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

**ADDENDUM ADDRESSING FINAL CHANGES
15 September 2004**

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REQUEST MADE, PROPOSED USE:

Petitioner, RMD Properties LLC by Bob Dahnke, is seeking to rezone 2 acres from NB to PDNR for a 1 lot commercial development. In a set of additional plan revisions submitted to staff last Thursday, petitioner proposes to change the following:

- Remove screening slats in existing chain link fence in lieu of landscaping shown in original plan and because outdoor storage of materials and equipment will not be allowed.
- Move accessory building 5' south of its original location to create 15' instead of the proposed 10' between north property line and rear of accessory building in order to provide additional room should sewer line repair be necessary in the future.
- Delete requirement to remove accessory building making it optional should property or business be sold or business close.
- Add statement to narrative that guarantees the freestanding pole sign will be removed if the option of installing a new monument sign is used.
- Change hours of operation to 6:00 am – 6:00 pm instead of 7:00 am – 7:00 pm for contracting business only.

STAFF COMMENTS:

Since issuing our addendum, dated 9 September 2004, APC staff received the additional revisions, noted above, following a separate meeting between petitioner's counsel and city staff. Of the changes listed staff can acquiesce to all with the exception of deleting an agreement to remove the temporary use accessory building upon the sale or close of the contracting business and/or the transfer of this property.

First, it is staff's opinion that changes of the nature included in the list above must be negotiated with all parties present. Meeting separately and "tweaking" a plan may be expeditious so close to the public hearing but it derails the negotiating process and places APC and city staffs in an awkward position of not being able to consult on all the issues when we seemingly agree to new proposals.

Second, staff finds that there is too little information about the accessory building to permit the flexibility of making it a permanent structure. Decisions about future use, design, materials and aesthetics are normally determined at this stage of the process. Without that level of detail there is little information for the City Council to evaluate at the

time of their rezoning vote, too few standards for APC staff to measure subsequent Final Detailed Plans by in our review for compliance and nothing for the Administrative Officer to enforce.

At the heart of this PD request, staff still supports the renovation plan and reuse of vacant commercial property and a smooth transition to NB zone permitted uses. But until that time the fact still remains that petitioner's businesses are land uses not allowed in an NB zoning district. Negotiating the standards of this planned development means that every effort is made to assure the initial GB allowed uses are palatable to adjacent neighbors by insisting on no outdoor storage of material & equipment; installation of landscaping, bufferyard, adequate parking and lighting; removal of the temporary use accessory building and limiting hours of operation. It is staff's opinion that in order for petitioner's landuse to be compatible with surrounding uses, these elements are essential. Our decision to accept the addition of the accessory building when first suggested was based on two points: the need for petitioner to comply with the requirement to eliminate any outdoor storage for the initial contracting business, and petitioner's original proposal that the accessory building remain only as long as his contracting business used it. Therefore, the condition to remove the accessory building stated in staff's addendum issued 9 September remains unchanged.

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 5 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;