

ORDINANCE NO. 10-08

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATE,
FROM CBW TO PDNR**

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA:

Section I. The Unified Zoning Ordinance of Tippecanoe County, Indiana, being a separate ordinance and part of the Municipal Code of West Lafayette, Indiana, is hereby amended to rezone the following described real estate situated in Tippecanoe Township, Tippecanoe County, Indiana, to wit:

SEE ATTACHED LEGAL DESCRIPTION

Section II. The above described real estate should be and the same is hereby rezoned from CBW to PDNR

Section III. This Ordinance shall be in full force and effect from and after its adoption.

LEGAL DESCRIPTION

PARCEL 1

A part of Lot 9 in the Town of Kingston, now city of West Lafayette, Indiana, described as follows:

Beginning at the northwest corner of said Lot 9, and running thence southward along the west line thereof 61.75 feet to the center of an 8.4 foot private concrete driveway (which center is marked on the west line of Lot 9 by a "cross" in the concrete of said driveway); thence eastward 58 feet along the center line of said driveway extended to a point in the east line of Lot 9, which is 61.4 feet south of the northeast corner thereof; then north along the east line of Lot 9, 61.4 feet to the northeast corner of said lot; thence westward along the north line of Lot 9, 58 feet to the beginning.

PARCEL II

A perpetual easment for ingress and egress, over and upon the one-half of the private driveway south of and adjacent to the above described real estate.

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

March 20, 2008
Ref. No: 08-097

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

RECEIVED

MAR 25 2008

CLERK - TREASURER

CERTIFICATION

RE: Z-2365—PANDA RESTAURANT GROUP (Panda Express PD) (CBW to PDNR):

Petitioner is requesting CBW to PDNR zoning for a one-story Panda Express Restaurant on part of lot 9 in the original plat of the Town of Kingston located at the southeast corner of Northwestern and Columbia in the Village, West Lafayette, Wabash 19 (NE) 23-4. CONTINUED FROM THE FEBRUARY 20, 2008 APC MEETING AT PETITIONER'S REQUEST.

Dear Council Members:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on March 19, 2008, the Area Plan Commission of Tippecanoe County voted 11 yes – 0 no to APPROVE the motion to rezone the subject real estate from CBW to PDNR. 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, contingent on meeting all requirements of UZO 2-27-10 for submission of Final Detailed Plans, signed off by those noted in that section to include:

1. All sheets (other than preliminary plat) that make up the approved Preliminary Plan;
2. PD construction plans per UZO Appendix B2-2;
3. A final plat per UZO Appendix B-3-2 as applicable;
4. Appropriate performance bonds submitted with final detailed plans
5. A "No Vehicular Access" statement platted along the street right-of-way lines of the lot except for the location of the approved drive;
6. Plant and outdoor furniture schedules approved by the West Lafayette Greenspace Administrator;

Restrictive Covenants – The following items shall be part of the planned development's covenants made enforceable by the Area Plan Commission and irrevocable by the lot owners:

7. A "No Vehicular Access" statement platted along the street right-of-way lines of the lot except for the location of the approved drive.

Public Notice has been given that this petition will be heard before the West Lafayette Common Council at its April 7, 2008 regular meeting.

Sincerely,

A handwritten signature in cursive script that reads "Sallie Dell Fahey".

Sallie Dell Fahey
Executive Director

SDF/lmu

Enclosures: Planned Development drawings and Ordinances

cc: William Yu, Panda Restaurant Group
David Delfin, etal
Daniel Teder
TBird Engineering
Verizon
Insight Communications
Vectron
Duke Energy
American Suburban Water Company

Z-2365
PANDA RESTAURANT GROUP
PANDA EXPRESS PLANNED DEVELOPMENT
CBW TO PDNR

STAFF REPORT
14 February 2008

Z-2365
**PANDA RESTAURANT GROUP
PANDA EXPRESS PLANNED DEVELOPMENT
CBW to PDNR**

Staff Report
14 February 2008

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, with consent from owners and represented by Daniel Teder and TBird Design Services, is requesting CBW to PDNR zoning for a one-story Panda Express Restaurant on part of lot 9 (3494 sq. ft.) in the original plat for the Town of Kingston located at the southeast corner of Northwestern and Columbia in the Village, West Lafayette, Wabash 19 (NE) 23-4.

