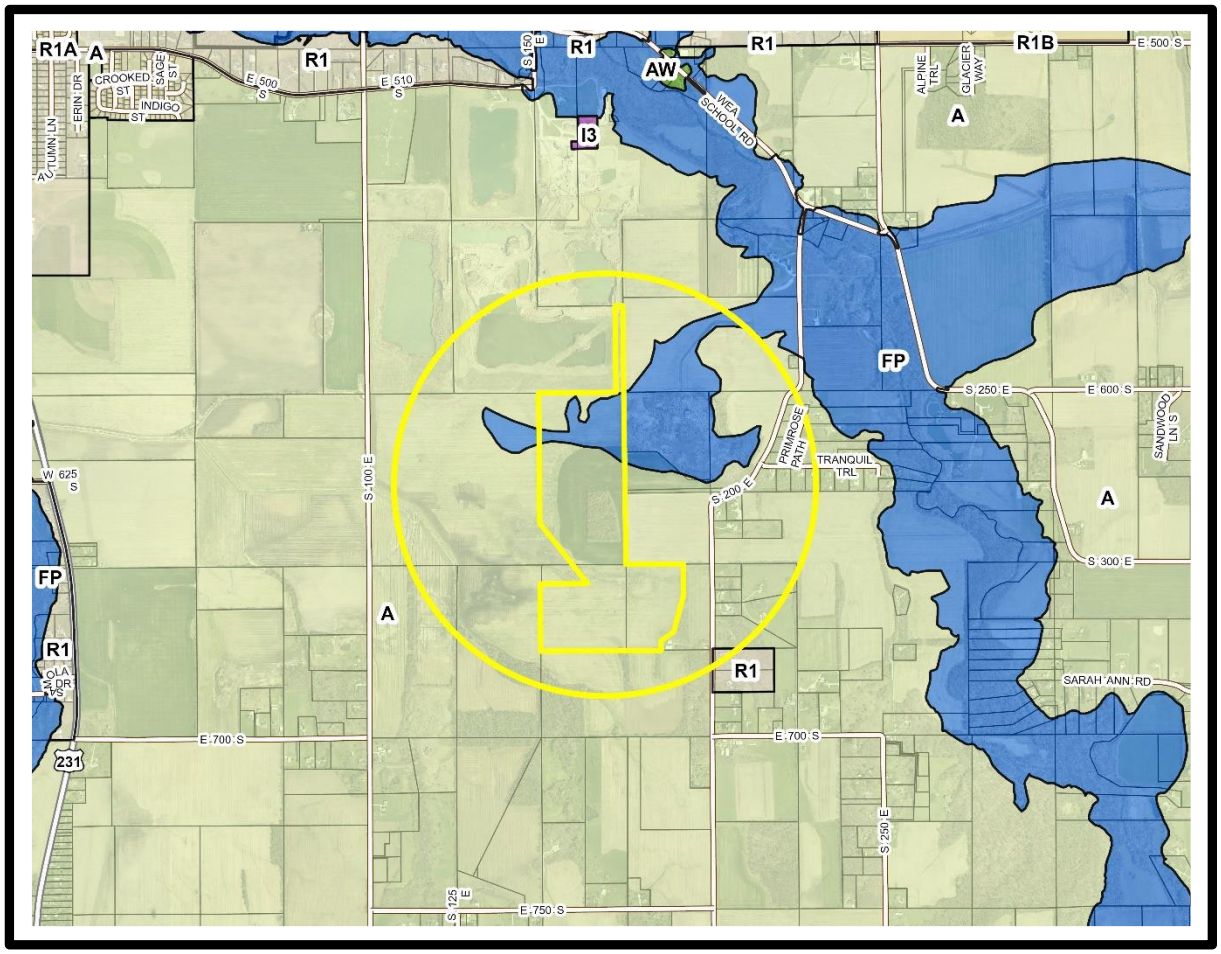
Yes	No	N/A	
			1. Are all sediment control barriers, inlet protection and silt fences in place and functioning properly?
			2. Are all erodible slopes protected from erosion through the implementation of acceptable soil stabilization practices?
			3. Are all dewatering structures functioning properly?
			4. Are all discharge points free of any noticeable pollutant discharges?
			5. Are all discharge points free of any noticeable erosion or sediment transport?
			6. Are designated equipment washout areas properly sited, clearly marked, and being utilized?
			7. Are construction staging and parking areas restricted to areas designated as such on the plans?
			8. Are temporary soil stockpiles in approved areas and properly protected?
			9. Are construction entrances properly installed and being used and maintained?
			10. Are "Do Not Disturb" areas designated on plan sheets clearly marked on-site and avoided?
			11. Are public roads at intersections with site access roads being kept clear of sediment, debris, and mud?
			12. Is spill response equipment on-site, logically located, and easily accessed in an emergency?
			13. Are emergency response procedures and contact information clearly posted?
			14. Is solid waste properly contained?
			15. Is a stable access provided to the solid waste storage and pick-up area?
			16. Are hazardous materials, waste or otherwise, being properly handled and stored?
			17. Have previously recommended corrective actions been implemented?

