Submitted by the Area Plan Commission

ORDINANCE NO. 40-15

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

Section 2: Said real estate is hereby rezoned as follows:

FROM: R3
TO: R3W

Section 3: This ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

The jurat for this document was not printed on discussion copies, in order to save paper and copying resources.
If you have questions about this, please contact the Office of the Clerk-Treasurer at clerk@westlafayette.in.gov.
Thank you.

Revised September 21, 2015 to add the Citation Homes property

Key number	Owner	Site Address	Legal description
79-06-13-478-002.000-029	Purdue Sigma Nu Assoc.	1301 Tower Dr. West Lafayette IN 47906	Tower Acres Part 3, Lot 1
79-06-13-478-003.000-029	Purdue University Phi Kappa Psi Association	1307 Tower Drive West Lafayette IN 47906	Tower Acres Part 3, Lot 2
79-06-13-478-004.000-029	Fairway Cooperative Association, Inc.	1320 David Ross Rd. West Lafayette IN 47906	Tower Acres Part 3, Lot 3
79-06-13-478-005.000-029	Purdue Alumni of Delta Upsilon, Inc.	1300 Stadium West Lafayette IN 47906	Tower Acres Part 3, Lot 4
79-06-13-326-002.000-029	Purdue Research Foundation	1261 McCormick Road West Lafayette IN 47906	Part Wabash 13 (SW) 23-5
79-06-13-326-003.000-029	Purdue Research Foundation	1261 McCormick Road West Lafayette IN 47906	Part Wabash 13 (SW) 23-5 (See attached legal description of above 2.)
79-06-2-330-001.000-029	Ryan Findley & Michelle Reinstatler	3551 Bethel Drive West Lafayette IN 47906	Brindon Apts, Ph 2 Pt 2 & Replat of Ph 2 Pt 1, Lot 1
79-06-02-330-002.000-029	Cathy Russell, etal	3597 Bethel Drive West Lafayette IN 47906	Brindon Apts, Ph 2 Pt 2 & Replat of Ph 2 Pt 1, Part Lot 13
79-06-02-330-003.000-029	State of Indiana	3597 Bethel Drive West Lafayette IN 47906	Brindon Apts, Ph 2 Pt 2 & Replat of Ph 2 Pt 1, Part Lot 13
79-06-11-200-008.000-029	Citation Homes, Inc.	10.7 acres on the north side of Cumberland, west of US 231	Part Wabash 11 (NW) 23-5 (See attached legal description.)

1261 McCormick Rd.

EXHIBIT A

[Key Number 134-0700-0141] 79-06-13-326-002.000-029

The North half of the East half of the East half of the South west quarter of Section Thirteen (13), in Township Twenty-three (23) North, Range Five (5) West, containing twenty (20) acres, more or less;

EXCEPTING all that part of the above described tract that lies South and West of the center line of the highway running Northwest and Southeast through said twenty (20) acres tract, containing in said excepted tract one-half (1/2) acre:

ALSO EXCEPTING: Beginning at the Northeast corner of the Southwest quarter of Section Thirteen (13), running thence West along the North line of said Southwest quarter to the Northwest corner of the East half of the East half of the said Southwest quarter a distance of six hundred fifty-five (655) feet; thence South along the West line of the said East half of the East half of said Southwest quarter to the center of a public highway known as the Old State Road, a distance of eight hundred seventy-nine and 94/100 (879.94) feet; thence Southeastward along the center line of said Old State Road a distance of one hundred thirty-three (133) feet; thence East and parallel to the North line of said Southwest quarter to the East line of said Southwest quarter a distance of six hundred six (606) feet; thence North along the east line of said Southwest quarter a distance of one thousand (1000) feet to the place of beginning, containing fifteen (15) acres more or less. Said tract consists of 4.5 acres, more or less, in Wabash Township, Tippecanoe County, Indiana.

AND

[Key Number 134-07000-0185] 79-06-13-326-003.000-029

Part of the East half of the East half of the Southwest Quarter of Section 13, Township 23 North, Range 5 West, described as follows:

Beginning at a point on the centerline of a public highway known as the Old State Road a distance of one hundred thirty-three (133) feet southeastward from the intersection of said centerline with the west line of the East half of the East half of said quarter section; thence east and parallel to the north line of said quarter section a distance of six hundred six (606) feet; thence north on the east line of said quarter section a distance of sixty (60) feet; thence west and parallel to the north line of said quarter section to the center line of said Old State Road; thence southeast on the said centerline to the place of beginning, subject to the right of way of the proposed state highway to be built to replace said Old State Road.