ZONING HISTORY AND AREA ZONING PATTERNS:

The property in this case is zoned CBW as is the area to the south, part of a large core of commercially zoned land along the east/west corridor that includes both sides of State Street from Grant on the west, to the river on the east including parts of the Levee. Various sites to the north, east and west are zoned PDNR, PDMX and PDRS. Virtually all rezoning requests in the surrounding area have been to planned development over the last eight years including two that are located across the street from petitioner's site: Z-2109 (West Lafayette Library) and Z-2253 (Global Holdings). Beyond the commercial corridor, to the north and south, land turns solidly R3W associated primarily with student housing near Purdue campus.

AREA LAND USE PATTERNS:

The site of this request is currently vacant; the subject of a fire that destroyed three businesses and one apartment in the summer of 2005. To the north and south along both sides of Northwestern is a mix of commercial/service uses, restaurants and apartments. Part of the Village commercial core, which continues east and west along both sides of State and South Streets, is one block to the south. The West Lafayette Public Library is immediately north across Columbia Street, the Library's parking garage abuts to the east. The east edge of Purdue campus is two blocks west.

Prior to 2005, this site was home to three businesses: a sit-down restaurant, a barbershop, t-shirt silk screener; in addition to a one-bedroom apartment with maximum occupancy of two persons; and one off-street parking space.

TRAFFIC AND TRANSPORTATION:

The site is located on the southeast corner of Northwestern and Columbia Streets. Northwestern is a two-lane, one way, primary arterial that runs south bound through the Village commercial district. Based on 2006 data, Northwestern shows a daily traffic

count of 9046 vehicles. Columbia is a two-way urban local that intersects with Northwestern from the east.

The project site is located within the study area included in the *Purdue University Area Amendment to the Transportation Plan for 2025*. In an effort to “better serve mobility needs in the Purdue University area” three goals are outlined in the plan: First, to provide safe and efficient movement of all transportation modes, to, from, through and around campus; second, encourage pedestrian traffic and discourage vehicular traffic in the central core of the campus; third, provide parking choices for all user groups including faculty, staff, commuting students, resident students and visitors.

Transportation changes recommended by the plan near petitioner’s site include: reversing traffic on Northwestern from one-way south bound to one-way north; reversing traffic on Grant Street from one-way north bound to one-way south; making Chauncey, south of State Street, one-way north bound from Williams to State; and constructing a new parking garage immediately east of the Grant Street Garage in the block south of State. It is projected that completion of the entire plan will take 20 years anticipating that one project will be constructed every 3-4 years.

The proposed project shows one parking space with access from Columbia Street at the eastern most edge of the lot at a point furthest from the intersection with Northwestern. The location of the parking space is approximately the same as the space previously located on the site. Due to the site’s small size, 58’ x 60’, there is no other off-street parking shown.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

City sewer, private water and utilities are all presently at or near the site.

In keeping with the pedestrian nature of the Village the project design incorporates the following elements: outdoor seating, landscaping, street trees, trash containers and bike parking. The building is shown close to the sidewalk. Windows, landscaping and awnings impart a pedestrian scale and add visual interest to the exterior. The one off-street parking space is shown in a cut-out of the building at the northeast corner. The driveway access to the restaurant’s dumpster enclosure is shared with and immediately south of the one parking place.

STAFF COMMENTS:

APC and City staff have discussed parking standards in the Village on and off for years. At the heart of every discussion is the fact that literally every redevelopment project in the area has used planned development zoning in part to negotiate a reasonable parking standard that factors in the area’s strong pedestrian nature. The current standard for a restaurant in CBW is 1space/100 sq. ft. with no reduction for the pedestrian character of the Village. This standard is the same that would be applied to a new restaurant locating in the GB district along Sagamore West, a suburban design that caters to vehicular traffic. Yet, the CBW zone is defined as “... core business areas in the City of West Lafayette which experience significant vehicular and pedestrian

traffic in their locations adjacent to Purdue University, for retailing, services, government and professional offices, cultural, recreational and entertainment establishments, housing, commercial lodging and transportation facilities.” The closest equivalent zoning district to CBW is the CB district located in downtown Lafayette where 100% of new residential parking must be provided but the parking requirement for commercial land use is zero.

