FILED
CITY CLERK

2008 SEP -2 A 7:58

CINDY MURRAY

ORDINANCE NO. ~~2008-26~~

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATE, FROM PDNR TO PDNR.

BE IT ORDAINED BY THE CITY OF LAFAYETTE, COUNTY OF TIPPECANOE, INDIANA:

Section 1. The Unified Zoning Ordinance of Tippecanoe County Indiana, being a separate ordinance and not part of a unified county code is hereby amended to rezone the following described real estate situated in City of Lafayette, Wea Township, Tippecanoe County, Indiana, to wit:

ATTACHED EXHIBIT "A"

Section 2. The real estate described above should be and the same is hereby rezoned from PDNR to PDNR.

Section 3. This ordinance shall be in full force and effect from and after its passage.

(Adopted and passed) (Denied) by the Lafayette Common Council **Indiana, this** 8 **day of** September, **2008.**

VOTE:

8 - AYES

Ronald B. Campbell
Ronald Campbell, Council President

Tony Roswarski
Tony Roswarski, Mayor

Attest: Cindy Murray (City Clerk)

F:\\Projects\2008\0802\\Zoning Ordinance B7.doc

EXHIBIT A

SYCAMORE PROFESSIONAL VILLAGE PLANNED DEVELOPMENT

A part of the Northeast Quarter of Section 9, Township 22 North, Range 4 West, Wea Township, Tippecanoe County, Indiana, more particularly described as follows:

Commencing at a Berntsen monument marking the southeast corner of said Northeast Quarter of Section 9; Thence North 0° 41′ 40″ West along the east line of the said Northeast Quarter a distance of 54.31 feet to the Point of Beginning, said point being on the northern right-of-way of County Road 350 South; Thence South 89° 20′ 14″ West, along the said northern right-of-way a distance of 1.07 feet; Thence South 89° 31′ 14″ West, continuing along said northern right-of-way for 203.51 feet; Thence North 0° 41′ 40″ West, a distance of 215.77 feet; Thence South 89° 18′ 20″ West, a distance of 205.15 feet; Thence North 0° 41′ 40″ West, a distance of 319.26 feet to the southern right-of-way of Cliburn Road; Thence along said southern right-of-way the following seven, (7) courses: (1) North 89° 54′ 50″ East, a distance of 242.61 feet; (2) South 63° 45′ 07″ East, a distance of 33.59 feet; (3) South 0° 28′ 17″ East, a distance of 15.10 feet; (4) North 89° 54′ 50″ East, a distance of 50.00 feet; (5) North 0° 28′ 17″ West, a distance of 14.90 feet; (6) North 63° 07′ 02″ East, a distance of 33.50 feet; (7) North 89° 54′ 13″ East, a distance of 57.13 feet to the east line of the said Northeast Quarter ; Thence South 0° 41′ 40″ East, along the said east line a distance of 531.45 feet, to the Point of Beginning, containing 3.953 acres, more or less.

THE Area Plan Commission of TIPPECANOE COUNTY

20 NORTH 3RD STREET
LAFAYETTE, INDIANA 47901-1209

(765) 423-9242
(765) 423-9154 [FAX]
www.tippecanoe.in.gov/apc

SALLIE DELL FAHEY
EXECUTIVE DIRECTOR

August 21, 2008
Ref. No.: 08-279

Lafayette City Council
20 North 6th Street
Lafayette, IN 47901

CERTIFICATION

RE: **Z-2387—350 LLC (Sycamore Professional Village PD) (PDNR to PDNR):**
Petitioner is requesting rezoning for 3.953 acres to amend the project through the renegotiation of sign standards in place since the zoning was originally adopted and final detailed plans recorded in 2004. The property is located on the north side of CR 350 S between 18th Street and Concord Road, Lafayette, Wea 9 (NE) 22-4.

Dear Council:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on August 20, 2008 the Area Plan Commission of Tippecanoe County voted 13 yes - 0 no on the motion to rezone the subject real estate from PDNR to PDNR. Therefore, the Area Plan Commission recommends to the Lafayette City Council that the proposed rezoning ordinance be APPROVED for the property described in the attachment approval, contingent on meeting all requirements of *UZO* 2-27-10 for submission of Final Detailed Plans, signed off by those noted in that section to include:

1. All sheets (other than preliminary plat) that make up the approved Preliminary Plan;
2. PD construction plans per UZO Appendix B2-2;
3. A final plat per UZO Appendix B-3-2 as applicable;
4. Appropriate performance bonds submitted with final detailed plans; and
5. Plant schedule approved by the Lafayette Urban Forester.

