

ORDINANCE NO. 42-15

**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 legal description attached hereto.)

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

FROM: NB
TO: GB

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

Situated in the State of Indiana, County of Tippecanoe and in the City of West Lafayette and being more particularly described as follows:

A part of the Northeast Quarter of Section Seven (7), Township Twenty-three (23) North, Range Four (4) West, City of West Lafayette, Indiana, described as follows:

Commencing at the Southeastern corner of the Northeast Quarter of said Section 7; thence North 00 degrees 40 minutes 00 seconds East, along the Eastern line of the Northeast Quarter of said Section Seven, 412.60 feet; thence North 89 degrees 10 minutes 00 second West, 360.00 feet to the point of beginning of this description; thence South 00 degrees 50 minutes 00 seconds West, 392.35 feet to the Northern right-of-way line of Sagamore Parkway; thence Northwesterly, along the Northern right-of-way line of Sagamore Parkway, on a curve to the right, having a radius of 11,509.15 feet, an arc distance of 100.38 feet; thence North 00 degrees 50 minutes 00 seconds East, 383.40 feet; thence South 89 degrees 10 minutes 00 seconds East, 100 feet to the point of beginning, containing 0.89 of an acre, more or less.

Z-2632
JACKSON-POLEN ANIMAL HOSPITAL
(d/b/a Creekside Animal Hospital)
(NB to GB)

STAFF REPORT
October 15, 2015

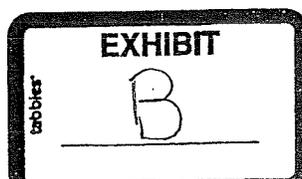


Excluded Primary Uses

≠ 2632

s.n	SIC GROUP	DESCRIPTION
1	major group 01	Agricultural Production Crops
2	major group 02	Agriculture production livestock and animal specialties
3	major group 07 (except 742 and 781)	Agricultural Services*
4	major group 15	Building construction general contractors and operative builders
5	major group 16	Heavy construction other than building construction contractors
6	major group 20 (except "winery")	food and kindred products
7	major group 42	Motor freight transportation and warehousing
8	major group 31	leather and leather products
9	326	pottery & related products
10	387	watches , clocks, clockwork operated devices and parts
11	major group 39	miscellaneous manufacturing industries
12	4953	Refuse systems
13	5047	medical , dental , and hospital equipment and supplies
14	5083	farm machinery and equipment (sales and service)
15	major group 51	wholesale trade non durable goods
16	521	lumber and other building material s dealers
17	527	Mobile home dealers
18	major group 55	Automotive dealers and gasoline service stations
19	5942 (except 5942 book stores)	"Adult Bookstores"
20	major group 58	Eating and drinking establishments
21	701	Hotels and motels
22	704	Organizational hotels and lodging houses , on membership basis
23	721	laundry , cleaning and garment services
24	7299	"massage establishments (parlors)"
25	7312	"outdoor advertising signs"
26	735	miscellaneous equipment rental and leasing
27	major group 75	automotive repair , services and parking
28	major group 76	miscellaneous repair services
29	7832	Motion picture theaters, except drive-ins "adult motion picture theaters and adult mini motion picture theaters, except drive-ins"
30	7833	Drive-in motion picture theaters "adult drive-in motion picture theaters"
31	7993	"adult motion picture arcade"
32	7999	"adult live entertainment arcade" & "adult cabaret"
33	8744	adult correctional facilities and jails; privately operated
34	9223	correctional institutions

*However, under SIC Group 742 there will be no boarding of animals as an accessory use unless the boarding is for patients of the clinic



Z-2632
JACKSON-POLEN ANIMAL HOSPITAL
NB to GB
with commitment

Staff Report
October 15, 2015

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, with consent of the owner, Kidz Company, LLC, and represented by attorney Daniel Teder, is requesting rezoning of 0.89 acres on the north side of Sagamore Parkway, east of Nighthawk Drive, more specifically 180 Sagamore Parkway West, in West Lafayette, Wabash 7 (NE) 23-4. Petitioner currently runs Creekside Animal Hospital on Schuyler Avenue; if successful, this would be an expansion of her current business. A commitment has also been filed with this rezone request (See attached). The commitment would place a limit on potential GB uses permitted on site in the future.

ZONING HISTORY AND AREA ZONING PATTERNS:

The earliest West Lafayette zoning map in the office shows this site, as well as the adjacent lots as LB, Local Business (which became NB, Neighborhood Business with the passage of NUZO in 1998). Likewise, the properties adjacent to the north are shown as R1, as they are today. The PDNR-zoned property adjacent to the east dates back to a rezone in 1988 (Z-1337 - Vintage Square PD) and the PDRS zoning across Sagamore Parkway is from a PD rezone in 1977 (Z-850 – Wabash Shores PD). The GB zoning on the south side of Sagamore Parkway to the southwest of the site in question was rezoned decades ago from its original SC zoning designation, (Shopping Center), which no longer exists.

