

**ORDINANCE NO. 27-21**  
**TO AMEND CERTAIN PORTIONS OF THE UNIFIED**  
**ZONING ORDINANCE OF TIPPECANOE COUNTY, INDIANA,**  
**DESIGNATING THE TIME WHEN THE SAME SHALL TAKE EFFECT.**

**BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, THAT ORDINANCE NO. 32-97 IS HEREBY AMENDED AS FOLLOWS:**

**Section 1:** Ordinance No. 32-97 of the City of West Lafayette, Indiana, is hereby amended to rezone the following described real estate, to wit:

**See Attached Legal Description**

**Section 2:** Said real estate is hereby rezoned as follows:

FROM: PDNR district } to complete an amendment to the  
TO: PDNR district } previously approved narrative

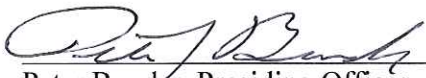
**Section 3:** This ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

INTRODUCED ON FIRST READING ON THE 4 DAY OF October, 2021.

MOTION TO ADOPT MADE BY COUNCILOR DeBoer, AND SECONDED BY COUNCILOR Thomas.

DULY ORDAINED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, ON THE 4 DAY OF October, 2021, HAVING BEEN PASSED BY A VOTE OF 9 IN FAVOR AND 0 OPPOSED, THE ROLL CALL VOTE BEING:

	AYE	NAY	ABSENT	ABSTAIN
Blanco	✓			
Brown	✓			
Bunder	✓			
DeBoer	✓			
Kang	✓			
Leverenz	✓			
Parker	✓			
Sanders	✓			
Thomas	✓			

  
Peter Bunder, Presiding Officer

Attest:

Sana G. Booker  
Sana G. Booker, Clerk



PRESENTED BY ME TO THE MAYOR OF THE CITY OF WEST LAFAYETTE, INDIANA ON  
THE 6 DAY OF October, 2021.

Sana G. Booker  
Sana G. Booker, Clerk

THIS ORDINANCE APPROVED AND SIGNED BY ME ON THE 6 DAY OF  
October, 2021.

[Signature]  
John R. Dennis, Mayor

Attest:

Sana G. Booker  
Sana G. Booker, Clerk



**Ordinance No. 27-21 EXHIBIT A**

Parcel ID: 79-07-07-176-011.000-026 / 79-07-07-176-012.000-026

Property Address: 1016-1020 Sagamore Pkwy. W., W. Lafayette, IN 47906

Legal Description: Sagamore Park Centre PD II Lot 1 and Lot 2 (.799 acres)

Acres: 14.82

Reference to PD Legal Description

The land described in the legal description above is also called Sagamore Park Centre Planned Development II, and is also as identified as Zoning Case Z2049 in the files of the Area Plan Commission of Tippecanoe County. The original final detail plans encompassed were recorded on November 10, 2010 as Instrument #201616020996 (Book/Page 11-444) and as amended by a minor modification to the final detail plan is recorded on November 3, 2017 in the Office of the Tippecanoe County Recorder as Instrument #201717021520.

This Petition involves amending the existing narrative Table of Uses of uses to permit uses omitted from the previous existing narrative approved in PD described above.



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Area Plan Commission of Tippecanoe County, Indiana

September 16, 2021  
Ref. No: 2021-206

West Lafayette City Council  
222 N. Chauncey Ave.  
West Lafayette, IN 47906

**CERTIFICATION**

**RE: Z-2838 BRIXMOR PROPERTY GROUP (SAGAMORE PARK CENTRE PD) (PDNR to PDNR):**

Petitioner is requesting rezoning for an existing commercial planned development to expand the permitted uses. The two-lot planned development currently contains an expanded Payless store, a gas station, and a variety of commercial businesses. The subject property is bounded by Sagamore Parkway and Salisbury Street, West Lafayette, Wabash 7 (NW) 23-4.

Dear Council Members:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on September 15, 2021, the Area Plan Commission of Tippecanoe County voted 17 yes – 0 no to APPROVE the motion to rezone the subject real estate from PDNR to PDNR. Therefore, the Area Plan Commission of Tippecanoe County recommends to the West Lafayette City Council that the proposed rezoning ordinance be APPROVED for the property described in the attachment, contingent on meeting all requirements of UZO 2-28-10 for submission of Final Detailed Plans, signed off by those noted in that section to include:

1. All sheets that make up the approved Preliminary Plan which include the new permitted use table and reference to the originally recorded Final Detailed Plans from the 2016 rezone, as amended by minor modification.

Public Notice has been given that this petition will be heard before the West Lafayette City Council at its October 4, 2021 regular meeting.