Public Notice has been given that this petition will be heard before the Lafayette City Council at their September 2, 2008 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

Sallie Dell Fahey
Executive Director

SDF/lmu

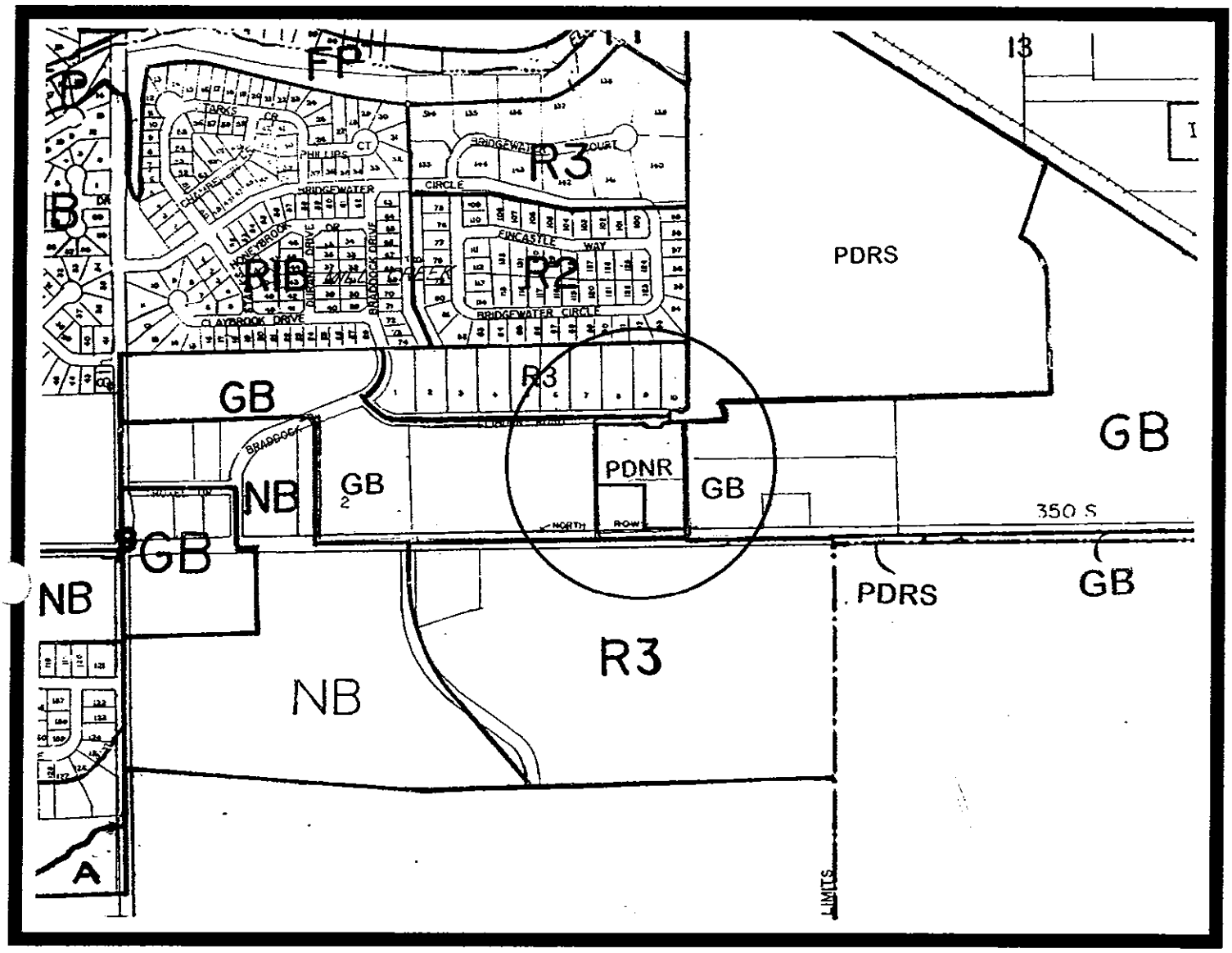
Enclosures: Staff Report & Ordinances

cc: 350 LLC
Robert Gross, RW Gross & Associates
Jennifer Bonner, Lafayette City Engineer
Duke Energy
Verizon
Comcast
Vectren

Z-2387
350 LLC
SYCAMORE PROFESSIONAL VILLAGE
PLANNED DEVELOPMENT
PDNR TO PDNR

STAFF REPORT
14 August 2008

Z-2387
350LLC
Sycamore Professional Village
(PDNR TO PDNR)



