

ORDINANCE NO. 09-21
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: **CBW** district
TO: **R3U** 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 May, 2021.

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 May, 2021, 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	✓			
Kang	✓			
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 May, 2021.

Sana G. Booker
Sana G. Booker, Clerk

THIS ORDINANCE APPROVED AND SIGNED BY ME ON THE 4 DAY OF May, 2021.

[Signature]
John R. Dennis, Mayor

Attest:

Sana G. Booker
Sana G. Booker, Clerk



Ordinance No. 09-21 Legal Description

Lots numbered 1, 2, 3 and 4 in Lutz Plat of the Town of Chauncey, now City of West Lafayette, Indiana. Located in Tippecanoe County, Indiana.

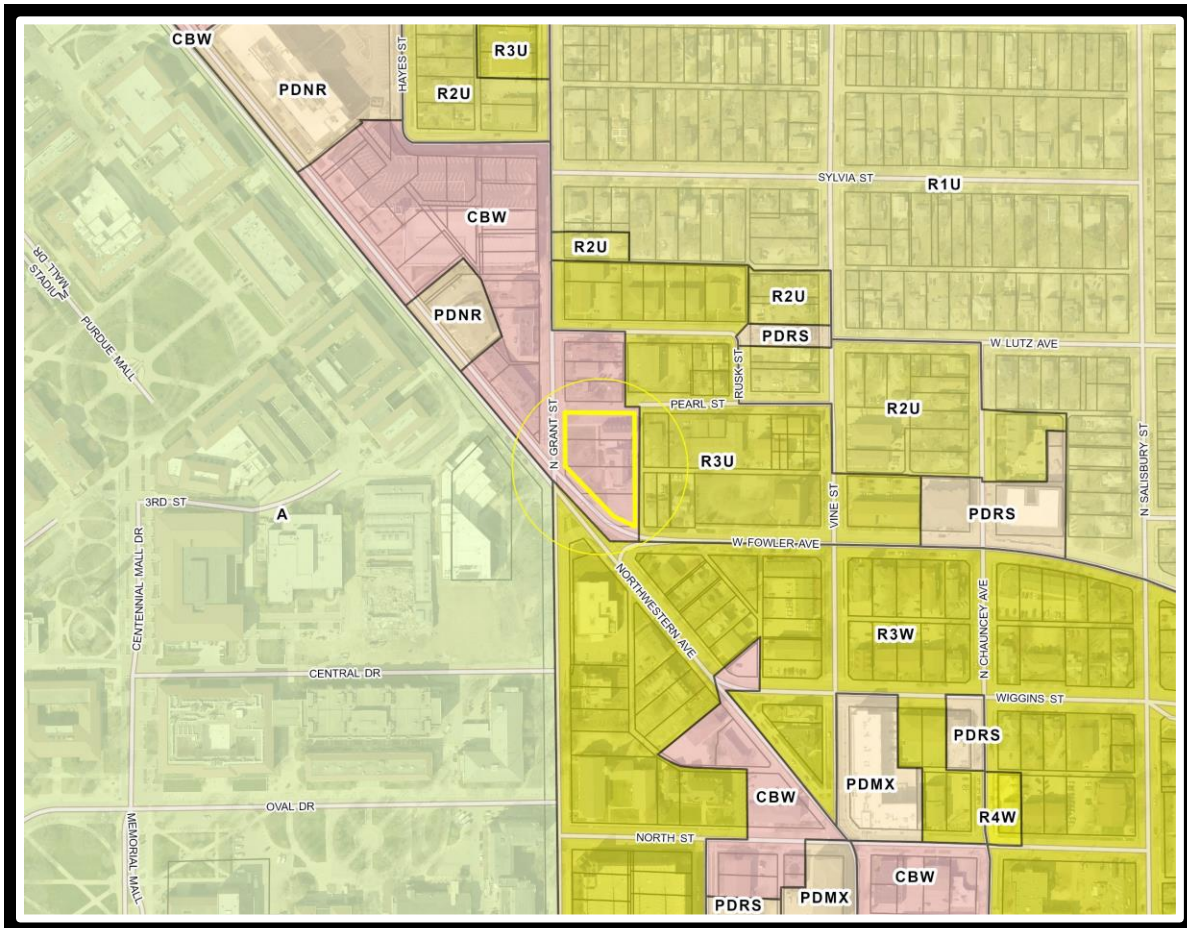
EXCEPT, 180 square feet, more or less, of Lot 4 in Lutz Plat of the Town of Chauncey, now City of West Lafayette, Indiana, as conveyed to the State Highway Department of Indiana.

ALSO EXCEPT. A part of Lots 2, 3 and 4 in the Lutz Plat, an addition to the Town of Chauncey, now West Lafayette, Indiana, an addition in the East Half of the Northeast Quarter of Section 19, Township 23 North, Range 4 West, the plat of which addition is recorded in Deed Record 85, page 77, in the Office of the Recorder of Tippecanoe County, Indiana, described as follows:

Beginning at the southeast corner of said Lot 4; thence North 89 degrees 54 minutes 00 seconds West 44.50 feet along the south line of said Lot 4 to the northeastern boundary of the intersection of Fowler Avenue (U.S.R. 231) and Northwestern Avenue (U.S.R. 231); thence North 64 degrees 16 minutes 54 seconds West 37.05 feet along the boundary of the intersection of said Fowler Avenue and said Northwestern Avenue to the southwestern boundary line of said Lot 4; thence North 40 degrees 52 minutes 00 seconds West 119.26 feet along said southwestern line and along the southwestern line of said Lot 3; thence North 01 degree 47 minutes 00 seconds West 28.55 feet along the west line of said Lots 3 and 2; thence South 44 degrees 12 minutes 08 seconds East 154.69 feet; thence South 63 degrees 53 minutes 36 seconds East 54.52 feet to the point of beginning and containing 3,995 square feet, more or less.

