

ORDINANCE NO. 22-16

**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: R1
TO: GB

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 1 DAY OF August, 2016.

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

DULY ORDAINED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, ON THE 1 DAY OF August, 2016, HAVING BEEN PASSED BY A VOTE OF 7 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

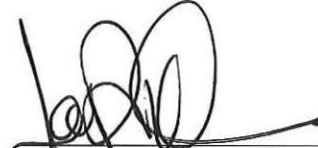
Attest:


Sana G. Booker, Clerk

PRESENTED BY ME TO THE MAYOR OF THE CITY OF WEST LAFAYETTE, INDIANA ON
THE 2 DAY OF August, 2016.


Sana G. Booker, Clerk

THIS ORDINANCE APPROVED AND SIGNED BY ME ON THE 4 DAY OF
August, 2016.


John R. Dennis, Mayor

Attest:


Sana G. Booker, Clerk

ORDINANCE NO. 22-16 LEGAL DESCRIPTION

A TRACT OF LAND WHICH IS A PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 23 NORTH, RANGE 4 WEST, WABASH TOWNSHIP, TIPPECANOE COUNTY, INDIANA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 7; THENCE NORTH 0 DEGREES 57 MINUTES EAST ON AND ALONG THE CENTERLINE OF COUNTY FARM ROAD (ALSO KNOWN AS SALISBURY STREET) A DISTANCE OF 923.02 FEET TO A POINT WHICH IS AN EXISTING STEEL PIN; THENCE NORTH 89 DEGREES 23 MINUTES WEST A DISTANCE OF 1085.5 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 0 DEGREES 18 MINUTES WEST A DISTANCE OF 555.03 FEET; THENCE NORTH 88 DEGREES 49 MINUTES WEST A DISTANCE OF 150.02 FEET TO AN EXISTING IRON PIN; THENCE NORTH 0 DEGREES 18 MINUTES EAST A DISTANCE OF 553.55 FEET TO AN EXISTING IRON PIPE; THENCE SOUTH 89 DEGREES 23 MINUTES A DISTANCE OF 150 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 1.91 ACRES, MORE OR LESS.

THIS DESCRIPTION DESCRIBES THE PROPERTY AS DESCRIBED IN THE TITLE COMMITMENT IDENTIFIED AS FIDELITY NATIONAL TITLE INSURANCE COMPANY COMMITMENT FILE NO. 1502187, DATED FEBRUARY 23, 2015.

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

July 21, 2016
Ref. No.: 16-170

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

CERTIFICATION

RE: **Z-2659--STARR ASSOCIATES, LLC (R1 to GB):**

Petitioner is requesting rezoning of 1.91 acres, located north of Sagamore Parkway and south of Westminster Village, more specifically 1090 Sagamore Parkway West in West Lafayette, Wabash 7 (NW) 23 -4.

Dear Council:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on July 20, 2016 the Area Plan Commission of Tippecanoe County voted 12 yes - 0 no on the motion to rezone the subject real estate from R1 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 August 1, 2106 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,