Z-2387
350 LLC
SYCAMORE PROFESSIONAL VILLAGE
PLANNED DEVELOPMENT
PDNR to PDNR

Staff Report
14 August 2008

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, represented by RW Gross & Associates, is requesting PDNR zoning for Lots 1, 2 & 3 of Sycamore Professional Village Planned Development, 3.953 acres, to amend the existing planned development by renegotiating the sign standards in place since the zoning was originally adopted and final detailed plans were recorded in 2004. The property is located on the north side of CR 350 S between 18th Street and Concord Road, Lafayette, Wea 9(NE) 22-4

ZONING HISTORY AND AREA ZONING PATTERNS:

Petitioner's site is part of 5 acres rezoned from GB to PDNR in July of 2004 (Z-2178). Prior to 2004 the property was part of a 36.621-acre rezone from R1 to R3 in 1996 (Z-1658) and a 15.74-acre site rezoned from R3 to GB in February 2004 (Z-2155).

Land both east and west of the site is zoned GB. During the past ten years many business rezones have been granted along the CR 350 S corridor including NB and GB zoning at the intersection of S. 18th and CR 350 in 1996 (Z-1659 and Z-1660); land directly west of petitioner's site was rezoned from R3 to NB in 1999 (Z-1850) and from NB to GB in 2003 (2133). The southeast corner of the 18th Street intersection was reclassified to LBS (now GB) in 1994 (Z-1557) and from R1B to NB in 2001 (Z-2041 and Z-2042). R3 zoning is north across Cliburn Road and south across CR 350S.

AREA LAND USE PATTERNS:

The site in question is partially developed based on the four lot PD adopted in 2004. Two of the six proposed condo buildings, A and B, are constructed and occupied on Lot 1. Lot 4, part of the original PD but not part of this request, contains a restaurant/sport's bar. Lots 2 and 3 and buildings C, D, E & F are currently undeveloped. To the south across CR 350 S is an assisted living facility and apartment complex. Uses west of the site include a fitness center, bank, ice cream shop and carwash. Duplexes are located north across Cliburn Road. Other mixed commercial uses can be found on both sides of the CR 350 S corridor between S.18th and Concord Road.

TRAFFIC AND TRANSPORTATION:

The south side of the site has CR 350 S frontage, a primary arterial, scheduled for widening from 2- to 4-lanes with divided median later this year to be finished by early

2009. Frontage on the north is along Cliburn Road, a local road, and on the west is along IFCU Drive, a private street. There is no vehicular access directly from CR 350 S. Access comes from one of two drives; Cliburn at the northeast corner and on the west side from IFCU Drive which derives access from CR 350 S. Parking negotiated in the original PD rezone will remain unchanged.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:
The site is currently served by city and private utilities. Parking, land use, greenspace and landscaping standards negotiated for the project in 2004 are all acceptable and shall remain unchanged. Suggestions from Lafayette's Urban Forester to improve the location and species of street trees along Cliburn on Lots 2 and 3 were made during the draft plan review. A note has been added to the preliminary plans stating that when final detailed plans are submitted for lots 2 and 3 the landscaping will conform to the City of Lafayette Ordinance and staff recommendations.

The scaled down signage package adopted in 2004, has since become a problem making the sale and/or lease of spaces in the project difficult. The intended purpose of this rezone request is to renegotiate the sign standards in keeping with the way the CR 350 S corridor is developing, make the constructed portion of the PD more viable, and improve the likelihood of Lots 2 and 3 developing as planned.

The sign package approved for the PD in 2004 includes an allowance of one 1'x8' sign face per tenant; one monument sign of 48 sq. ft. with the development name located midway along the lot frontage oriented parallel to CR 350 S; and two smaller entrance signs of 40 sq. ft. at the north and west access drives. Missing from the adopted package is any internal directory of tenants and a sign allowance for businesses who occupy space at the ends of the two buildings that can be seen from CR 350.

Petitioner's new sign proposal includes the same 1'x8' tenant sign and two entrance signs of 40 sq. ft. at the north and west access drives. New to the proposal is the option to modify the 48 sq. ft. monument sign on CR 350 so that it angles toward traffic with two faces rather than one parallel to the road. The change will increase visibility and improve safety as motorists try to read the sign from CR 350 where the posted speed limit is 40mph. Another new request is to allow tenant/owner directory signs, one each for buildings A & B on lot 1 and two each for buildings C, D, E & F on lots 2 and 3 visible from the circulation drives interior to the development. This addition is directional information to identify buildings and locate tenants for visitors coming to the site for the first time. Finally, the proposal adds a sign allowance for the tenants that occupy the end units of buildings A and B, visible from CR 350. Signage will not exceed a total of 40 sq. ft. per building. Including this in the proposal will legitimize signs already in place that are in violation of the planned development's sign standards but that meet what is permitted in the GB zone.

