

ORDINANCE NO. 3-05

**TO REZONE CERTAIN REAL ESTATE WITHIN
THE CITY OF WEST LAFAYETTE, INDIANA,
AND DESIGNATING THE TIME WHEN THE SAME SHALL TAKE EFFECT.**

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

Section 1: Ordinance No. 8-32-97 of the City of West Lafayette, Indiana, is hereby amended to rezone the following described real estate, to-wit:

SEE ATTACHED SHEET FOR LEGAL DESCRIPTION

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

From: "R1 and R3W" District

To: "PDRS" District

Section 3: This Ordinance shall be in full force and effect immediately upon its passage.

INTRODUCED AND FILED ON THE ___ DAY OF _____, 2005.

**DULY ORDAINED, PASSED AND ADOPTED BY THE COMMON COUNCIL
OF THE CITY OF WEST LAFAYETTE, INDIANA, ON THIS THE ___ DAY OF
_____, 2005, HAVING BEEN PASSED BY A VOTE OF ___ IN FAVOR
AND ___ OPPOSED.**

Jan H. Mills, Presiding Officer

ATTEST:

Judith C. Rhodes, Clerk-Treasurer

**PRESENTED BY ME TO THE MAYOR OF THE CITY OF WEST LAFAYETTE,
INDIANA, ON THE ___ DAY OF _____, 2005, AT THE HOUR OF
_____.**

Judith C. Rhodes, Clerk-Treasurer

THIS ORDINANCE APPROVED AND SIGNED BY ME ON THE _____
DAY OF _____, 2005, AT THE HOUR OF _____.

ATTEST:

Jan H. Mills, Mayor

Judith C. Rhodes, Clerk-Treasurer

20 NORTH 3RD STREET
LAFAYETTE, INDIANA 47901-1209

(765)423-9242
(765)423-9154 [FAX]

SALLIE DELL FAHEY
EXECUTIVE DIRECTOR

December 16, 2004
Ref. No: 04-673

West Lafayette City Council
609 W. Navajo Street
West Lafayette IN 47906

CERTIFICATION

RE: Z-2215 – 900 PLACE, LLC. (Catherwood Gardens PD) (R1 AND R3W TO PDRS):

Petitioner is requesting rezoning of approximately 9.58 acres for a housing development with 22 detached and 30 attached single-family units. The site is located in the triangle north of the intersection of Happy Hollow and North River Road (SR 443 & SR 43, respectively) and includes property east of North River Road adjacent to the Wabash River, West Lafayette, Wabash 17 (SW) 23-4.

Dear Council Members:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on December 15, 2004, the Area Plan Commission of Tippecanoe County voted 13 yes – 0 no to approve the motion to rezone the subject real estate from R1 and R3W to PDRS. 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, 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 B-2-2;
3. A final plat per UZO Appendix B-3-2 and B-4 where applicable;
4. Plant schedule approved by the West Lafayette Greenspace Administrator;
5. Inclusion of a statement on final plat with language about flood plain protection grade UZO 2-26-18(a) for homes constructed with 100' of FP zone;
6. ~~INDOT approval of the 4 shared drives shown on Happy Hollow~~
7. "No Vehicular Access" statement platted on North River Road. Except for the INDOT approved drives, "No Vehicular Access" statement platted on Happy Hollow Road;
8. Show existing drives to be removed on sheet 4 "Site and Utility Plan";
9. Design to smooth out the manhole in private easement on north side of site (with history of blockage) as per City Engineer suggestion submitted with construction plans.
10. Vacate Catherwood Court right-of-way and plat as an outlot and utility/drainage easement;

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:

11. Page 13 inclusion of the West Lafayette Administrative Officer as a member of the Architectural Review Board;
12. Page 16 & 17, provide missing numbers related to minimum sq. ft. area for homes;
13. Inclusion of the statement under Article 14 "Amendment" concerning changes to the planned development: "Notwithstanding anything to the contrary contained herein, there shall be no amendment of the Declarations, nor any change in use or exterior design without prior approval of the Tippecanoe County Area Plan Commission through the

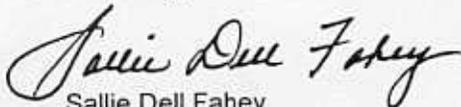
planned development process, which includes the possibility of consideration as a minor modification by the administrative officer"

Additional Conditions to be met prior to Final Plat approval:

14. Areas within the Rowhouse lot outside of buildings labeled as well as noted common area;
15. Riverfront land to be deed to WL Parks Department shown and platted as outlots;
16. A copy of the Articles of Incorporation for the Home Owners Association of Catherwood Gardens Planned Development, Inc., approved and filed with the Indiana Secretary of State, along with the Certificate of Incorporation';
17. Executed deed(s) transferring outlots and common area to the homeowner's association, and;
18. All discrepancies and inconsistencies between sections of the covenants and between the covenants and the conditions of approval shall be resolved prior to final plat approval, including but not limited to:
 - a. Article 4 section 3(c) "Association's Rights and Obligations" and the right to deed riverfront property to the WL Parks Department.
 - b. Article 4, section 7 "Title to Common Area" and the timing of common area transfer to homeowners association;
 - c. Article 15 section 4 "Public Street" and the description of the private court as an outlot and drainage utility easement.

The Commission also voted by voice vote to delete Condition 6. Public Notice has been given that this petition will be heard before the West Lafayette City Council at its January 4, 2005 regular meeting.

Sincerely,



Sallie Dell Fahey
Executive Director

SDF/bb

Enclosures: Planned Development drawings and Ordinances

cc: 900 Place, LLC
Vester & Associates
Purdue Research Foundation
John Meluch, Verizon
Kerry Plantenga, Insight Communications
Jim Yarnal, Vectron
Jeff Beumel, Cinergy PSI

CATHERWOOD

CATERWOOD GARDENS PLANNED DEVELOPMENT

A part of the northeast quarter of the southwest fractional quarter of Section Seventeen (17), Township Twenty-three (23) North, Range Four (4) West, Wabash Township, Tippecanoe County, Indiana, being a portion of Parkside Subdivision as platted in Plat Book 4 Page 12A, recorded on October 5, 1953, in the Office of the Tippecanoe County Recorder, being more completely described as follows, to wit:

Commencing at the northwest corner of Parkside Subdivision, thence along the north line of said Parkside Subdivision, South 88° 34' 18" East a distance of 64.64 feet to the point of beginning of the herein described tract; thence South 88°34'18" East, 43.16 feet; thence South 00°46'02" East, 65.05 feet; thence South 07°32'20" West, 208.96 feet; thence South 88°22'18" East, 509.19 feet; thence North 04°21'08" West, 129.89 feet; thence North 07°25'40" East, 146.12 feet; thence North 88°34'18" West, 8.33 feet; thence North 88°34'18" West, 333.29 feet; thence North 01°25'42" East, 100.00 feet; thence North 88°34'18" West, 192.76 feet; thence along a non-tangent curve to the right (said curve being concave westerly, having a radius of 3819.72 feet and a chord bearing South 01°39'33" West, 100.00 feet) an arc distance of 100.00 feet to the point of beginning, containing 3.52 acres, more or less.

ALSO

Commencing at the northwest corner of Parkside Subdivision, thence along the north line of said Parkside Subdivision, South 88° 34' 18" East a distance of 64.64 feet; thence South 88°34'18" East, 43.16 feet; thence South 00°46'02" East, 65.05 feet; thence South 07°32'20" West, 208.96 feet; thence South 05°56'47" West, 50.14 feet to the point of beginning of the herein described tract; thence South 88°22'18" East, 506.50 feet; thence South 05°48'02" West, 211.89 feet; thence South 11°43'05" West, 175.77 feet; thence South 21°20'21" West, 143.52 feet; thence South 67°59'55" West, 32.28 feet; thence North 59°25'36" West, 28.34 feet; thence North 34°10'44" West, 144.00 feet; thence North 38°33'52" West, 74.86 feet; thence North 34°10'37" West, 71.65 feet; thence North 41°44'42" West, 38.96 feet; thence North 30°06'26" West, 56.02 feet; thence North 38°13'18" West, 177.93 feet; thence North 26°25'01" West, 37.00 feet; thence North 07°58'34" East, 41.66 feet to the point of beginning, containing 3.73 acres, more or less.