Sallie Dell Fahey
Executive Director

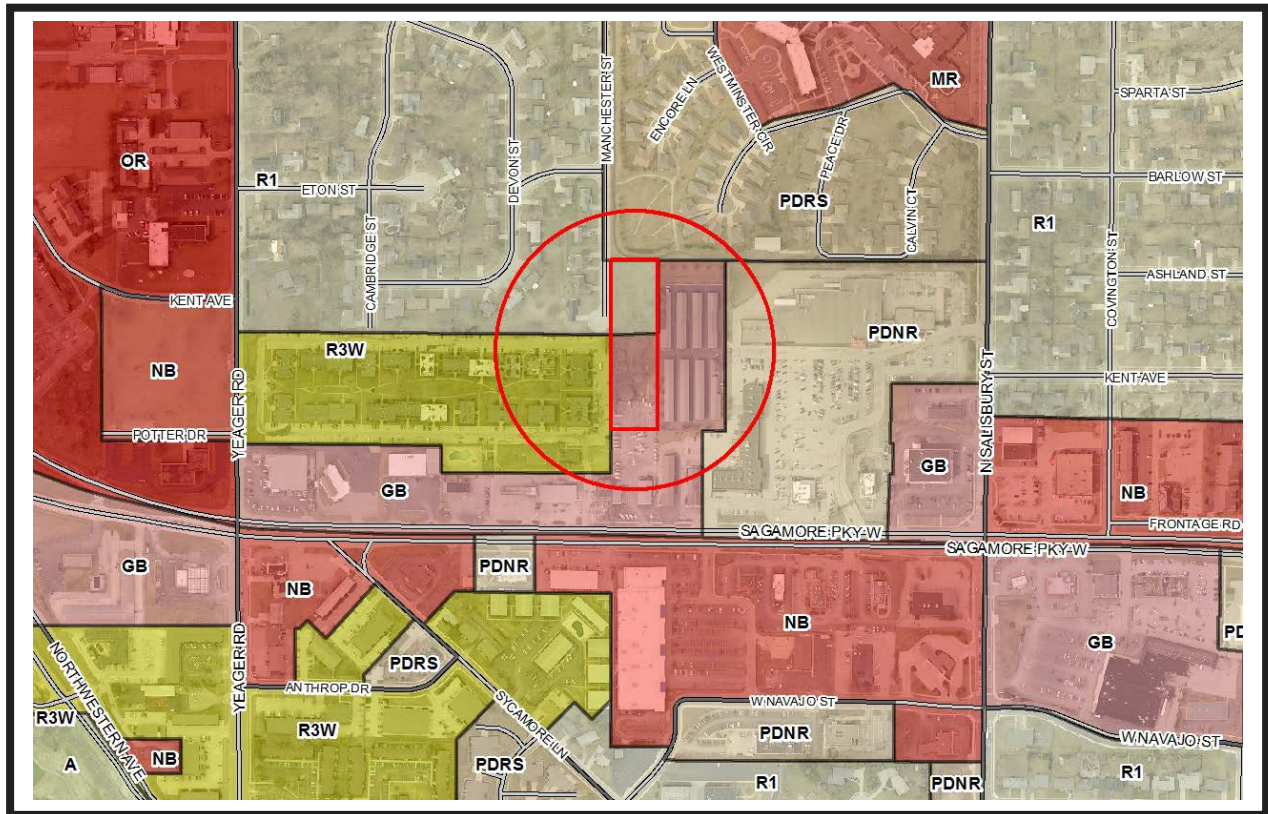
SDF/lmu

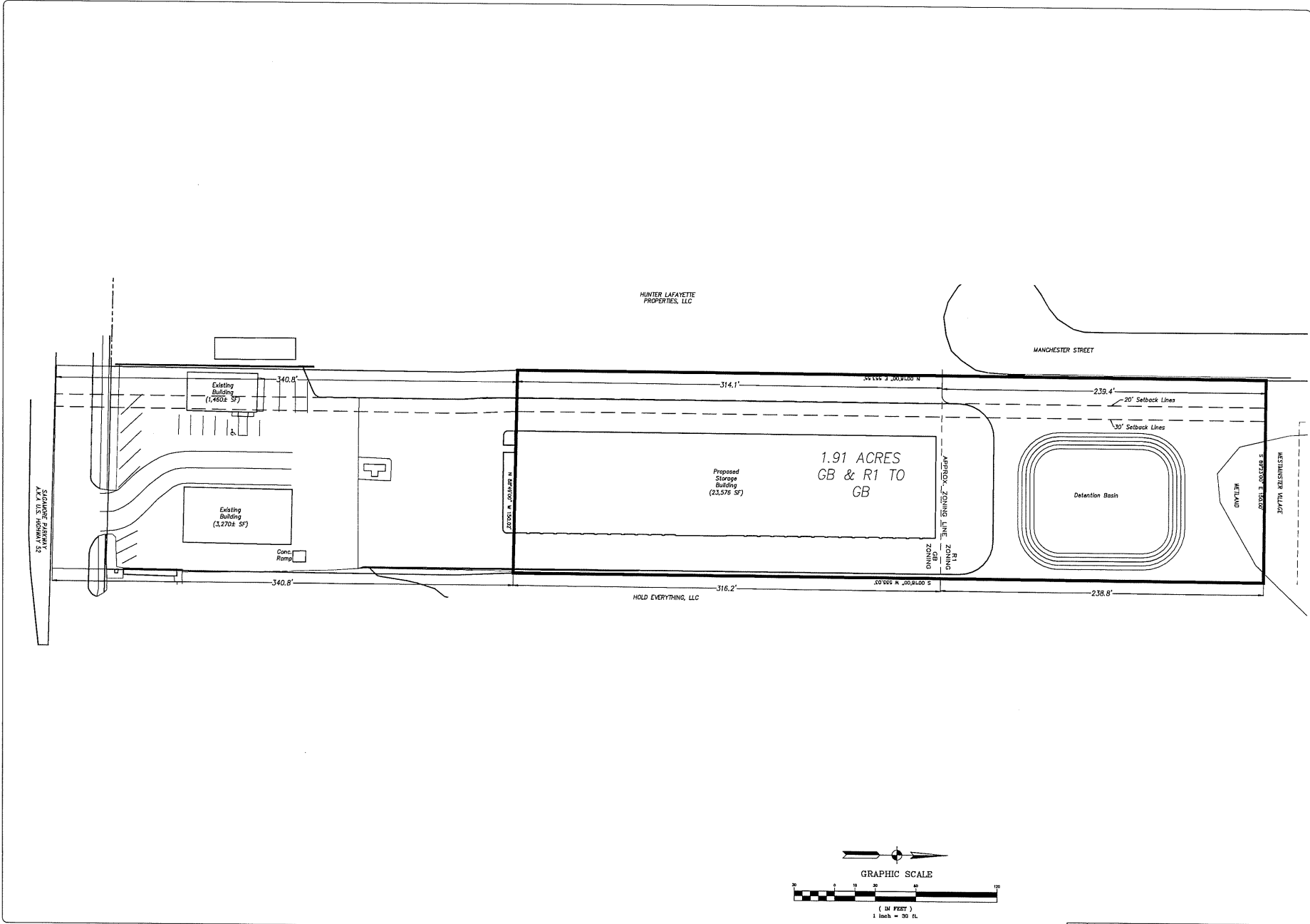
Enclosures: Staff Report & Ordinances

cc: Amerco Real Estate
Starr & Associates
Dave Buck, West Lafayette City Engineer

