

ORDINANCE NO. 19-15

**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: "GB" District

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

EXHIBIT A

LEGAL DESCRIPTION - WABASH VILLAGE PLANNED DEVELOPMENT

A part of the Southeast quarter of Section 7, Township 23 North, Range 4 West, in Wabash Township, Tippecanoe County, Indiana, being part of the Wabash Village, Inc. property as described in Deed Book 263, Page 216, in the office of the Tippecanoe County Recorder, and being depicted on a Plat of Survey by John E. Fisher and Associates, P.C., Commission No. 02.31.13, Document No. 04008381, Recorded March 30, 2004, being more completely described as follows:

Commencing at the East Quarter Corner of Section 7-32N-4W, said point being marked by a Berntsen A1NB Aluminum monument;

thence along the North Line of the Southeast Quarter of said Section, North 89°15'17" East 2667.55 feet to a Berntsen A1NB Aluminum Monument at the Center of said Section;

thence along the West Line of said Southeast Quarter South 00°24'29" West 168.00 feet to the Point of Beginning of the herein described tract; thence along the south common line of the Bougher property as described in Doc No. 98-20706, the Morris property as described in Doc. No. 88-11105, and the Good property as described in Document No. 02019830, all in the office of the Tippecanoe County Recorder, South 89°15'17" East 445.00 feet to the southeast corner of said Good property;

thence along the east line of said Good property North 00°24'29" East 125.00 feet to the South Right-of-Way Line of US Highway 52;

thence along said Right-of-Way Line South 89°15'17" East 55.00 feet to the northwest corner of Lot One (1) in Wabash Village Commercial Subdivision, as per the plat thereof, recorded in Plat Cabinet C, Slide 112 in said Recorders Office;

thence on the following three courses along said Lot One (1):

- (1) South 00°33'43" West 187.61 feet;
- (2) South 89°26'17" East 268.91 feet;
- (3) North 01°13'43" East 173.50 feet to the South Right-of-Way Line of US Highway 52;

thence along said Right-of-Way Line South 85°08'49" East 198.05 feet to the northwest corner of Lot One in Wabash Village Minor Subdivision #2, as per the plat thereof recorded in Plat Cabinet 7, Slide 30;

thence on the following two courses along said Lot One:

- (1) South 00°18'00" West 268.78 feet;
- (2) South 84°10'26" East 133.16 feet to the west line of a certain Lease as recorded in Lease Record 15, page 147;

thence along said lease line South 00°18'00" West 81.56 feet to the Westerly Right-of-Way of Nighthawk Drive;

thence along said Right-of-Way for the following seven courses:

- (1) South 38°27'56" West 10.66 feet;
- (2) South 02°59'34" East 53.46 feet;
- (3) South 15°48'43" West 56.91 feet;
- (4) South 05°48'43" West 56.91 feet;

- (5) North 89°11'17" West 15.00 feet;
- (6) South 36°22'21" West 34.09 feet;
- (7) South 00°55'00" West 50.62 feet to the north line of Park Ridge Subdivision, Part 1, as per the plat thereof, recorded in Plat Cabinet 7, Slide 36, in said Recorders Office;

thence along said north line North 89°05'00" West 812.46 feet to the east line of the City of West Lafayette property, recorded in Deed Book 262, page 614, in said Recorders Office;

thence on the following three courses along said City property:

- (1) North 00°30'00" East 88.17 feet;
- (2) North 71°28'00" West 105.16 feet;
- (3) North 89°05'00" West 130.00 feet to the West Line of the Southeast Quarter of Section 7-23N-4W;

thence along said West Line North 00°24'29" East 393.20 feet to the Point of Beginning, containing 11.984 acres, more or less.

EXCEPT:

Lot Number One (1) in Wabash Village Minor Subdivision #1, as per the plat thereof recorded in Plat Cabinet F, Slide 75, Document No. 99-15216, on June 9, 1999, in said Recorders Office, containing 0.559 acres more or less.

Contain 11.425 acres more or less, after said exception.

ALSO EXCEPT:

Lot Number Two (2) in Wabash Village PD Phase 1, as per the plat thereof recorded in Plat Cabinet 11, Slide 287, Document No. 05-009933, on May 5, 2005, in said Recorders Office, containing 1.273 acres more or less.

Containing 10.152 acres more or less, after said exception.

ALSO EXCEPT:

Lot Number Three (3) in Wabash Village PD Phase 1, as per the plat thereof recorded in Plat Cabinet 11, Slide 287, Document No. 05-009933, on May 5, 2005, in said Recorders Office, containing 2.150 acres more or less.

Containing 8.002 acres more or less, after said exception.