The City of West Lafayette hired a consultant to study the parking conditions in the Village and surrounding blocks. Parking problems in the area are common because of its proximity to campus. Unlike downtown Lafayette the mix of apartments, commercial/retail business and the tendency for students to use the Village as short term and overflow campus parking poses a unique challenge. The parking study is complete and soon City staff may ask the plan commission to consider a new parking standard for the Village. Until that time, any new redevelopment plans face the same two options as those who have come before: variance or planned development. As is evident by looking at the zoning map and variance request history for the Village, both are routine occurrences. What the trend tells us is that the application of a suburban parking standard to the most urban part of the West Lafayette community is not appropriate, especially in this case.

The property in this request is 58' x 60', just shy of 3500 sq. ft. total. The proposal is to construct a 2394 sq. ft., one-story restaurant with a parking requirement of 24 spaces. Under the best conditions this lot, used entirely for surface parking, could not provide more than 12 spaces. As such, the site is not even suitable for parking as a primary use much less provide a building site **and** off-street parking at 1/100 sq. ft. as the zoning ordinance requires. In prior cases, staff has been able to require off-site parking arrangements between the developer and adjacent property owners with “spare” parking places to rent. The number of extra off-street spaces in proximity to this site are all spoken for now. The outcome is clear: either halt new development or come to grips with the long term solution and a new parking standard in the Village before the current situation threatens to change the vision and physical form the community has for a pedestrian and business friendly Village.

Parking aside, the proposal does contain many positive elements. The building location and design are pedestrian oriented and sensitive to the urban setting. Overall greenspace is increased from what previously existed. Land use and signage are both appropriate for this property. The single tenant and permitted uses of the building help to assure that the project does not overwhelm the site. And finally, the outcome of this project will help provide the City with the best example yet to support changing a standard that does not work in this unique part of the community. And quite frankly, the City is at the end of a proverbial rope because there is no where else to go, no other property to tap for extra spaces. The lot in question is small but highly visible, wedged on a corner with no place for its parking to go except on the street.

Staff believes that the project design and proposed use will be an asset to the Village. In this unique case one must decide first what the vision is for the streetscape. If you

want new development to mirror existing development on Northwestern, parking on-site is not appropriate. It is just that simple. With the support of City staff and work actively underway to help provide a permanent solution to the parking standard question in the Village, APC staff can give this project a favorable recommendation.

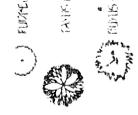
STAFF RECOMMENDATION:

Approval, contingent on meeting all requirements of *UZO 2-27-10* for submission of Final Detailed Plans, signed off by those noted in that section to include:

