

ORDINANCE NO. 07-2023
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: **PDRS & R3W** district

TO: **R4W** 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 3 DAY OF April, 2023.

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 3 DAY OF April, 2023, 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	✓			
Hardesty	✓			
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 4 DAY OF April, 2023.

Sana G. Booker
Sana G. Booker, Clerk

THIS ORDINANCE APPROVED AND SIGNED BY ME ON THE 4 DAY OF April, 2023.

[Signature]
John R. Dennis, Mayor

Attest:

Sana G. Booker
Sana G. Booker, Clerk



Ordinance No. 07-2023

LEGAL DESCRIPTION

A part of the Northeast Quarter of Section Twelve (12), Township Twenty-three (23) North, Range Five (5) West in Wabash Township, Tippecanoe County, Indiana, more completely described as follows, to wit:

Commencing at the Southwest corner of the Northeast quarter of Section 12-23-5, (also the center of said section), at an iron pin, thence North 89°36' East along the South line of said quarter section a distance of 360.24 feet to a rebar at the Southwest corner of Franklin Park Apartments; thence North 00° 24' West along the West property line of Franklin Park Apartments a distance of 490.46 feet to a rebar at the Northwest corner of Franklin Park Apartments; thence South 89°36' West along the South property line of a 0.859 acres tract owned by Charles E. Corns and Nancy E. Corns, a distance of 220.00 feet to the Southwest corner of said 0.859 acres tract; thence North 00°24' West along the West property line of said 0.859 acres tract a distance of 170.00 feet to the Northwest corner of said 0.859 acres tract; thence North 89°36' East along the North property line of said 0.859 acres tract and the North property line of a 0.964 acres tract owned by Charles E. Corns and Nancy E. Corns, (said North property line of Corns being also the South property line of a 9.04 acres tract owned by Wal-Mart), a distance of 467.00 feet to the Northeast corner of said 0.964 acres tract, being also the Southeast corner of said 9.04 acres Tract owned by Wal-Mart, and the Southwest corner of a 3.254 acre owned by John Y. D. Tse and Emma K. C. Tse, and the place of beginning of the here-in described tract:

Thence continuing North 89°36' East along the south property line of said 3.254 acre tract owned by Y. D. Tse and Emma K. C. Tse, a distance of 245.47 feet to the Northwest corner of Franklin Park Condominiums; thence South 00° 24' East along the West property line of Franklin Park Condominiums, a distance of 170.00 feet to the Southwest corner of Franklin Park Condominiums and the north property line of Franklin Park Apartments; thence South 89°36' West along the North property line of Franklin Park Apartments a distance of 245.47 feet to the Southeast corner of said 0.964 acres tract owned by Charles E. Corns and Nancy E. Corns, thence North 00°24' West along the East property line of said 0.964 acres tract a distance of 170.00 feet to the Northeast corner of said 0.964 acres tract, the Southeast corner of said 9.04 acres tract owned by Wal-Mart, and the Southwest corner of said 3.254 acre tract owned by Y. D. Tse and Emma K. C. Tse, and the place of beginning, containing 0.958 acres, more or less.

