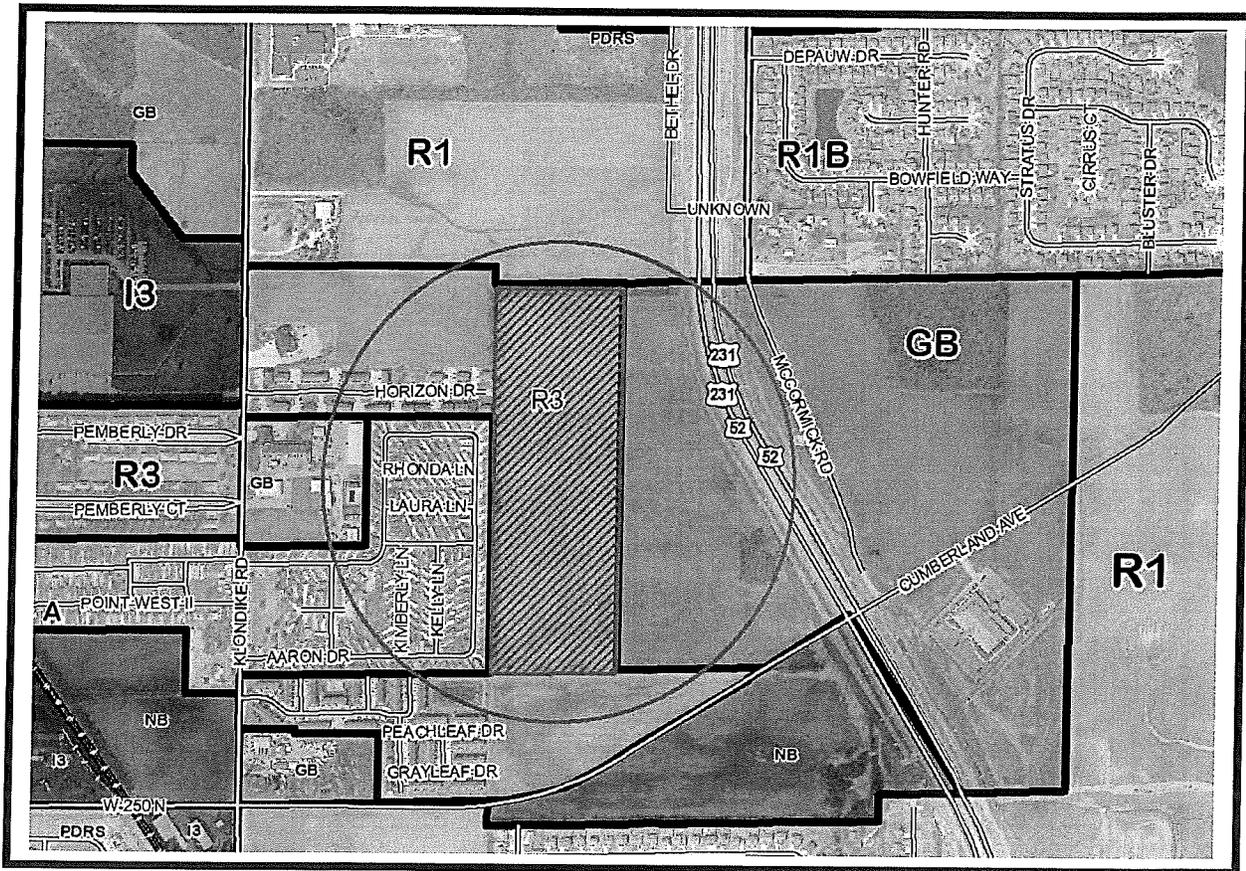

Z-2592
F. LYNN CASON JR., TRUSTEE
(R3 to GB)
WITH COMMITMENT

ADDENDUM
December 11, 2014



Z-2592
F. LYNN CASON, JR., AS TRUSTEE OF
THE F. LYNN CASON, JR. MARITAL TRUST
R3 TO GB
WITH COMMITMENT

ADDENDUM
December 11, 2014

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, who is the trustee for the land and is represented by attorney Daniel Teder, is requesting a rezone from R3 to GB of 30 acres. No proposed use has been given. This site has no frontage on a public road; US 231 is located approximately 500 feet to the east and Pointe West Mobile Home Park is adjacent to the west. The site is located in Wabash 11 (NW) 23-5, in the newly annexed part of West Lafayette.