ALSO

Commencing at the northwest corner of Parkside Subdivision, thence along the north line of said Parkside Subdivision, South 88° 34' 18" East a distance of 64.64 feet; thence South 88°34'18" East, 43.16 feet; thence South 00°46'02" East, 65.05 feet; thence South 07°32'20" West, 208.96 feet; thence South 05°56'47" West, 50.14 feet; thence South 07°58'34" West, 118.58 feet to the point of beginning of the herein described tract; thence South 47°42'56" East, 28.40 feet; thence South 33°09'33" East, 230.45 feet; thence South 35°05'34" East, 159.27 feet; thence South 28°21'53" East, 98.82 feet; thence South 34°49'29" East, 60.41 feet; thence South 45°10'02" East, 98.32 feet; thence South 16°24'53" West, 142.46 feet; thence North 68°58'35" East, 5.14 feet; thence South 43°54'45" West, 8.99 feet; thence North 86°16'40" West, 29.75 feet; thence North 49°49'49" West, 86.94 feet; thence North 44°13'18" West, 69.04 feet; thence North 44°13'18" West, 47.10 feet; thence along a tangent curve to the right (said curve having a radius of 634.07 feet and a chord bearing North 18°20'48" West, 553.43 feet) an arc distance of 572.70 feet; thence North 07°58'34" East, 23.18 feet to the point of beginning, containing 2.33 acres, more or less.

PASSED - 13 to 0.