AND

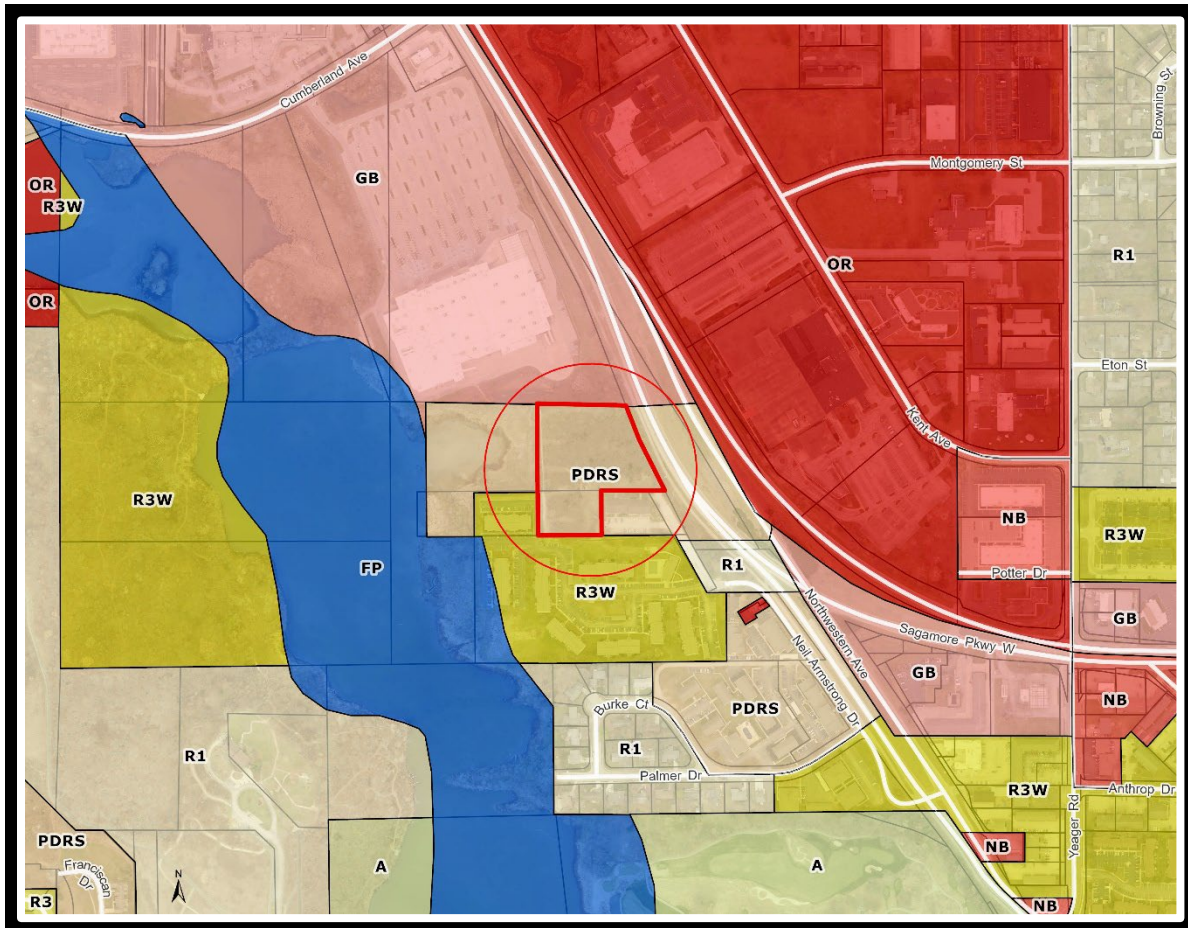
A part of the Northeast Quarter of Section Twelve (12), Township Twenty-three (23) North, Range Five (5) West in Wabash Township, Tippecanoe County, Indiana, more completely described as follows, to wit:

Commencing at the Southwest corner of the Northeast quarter of Section 12-23-5, (also the center of said section), at an iron pin, thence North 89°36' East along the South line of said quarter section a distance of 360.24 feet to a rebar at the Southwest corner of Franklin Park Apartments; thence North 00° 24' West along the West property line of Franklin Park Apartments a distance of 490.46 feet to a rebar at the Northwest corner of Franklin Park Apartments; thence South 89°36' West along the South property line of a 0.859 acres tract owned by Charles E. Corns and Nancy E. Corns, a distance of 220.00 feet to the Southwest corner of said 0.859 acres tract; thence North 00°24' West along the West property line of said 0.859 acres tract a distance of 170.00 feet to the Northwest corner of said 0.859 acres tract; thence North 89°36' East along the North property line of said 0.859 acres tract and the North property line of a 0.964 acres tract owned by Charles E. Corns and Nancy E. Corns, (said North property line of Corns being also the South property line of a 9.04 acres tract owned by Wal- Mart), a distance of 467.00 feet to the Northeast corner of said 0.964 acres tract, being also the Southeast corner of said 9.04 acres Tract owned by Wal-Mart, and the Northwest corner of a 0.958 acre owned by John Y. D. Tse, and the place of beginning of the here-in described tract:

Thence continuing North 89°36' East along the north property line of said 0.958 acre tract owned by John Y. D. Tse, a distance of 245.47 feet to the Northeast corner of said 0.958 acre and the Northwest corner of Franklin Park Condominiums, thence continuing North 89°36' East along the north property line of Franklin Park Condominiums, a distance of 179.00 feet to the Northeast corner of Franklin Park Condominiums, thence continuing North 89°36' East along the right of way line of the north end of Neil Armstrong Drive a distance of 67.82 to the western right of way line of U.S. Highway Numbered 52, thence North 26°12'04" West along the western right of way line of U.S. Highway 52 a distance of 225.68 feet, thence North 20°54'18" West along the western right of way line of U.S. Highway 52 a distance of 132.67 feet to a re-bar and the South East corner of Wal-Mart Store tract, thence North 88°44'30" West along the south property line of Wal-Mart Store tract a distance of 348.31 feet to the Northeast corner of said 9.04 acres Tract owned by Wal-Mart, thence South 00° 24' East along the East property line of said 9.04 acres tract owned by Wal-Mart a distance of 345 .66 feet to the Southeast corner of said 9.04 acres tract owned by Wal-Mart, the Northeast corner of said 0.964 acres tract owned by Charles E. Corns and Nancy E. Corns and the Northwest corner of said 0.958 acre owned by John Y. D. Tse, and the place of beginning, containing 3.254 acres, more or less.

