

ORDINANCE NO. 23-2023
**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: **OR** 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 2 DAY OF October, 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 2 DAY OF October, 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 3 DAY OF October, 2023.

Sana G. Booker
Sana G. Booker, Clerk

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

John R. Dennis
John R. Dennis, Mayor

Attest:

Sana G. Booker
Sana G. Booker, Clerk



Ordinance No. 23-2023

Exhibit A

Legal Description

Section 1, Township 23 North, Range 5 East, Wabash Township, West Lafayette, Tippecanoe County

Purdue Research Park PH 2 PT 2 Sec 7 Lot 12, 2.2839 acres PARCEL

NUMBER:

79-06-01-451-009.000-035

LAND DESCRIPTION:

Lot Number Twelve (12) in Purdue Research Park, Phase II, Part II, Section VII, as per plat thereof dated November 20, 2000, recorded February 6, 2001, in Plat Cabinet 6, Slide 161, as Document Number 01002346. Located in Wabash Township, Tippecanoe County, Indiana.

Key Number _____
State Identification Number 79-06-01-451-009.000-35

COMMITMENT

Commitment made on August 15, 2023, by Dustin Zufall
(the "Petitioner") pursuant to Indiana Code Section 36-7-4-1015.

1. Petitioner makes this commitment with the knowledge and consent of Eryap Construction & Trade Corp who is the owner (the "Owner") of certain real estate (the "Real Estate") located in Tippecanoe County, Indiana, commonly known as 1431 Win Hentschel, West Lafayette, Indiana and more particularly described on Exhibit A which is attached hereto and incorporated by reference herein.

2. Petitioner has filed a request (with the consent of the Owner) with the Area Plan Commission of Tippecanoe County, Indiana (the "APC"), to rezone the Real Estate from OR to GB which request is pending before the APC as case no. _____.

3. Petitioner hereby agrees and makes the following commitment in connection with the rezoning request in case no. _____:

See Exhibit 'B'

4. Petitioner understands and agrees that this commitment is given to the APC and the West Lafayette Building Department (the "Legislative Body") as an inducement for the recommendation for and approval of the rezoning request in case no. _____. Petitioner further understands and agrees that the approval of the rezoning request in case no. _____ by the Legislative Body constitutes good and valuable consideration for the giving of this commitment.

Z- 2404

5. This commitment shall be a covenant running with the Real Estate and binding and enforceable against Petitioner, any subsequent owner, or any other person who acquires any interest in the Real Estate. Any change or modification of this commitment shall only be made with the approval of the APC at a public hearing in accordance with all rules and regulations of the APC.

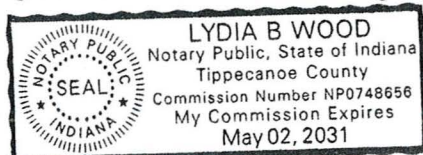
6. Petitioner agrees that each of the following shall each be a "specially affected person" under Indiana Code Section 36-7-4-1015(d)(3) who shall each independently be entitled to bring an action to enforce the terms and conditions of this commitment in the Circuit or Superior Courts of Tippecanoe County, Indiana:

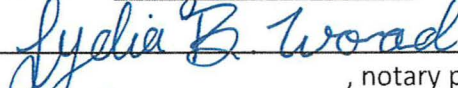
- a. the APC,
- b. the Area Board of Zoning Appeals of Tippecanoe County, Indiana,
- c. the appropriate Administrative Officer designated in the Unified Zoning Ordinance for Tippecanoe County, Indiana,
- d. _____


 By: Dustin Zufall

STATE OF INDIANA)
) SS:
 COUNTY OF Tippecanoe)

Before me, the undersigned, a notary public, personally appeared Dustin Zufall, and acknowledged the execution of the foregoing commitment on August 15, 2023.




 _____, notary public
 Resident of Tippecanoe County

My commission expires:
05/02/2031

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Peter Gensic

This instrument prepared by: Peter Gensic, Gensic Engineering Inc

Z- 2904**EXHIBIT A**

Section 1, Township 23 North, Range 5 East, Wabash Township, West Lafayette, Tippecanoe County

Purdue Research Park PH 2 PT 2 Sec 7 Lot 12, 2.2839 acres

PARCEL NUMBER:

79-06-01-451-009.000-035

LAND DESCRIPTION:

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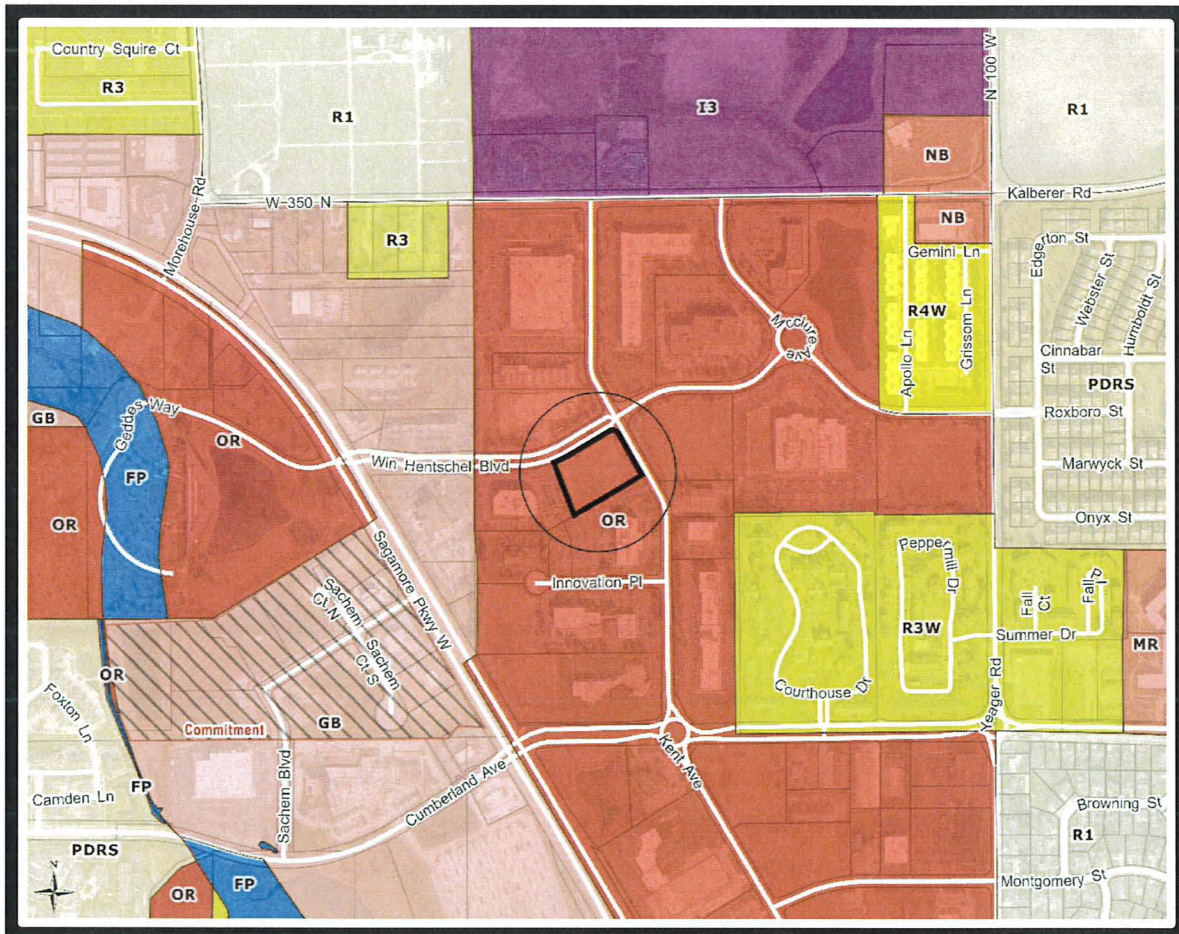
Z- 2904