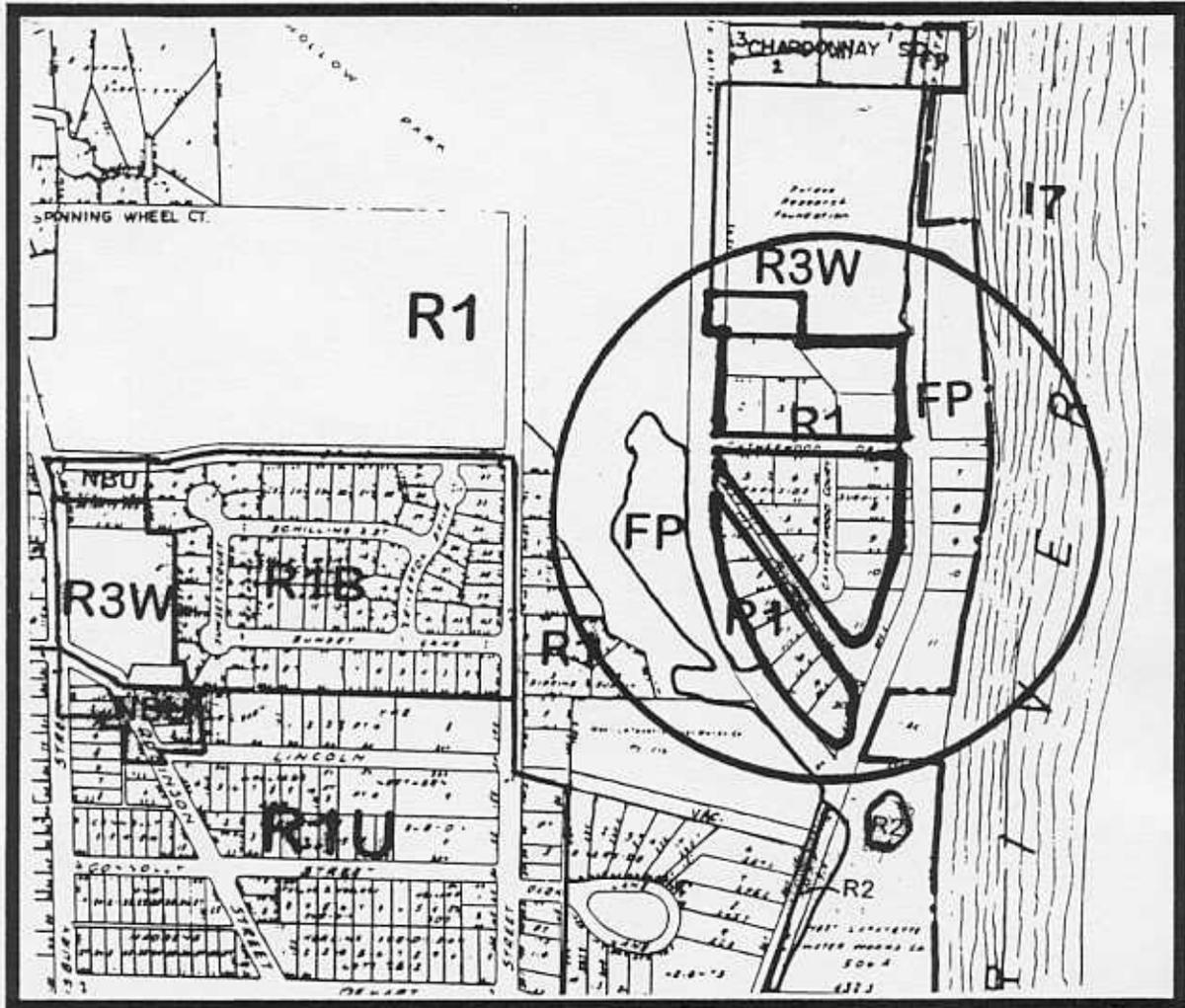
Z-2215
900 PLACE LLC
CATHERWOOD GARDENS PLANNED DEVELOPMENT
R1 & R3W TO PDRS

STAFF REPORT
8 December 2004

* DELETED CONDITION
No. 6 - INDOT DRIVE
APPROVAL.

Z-2215
900 Place, LLC

(R1 & R3W to PDRS)



Scale 1" = 500'

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, John Teibel, is requesting rezoning of approximately 9.58 acres for a mixed-density housing development with 22 detached and 30 attached single-family units to be known as Catherwood Gardens. The development site is located in the triangle north of the intersection of Happy Hollow and North River Roads (SR443 & SR43 respectively) and includes property east of North River Road adjacent to the Wabash River, in West Lafayette, Wabash 17(SW) 23-4.

ZONING HISTORY AND AREA ZONING PATTERNS:

The site in this rezone request is zoned R1 and R3W. A portion of the overall development property outside of the zoning request is zoned FP and includes land east of SR 43 along the Wabash River and a drainage ditch running northwest to southeast across the southern two thirds of the site. Flood plain certification submitted by petitioner's surveyor with the preliminary plans was used to update the West Lafayette Zoning map. Only that portion of the site certified out of the flood plain is included in the legal description for this rezone. Property immediately to the north is zoned R3W. Land zoned FP is adjacent west, south and northeast of the site. Large areas of R1, R1U and a small pocket of R1B zoning extend northwest to southwest.

AREA LAND USE PATTERNS:

Petitioner's site, formerly owned by Purdue Research Foundation (PRF), has been vacant since the demolition of 24 homes in 2000 and 2001 to make way for sale and redevelopment of the land. Happy Hollow Park, the city's largest, is across the road to the west. Apartments occupy the land immediately north and one block south of this site. Single-family homes are scattered along both sides of Happy Hollow to the north and on the west side of North River Road both north and south. The office of Indiana-American Water Company is located across Happy Hollow south of the intersection with North River Road. The Wabash River, a city lift station and Mascouten Park, a public river access point, is to the east across North River Road. The river forms the eastern boundary of petitioner's development property.

TRAFFIC AND TRANSPORTATION:

The rezone site is bounded on the west and east by Happy Hollow (SR443) and North River Roads (US 43) respectively. Two existing roads interior to the property, Catherwood Dr. and Catherwood Ct., will remain although the court would be modified and become a private drive. The Engineer's office has express willingness to coordinate the city's plans to resurface public streets with developer's curb and street improvements. Access to 8 lots at the south end of the property referred to as "The Gardens" will come from Happy Hollow using four shared driveways along a stretch that has seven existing drives that would be removed. Four other existing drives (two on Happy Hollow and two on North River Road) would also be removed. The fourteen centrally located lots called "The Village" gain access from Catherwood Drive or Court. These lots have no vehicular access directly onto Happy Hollow or North River Roads from the rear. The thirty rowhouses north of Catherwood Drive are shown with ground level, rear entry

garages and access from two connecting private drives off Catherwood. No vehicular access directly from Happy Hollow or North River Roads is shown to the rowhouses. A special 100-foot building setback from the right-of-way on North River Road exists and applies to both primary use and accessory use structures. North River Road is also found in the definition of *River Road Scenic Byway* in UZO and is the subject of an application for designation as an *Indiana Scenic Byway*.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

Water and City utilities already serve the site. Existing sanitary lines coated or relined in 2000-2001 are located in Catherwood Drive and Happy Hollow Road. Lines serving lots on Catherwood Ct. and the proposed rowhouses are private as they are located in private drives. Lines shown along the rear of lots fronting onto Happy Hollow would also be private unless relocated to the front of lots in the right-of-way. The City Engineer mentioned that a private line shown in an easement centrally located in the rowhouses portion of the site has a manhole with a history of blockage that should be smoothed out.