ALSO EXCEPT;

The Right-of Way for Salisbury Street recorded in instrument number 2014140026905, on February 21, 2014, in said Recorders Office, containing 0.445 acres more or less.

Containing 7.557 acres more or less after said exception.

SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD

THE

Area Plan Commission

of TIPPECANOE COUNTY

20 NORTH 3RD STREET
LAFAYETTE, INDIANA 47901-1209

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(765) 423-9154 [FAX]
www.tippecanoe.in.gov/apc

SALLIE DELL FAHEY
EXECUTIVE DIRECTOR

June 18, 2015
Ref. No.: 15-117

West Lafayette Common Council
609 West Navajo
West Lafayette, In 47906

CERTIFICATION

RE: **Z-2599--WABASH VILLAGE, INC. (PDNR to GB):**

Petitioner is requesting rezoning of 7.557 acres of the Wabash Village Planned Development, located east of Salisbury, south of Sagamore Parkway West, and north of Navajo Street, more specifically 2410 N. Salisbury Street, West Lafayette, Wabash 7 (SE) 23-4. CONTINUED FROM THE APRIL APC MEETING AT PETITIONER'S REQUEST. FINAL CONTINUANCE.

Dear Council:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on June 17, 2015 the Area Plan Commission of Tippecanoe County voted 10 yes - 0 no on the motion to rezone the subject real estate from PDNR 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 July 6, 2015 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,


Sallie Dell Fahey
Executive Director

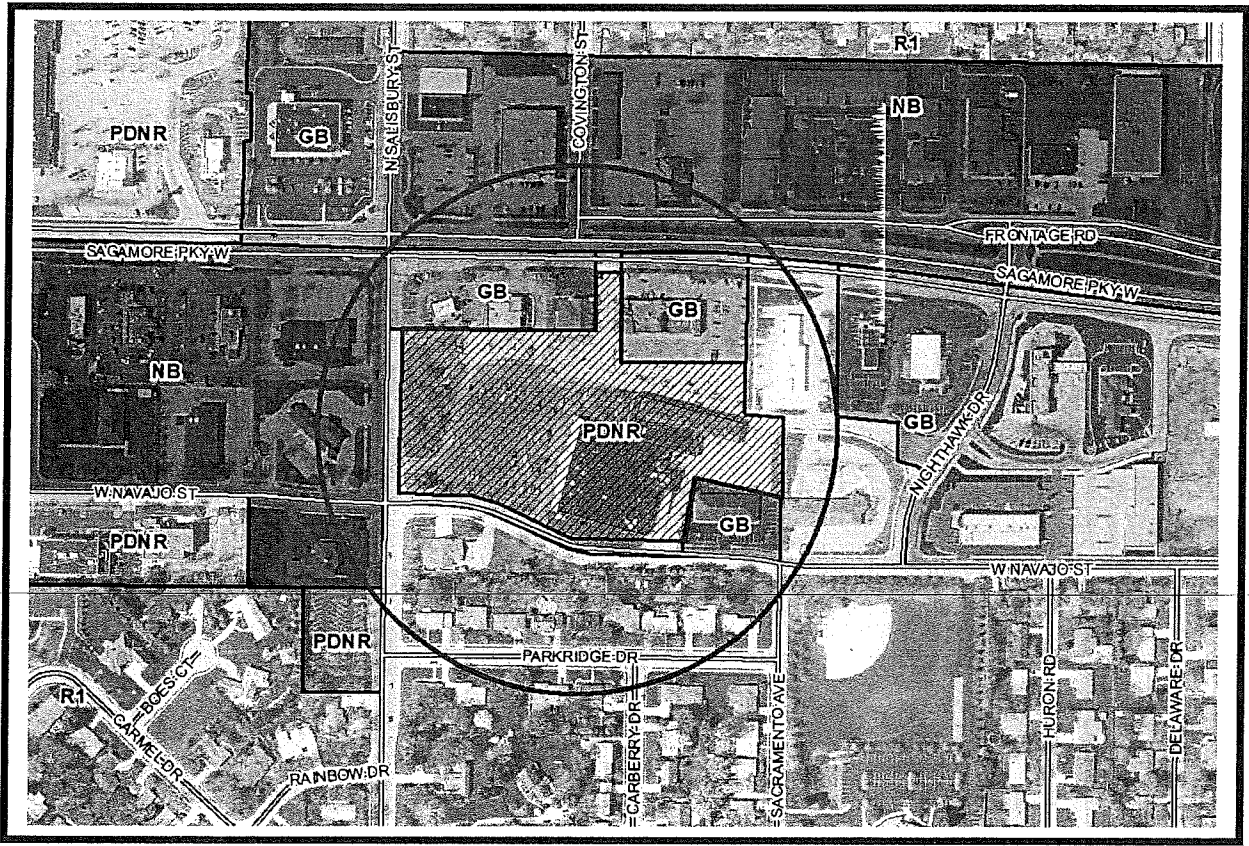
SDF/lmu

Enclosures: Staff Report & Ordinances

cc: David Lux, Wabash Village
Joseph Bumbleburg
Dave Buck, West Lafayette City Engineer