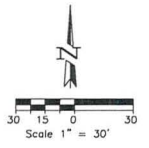
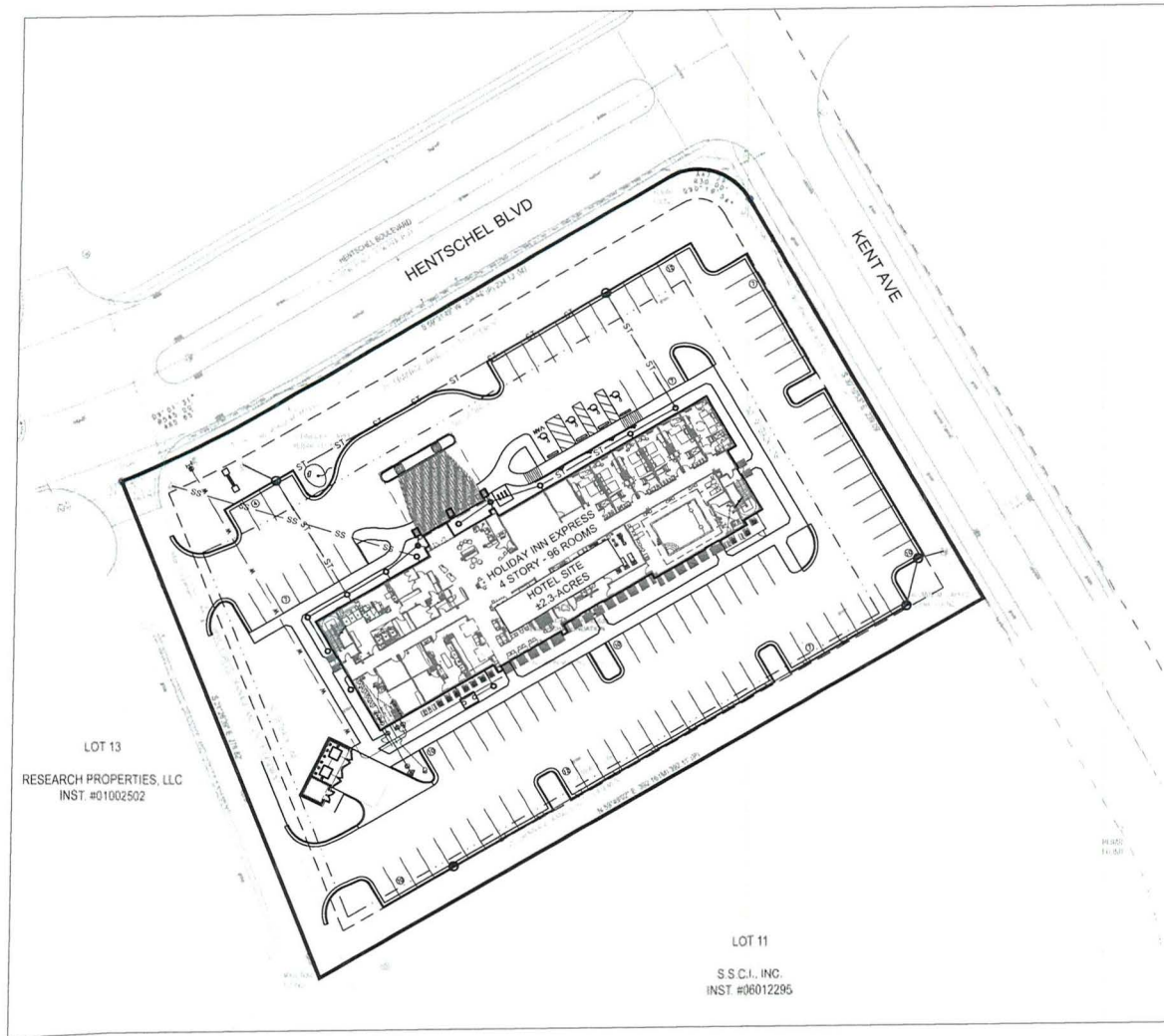
EXHIBIT 'B'

SIC	EXCLUDED PRIMARY USES
01	Agricultural production - crops
02	Agricultural production - livestock
0741	Veterinary services for livestock
0752	Boarding Kennels and/or raising horses, animal shelters, dog pounds
0752	Boarding and/or training horses
0752	Animal shelters, dog pounds
078	Landscape and horticultural services
16	Heavy construction other than building construction
17	Construction - Special trade contractors
39	Miscellaneous manufacturing industries
41	Local and suburban transit and interurban highway passenger transportation
4121	Taxicabs
42	Motor freight transportation and warehousing
4225	Self-storage warehouse
47	Transportation services
4952	Sewerage systems
4953	Refuse systems
	Recycling collection facilities
5083	Farm machinery and equipment
521	Lumber and other building materials dealers
527	Mobile home dealers
55	Automotive dealers and gasoline service stations
553	Auto and home supply stores
554	Gasoline service stations
554	Card lock systems for commercial fleets
5942	Adult bookstores
5993	Tobacco Stores and Stands
5999	Misc Retail stores, not elsewhere classified (Vape shops only)
704	Organizational hotels and lodging houses, on membership basis
721	Laundry, cleaning and garment services
7212	Garment pressing, and agents for laundries and drycleaners
7215	Coin-operated laundries and drycleaning
7342	Disinfecting and pest control services
751	Automotive rental and leasing, without drivers
753	Automotive repair shops
754	Automotive services except repair, Towing services, impound lots
7699	Farm machinery and equipment service and repair
7699	Industrial truck services
7832	Adult motion picture theaters and adult mini motion picture theaters, except drive-ins
7833	Drive-in motion picture theaters
7833	Adult drive-in motion picture theaters
799	Agricultural rental hall
7993	Adult motion picture arcade
7999	Adult live entertainment arcade
7999	Adult cabaret