Petitioner's property includes approximately 4 acres of flood plain along the Wabash River and in a 60' wide drainage easement bisecting the southern two-thirds of the site. Neither area is included in the rezone legal description. West Lafayette Parks Superintendent, Joe Payne, expressed interest in acquiring said riverfront property during pre-submission and checkpoint agency review meetings. Preliminary plans label the flood plain adjacent to the river "Area planned to be transferred to City of West Lafayette".

Building setbacks are correctly shown on the preliminary plat for 100' associated with the special setback from North River Road and 25' associated with the flood plain.

SCHOOLS:

Children in this development would attend West Lafayette Community Schools.

STAFF COMMENTS:

The property in this request has been the subject of numerous development proposals beginning in late 2000 with PRF's plan-review of five prospective developers. In response to learning of PRF's intention to sell the site for redevelopment, the City of West Lafayette compiled a list of goals they would want to see incorporated into any design for the Catherwood property. In a memo to Area Plan Commission Staff from Mayor Margerum dated 16 January 2001 she states, "This tract is a Gateway Property bestowing on it the need to be treated with considered planning reverence".

Site attributes identified in the Mayor's memo include proximity to the Wabash River and Happy Hollow Park, one of few remaining developable sites within the West Lafayette Community School Corporation and nearness to Purdue University and downtown Lafayette. It is the desire of both the former and current city administrations to see a development that targets families rather than Purdue students. The 2001 memo goes on to include a "laundry list" of elements the city feels are crucial in developing a proposal worthy of community support.

- Honor the viewshed setback of 100 feet from North River Road;
- Siting of buildings to take advantage of views to the river and Happy Hollow Park;
- Maximize quantity and quality of greenspace;
- Improve Happy Hollow Road frontage to include curb, gutter and sidewalk;

- Include trail connection between the Wabash Heritage Trail and Happy Hollow Park as well as internal connections;
- Include condos or zero lot line units for sale;
- Have a homeowners association to own and manage common areas;
- Have garages for all units and minimize outdoor parking & parking lots;
- Playground for children;
- Allow for continued access through the development by CityBus;
- Negotiate density with lower density to the south, higher density to the north and possible bonus for a design that maximizes greenspace;
- High quality architectural design and construction
- Townhouses with generous living space directed to a single-family market, not dormitory type units targeting Purdue students;
- Sensitive storm drainage – no pond – treatment for drainage ditch.

Petitioner's proposal addresses nearly all of the elements in the city's wish list above. Catherwood Gardens includes a total of 52 single-family dwelling units ranging in size from 1,800 to 2,900 sq. ft. and in price from \$215,000 to \$350,000. Varied housing products would be available in three distinct styles: Gardens, Village and Rowhouses. Garden homes, eight total, are shown south of the drainage ditch, would be of cottage and bungalow architecture with side-loaded garages and gain access from Happy Hollow Road via four shared driveways. Village homes, fourteen total, are located between Catherwood Drive and the north side of the drainage ditch. Architectural styles are varied and would include the largest of the floor plans in the development. Rowhouses, 30 total, are attached single-family dwellings in combinations of 4 or 5 units in 7, 3-story buildings with ground level, rear-loaded garages. The units would be of Craftsman architectural style and face the perimeter of the site with views of the park or the river creating an interior common area with green space and a community gazebo.

Restrictive covenants for the development require: all units to be owner occupied; landscape maintenance to be included in the homeowner association fees; and adherence to strict standards of new construction governed by a homeowner's Architectural Review Board. Sidewalks are shown throughout the development. Greenspace is maximized in a project that reaches an overall density of 5.42 units per acre while still maintaining the 100' building setback along the city's scenic gateway. In short, most everything the city requested is here. Staff commends the developer's attention to detail and the shared community vision outlined four years and numerous proposals ago.

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:

1. All sheets (other than preliminary plat) that make up the approved Preliminary Plan;
2. PD construction plans per UZO Appendix B-2-2;
3. A final plat per UZO Appendix B-3-2 and B-4 as applicable;
4. Plant schedule approved by the West Lafayette Greenspace Administrator;
5. Inclusion of statement on final plat with language about flood plain protection grade UZO 2-26-18 (a) for homes constructed within 100' of FP zone;

X INDOT approval of the 4 shared drives shown on Happy Hollow;

DELETED. RELY ON #7. ✓ VOICE VOTE.