Z-2599
WABASH VILLAGE, INC
(PDNR to GB)

STAFF REPORT
June 11, 2015



Z-2599
WABASH VILLAGE, INC.
PDNR TO GB

Staff Report
June 11, 2015

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner/Owner, represented by attorney Joseph Bumbleburg, is requesting rezoning of an abandoned phase (7.557 acres) of the Wabash Village Planned Development from PDNR to GB. The property is located east of Salisbury, south of Sagamore Parkway West, and north of Navajo Street, more specifically 2410 N. Salisbury Street, West Lafayette, Wabash 7 (SE) 23-4.

ZONING HISTORY AND AREA ZONING PATTERNS:

Originally zoned and developed under GB standards, the site was rezoned to PDNR for the Wabash Village Planned Development (Z-2176) in August of 2004. This ambitious project sought to create three phases, each with its own lot, to allow for additional commercial development and the redevelopment of the existing Marsh site. Two of the phases, Lot 2 (Dog & Suds) and Lot 3 (the small commercial building on the corner of Nighthawk & Navajo), received Final Detailed Plan approval and were final platted in 2005. The property owner never submitted Final Detailed Plans for Phase 1, the Marsh site, and in August of 2014 this final phase of the planned development fell into abandonment. Apart from the PDNR zoning for the Wabash Village and other commercial planned developments in the vicinity, GB and NB zoning dominate the Sagamore Parkway corridor through West Lafayette. R1 zoning is found to the south, across Navajo Street.

AREA LAND USE PATTERNS:

Petitioner's site is currently a fully developed shopping center and all adjacent properties have developed commercially. West Lafayette Fire Station #2 is located across Navajo to the south along with extensive single-family residential development.

TRAFFIC AND TRANSPORTATION:

Wabash Village Shopping Center is bound by Sagamore Parkway, a divided primary arterial, to the north; Navajo, an urban local, on the south; Salisbury, a secondary arterial, on the west; and Nighthawk Drive, an urban local, to the east. The shopping center used to derive access from all four streets until the city's work on Salisbury closed that entrance. Due to phase 1 of the original planned development being abandoned, none of the promised internal traffic circulation improvements and landscape islands was ever installed and the site largely remains as it was when it was first constructed in 1959: A large, paved-over commercial site with 245 parking spaces and no safe and logical traffic circulation plan.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

Public utilities serve the site.

STAFF COMMENTS:

By ordinance, abandoned phases of planned developments cannot be redeveloped. In this case, the existing Marsh and other commercial uses present are essentially grandfathered and the only remedy to allow this property to redevelop in the future is to rezone. This petition seeks to return this largest phase of the Wabash Village Planned Development to the same commercial zoning district it held (GB) prior to the planned development rezone in 2004. Due to the abandonment of this phase and the failure of the developer to implement the original planned development's vision, returning this property to its former GB zone would seem to make sense for the sake of future redevelopment efforts. However, while staff does not disagree with the requested zone being reinstated on this site, staff does disagree with the timing of when it should occur.

In its support for the original planned development rezone (Z-2176), staff cited two primary reasons for its recommendation of approval. First, the project's commercial expansion proposal was a sign of "...a healthy economy in our local community..." and second, the project would provide: "...an opportunity to bring almost 12 acres of commercial property closer to current development standards." It is this second reason that prevents staff from supporting this rezone at this time. Since its original development in 1959 and renovation in the 1980's, little has been done to improve the safety of traffic circulation on the site. The original planned development called for the driveway entrance onto Salisbury to be closed and relocated to a mid-block point to the north. While the city's street work on Salisbury closed that entrance, the promised new mid-block connection never materialized, except for an apron recently installed by the city. It is time for Wabash Village to connect to that apron and begin the process of bringing this property "closer to current development standards".

While the existing abandonment situation has grandfathered all uses and prevents redevelopment of the property the city could approve and the owner build a driveway connection to the installed apron on Salisbury. Though a building permit was issued in April of 2015 to begin this work, staff has observed no progress on the site and the expiration date of this permit is looming. According to section 6-2-4-a of the UZO a building permit expires when:

"...the work authorized by the permit is not begun within 120 days of issuance."

Once this modicum of allowable improvement is done to the property, staff can affirm to the city council that the first steps to improve the traffic circulation issues at Wabash Village have been taken and that we're ready to recommend approval of the GB rezone request.

STAFF RECOMMENDATION:

Denial