Sincerely,

David Hittle  
Executive Director

DH/ksl

Enclosures: Planned Development drawings and Ordinances

cc: Lauren Robinson, Brixmor Property Group  
Joseph Bumbleburg, Ball, Eggleston, PC  
Chad Spitznagle, West Lafayette City Engineer's Office



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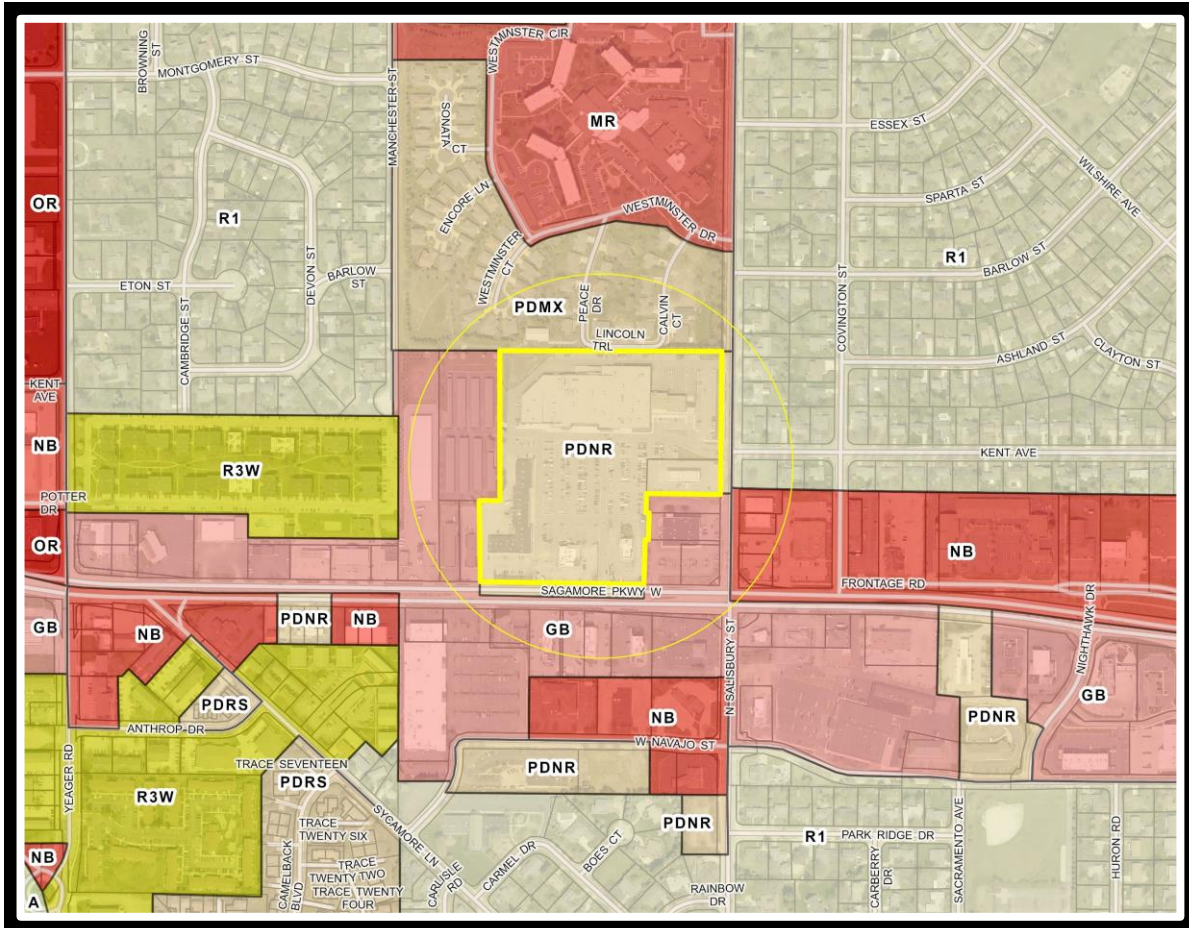
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**Z-2838**  
**BRIXMOR PROPERTY GROUP**  
**(SAGAMORE PARK CENTRE PD)**  
**(PDNR to PDNR)**