If you answered "no" to any of the above questions, describe any corrective action which must be taken to remedy the problem and when the corrective actions are to be completed.

_____
_____
_____

BZA-2040
PURDY O'NEALL FARM, LLC
(variances)

STAFF REPORT
July 16, 2020



BZA-2040
PURDY O'NEALL FARM, LLC
Variances

Staff Report
July 16, 2020

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, represented by attorney Daniel Teder and Engineer Tim Balensiefer of TBird, are requesting the following ~~six~~ four variances:

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

A mining operation is proposed (BZA-2039) for these 140.09 acres. The site is located about 1 mile south of CR 510 between CR 100 E and CR 200 E, in Wea 28-22-4.

Variances #1 and #2 have been withdrawn at staff's recommendation because these variances for tract A and B were already granted on October 22, 2014 (BZA-1919).

AREA ZONING PATTERNS:

The property is mostly zoned A (Agricultural). The FP (Flood Plain) area in the middle portion of the property has been certified above the Regulatory Flood Elevation. Farther to the north, a small area of I3 is located near the CR 510 and CR 150 intersection for the operation's batch plant. All surrounding land is zoned A or FP, except for a small area of R1 northwest of the site at the intersection of CR 510 and CR 150.

AREA LAND USE PATTERNS:

Land directly north (and owned by petitioner) contains an active mining operation. The subject site is a combination of woods and farmland. A scattering of single-family homes surrounds the site, mostly to the east and north.

TRAFFIC AND TRANSPORTATION:

The only access point for the mining operation is located at the intersection of CR 510 S

and CR 150 E through petitioner's adjoining site. No trucks will enter or leave the subject site because all mined aggregate will be transported to the north by way of a conveyor belt located on the 4-acre Revised tract B, leaving 136 acres for active mining. Additionally, the truck traffic entering and leaving the adjacent site will not increase, as required in the approval of BZA-1920.

The extension of CR 600 S from Wea School Road to US 231 is a planned project in the 2045 Metropolitan Transportation Plan. The proposed road would border the north portion of the subject site. There is no date for the project and its priority is classified as low.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:
Bufferyards, setbacks, fencing and a reclamation plan are required of mining operations. Petitioner has requested variances from some of the bufferyard, setback and fencing requirements. The petition states that no water will be needed on this land because processing will continue on the existing operation due north.

A small (.08 acre) wetland is shown on site and petitioner is working with IDNR to obtain a permit to allow its removal.

The submitted reclamation plan shows a resulting pond about 30 feet deep with the required slopes not to exceed 3:1.

STAFF COMMENTS:
Petitioner is expanding their mining operation on 136 acres immediately south of their existing operation. These 136 acres will have aggregate transported to the original site by a conveyor belt for processing. The variances in this petition apply to surrounding land not owned by petitioner (no buffering is required where the owner is the same on either side of the special exception boundary).

Regarding the ballot items:

1. The Area Plan Commission at its July 15, 2020 meeting determined that the variances requested **ARE NOT** use variances.

And it is staff's opinion that:

2. Granting variances #3, #4, #5, and #6 **WILL NOT** be injurious to the public health, safety, and general welfare of the community because these areas abut either an existing mining operation or agricultural fields.

3. Use and value of the area adjacent to the property included in variances #3, #4, #5 and #6 **WILL NOT** be affected in a substantially adverse manner. As stated above, no nearby uses would be negatively affected by not having a buffer, setback or fence because of adjacent mining or agricultural fields. According the petitioner, those adjacent properties owned have no expressed concern about having no bufferyard or fence.