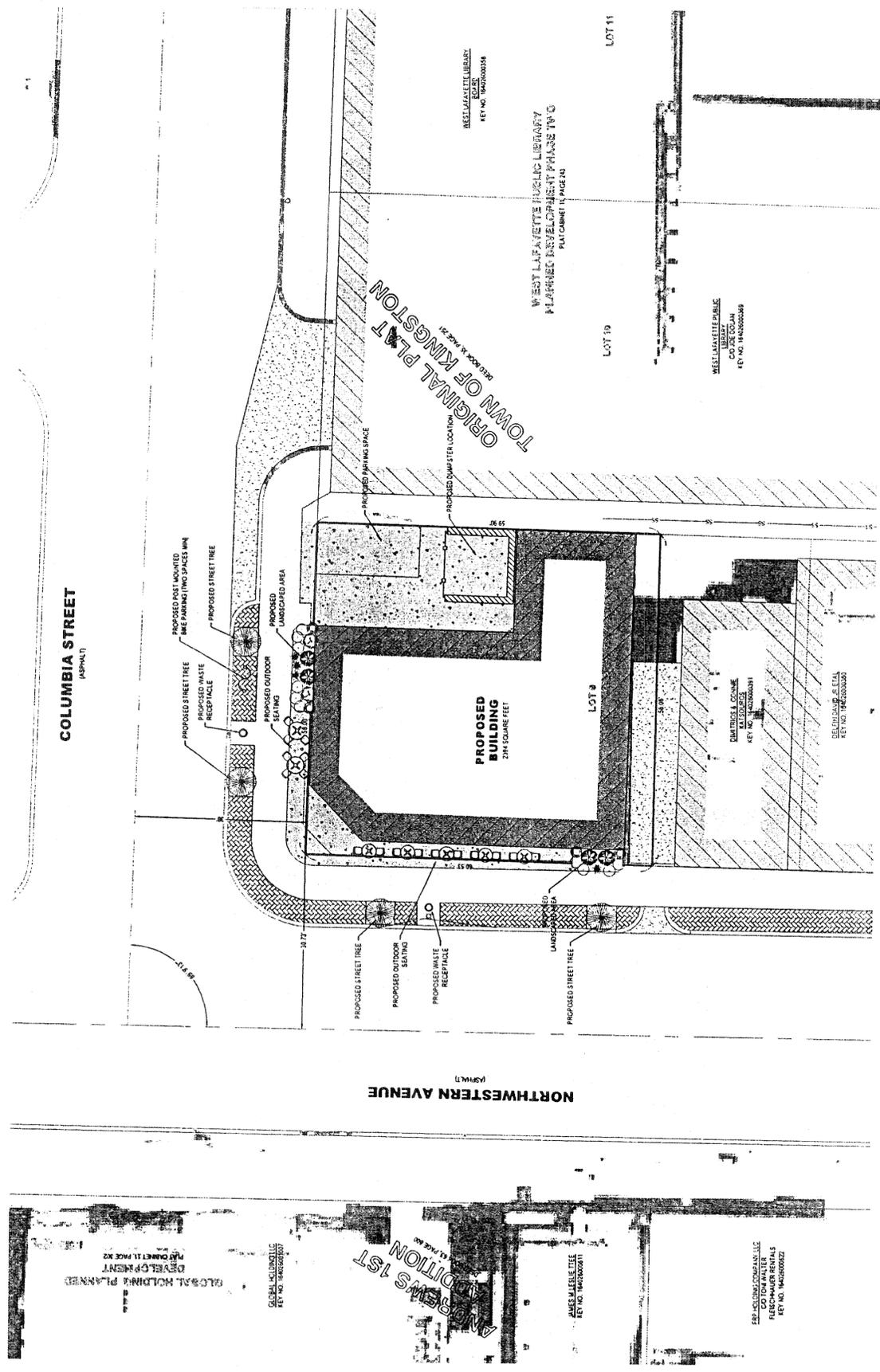
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3. A final plat per *UZO Appendix B-3-2* as applicable;
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6. Plant schedule approved by the West Lafayette Greenspace Administrator;

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- NOTE:**
1. ALL TREES SHALL BE 3" O" CALIPER WHEN PLANTED.
 2. ALL TREES SHALL BE PROTECTED BY A 4" CALIPER GUARD TO CITY OF WEST LAFALETTE STANDARDS.



COLUMBIA STREET
(ASPHALT)

NORTHWESTERN AVENUE
(ASPHALT)