**STAFF REPORT**  
**September 9, 2021**

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## EXHIBIT A

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EXHIBIT 1

<u>SIC GROUP</u>	<u>EXCLUDED PRIMARY USES</u>
	Commercial Greenhouses
0741	Veterinary services for livestock
078	Landscape and horticultural services (spraying services) ([sic] 0781 Landscape consulting and planning is permitted)
085	Forestry services (sawmill)
2084	Bottling for wholesale distribution at a Winery
27	Wholesale printing ([sic 2732] is a permitted primary use
39	Miscellaneous manufacturing industries - allowed only with a Special Exception
4121	Taxicabs
42	Motor freight transportation and warehousing
4225	Miniwarehouse and self-storage warehousing - larger than 10,000 square feet Recycling processing facilities
50	Wholesale trade - durable goods
5047	Wholesale Medical, Dental, and Hospital Equipment and Supplies
5083	Farm machinery and equipment (Sales permitted. Service not permitted). No outdoor storage.
51	Wholesale trade - nondurable goods
512	Wholesale Drugs, Drug Proprietaries, and Druggists' Sundries
521	Lumber and other building materials dealers (Sales permitted.) No outdoor storage
527	Mobile home dealers
55	Automotive dealers (554 Gasoline Service Stations are allowed)
554	Card lock systems for commercial fleets are an excluded use but Gasoline Service Stations are allowed
701	Hotels and Motels
704	Organizational hotels and lodging houses, on membership basis



- 751 Automotive rental and leasing, without drivers (Passenger car rental is permitted. Rental of trucks, utility trailers, or RVs are not permitted)
- 753 Automotive repair shops
- 7699 Farm machinery and - equipment service and repair  
Adult motion picture theaters and adult mini motion picture theaters, except drive-ins
- 7833 Drive-in motion picture theaters and adult drive-in motion picture theaters
- 7941 Professional sports clubs and promoters  
Agricultural Rental Hall
- 7993 Adult motion picture arcade  
Adult live entertainment arcade  
Adult cabaret

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Z-2838  
**BRIXMOR PROPERTY GROUP**  
**SAGAMORE PARK CENTRE PLANNED DEVELOPMENT**  
**PDNR to PDNR**

**Staff Report**  
**September 9, 2021**

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

Petitioner, represented by attorney Joe Bumbleburg, is requesting rezoning for an existing commercial planned development to expand the permitted uses. The two-lot planned development currently contains an expanded Payless store, a gas station, and a variety of commercial businesses. The subject property is bounded by Sagamore Parkway and Salisbury Street, West Lafayette, Wabash 7 (NW) 23-4.

**ZONING HISTORY AND AREA ZONING PATTERNS:**

The Sagamore Park Centre has a long zoning history. Prior to 1977, the site was zoned General Business (GB). Soon after Z-822 established PDC zoning creating Sagamore Park Centre, the first planned development to be approved after the PD chapter was added to the old UZO. Twelve years later the site was rezoned (under Z-1396) to PDC again, followed by a reclassification to PDNR with the coming of NUZO. In 2001, the property was rezoned again to PDNR (under Z-2049) to allow for an expansion of development and to modify the signage package. Finally, in 2016, the site was rezoned again (Z-2648), to allow for the expansion of the Payless store and other site modifications. Commercial zoning dominates along Sagamore Parkway.

**AREA LAND USE PATTERNS:**

Commercial land uses line either side of Sagamore Parkway with residential and retirement home uses found to the north and northeast. Sagamore Parkway has long been a major local and regional commercial corridor for the community.

**TRAFFIC AND TRANSPORTATION:**

Sagamore Parkway, which remains under INDOT jurisdiction, is designated as a divided primary arterial and Salisbury Street is designated as a primary arterial according to the adopted *Thoroughfare Plan*. Relative to this petition, there are no site plan changes to what was most recently approved under Z-2648.

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

Public utilities are available to serve the site.

**STAFF COMMENTS:**

This latest rezone petition on the Sagamore Park Centre is being dubbed a “change in use” Planned Development by staff. The purpose of this petition is to expand commercial uses in the center that were not originally thought of in the 2016 rezone petition. This effort was originally driven by a veterinarian use seeking to move to the site, but was unable to given that the “veterinarian use” was not included in the 2016 PD’s list of permitted uses. Planned Developments, per the UZO, cannot add uses that are not specifically called out in the

project's narrative without a rezone action. Working with staff, the petitioner has created with this petition a list of commercial uses that will fit in with the existing site plan without the need for any changes to the existing parking. As there are no site changes with this petition, the planned development will continue to be governed by the site plan approved with the 2016 rezone.

Staff supports this effort to expand the permitted uses available to Sagamore Park Centre and believes this added flexibility will serve both the owner and the city.

**STAFF RECOMMENDATION:**

Approval, contingent on meeting all requirements of UZO 2-28-10 (as determined by staff) and the following for submission of Final Detailed Plans, signed off by those noted in that section to include:

1. All sheets that make up the approved Preliminary Plan which include the new permitted use table and reference to the originally recorded Final Detailed Plans from the 2016 rezone, as amended by minor modification;