4. Regarding # 3, the terms of the zoning ordinance are being applied to a situation that **IS NOT** common to other properties in the same zoning district because this area abuts an existing mine that was granted variances for no bufferyard or fencing. Having a setback next to an active mine serves little purpose. Regarding #4, #5 and #6, the terms of the zoning ordinance are being applied to a situation that **IS** common to other properties in the A zone. Although adjacent property owners may not be concerned, there is nothing unusual about this site, located near a creek (where many mining operations can be found) in terms of its size or relatively flat topography that would prevent petitioner from installing the buffers and fences.

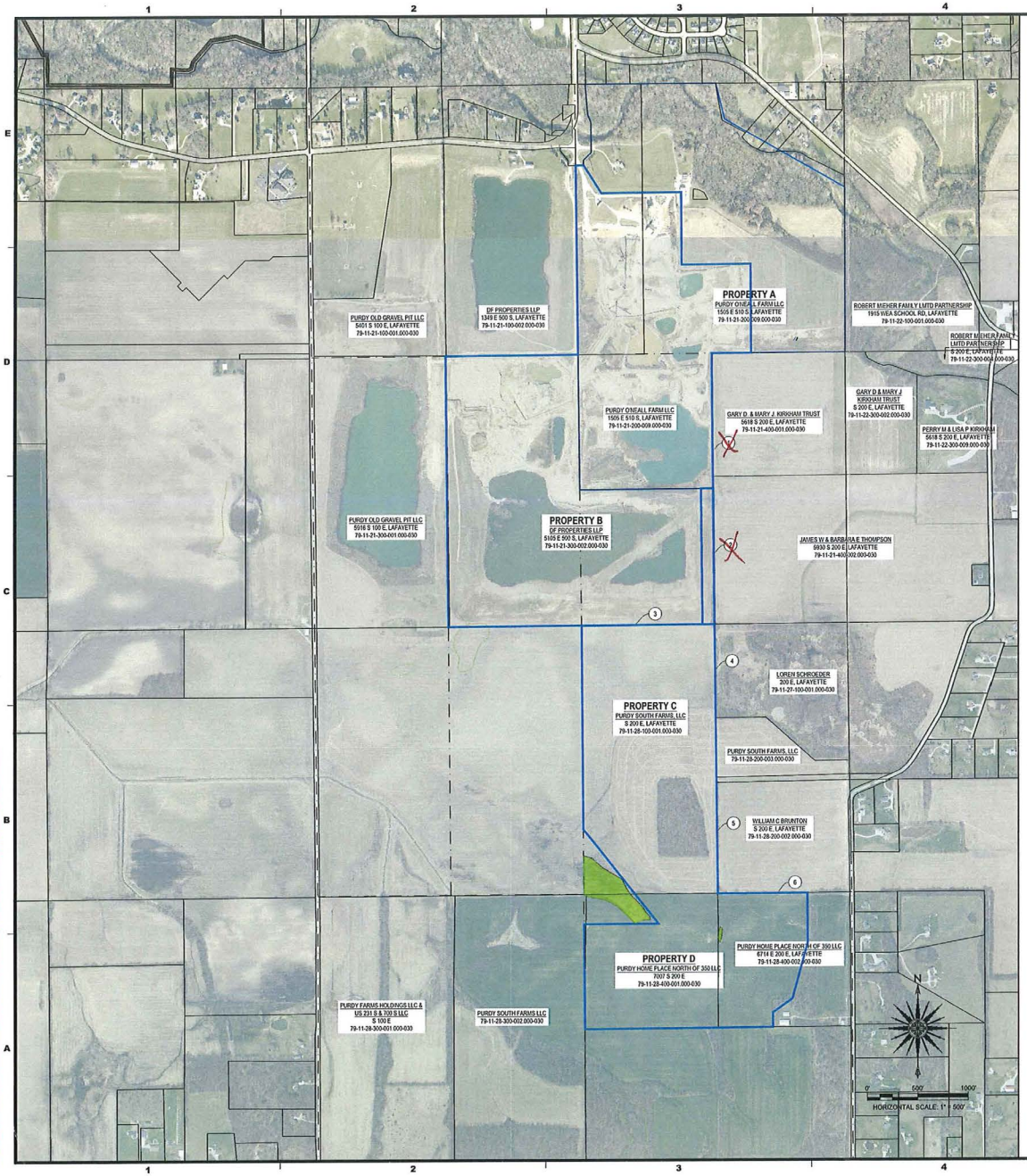
5. Regarding variance #3, strict application of the terms of the zoning ordinance **WILL** result in an unusual or unnecessary hardship as defined in the zoning ordinance because the ordinance does not recognize a situation where two mining operations share a lot line. However, regarding variances #4, #5 and #6, strict application of the terms of the zoning ordinance **WILL NOT** result in an unusual or unnecessary hardship.

