

ORDINANCE NO. 13-17

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 Exhibit A

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

FROM: NB District
TO: GB District

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 5 DAY OF June, 2017.

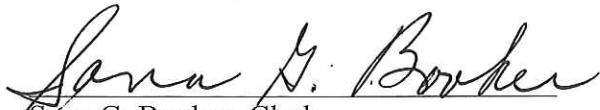
MOTION TO ADOPT MADE BY COUNCILOR DeBoer, AND SECONDED BY COUNCILOR Thomas.

DULY ORDAINED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, ON THE 5 DAY OF June, 2017, HAVING BEEN PASSED BY A VOTE OF 6 IN FAVOR AND 0 OPPOSED, THE ROLL CALL VOTE BEING:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
DeBoer	✓			
Dietrich			✓	
Jha	✓			
Keen			✓	
Leverenz	✓			
Sanders			✓	
Thomas	✓			
Wang	✓			


Peter Bunder, Presiding Officer


Attest:


Sana G. Booker, Clerk

PRESENTED BY ME TO THE MAYOR OF THE CITY OF WEST LAFAYETTE, INDIANA ON
THE 6 DAY OF June, 2017.


Sana G. Booker, Clerk

THIS ORDINANCE APPROVED AND SIGNED BY ME ON THE 7 DAY OF
June, 2017.


John R. Dennis, Mayor

Attest:


Sana G. Booker, Clerk

Ordinance No. 13-17

Exhibit A

LEGAL DESCRIPTION

Lots One (1), Seven (7) and Eight (8) in Nancy's Village Part Five recorded December 21, 1970 in Plat Cabinet 12, Page 41 as Document Number 7590 in the Office of the Recorder of Tippecanoe County. Located in Wabash Township, Tippecanoe County, Indiana.

ALSO:

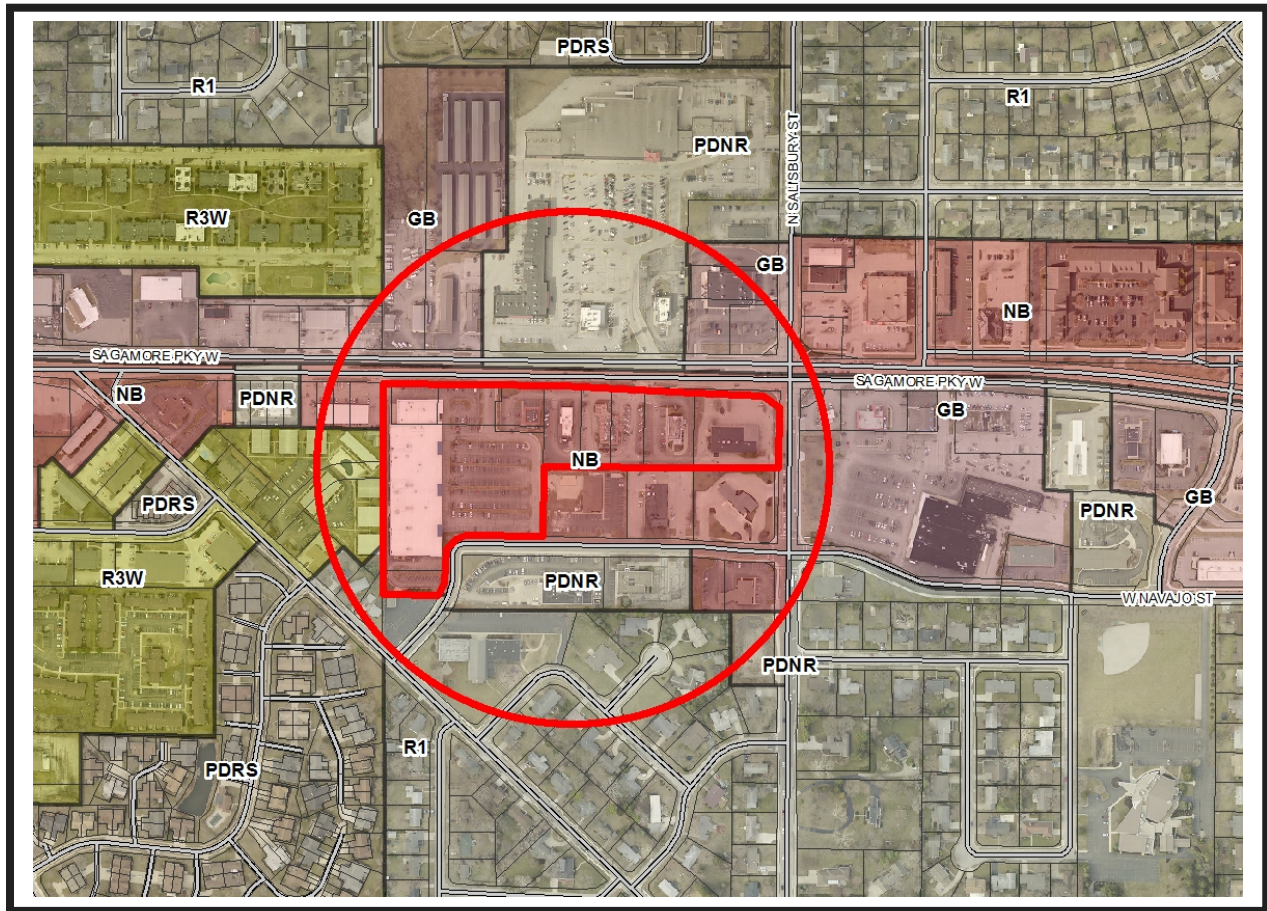
Lots 9-A and 9-B in Replat of Lot 9 in Nancy's Village Part Six recorded May 28, 1986 in Slide C- 132 as Document Number 8606225 in the Office of the Recorder of Tippecanoe County. Located in Wabash Township, Tippecanoe County, Indiana.