Z-2826
PURDUE DELTA TAU DELTA ASSOCIATION, INC.
(CBW to R3U)

STAFF REPORT
April 15, 2021



REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, with consent of the owner and represented by attorney Chris Shelmon is requesting R3U zoning of the Purdue Delta Tau Delta property located at 400 Northwestern Avenue, West Lafayette, Wabash 19 (NE) 23-4.

ZONING HISTORY AND AREA ZONING PATTERNS:

A neighborhood-wide rezone action, prompted by the adoption of the *New Chauncey Neighborhood Plan* in 2013, was successfully adopted by the city council in 2015 which rezoned the subject property to CBW from R3W (Z-2619).

The most recent rezone petitions in the area include “443 Vine Street Planned Development” (Z-2771, from 2019) and “460 Northwestern Planned Development” (Z-2675, from 2017). Both rezones were for multi-family student apartments.

AREA LAND USE PATTERNS:

The subject property currently has a building constructed in 1928 that reflects Tudor Revival architectural characteristics; the building has been home to a fraternity for several decades. It is located on the western edge of the New Chauncey Neighborhood, at the intersection of Northwestern Avenue, Grant Street, and Fowler Avenue. The surrounding properties are student apartments except to the southwest, across Northwestern Avenue, where structures associated with Purdue University exist.

TRAFFIC AND TRANSPORTATION:

Grant Street, Northwestern and Fowler Avenue are classified as primary arterials according to the adopted *Thoroughfare Plan*. A platted Pearl Street appears to end at the northeast corner of the area in the request, where it is reduced in width to a 20 foot wide alley and connects to Grant Street. A north-south alley on the east side of the property connects Fowler Avenue and Pearl Street.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

Public utilities serve the property.

STAFF COMMENTS:

The site is the home of Purdue Delta Tau Delta fraternity, a not-for-profit entity, recognized as a university student living unit. A “Fraternity, Sorority or Student Cooperative” use is categorized in the ordinance as a type of residential use. Consequently, fraternities are permitted by right only in R3, R3U, R3W, R4W and A zones to house high-density residential needs. According to petitioner’s representative, approving the rezone request will legitimize the nonconforming fraternity to allow future building upgrades and reduce insurance costs.

While this site in the past had been home to a conforming fraternity, the New Chauncey Neighborhood supported (and the City of West Lafayette approved) different plans for the future of this prominent corner. The *New Chauncey Neighborhood Plan*, adopted by City Council in 2013, shows a “High Density Mixed Use” future for the subject property. The “High Density Mixed Use” category, as defined in its land use plan promotes: “...a more intense mix of residential and commercial uses, typically not exceeding 5-stories, including ground floor professional/ personal services, shop front retail with restaurants, cafes and gift shops integrated with residential and/or offices on upper levels.” The subject area was rezoned to the current Central Business (CBW) designation to facilitate a mixed-use vision of the adopted land use plan. Moreover, the future land use block description found in the land use plan (Block 22) addresses the urban character of this block explicitly to create: “a lively, urban, mixed-use environment that is pedestrian-oriented and focused on delivering neighborhood retail, restaurant and services designed to better connect the New Chauncey section of the Northwestern Avenue corridor with the Chauncey Village section.”

Staff does not support this rezone request as it would confine redevelopment opportunities only to residential uses, sharply contradicting the *Neighborhood Plan’s* goals and objectives. Adaptive reuse of the historic structure, including mixed use components supported in the CBW zone, in alliance with the plan’s goals and objectives, could be a viable future alternative for the subject property.

STAFF RECOMMENDATION:

Denial

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

April 22, 2021
Ref. No.: 21-090

West Lafayette City Council
222 North Chauncey
West Lafayette, Indiana 47906

CERTIFICATION

RE: **Z-2826 PURDUE DELTA TAU DELTA ASSOCIATION, INC.
(CBW to R3U):**

Petitioner is requesting rezoning of four lots located at the northeast corner of Grant Street and Northwestern, specifically 400 Northwestern Avenue, to make a nonconforming fraternity a conforming use, in West Lafayette, Wabash 19 (NE) 23-4.

Dear City Council Members:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on April 21, 2021 the Area Plan Commission of Tippecanoe County voted (16) yes - (0) no on the motion to rezone the subject real estate from CBW to R3U. 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 May 3, 2021 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,



David Hittle
Executive Director

DH/kl

Enclosures: Staff Report & Ordinances

cc: William R. Hirsch, Purdue Delta Tau Delta Association, Inc.
Christopher Shelmon, Gutwein Law
Chad Spitznagle, West Lafayette Engineer's Office