ORIGINAL PLAT TOWN OF KINGSTON
SECTION 14, PAGE 24

PROPOSED BUILDING
27K SQUARE FEET

WEST LAFALETTE PUBLIC LIBRARY
PLANNED DEVELOPMENT PHASE TWO
PLAT CABINET 14, PAGE 24

WEST LAFALETTE PUBLIC LIBRARY COMPANY
KEY NO. 1462000008

DUNSTON & COMPANY
KEY NO. 1462000001

DEE DUNSTON & SONS
KEY NO. 1462000000

GLOBAL HOLDINGS PLANNED DEVELOPMENT
PLAT CABINET 11, PAGE 02

GLOBAL HOLDINGS
KEY NO. 1462000007

AMBER'S 1ST ADDITION
KEY NO. 1462000000

JAMES MARLETT LLC
KEY NO. 1462000001

ESPACIONS COMPANY LLC
DUSTON WALTER
PLANNED DEVELOPMENT PHASE TWO
KEY NO. 1462000002

LOT 10

LOT 11

LOT 3



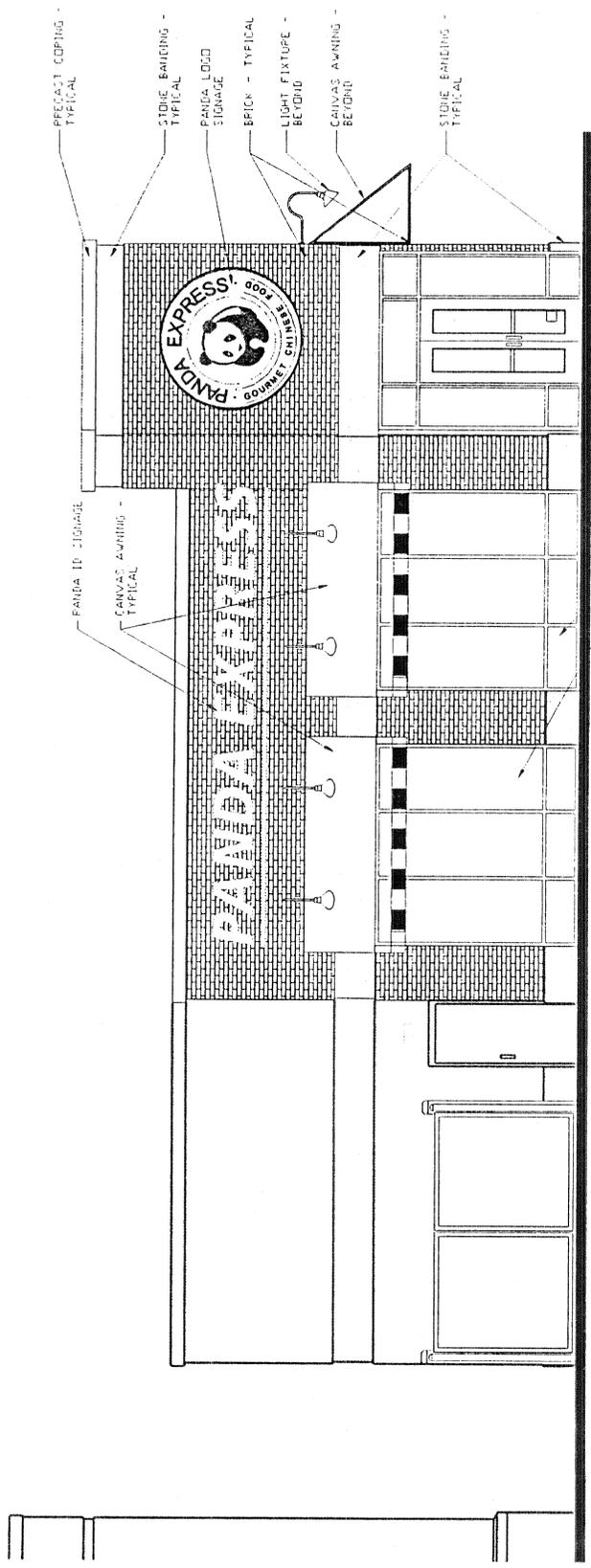
PANDA EXPRESS
PANDA RESTAURANT GROUP INC.
1688 WALNUT GROVE AVENUE
ROSEMead, CA 91770



NO.	DATE	DESCRIPTION

PROJECT NO.:
DATE:
SCALE:
DRAWN BY:
CHECKED BY:
DATE:
PROJECT NAME:
PROJECT LOCATION:
PROJECT OWNER:
PROJECT CONTACT:
PROJECT PHONE:
PROJECT FAX:
PROJECT EMAIL:

BUILDING ELEVATIONS
COLUMBIA STREET
A-002



COLUMBIA STREET ELEVATION