Z-2659
STARR ASSOCIATES, LLC
(R1 & GB to GB)

STAFF REPORT
July 14, 2016





HUNTER LAFAYETTE
 PROPERTIES, LLC

MANCHESTER STREET

HOLD EVERYTHING, LLC

1.91 ACRES
 GB & R1 TO
 GB

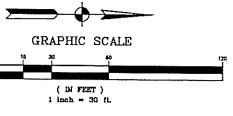
Detention Basin

Existing Building
 (1,460± SF)

Existing Building
 (1,270± SF)

Conc.
 Ramp

Proposed
 Storage
 Building
 (23,576 SF)



Z-2659
STARR ASSOCIATES, LLC
R1 & GB to GB

Staff Report
July 14, 2016

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, with consent of the owner Amerco Real Estate Company, is requesting rezoning of 1.91 acres, located north of Sagamore Parkway and south of Westminster Village, in order to expand the existing U-Haul business by adding a self-storage building at 1090 Sagamore Parkway West, West Lafayette, Wabash 7 (NW) 23-4.

ZONING HISTORY AND AREA ZONING PATTERNS:

This U-Haul property is mostly zoned GB; the northern third of its landholdings is R1 and the subject of this request. This R1/GB zoning line is a remnant of an old zoning pattern. Our oldest West Lafayette zoning maps dating to the 1960's show this zoning boundary extended west to Yeager and east to Salisbury with GB zoning to the south to Sagamore Parkway and R1 zoning north to Cumberland.

Apartment buildings were constructed southwest of the rezone site in the 1980's when the GB zone permitted that use. Many years later under NUZO this became zoned R3W. R1 zoning still exists adjacent to the west; the PDRS zoning of Westminster Village is to the north. The extension of the GB zoning along the east side of this property was approved in 1992 for a proposed "home improvement store" which was never developed (Z-1510). PDNR zoning associated with Sagamore Park Centre is farther to the east.

AREA LAND USE PATTERNS:

According to the Auditor's records, the entire U-Haul site is 2.94 acres in area; the acreage described in this rezone request, 1.91 acres includes both the R1-zoned area and a portion of the GB-zoned area. The R1-zoned segment alone is slightly smaller than one acre in size. There are two buildings near the Sagamore Parkway frontage with rental vehicles parked in front and behind these buildings. The R1 area has no buildings and has not been used as parking for the business.

Along Sagamore to the east of the U-Haul business is the Trader Horn boot center and a Subway sandwich shop; to the west is Hunter's Pub and a tire store.

The R1-zoned area has the U-Haul vehicle storage to the south, a mini-storage warehouse business to the east, a park-like area within Westminster Village to the north, and Manchester Street, a residential neighborhood cul-de-sac adjacent to the west with three houses on the west side of the street.

TRAFFIC AND TRANSPORTATION:

Though the site abuts Manchester Street, it is not likely that the city would ever issue a commercial drive permit as it is a local residential street. Also the site plan petitioner submitted to staff would indicate there are no future plans for a new access point and the business would continue to use the single access on Sagamore.

The UZO requires all parking spaces and aisles in GB zones to be paved.

STAFF COMMENTS:

Staff's original concern regarding this rezone request was the creation of an R1/GB zoning district boundary line along a street right-of-way; the UZO does not require bufferyards when zone boundaries are along streets. This request could have been allowing residential and heavy commercial uses to face each other across a residential street with no buffering required. After visiting the site, staff learned that there is a 3-4' elevation rise similar to a berm parallel to the street; however there is no fall in elevation on the other side, but rather a "plateau" which would mean any new commercial use or building would be a few feet higher than the existing residences on the west side of the street. This added to staff's concerns.

On the other hand, the site visit also showed that rows of evergreen trees have already been planted along the Manchester Street frontage and along the Westminster Village common lot line. After conversations with both petitioner and the city, staff learned that petitioner and the property owner have been working with the city's greenspace administrator and the engineer's office regarding the improvements to this site as well as drainage. The non-binding site plan petitioner submitted shows a proposed self-storage building to be constructed on the portion of the property already zoned General Business south of Manchester, with a small detention basin in the area currently zoned R1 at the north end of the property. The rows of trees along the rear property line and the Manchester Street side lot line which have already been planted are also shown on this drawing.

A zoning commitment could have been filed that limited the use of the north end of this property to a drainage basin, or a revised, slightly smaller legal description could have been submitted that left a strip of R1 zoning along Manchester Street that would activate the requirement of a 20' wide buffer. However, knowing this GB rezone is needed in order to install a detention basin to meet the city's drainage requirements and petitioner is working with the city and has already installed a bufferyard (even though the UZO does not require it) petitioner has allayed staff's concerns.

STAFF RECOMMENDATION:

Approval

