

**ORDINANCE NO. 46-15**

**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 Exhibit A, attached hereto and made a part hereof by this reference.)

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

FROM: R1  
TO: R3W

**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 7 DAY OF December, 2015.

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

DULY ORDAINED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, ON THE 7 DAY OF December, 2015, HAVING BEEN PASSED BY A VOTE OF 7 IN FAVOR AND 0 OPPOSED, THE ROLL CALL VOTE BEING:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			

  
\_\_\_\_\_  
Presiding Officer

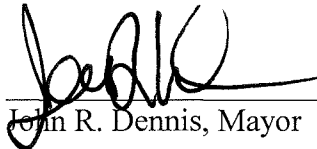
Attest:

  
Judith C. Rhodes, Clerk-Treasurer

PRESENTED BY ME TO THE MAYOR OF THE CITY OF WEST LAFAYETTE, INDIANA ON  
THE 9 DAY OF December, 2015, AT THE HOUR OF 1:00 P.M.

  
Judith C. Rhodes, Clerk-Treasurer

THIS ORDINANCE APPROVED AND SIGNED BY ME ON THE 10 DAY OF  
December, 2015, AT THE HOUR OF 8:30 A.M.

  
John R. Dennis, Mayor

Attest:

  
Judith C. Rhodes, Clerk-Treasurer

Revised  
10/26/15

## DESCRIPTION OF REAL ESTATE

A PART OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 23 NORTH, RANGE 5 WEST IN TIPPECANOE COUNTY, INDIANA;

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 23 NORTH, RANGE 5 WEST; THENCE ON THE NORTH LINE OF SAID NORTHEAST QUARTER SOUTH 88 DEGREES 36 MINUTES 58 SECONDS WEST ASSUMED BEARING 651.96 FEET TO THE EAST LINE OF THE TRACT OF REAL ESTATE DESCRIBED IN INSTRUMENT No. 9508897; THENCE ON SAID EAST LINE SOUTH 00 DEGREES 13 MINUTES 21 SECONDS EAST 80.02 FEET TO A 5/8" STEEL REBAR WITH A YELLOW CAP STAMPED "MILLER SURVEY" ON THE SOUTH RIGHT OF WAY LINE OF LINGBERG ROAD PER INSTRUMENT No. 200909018123; THENCE ON SAID SOUTH RIGHT OF WAY LINE NORTH 88 DEGREES 36 MINUTES 58 SECONDS EAST 336.11 FEET TO A 5/8" STEEL REBAR WITH A YELLOW CAP STAMPED "MILLER SURVEY"; THENCE CONTINUING ON SAID RIGHT OF WAY LINE SOUTH 30 DEGREES 52 MINUTES 24 SECONDS EAST 95.40 FEET TO A 5/8" STEEL REBAR WITH A YELLOW CAP STAMPED "MILLER SURVEY"; THENCE NORTH 64 DEGREES 54 MINUTES 31 SECONDS EAST 30.00 FEET TO THE CENTERLINE OF MCCORMICK ROAD PER BLACKBIRD FARMS, PHASE THREE FINAL PLAT; THENCE ON SAID CENTERLINE SOUTH 25 DEGREES 05 MINUTES 29 SECONDS EAST 444.80 FEET; THENCE SOUTH 88 DEGREES 36 MINUTES 46 SECONDS WEST 599.07 FEET 5/8" STEEL REBAR WITH A YELLOW CAP STAMPED "MILLER SURVEY"; THENCE NORTH 00 DEGREES 13 MINUTES 21 SECONDS WEST 478.37 FEET TO THE POINT OF BEGINNING, CONTAINING 5.30 ACRES, MORE OR LESS.

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

November 19, 2015  
Ref. No.: 15-289

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

## CERTIFICATION

RE: **Z-2634--BLACKBIRD FARMS APARTMENTS PHASE II, LLC (R1 to R3W):**


Petitioner is requesting rezoning of 5.3 acres for a proposed expansion of the Blackbird Farms Apartments to allow construction of six new buildings with a total of 75 units on property located at the southwest corner of Lindberg and McCormick Roads, West Lafayette, Wabash 14 (NE) 23-5.

Dear Council:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on November 18, 2015 the Area Plan Commission of Tippecanoe County voted 10 yes - 0 no on the motion to rezone the subject real estate from R1 to R3W. 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 December 7, 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: Dave Buck, West Lafayette Engineer  
Keith Long, Blackbird Farms  
Robert, Dennis, Karl, & Douglas Frist  
Tom McCully, Stuart & Branigan