**Z-2904
DUSTIN ZUFALL
(OR to GB)**

**STAFF REPORT
September 14, 2023**





LOT 13
RESEARCH PROPERTIES, LLC
INST. #01002502

LOT 11
S.S.C.I., INC.
INST. #06012295

HOLIDAY INN EXPRESS
4 STORY HOTEL - 96 ROOMS
PARKING 92 STANDARD SPACES
4 ADA SPACES
96 TOTAL SPACES

05/03/2023



HOLIDAY INN EXPRESS
1431 WIN HENTSCHEL BLVD
WEST LAFAYETTE, INDIANA
SCHEMATIC SITE PLAN #1

Gensic Engineering Inc
Civil Engineers
407 Airport North Office Park
Fort Wayne, IN 46825
Phone - (260) 489-7643

Z-2904
DUSTIN ZUFALL
OR to GB with commitment

Staff Report
September 14, 2023

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, with consent of the owner, Eryap Construction and Trade Corporation, are seeking a rezone from OR to GB for Lot 12 of Purdue Research Park, Phase 2, Part 2, Section 7, located at the southwest corner of Win Hentschel Boulevard and Kent Avenue. The 2.28-acre lot is commonly known as 1431 Win Hentschel, Wabash 1(SE) 23-5, West Lafayette.

The purpose of this rezone is to allow for the construction of a hotel. A commitment has also been filed with this rezone that prohibits most of the uses allowed in the GB zone except for a hotel and a few other uses. A copy of this commitment is attached.

ZONING HISTORY AND AREA ZONING PATTERNS:

The oldest zoning maps show this property with IR zoning, which no longer exists since the Unified Zoning Ordinance and accompanying zoning maps were adopted in 1998. (The IR zone was meant to be a placeholder that permitted both residential and potentially industrial uses.) In 1998 this property and surrounding land in the Purdue Research Park became zoned OR. Since that time, the only land in the Research Park to be rezoned is located at the southwest corner of Kalberer Road and Yeager where properties were rezoned to NB and R4W in 2018 (Z-2734, -2735 and -2739).

AREA LAND USE PATTERNS:

This lot is currently unimproved. Various research buildings surround the site.

TRAFFIC AND TRANSPORTATION:

Win Hentschel Boulevard and Kent Avenue are both classified as urban local roads per the adopted *Thoroughfare Plan*.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

Sewer and water serve the site. If this property is rezoned, no bufferyard is required.

STAFF COMMENTS:

The Purdue Research Park is home to more than 100 technology-based companies in more than 50 buildings with more than 3,200 employees. This 725-acre flagship park is the largest university-affiliated research park in the country. As such, the park generates many visitors from around the world who require lodging facilities. Currently, there are a few hotels within a mile of the park, including two currently under construction just west

of Sagamore Parkway on Sachem Boulevard. A hotel located within the research park will provide convenient accommodations to overnight visitors.

A commitment filed with this rezone request would prohibit many uses that are inappropriate in the office park such as automobile sales, boarding kennels, warehousing, gasoline service stations and automotive repair. The West Lafayette City Engineer's Office aided petitioner in the creation of the list of prohibited uses.

Both OR and GB zoning allow non-residential uses and are located on or near arterials. One main difference is that OR allows for non-retail commercial activity and GB allows all kinds of commercial activity. Given the list of prohibited uses in the commitment as reviewed by West Lafayette, staff is supportive of both the rezone and submitted commitment.

STAFF RECOMMENDATION:

Approval of the rezone with commitment



Area Plan Commission of Tippecanoe County, Indiana

September 21, 2023
Ref. No.: 2023-204

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

CERTIFICATION

RE: **Z-2904 DUSTIN ZUFALL (OR to GB):**

Petitioner is requesting rezoning of a lot in the Purdue Research Park located at the southwest corner of Kent Avenue and Win Hentschel Blvd, specifically 1431 Win Hentschel Blvd, West Lafayette, Wabash 1 (SE) 23-5. With commitment.

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 September 20, 2023, the Area Plan Commission of Tippecanoe County voted 14 yes – 0 no to accept the proposed commitment and 14 yes – 0 no on the motion to rezone the subject real estate from OR 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 October 2, 2023 regular meeting. Petitioners or their representatives must appear to present their case.

If the Council approves the rezoning with commitment, APC staff will ensure that the approved commitment is recorded. An original recorded commitment will be sent to the West Lafayette City Clerk.

Sincerely,

David Hittle
Executive Director

DH/kl

Enclosures: Staff Report & Ordinance

cc: Dustin Zufall
Eryap Construction and Trade Corporation
Chad Spitznagle, City of West Lafayette