AREA LAND USE PATTERNS:

Currently the property is used as a daycare facility with a fenced-in playground area to the rear. To the east there are several offices in three separate buildings; to the west is a Goodwill Store. To the north and south of this commercial corridor along Sagamore Parkway, there are huge neighborhoods of single-family homes: Barberry Heights to the north, Wabash Gardens and Wabash Shores to the south.

TRAFFIC AND TRANSPORTATION:

Access to this site is via a frontage road that connects to Sagamore Parkway West, a divided primary arterial that sees 31,143 vehicles per day. A veterinary hospital would be required to provide 5 paved parking spaces per doctor in the GB zone. Existing parking appears to be more than sufficient to meet this requirement.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

Sewer and water already serve this site.

STAFF COMMENTS:

Petitioner plans to re-use the existing building after making some cosmetic changes to the structure. The back of the building is over 200' from the nearest residence to the north. The UZO does not allow "veterinary services for animal specialties (SIC 0742) within the Neighborhood Business zone; however it is a permitted use in the GB. The commitment that was filed with this request would not permit the "boarding of animals as an accessory use unless the boarding is for [recuperating] patients of the clinic."

The commitment, if approved, would be in effect until this property was the site of another future rezone request. The other uses, besides the boarding of animals, that the commitment would prohibit include: adult businesses, manufacturing and warehousing, car lots, gas stations, auto repair businesses, etc. This would generally eliminate the more intense GB businesses from locating here in the future. The lot itself is relatively narrow (about 100') which could be a limiting factor in its future re-use.

A GB-rezone of a lot located in this long-standing commercial corridor would not be too much of a stretch; with the commitment limiting the types of uses that can locate here, staff is comfortable with this request.

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.: 15-248

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

CERTIFICATION

RE: **Z-2632--JACKSON-POLEN ANIMAL HOSPITAL d/b/a
Creekside Animal Hospital (NB to GB):**

Petitioner is requesting rezoning of 0.89 acres on the north side of Sagamore Parkway, east of Nighthawk Drive, more specifically 180 Sagamore Parkway West, in West Lafayette, Wabash 7 (NE) 23-4. WITH COMMITMENT.

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 to accept the proposed commitment and 13 yes - 0 no on the motion to rezone the subject real estate from NB to GB. 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.

If the Council approves the rezoning with commitment, APC staff will ensure that the approved commitment is recorded and an original recorded commitment sent to West Lafayette.

Sincerely,


Sallie Dell Fahey
Executive Director

SDF/lmu

Enclosures: Staff Report & Ordinances

cc: Dave Buck, West Lafayette Engineer
Pamela Jackson, Jackson-Polen Animal Hospital
Kidz Company
Daniel Teder

Key Number: 164-04900-1281

State Identification Number: 79-07-07-283-003.000-026

COMMITMENT

Commitment made on the 14th day of September, 2015, by Jackson-Polen Animal Hospital, P.C., d/b/a Creekside Animal Hospital (the "Petitioner"), pursuant to Indiana Code Section 36-7-4-1015.

1. Petitioner makes this commitment with the knowledge and consent of Kidz Company, LLC, who is the owner (the "Owner") of certain real estate (the "Real Estate") located in Tippecanoe County, Indiana, commonly known as 180 Sagamore Pkwy. W., West Lafayette, Indiana 47906, and more particularly described on Exhibit A which is attached hereto and incorporated by reference herein.

Petitioner has filed a request with the Area Plan Commission of Tippecanoe County, Indiana (the "APC"), to rezone the Real Estate from NB to GB which request is pending before the APC as case no. Z- 2632.

2. Petitioner hereby agrees and makes the following commitment in connection with the rezoning request in case no. Z- 2632 :

The following list of uses shall be excluded from the uses otherwise allowed by the Permitted Use Table of the Unified Zoning Ordinance of Tippecanoe County, Indiana for a GB classification:

SIC GROUP EXCLUDED PRIMARY USES

(See Exhibit B attached hereto)

3. Petitioner understands and agrees that this commitment is given to the APC and the City of West Lafayette, Indiana (the "Legislative Body") as an inducement for the recommendation for and approval of the rezoning request in case no. Z- 2632. Petitioner further understands and agrees that the approval of the rezoning request in case no. Z- 2632 by the Legislative Body constitutes good and valuable consideration for the giving of this commitment.

4. 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

z-2632

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. Daniel A. Teder

This instrument prepared by Daniel A. Teder of the firm of REILING TEDER & SCHRIER, 250 Main Street, Suite 601, P. O. Box 280, Lafayette, Indiana 47902, Telephone: (765) 423-5333, Fax: (765) 423-4564, E-mail: dat@rtslawfirm.com

EXHIBIT A
LEGAL DESCRIPTION

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