STAFF COMMENTS:
The original developer in this case used the planned development zone to allow condominium ownership in the project. The benefit to the surrounding community, both

residential and commercial, was a development with limited permitted uses; these uses were greatly reduced compared to those allowed in the previously existing GB zone. In addition the developer compiled a list of prohibited uses that would not be compatible within the development.

Commercial development along CR 350 is much more intense than imagined when this PD was first approved. Freestanding road front signage allowed in GB zones to identify businesses and/or shopping centers is significantly greater than the small monument sign approved for Sycamore Professional Village. That coupled with the fact that this project gains access from a private drive and an adjacent business lot makes finding the development and its tenants difficult among the larger and taller competing signs in the same vicinity.

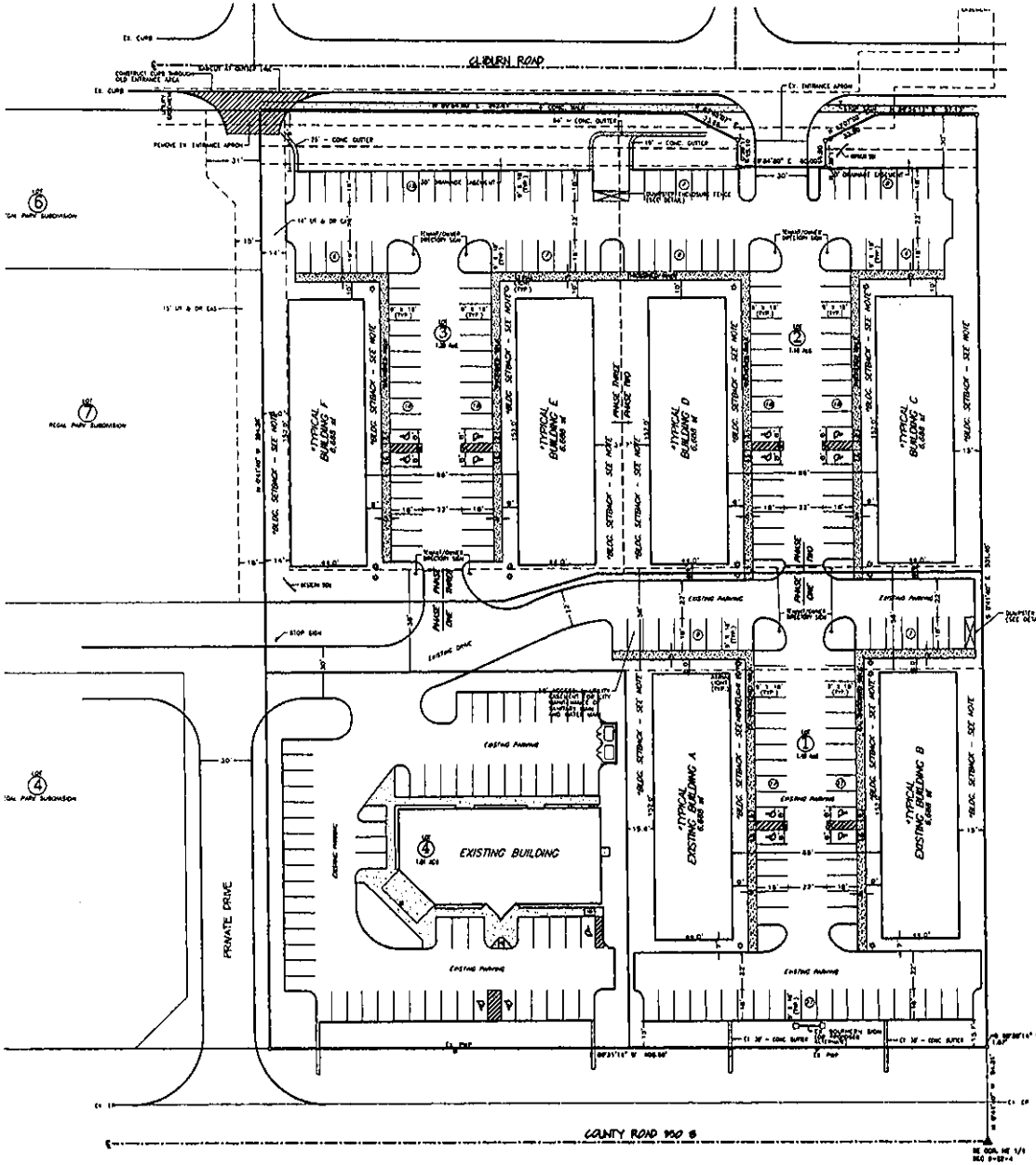
Both the ***Comprehensive Plan*** and a corridor taskforce effort in the early 1990s envisioned residential developments and smaller-scale neighborhood retail uses developing at intersection nodes along the CR 350 S corridor like those permitted in the NB zone. Staff has supported NB rezone requests along CR 350 S in the past because uses permitted in NB zones were consistent with the Land Use Element and compatible with existing residential development. Staff support for this planned development in 2004 was based largely on the petitioner's voluntary limit of uses normally permitted in a GB zone.