Located in Wabash Township, Tippecanoe County, Indiana.

Z-2627
Revised to add the following 10.7 acres!

79-06-11-200-008.000-029

LEGAL DESCRIPTION

Part of the real estate in the estate of Elizabeth C. Swanson (deceased) recorded in Deed Record 9502387 in the Office of the Tippecanoe County Recorder and being part of Section 11, Township 23 North, Range 5 West, Wabash Township, Tippecanoe County, Indiana, more particularly described as follows:

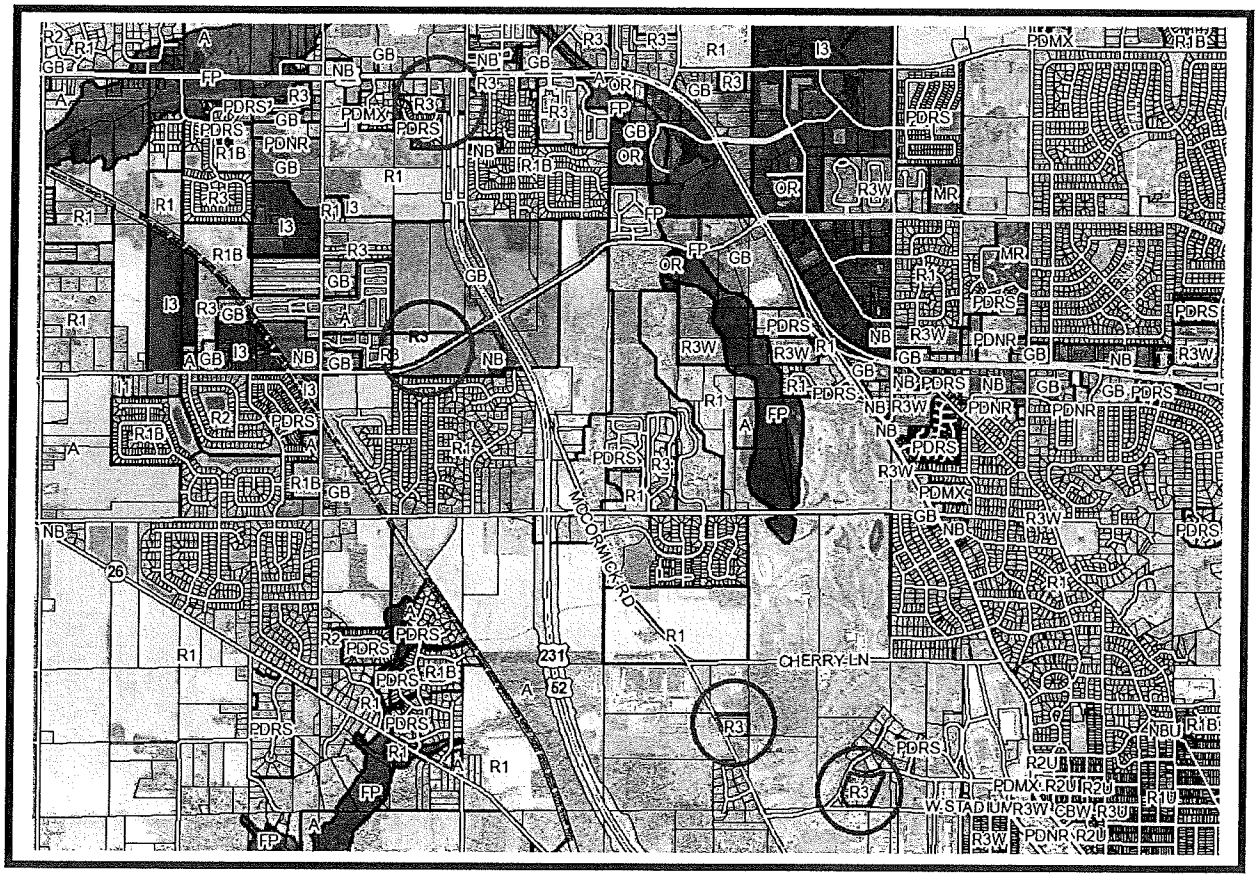
Commencing at the Southwest Corner of the Northwest Quarter of Section 11, being marked by a Berntsen Monument; thence North 88°43'04" East along the South Line of said Northwest Quarter 1308.05 feet to a 15" square concrete fence post, being the Southwest Corner of the Southeast Quarter of said Northwest Quarter; thence North 00°09'40" West along the West Line of the Southeast Quarter of said Northwest Quarter 54.80 feet to the Point of Beginning of this description; thence continuing North 00°09'40" West along said West Line 604.90 feet to a 5/8 inch diameter rebar with a plastic cap stamped "RWG 880043"; thence North 88°39'17" East a distance of 1294.97 feet to the north line of the real estate conveyed to Tippecanoe County, Indiana, as per Warranty Deed recorded as Document Number 201111003214 in said Recorder's Office; thence along said real estate the following four (4) courses:

(1) South 58°38'00" West 643.60 feet;
(2) South 50°06'09" West 101.12 feet;
(3) South 58°38'00" West 59.06 feet to a tangent curve to the right, having a radius of 1445.00 feet and a central angle of 25°56'07";
(4) southwesterly an arc distance of 654.09 feet to the Point of Beginning, containing 10.701 acres, more or less.

Subject to all easements, rights-of-way, restrictions, and covenants of record.

Z-2627
CITY OF WEST LAFAYETTE
(R3 to R3W)

STAFF REPORT
October 15, 2015



Z-2627
CITY OF WEST LAFAYETTE
R3 to R3W

Staff Report
OCTOBER 15, 2015

REQUEST MADE, PROPOSED USE, LOCATION:
Petitioner is requesting rezoning of all of the currently R3 zoned properties within the jurisdiction of West Lafayette from R3 to R3W. The properties are Tower Acres, Part 3, Lots 1-4; Brindon Apartments Phase 2, Part 2 & Replat of Phase 2, Part 1, Lots 1 and 13; two tracts located at 1261 McCormick Road, and 10.7 acres located on the north side of Cumberland, west of US 231, in West Lafayette, Wabash 13 (S1/2), 02 (SW) and 11 (NW) 23-5.

ZONING HISTORY AND AREA ZONING PATTERNS:
The existing R3 zoned properties were all part of the 2014 annexation by the City of West Lafayette. Most of these properties have been zoned R3 for many years leading up to the city's annexation.

AREA LAND USE PATTERNS:
About half of the R3 zoned properties have been developed with multi-family residential uses and fraternity uses (Brindon Apartments and Tower Acres respectively). The other R3 properties are undeveloped.

TRAFFIC AND TRANSPORTATION:
All the properties in this rezone petition presently have public road frontage and access.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:
Public utilities are either presently serving or are available to serve all of the properties in this petition.

STAFF COMMENTS:
The Unified Zoning Ordinance currently prohibits the City of West Lafayette from utilizing the R3 zoning district, instead favoring the city's exclusive R3W zone. Per section 2-8-1 of the "Intent" of the R3 zone:

> *"To provide areas for relatively high density single-family, two-family and multi-family dwellings…in places other than West Lafayette…"*

This ordinance was mistakenly overlooked by staff during the annexation process and the error was only discovered after annexation. The differences between the two districts are subtle, with the R3W zone containing more specific restrictions on residential density and parking. Apart from these differences, the development standards for the R3W zone are nearly identical to the R3 zone, making it the best choice to fix this error and to allow these properties to enjoy essentially the same development rights they had prior to annexation.

STAFF RECOMMENDATION:
Approval

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

October 22, 2015
Ref. No.: 15-243

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

CERTIFICATION

RE: **Z-2627--CITY OF WEST LAFAYETTE (R3 to R3W):**
Petitioner is requesting rezoning of all of the currently R3-zoned properties within the jurisdiction of West Lafayette from R3 to R3W. The properties are Tower Acres, Part 3, Lots 1-4; Brindon Apartments Phase 2, Part 2 & Replat of Phase 2, Part 1, Lots 1 and 13; two tracts located at 1261 McCormick Road, and 10.7 acres located on the north side of Cumberland, west of US 231, in West Lafayette, Wabash 13(S1/2), 02(SW) and 11(NW) 23-5. *CONTINUED FROM THE SEPTEMBER APC MEETING IN ORDER TO ADD A PROPERTY TO BE REZONED.*

Dear Council:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on October 21, 2015 the Area Plan Commission of Tippecanoe County voted 13 yes - 0 no on the motion to rezone the subject real estate from R3 to R3W. 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.

Public Notice has been given that this petition will be heard before the West Lafayette Common Council at its November 9, 2015 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

Sallie Dell Fahey
Executive Director

SDF/lmu

Enclosures: Staff Report & Ordinances

cc: Chandler Poole, City of West Lafayette
Dave Buck, West Lafayette City Engineer