

ORDINANCE NO. 21-2023
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: **NB and GB** 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 11 DAY OF September, 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 11 DAY OF September, 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	✓			
Lee	✓			
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 12 DAY OF September, 2023.

Sana G. Booker
Sana G. Booker, Clerk

THIS ORDINANCE APPROVED AND SIGNED BY ME ON THE 12 DAY OF September, 2023.

John R. Dennis
John R. Dennis, Mayor

Attest:

Sana G. Booker
Sana G. Booker, Clerk



Ordinance No. 21-2023

EXHIBIT "A"
Legal Description

This description, prepared by Aaron J. Carl, Professional Surveyor License Number LS20800123 and employed by T-E Incorporated, was created as part of a Retracement Survey for Job No. 22050 on June 22, 2022. All Documents referenced herein are recorded in the Office of the Recorder of Tippecanoe County, Indiana.

Lot 4 in Menards Minor Subdivision, as per plat thereof recorded November 15, 2006 in Plat Book 8, page 82, as Document 200606025264, in the Office of the Recorder of Tippecanoe County, Indiana. Located in the Fractional Northwest Quarter of Section 2, Township 23 North, Range 5 West, Wabash Civil Township, City of West Lafayette, Tippecanoe County, Indiana.

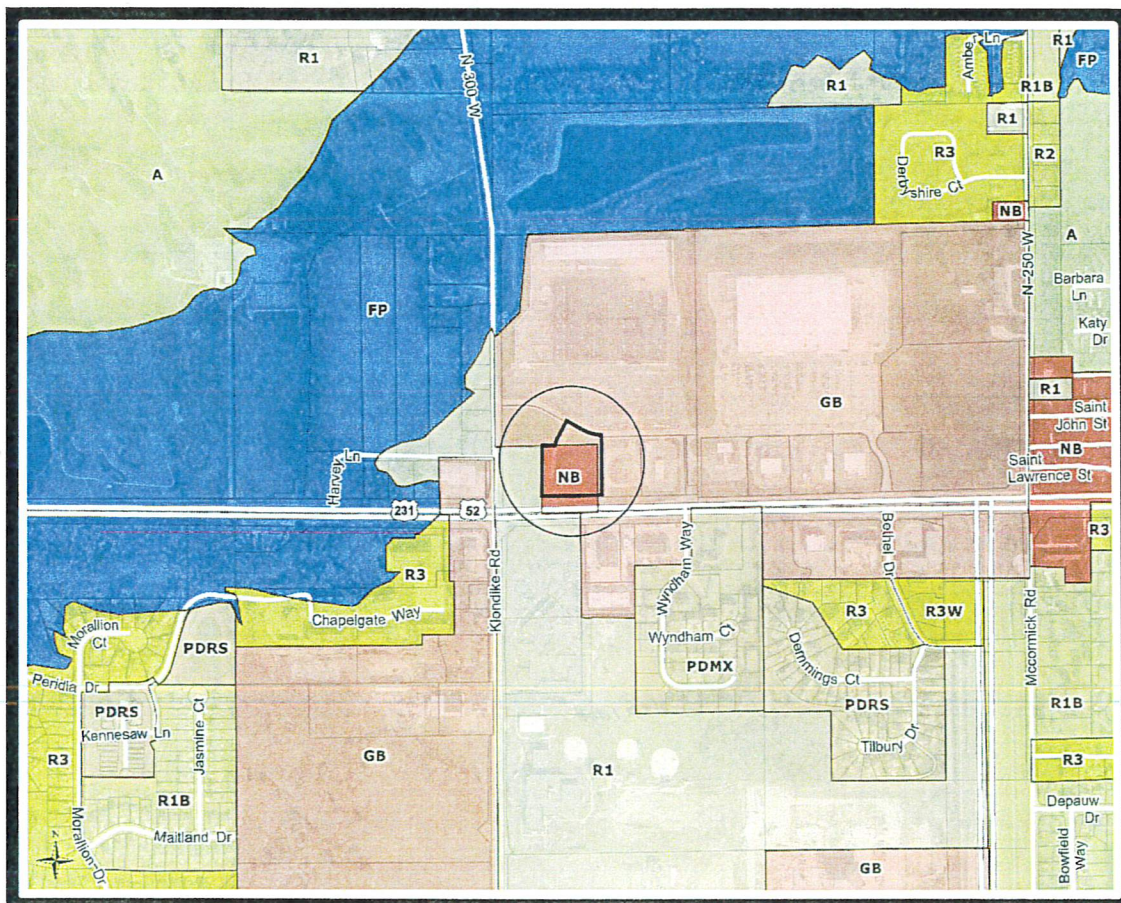
TOGETHER WITH

A part of Lot 3 in Menards Minor Subdivision, a Replat of Lots 2 & 3 in Menards Subdivision, as per plat thereof recorded January 15, 2019 in Plat Book 10, page 71, as Document 201919000842, in the Office of the Recorder of Tippecanoe County, Indiana. Located in the Fractional Northwest Quarter of Section 2, Township 23 North, Range 5 West, Wabash Civil Township, City of West Lafayette, Tippecanoe County, Indiana, more particularly described as follows:

