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**Z-2193  
RMD PROPERTIES  
HILLTOP PLANNED DEVELOPMENT  
NB TO PDNR**

**ADDENDUM  
9 September 2004**

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**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioner, RMD Properties LLC by Bob Dahnke, is seeking to rezone 2 acres from NB to PDNR for a 1 lot commercial development with the initial purpose of housing two businesses not allowed in the NB zone: Dahnke Overhead Doors and Dahnke Building Services Inc. Future uses will include only those permitted in the NB district with the exception of a gasoline service station. The site is located on Sagamore Parkway West, west of Soldiers Home Road, on a portion of the former University Motors site in West Lafayette, Wabash 7(NE) 23-4.

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

In last month's staff report utilities shown along the north property line were misidentified by staff as being located within an existing 20' drainage and utility easement on petitioner's site. Since that time water and sewer lines generally shown on the site plan have been more accurately located within a drainage and utility easement in the rear of the residential lots north of petitioner's property line. The 20' drainage and utility easement shown on petitioner's site plan is proposed and is meant to encompass the required 20' type C bufferyard along the north line of the planned development.

In the most recent proposal the site plan shows a 20' buffer yard that would be planted along the entire north property line with the exception of an area 70' x 10' near the northeast corner of the site where petitioner proposes to construct a 70' x 30' accessory building to house materials and equipment. In an effort to address city, staff and neighborhood concerns about outdoor storage, the accessory building would make it possible to store all materials and equipment indoors and satisfy the condition that there be no outdoor storage. The current narrative included with the proposal makes the owner of the commercial lot responsible for re-installation of any plant material removed or damaged during future utility repair, petitioner has also agreed to the following new conditions: upon the sale of the contracting business or property, petitioner will remove the 70' x 30' accessory building; record a full 20' width drainage and utility easement across the entire width of the lot's north end; and complete the installation of a full 20' type C bufferyard in said easement. During a follow-up discussion with petitioner's attorney staff asked that the narrative also state that should the contracting business simply cease to operate it would also trigger the removal of the accessory building.

Also in the new narrative, the only vehicles allowed behind the building to the north will be titled vehicles for the owner and employees, including utility trucks, pick-up trucks

and other similar vehicles not to exceed two (2) tons in capacity. The side yard shall be limited to employee and owner vehicles. The fencing will have screening slats installed to diminish the view inside the fenced area.

**STAFF COMMENTS:**

As a side bar it should be noted that the rezoning request file has several letters from neighbors as well as two petitions, one in favor of the project and one against. Petition signatures have been gathered over several months and various iterations of the plan. In at least one case a person has signed both petitions at different times because he were looking at two versions of the proposal. At this time it is uncertain how much value to place in either petition because one included inaccurate information and the other was circulated at a time when the plan was different than what is currently before the commission. As a result staff will read only those letters and petitions presented to us after the submittal of the most recent plan proposal.

Staff is able to support the renovation plan and reuse of vacant commercial property on the strength of petitioner's consent to the conditions related to no outdoor storage, removal of the temporary accessory building and commitment to landscaping. In its present form the proposal allows the site to be used without rezoning property to GB and the plan would provide for a smooth transition from the two initial uses to only those permitted in NB, protecting adjacent residents and the future of this site.

**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 containing a final plat;
5. Plant schedule approved by the West Lafayette Greenspace Administrator;
6. Landscape plan on sheet 2 to show the addition of the accessory building in the initial plan;
7. Narrative should state that removal of the accessory building is triggered by sale of business or property and if the business should cease to operate;
8. Narrative about signage should clarify that using the alternative monument sign would also trigger the removal of the existing pole sign;
9. Narrative about hours of operation should state that the restriction of 7:00 am to 7:00 pm applies only to the initial overhead door and contracting businesses. Subsequent NB zone permitted uses would operate under normal business hours.