ALSO:

Lots Ten (10), Eleven (11), Twelve (12) and Thirteen (13) in Nancy's Village Part Six (6) recorded January 7, 1971 in Plat Cabinet 12, Page 42 as Document Number 121 in the Office of the Recorder of Tippecanoe County. Located in Wabash Township, Tippecanoe County, Indiana.

Z-2690
ED-AN PROPERTIES, INC.
(NB to GB)

STAFF REPORT
May 11, 2017



Z-2690
ED-AN PROPERTIES, LLC
NB to GB
WITH COMMITMENT

Staff Report
May 11, 2017

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, who is also the owner and represented by Andrew Gutwein of Gutwein Law, is requesting an NB to GB rezone of approximately 9.62 acres at the southwest corner of Sagamore Parkway West and North Salisbury Street, extending southwest to West Navajo Street. A commitment to restrict certain permitted uses has also been submitted for approval. The land, consisting of several older platted lots, is commonly known as 601, 609, 613, 701, 705 and 907-951 Sagamore Parkway West, West Lafayette, Wabash 7(SW) 23-4.

ZONING HISTORY AND AREA ZONING PATTERNS:

The zoning pattern for this area of West Lafayette has remained mostly unchanged based on the oldest zoning maps available. Historic maps from 1963, 1965 and 1971 all show this property zoned LB, Local Business. In 1998, a new zoning ordinance was adopted (NUZO) and this property became zoned NB, Neighborhood Business. Following this change, an overall rezone for West Lafayette was adopted (Z-1996) to utilize newly available zoning districts and the NB zoning for this property was maintained.

AREA LAND USE PATTERNS:

The site contains a vacant drug store at the corner, three fast-food restaurants with drive-thru service, two restaurants without drive-thru service, a paint store, a beauty store and an urgent care center. A bank, post office and license branch are adjacent to the south. North across Sagamore is a shopping center anchored by a grocery store.