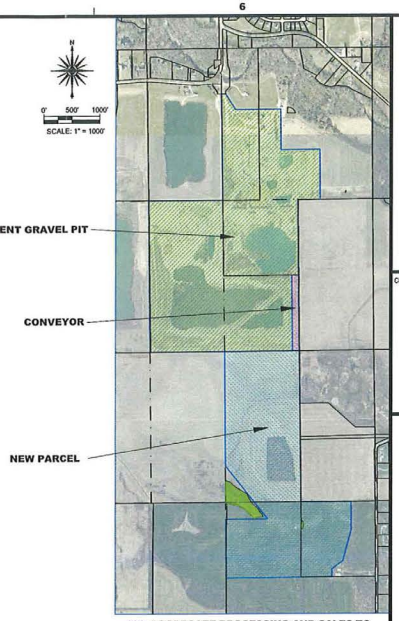
   Note: Questions 5a. and 5b. need only be answered if a hardship is found in Question 5 above.

   5a. The hardship involved in variance #3 **IS NOT** self-imposed or solely based on a perceived reduction of or restriction on economic gain because this area abuts another mining site. No hardship is involved in variances #4, #5 and #6 because each variance **IS** solely based on a perceived reduction of or restriction on economic gain. The cost of fencing, buffering and reduced mining areas due to buffering requirements are only financial.

   5b. Variance #3 **DOES** provide only the minimum relief needed to alleviate the hardship. However, variances #4, #5 and #6 **DO NOT** provide only the minimum relief because no hardship is present.

STAFF RECOMMENDATION:
Variance #3: Approval
Variance #4: Denial
Variance #5: Denial
Variance #6: Denial





ALL AGGREGATE PROCESSING AND SALES TO CONTINUE FROM THE CURRENT GRAVEL PIT

Variance(s) Applied For:

1. Petitioner is requesting variances for no bufferyard and no setback (to be 100' upon final reclamation) requirement on the Property A site along its eastern portion bordering the property owned by the Gary D. & Mary J. Kirkham Trust (UZO 4-9-7(c); UZO 4-9-7(c)(1)). A fence already exists along this portion of the Property A site.
2. Petitioner is requesting a variance for no bufferyard requirement on the Property B site along its eastern portion bordering the property owned by James and Barbara Thompson (UZO 4-9-7(c)). A fence already exists along this portion of the Property B site and the 100' setback.
3. Petitioner is requesting variances for no bufferyard, no fence requirement and no setback requirement on the Property C site along its northern portion bordering property owned by Owner B (UZO 4-9-7(c); UZO 4-9-7(d); UZO 4-9-7(c)(1).
4. Petitioner is requesting variances for no bufferyard and no fence for its eastern portion of the Property C site bordering property owned by Loren Schroeder (UZO 4-9-7(c); UZO 4-9-7(d)).
5. Petitioner is requesting variances for no bufferyard and no fence for its eastern portion of the Property C site bordering the property owned by William C. Brunton (UZO 4-9-7(c); UZO 4-9-7(d))
6. Petitioner is requesting variances for no bufferyard and no fence for its northern portion of the Property D site bordering the property owned by William C. Brunton (UZO 4-9-7(c); UZO 4-9-7(d)).

TBRD Design Services Corporation
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Environmental • Planning • Project Management
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CERTIFIED BY:

PURDY SOUTH GRAVEL PIT
PURDY MATERIALS, INC.
LAFAYETTE, INDIANA

MARK	DATE	DESCRIPTION

PROJECT NO: –
FILE: FUTURE PIT EXHIBIT.DWG
DRAWN BY: –
CHECKED BY: –
LOCATION:
A PART OF SECTIONS 21 & 28, TOWNSHIP 22 NORTH, RANGE 4 WEST, WEA TOWNSHIP, TIPPECANOE COUNTY, INDIANA

TITLE:
SITE EXHIBIT

1

BZA-2040

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