Z-2874
TOMISH DEVELOPERS, LLC
(PDRS & R3W to R4W)

STAFF REPORT
February 9, 2023



REQUEST MADE, PROPOSED USE, LOCATION:

Petitioners, with consent of the owners John Y.D. Tse Trust and Emma K.C. Tse Trust and represented by attorney Kevin Riley of Reiling, Teder and Schrier Law Firm, are requesting a rezone from PDRS to R4W. The Planned Development, Franklin Park Condominiums, was originally approved in 1984 for 128 condos in 8 buildings and a non-condo office building. The only part of the project that was constructed (phase 1) is adjacent to the southeast of the subject site where a two-story building supporting 16 apartments is located. The rest of the planned development has now fallen into abandonment and rezoning is necessary to permit any development. The subject rezone site, 4.212 acres, is located on the west side of Northwestern Avenue and directly south of the Walmart, in West Lafayette, Wabash 12(NE) 23-5. No plans for the redevelopment of the property have been submitted to staff.

ZONING HISTORY AND AREA ZONING PATTERNS:

The site is zoned PDRS and has been since 1984 (Z-1177). Remaining portions of this PD zone are to the west and southeast. (The abandoned PD portion to the west, owned by the city, is part of the Celery Bog.) Flood Plain zoning exists further west. R3W zoning is located to the south and southwest.

AREA LAND USE PATTERNS:

The site in question is covered in trees and scrub brush. Apartments are adjacent to the south and southwest (Franklin Park Apartments) as well as to the southeast (phase 1 of the original planned development). Fairway Knolls apartments are further south. North of the site is a Walmart and the Celery Bog is located to the west.

TRAFFIC AND TRANSPORTATION:

The site has frontage along Northwestern/Sagamore Parkway, but access likely will be from Neil Armstrong Drive to the south. A West Lafayette trail runs along the east side of the property adjacent to Sagamore Parkway providing a pedestrian path to both shopping and bus shelters. Additionally, an informal trail runs along the west side of the property where residents to the south have created a path to Walmart.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

Sewer and water are available to serve the site. The zoning ordinance requires a type C bufferyard where R4W and GB zoning abut on the north side of the property.

STAFF COMMENTS:

The Phased Land Use Plan of The Comprehensive Plan for Tippecanoe County supports this request for higher density housing. In fact, the oldest zoning maps for this area show R3 zoning dating back to 1969 (Z-235). In the years following additional multi-family developments were built including Fairway Knolls and Franklin Park Apartments. Rezoning this land to R4W will allow for a project similar to the expired planned development approved for this site. With the approval of this request, additional land that has been unimproved for many years becomes available for development.

The multi-family zoning requested by this petition is in the right location and provides housing opportunities to both the Purdue Research Park as well as Purdue University and the surrounding community. Given the rising costs of housing and a shortage of available building sites in our urban areas, the addition of multi-family housing in this location near employment, shopping, dining, and bus transit (at Walmart) is supportable.

STAFF RECOMMENDATION:

Approval



Area Plan Commission of Tippecanoe County, Indiana

March 16, 2023
Ref. No.: 2023-050

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

CERTIFICATION

RE: **Z-2874 TOMISH DEVELOPERS, LLC (PDRS & R3W to R4W):**
Petitioner is requesting rezoning two tracts totaling 4.212 acres (including the former Franklin Builder Associates PD, approved in 1984 but never built) located on the west side of Sagamore Pkwy, just north of its intersection with Northwestern Avenue, specifically, 2541 Neil Armstrong Drive in West Lafayette, Wabash 12 (NE) 23-5.

Dear West Lafayette City Council:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on March 15, 2023, the Area Plan Commission of Tippecanoe County voted 12 yes - 0 no on the motion to rezone the subject real estate from PDRS & R3W to R4W. 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.

Public Notice has been given that this petition will be heard before the West Lafayette City Council at its April 3, 2023 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

David Hittle
Executive Director

DH/kl

Enclosures: Staff Report & Ordinance

cc: Shane O'Malley, Tomish Developers, LLC
John Y.D. Tse Trust & Emma K.C. Tse Trust
Kevin Riley, Reiling Teder & Schrier
Chad Spitznagle, West Lafayette Building Commissioner