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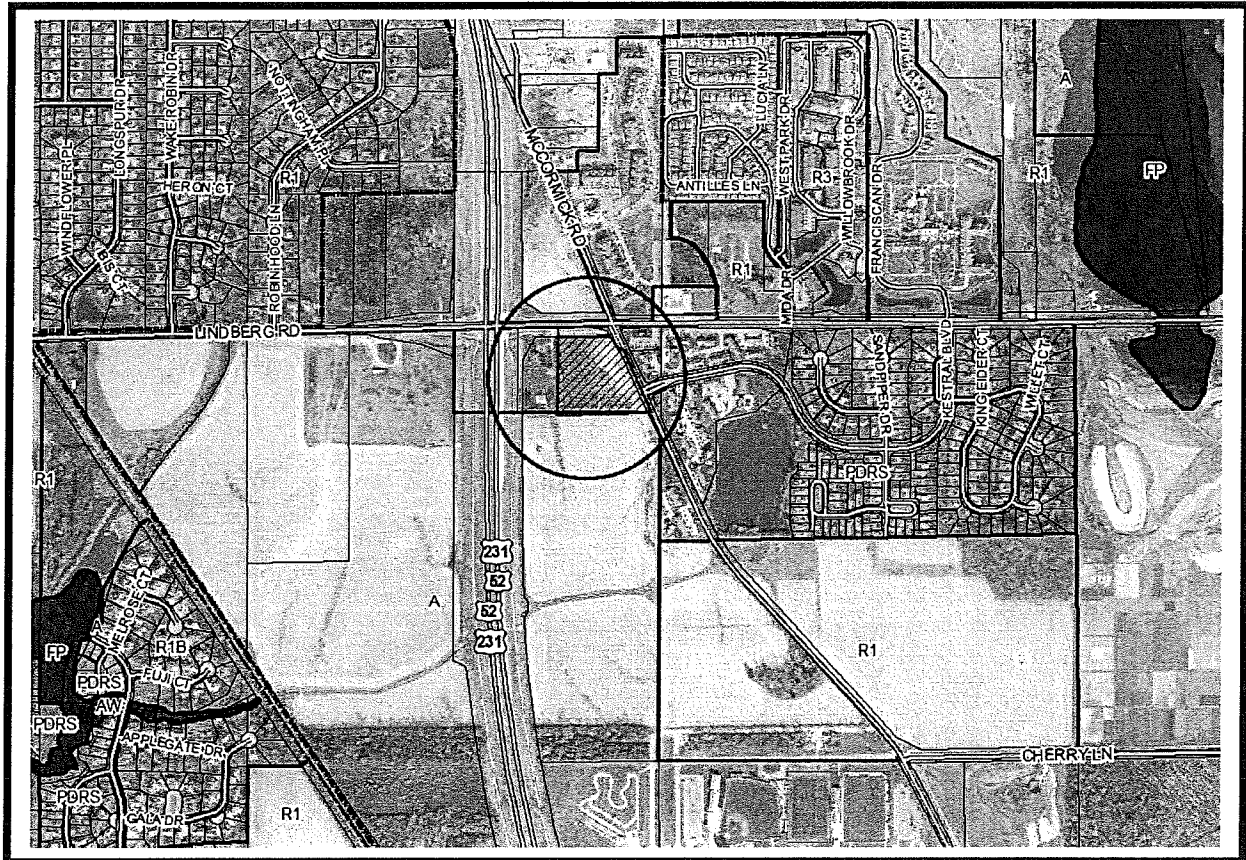
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Z-2634  
BLACKBIRD FARMS APARTMENTS PH. II, LLC  
(R1 to R3W)

STAFF REPORT  
November 12, 2015

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Z-2634  
**BLACKBIRD FARMS APARTMENTS PHASE II, LLC**  
**R1 TO R3W**

Staff Report  
November 12, 2015

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

Petitioner, represented by attorney Marianne Mitten Owen, is requesting rezoning of 5.3 acres from R1 to R3W to allow an expansion of Blackbird Farms with the construction of six new apartment buildings with a total of 75 units on property located at the southwest corner of Lindberg and McCormick Roads, West Lafayette, Wabash 14 (NE) 23-5.

**ZONING HISTORY AND AREA ZONING PATTERNS:**

The property has been zoned R1 for many years and zoning in the vicinity has changed very little over time. R1 zoning is found to the west of the subject property while Agricultural zoning lies to the south. R1 and PDRS zoning is found to the north and PDRS zoning is also found to the east (for Blackbird Farms PD). Rezoning petitions in the vicinity have been few over the years. The last petition in the vicinity (Z-2536, R1 to GB, located north of the subject property on McCormick Road) was withdrawn before it ever reached a hearing.

**AREA LAND USE PATTERNS:**

The property is currently undeveloped as is land to the west and south. Blackbird Farms PD (the multi-family apartment portion) is found across McCormick Road to the east. McCormick Place Apartments is north of the site across Lindberg Road. The developed areas around the subject property are exclusively residential in character with mixes of densities and a variety of residential unit types.

**TRAFFIC AND TRANSPORTATION:**

Lindberg and McCormick Roads are classified as secondary arterials according to the *Thoroughfare Plan*. Access to the property would be off of McCormick Road. Commercial driveway entrance permits into the site are granted by the City of West Lafayette Engineering Department.

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

Public utilities are available to serve the site.

**STAFF COMMENTS:**

Similar to our opinion of last month's rezone petition at the corner of State Street and US 231 (Z-2631 R2 to OR), this rezone petition for multi-family residential development generally comports with staff's overall land use plan for the US-231 corridor.

As conceived during many staff discussions leading up to the publication of the US 52 Corridor Study six years ago and supported by numerous rezoning staff report opinions over the years, our land use strategy strives to prevent US 231 from devolving into a commercial strip corridor by holding non-residential uses to three major intersection nodes: State Street, Cumberland Avenue, and Sagamore Parkway and their immediate vicinities. In doing this, the large gap primarily between the Cumberland and State Street intersections remains available to develop residentially, with mixes of residential densities being appropriate at the Lindberg Road intersection and those areas closer to the non-residential nodes. The resulting land use pattern leaves a large section of US 231 in a true parkway state with the trail system, roadside landscaping and preserved natural areas being the primary focus and its accompanying residential development serving as a secondary focus.

This rezoning petition serves this land use strategy by introducing the zoning (and subsequent development) necessary to solidifying this intersection's mixed-density residential future. And relative to the student housing vacancy work staff's been reporting on over the last three years, our findings are clear that higher vacancies are found on the urban fringe in West Lafayette where multi-family units cater almost exclusively to undergraduate students. Blackbird Farms has a demonstrated history of catering to a mix of groups including graduates, singles, couples and family groups.

This relatively modest proposed expansion of a successful, mixed-group, multi-family development meets staff's long-range land use goals for this area and has our support.

**STAFF RECOMMENDATION:**

Approval