TRAFFIC AND TRANSPORTATION:

The land in this rezone has three entrances off of Sagamore and one entrance on Salisbury. Salisbury was recently reconstructed and a median is in place preventing left hand turns onto the property. Additionally, an access point from Navajo Street is located at the southwest corner of the site.

Traffic counts taken in 2013 indicate that 26,400 vehicles pass this site daily on Sagamore. Counts taken in 2008 indicate that 10,693 vehicles pass daily on North Salisbury Street.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

Sewer and water serve the site. If this rezone is approved, no bufferyard would be required.

STAFF COMMENTS:

Last year, city and APC staff were contacted by the owners of the McDonald's restaurant located on site about a complete 'scrape and rebuild' of their store located at 613 Sagamore West. It was noted that the restaurant and surrounding land was zoned NB and that drive-thru restaurants were not a permitted use. In fact, there were two adjacent restaurants with drive-thru windows that were also nonconforming uses. With guidance from the city, this rezone was filed for all of the owner's adjacent land holdings from NB to GB to make these drive-thru restaurants conforming. The other uses in this rezone (urgent care, restaurants without drive-thru service and a vacant drug store, etc.) would be unaffected by this rezone.

The proposed rebuild of the McDonald's would add a second drive-thru lane. Variance requests have been filed for the May 2017 BZA meeting which, if approved, would allow a reduction of the required parking as well as allow some parking within the 5' no-parking setback.

In staff's opinion, in all of West Lafayette, this is the most suitable location for drive-thru restaurants. While there are sidewalks and controlled pedestrian crossings, this area of the community is auto-centric in design rather than pedestrian-oriented as is the Village. The Sagamore Parkway corridor is the most commercially concentrated area in the city with a number of uses that are appropriate to the entire community, not just nearby residents. The NB zoning district is intended for areas adjacent to neighborhoods where smaller scale commercial activity is appropriate and the GB zone includes virtually all commercial activity including retailing, services, contracting and some wholesaling. While not every use permitted in the GB zone would be appropriate here, a commitment has been submitted restricting uses.

The commitment filed in conjunction with this rezone would restrict the allowable uses in the GB zone. Some of the uses that would be prohibited are car sales, motor freight transportation and warehousing, adult entertainment venues and automotive repair shops. This list of exclusions would permit commercial uses consistent with this area of West Lafayette. Because of the commitment's prohibition on inappropriate uses, staff can support GB zoning for this busy commercial corridor.

STAFF RECOMMENDATION:

REZONE:

APPROVAL

COMMITMENT:

APPROVAL

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

May 18, 2017
Ref. No.: 17-163

West Lafayette Common Council
222 North Chauncey, Room 101
West Lafayette, IN 47906

CERTIFICATION

RE: **Z-2690--ED-AN PROPERTIES, INC. (NB to GB):**

Petitioner is requesting rezoning of approximately 9.62 acres located at the southwest corner of Sagamore Parkway West and Salisbury Street, extending southwest to W. Navajo Street, in West Lafayette, Wabash 7 (SW) 23-4. WITH COMMITMENT

Dear Council:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on May 17, 2017 the Area Plan Commission of Tippecanoe County voted 13 yes - 0 no to accept the proposed commitment and 13 yes - 0 no on the motion to rezone the subject real estate from NB to GB. Therefore, the Area Plan Commission of Tippecanoe County recommends to the West Lafayette Common Council that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the West Lafayette Common Council at its June 5, 2017 regular meeting. Petitioners or their representatives must appear to present their case.

If the West Lafayette Council approves the rezoning with commitment, APC staff will ensure that the approved commitment is recorded and an original recorded commitment sent to West Lafayette Clerk.

Sincerely,



Sallie Dell Fahey
Executive Director

SDF/lmu

Enclosures: Staff Report & Ordinances

cc: Edward Boes, ED-AN Properties
Ed Garrison, West Lafayette City Engineer
Gutwein Law
Gary Bowser, INDOT