STAFF COMMENTS:

Staff's main concern with this request was the intensity of the requested zone, General Business, and its proximity to residences. Shortly after the staff report was sent out last month, recommending denial, petitioner continued the case so that a commitment could be added to the rezone request. This commitment (see attached) would exclude some of the uses that are normally permitted in GB in an effort to eliminate any potential incompatibilities between this commercial development and adjacent residences. Some of the excluded uses are agricultural production - livestock, boarding kennels, warehousing, automobile dealers and adult entertainment venues. Some types of uses, such as manufacturing and equipment rental are limited to a maximum first floor area of 5,000 square feet with no outdoor operation or storage of materials by footnote 10 in the Permitted Use Table (UZO 3-2). Wholesale trade operations would be subject to footnote 12 which states "permitted in...GB zones only on lots up to 2 acres in area."

As stated in the original staff report, staff believes that commercial zoning is appropriate for this area and with these additional restrictions staff can support this request.

STAFF RECOMMENDATION:

Commitment: Approval

Rezone: Approval

RECEIVED

NOV 21 2014

THE AREA PLAN COMM.
OF TIPPECANOE CO.

Key Number: 134-06800-0044

State Identification Number: 79-06-11-126-002.000-029

COMMITMENT

Commitment made on the 20th day of November, 2014, by F. Lynn Cason, Jr., as Trustee of the F. Lynn Cason, Jr. Marital Trust under trust agreement dated July 29, 1992 (the "Petitioner") pursuant to Indiana Code Section 36-7-4-1015.

1. Petitioner makes this commitment with the knowledge and consent of Lake County Trust Company, as Trustee under Trust No. 64 who is the owner (the "Owner") of certain real estate (the "Real Estate") located in Tippecanoe County, Indiana, commonly known as a thirty (30) acre tract of land situated north of Cumberland Avenue between McCormick Road and Klondike Road, in the City of West Lafayette, and more particularly described on Exhibit A which is attached hereto and incorporated by reference herein.

2. Petitioner has filed a request (with the consent of the Owner) with the Area Plan Commission of Tippecanoe County, Indiana (the "APC"), to rezone the Real Estate from R3 to GB which request is pending before the APC as case no. Z-2592.

3. Petitioner hereby agrees and makes the following commitment in connection with the rezoning request in case no. Z-2592:

The following list of uses shall be excluded from the uses otherwise allowed by the Permitted Use Table of the Unified Zoning Ordinance of Tippecanoe County, Indiana for a GB classification:

SIC GROUP EXCLUDED PRIMARY USES

- 02 Agriculture production – livestock
- 0752 Boarding kennels, animal shelters, and Boarding, and/or training horses
- 42 Motor freight transportation and warehousing
- 4953 Refuse systems, recycling collection facilities, processing facilities
- 55 Auto dealers, but allow SIC 553/554 auto supply/gas station
- 5942 "Adult bookstores," but allow 5942 Bookstores
- 7832 Adult motion picture theatres only

7833	Drive-in motion picture theatres, adult drive-in motion picture theatres
7993	Adult arcade
7999	Adult live entertainment arcade/adult cabaret
0741	Veterinary services for livestock
15	Building construction – general contractors etc... (subject to footnote 8)
All 20s, 200s, 2000s	Manufacturing, except “Winery” as defined in the UZO (subject to footnote 10)
31, 326, 387, 39	Manufacturing (various types & products) (subject to footnote 10)
4952	Sewerage systems
4953	Refuse systems
5083	Farm machinery and equipment (sales & service)
51	Wholesale trade (subject to footnote 12)
512	Drugs etc... (wholesale only)
521	Lumber & other building materials dealers
7299	“Massage establishments (parlors)”
Below 7312	“Outdoor Advertising Signs” (billboards)
735	Miscellaneous equipment renting & leasing (subject to footnote 10)
7699	Farm machinery and equipment service & repair
8744	Adult correctional facilities...privately operated
9223	Correctional institutions (public)

4. Petitioner understands and agrees that this commitment is given to the APC and the City of West Lafayette, Indiana (the “Legislative Body”) as an inducement for the recommendation for and approval of the rezoning request in case no. Z-2592. Petitioner further understands and agrees that the approval of the rezoning request in case no. Z-2592 by the Legislative Body constitutes good and valuable consideration for the giving of this commitment.

5. This commitment shall be a covenant running with the Real Estate and binding and enforceable against Petitioner, any subsequent owner, or any other person who acquires any interest in the Real Estate. Any change or modification of this commitment shall only be made with the approval of the APC at a public hearing in accordance with all rules and regulations of the APC.

6. Petitioner agrees that each of the following shall each be a “specially affected person” under Indiana Code Section 36-7-4-1015(d)(3) who shall each independently be entitled to bring an action to enforce the terms and conditions of this commitment in the Circuit or Superior Courts of Tippecanoe County, Indiana:

- a. the APC,
- b. the Area Board of Zoning Appeals of Tippecanoe County, Indiana,
- c. the appropriate Administrative Officer designated in the Unified Zoning Ordinance for Tippecanoe County, Indiana,
- d. the City of West Lafayette, Indiana