Beginning at the Southwest corner of said Lot 3, being marked by a 5/8-inch diameter rebar with a "Schneider" identification cap; thence North 88 degrees 46 minutes 05 seconds East (being the basis of all bearings this description), on and along the South line of said Lot 3 a distance of 61.39 feet to an extension of the East line of an existing 20-foot Drainage and Utility Easement as shown on said Menards Minor Subdivision, being marked by a 5/8-inch diameter rebar with an identification cap stamped "T-E INC FIRM ID #0070"; thence North 00 degrees 14 minutes 19 seconds West, on and along said East line of an existing 20-foot Drainage and Utility Easement and extension thereof, a distance of 286.54 feet to the North line of said Lot 3, also being the centerline of Klondike Hollow Drive, being marked by a mag spike with an identification disk stamped "T-E INC FIRM ID #0070"; thence Northwesterly, on and along said North line of Lot 3 and said centerline of Klondike Hollow Drive, being on a curve to the right, having an arc length of 67.95 feet, a chord length of 67.68 feet, a chord bearing North 78 degrees 26 minutes 18 seconds West, and a radius of 220.00 feet to the Northwest corner of said Lot 3, being marked by a mag nail with a "Schneider" identification disk; thence South 01 degrees 09 minutes 46 seconds East, on and along the West line of said Lot 3, a distance of 301.48 feet to the Point of Beginning, containing 0.428 acres, more or less, being subject to and/or together with all easements and rights-of-way of record.

**Z-2903
MENARD, INC.
(GB & NB to GB)**

**STAFF REPORT
August 10, 2023**



Z-2903
MENARD, INC.
NB and GB to GB

Staff Report
August 10, 2023

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner is requesting the rezoning of 2.007 acres from GB and NB to NB. The 2 acres consists of Lot 4 and part of Lot 3 of Menard's subdivision. Petitioner has filed a replat for this land to create two lots. The easternmost lot is proposed for a 7 Brew Coffee drive-thru coffee shop (drive-thru restaurants are not permitted in the NB zone in West Lafayette). No use has been given for the other lot. The site is commonly known as 2926 US 52 West, West Lafayette, Wabash 2(NW) 23-5.

ZONING HISTORY AND AREA ZONING PATTERNS:

The property in question, zoned NB since the adoption of the ordinance in 1998, had long been zoned LB. All surrounding land, except the R1-zoned cemetery adjacent to the west, is zoned GB. South across US 52 is a mix of both commercial and residential zoning.

AREA LAND USE PATTERNS:

The subject site is currently unimproved. A Menard's store is located to the north and a bank and fast-food restaurant adjoin to the east. Adjacent to the west is the Burton Cemetery. South across US 52 are Klondike Elementary School and a commercial shopping center.

TRAFFIC AND TRANSPORTATION:

The site fronts along US 52 West, a rural divided primary arterial, however the site will only have access internally to the north, accessing a private drive in the Menard's shopping center.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

Public sewer and water serve the site. No buffering is necessary.

Regarding the Burton Cemetery, Indiana Code 14-21-1-26.5 outlines the process to have a development plan approved by the Division of Historic Preservation and Archeology in The Indiana Department of Natural Resources if any ground is to be disturbed within 100 feet of a burial ground. This requirement will be handled through the replatting process.

STAFF COMMENTS:

This property represents the last NB zoned lot in the Meijer/Menard's shopping center as all other properties have been rezoned to GB (except the adjacent cemetery which remains zoned R1). Petitioner intends on selling or leasing the site to a drive-thru coffee

shop. In West Lafayette, a drive-thru eating and drinking establishment is only permitted in the GB zone.

GB zoning is a more suitable fit than NB for this site because of both its location on a major thoroughfare and its location in a regional shopping center. NB zoning is intended to provide areas for retail and service establishments for nearby residents; however, this area has developed with a wide-reaching commercial draw supporting two “big box” stores and the nearest neighborhoods are at least ¼ mile away and have access to US 52 only. Rezoning this lot will allow this land to be used similarly to other adjacent commercial uses.

STAFF RECOMMENDATION:

Approval



Area Plan Commission of Tippecanoe County, Indiana

August 17, 2023
Ref. No.: 2023-178

West Lafayette City Council
222 N Chauncey Avenue
West Lafayette, Indiana 47906

CERTIFICATION

RE: **Z-2903 MENARD, INC. (GB & NB to GB):**
Petitioner is requesting rezoning of 2.007 acres consisting of Lot 4 Menard's Subdivision plus a portion of Lot 3, for a proposed 7 Brew drive-thru coffee shop, located near the northeast corner of Sagamore Parkway West and Klondike Road, specifically, 2926 US Hwy 52 W, in West Lafayette, Wabash 02 (NW) 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 August 16, 2023 the Area Plan Commission of Tippecanoe County voted 15 yes – 0 no on the motion to rezone the subject real estate from GB and NB to GB. 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 September 11, 2023 regular meeting. Petitioner or its representative must appear to present the case.

Sincerely,

David Hittle
Executive Director

DH/kl

Enclosures: Staff Report & Ordinances

cc: Theron J. Berg, Menard Inc.
Jenny Sanders, Veritas
Jessica Pearson, TMG Construction Management
Chad Spitznagle, City of West Lafayette