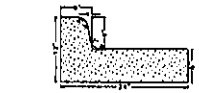
It was never anyone's intention to hamper the success of this project with sign standards that created a disadvantage to those owners, tenants and customers in the development. Staff would prefer to renegotiate a sign package that fits the needs of its occupants and is more consistent with surrounding land uses. The proposed signage package is less intense than what is permitted in adjacent GB zones; uses in this development are not changing and will continue to provide protection to existing and future residential uses. For all these reasons, staff is able to support the amended standards proposed for the development.

STAFF RECOMMENDATION:

Approval, contingent on meeting all requirements of *UZO* 2-27-10 for submission of Final Detailed Plans, signed off by those noted in that section to include:

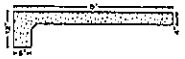
1. All sheets (other than preliminary plat) that make up the approved Preliminary Plan;
2. PD construction plans per UZO Appendix B2-2;
3. A final plat per UZO Appendix B-3-2 as applicable;
4. Appropriate performance bonds submitted with final detailed plans; and
5. Plant schedule approved by the Lafayette Urban Forester.





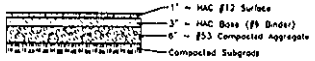
COMBINATION CURB AND GUTTER DETAIL

NOT TO SCALE



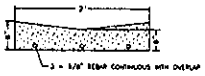
THICKENED WALK DETAIL

NOT TO SCALE



TYPICAL PAVEMENT SECTION

NOT TO SCALE

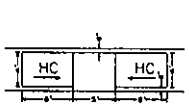


CONCRETE GUTTER DETAIL

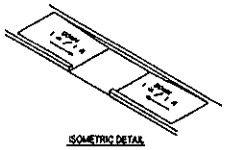
NOT TO SCALE

SCALE: 1"=30'

0 15 30



PLAN VIEW



ISOMETRIC DETAIL

HANDICAP RAMP DETAIL

NOT TO SCALE

***NOTE: BUILDING SIZE AND SETBACKS**

1. The building foundation can be no closer than six feet (6') to the front walk (the 5' thickened walk).
2. For Buildings A, B, C, D and E, the building foundation can be no closer than ten feet (10') to the lot line at the rear of the buildings. (Note: Building F can be no closer than fourteen feet (14') to the lot line because of a utility easement).
3. The buildings, as shown on the plans at 44' x 153' are "typical". The width may range between 44 feet to 53 feet, but the length of 153 feet will not change.

PARKING SUMMARY

PHASE ONE (LOT 1)	PHASE TWO (LOT 2)	PHASE THREE (LOT 3)	TOTAL PARKING SPACES
STANDARD - 67	STANDARD - 61	STANDARD - 64	STANDARD - 192
ACCESSIBLE - 4	ACCESSIBLE - 4	ACCESSIBLE - 4	ACCESSIBLE - 12
TOTAL - 71	TOTAL - 65	TOTAL - 68	TOTAL - 204

NOTE: 1. Two separate bike loops with concrete pad will be provided for each building adjacent to the walk in front of the building.

2. Signage setback from all lot lines to be based upon height of sign (i.e. a six-foot (6') high sign will require a setback of six feet (6')).

SEE MISCELLANEOUS DETAILS & BUILDING ELEVATION SHEET FOR SIGN DETAILS & SPECIFICATIONS

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

136 SOUTH MAIN STREET
MONTICELLO, INDIANA 47960-2397
PHONE: (574) 583-0800
FAX: (574) 583-0804

SITE PLAN

"SITE PLANS ARE VOID UNLESS SIGNED AND DATED. PLAN HOLDER IS RESPONSIBLE FOR VERIFYING THAT THIS SET OF PLANS CONFORMS WITH THE ORIGINAL APPROVED AND SIGNED PLANS FROM ALL REGULATORY AGENCIES."

MASTER NAME	0802site
DATE	July 28, 2008
DRAWN BY	G. Ball
CHECKED BY	RWG
SHEET No.	2 OF 6
JOB NUMBER	08-02-D-PD

2-2387