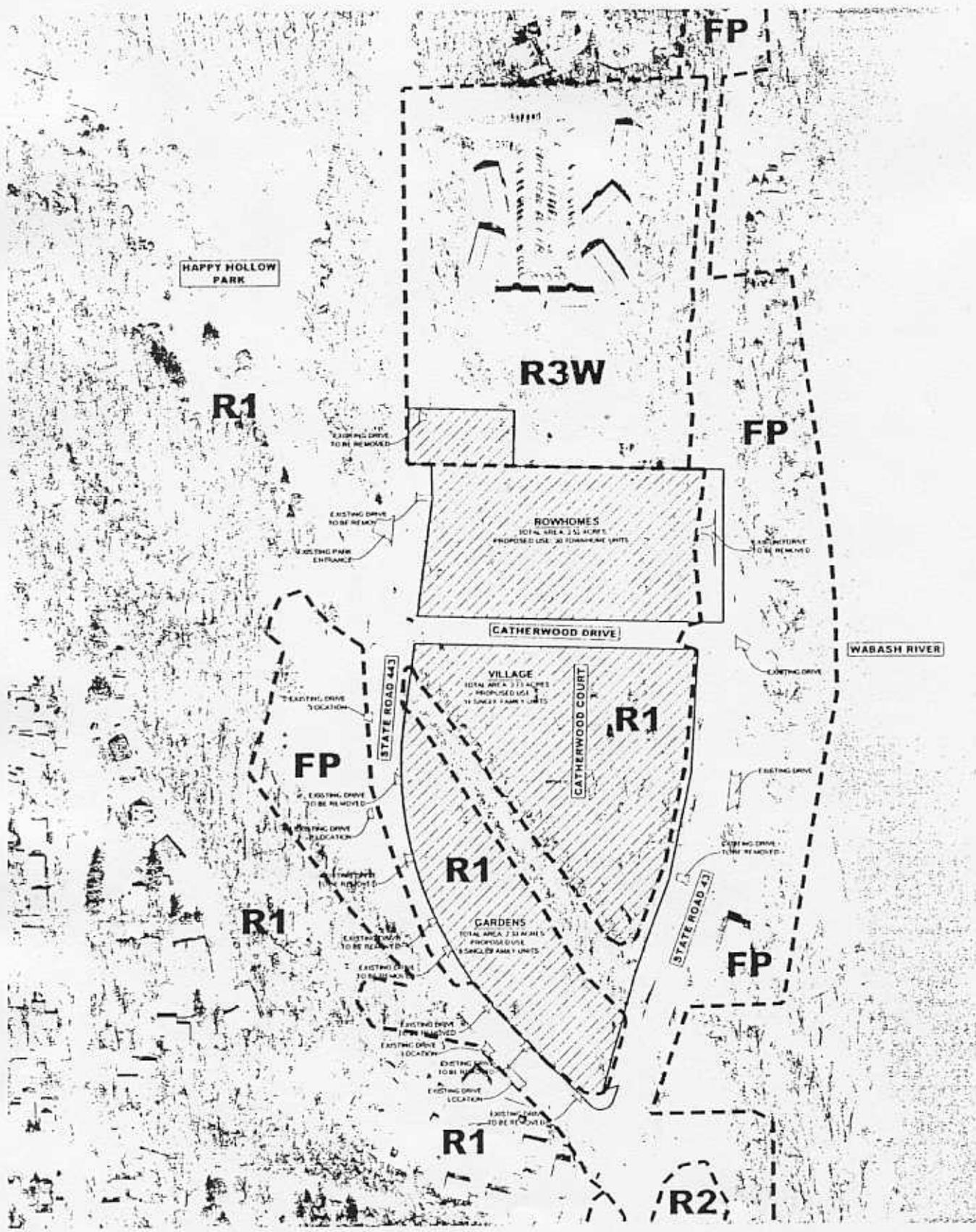
7. "No Vehicular Access" statement platted on North River Road. Except for the INDOT approved drives, "No Vehicular Access" statement platted on Happy Hollow Road;
8. Show existing drives to be removed on sheet 4 "Site and Utility Plan";
9. Design to smooth out the manhole in private easement on north side of site (with history of blockage) as per City Engineer suggestion submitted with construction plans.
10. Vacate Catherwood Court right-of-way and plat as an outlot and utility/drainage easement;

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:

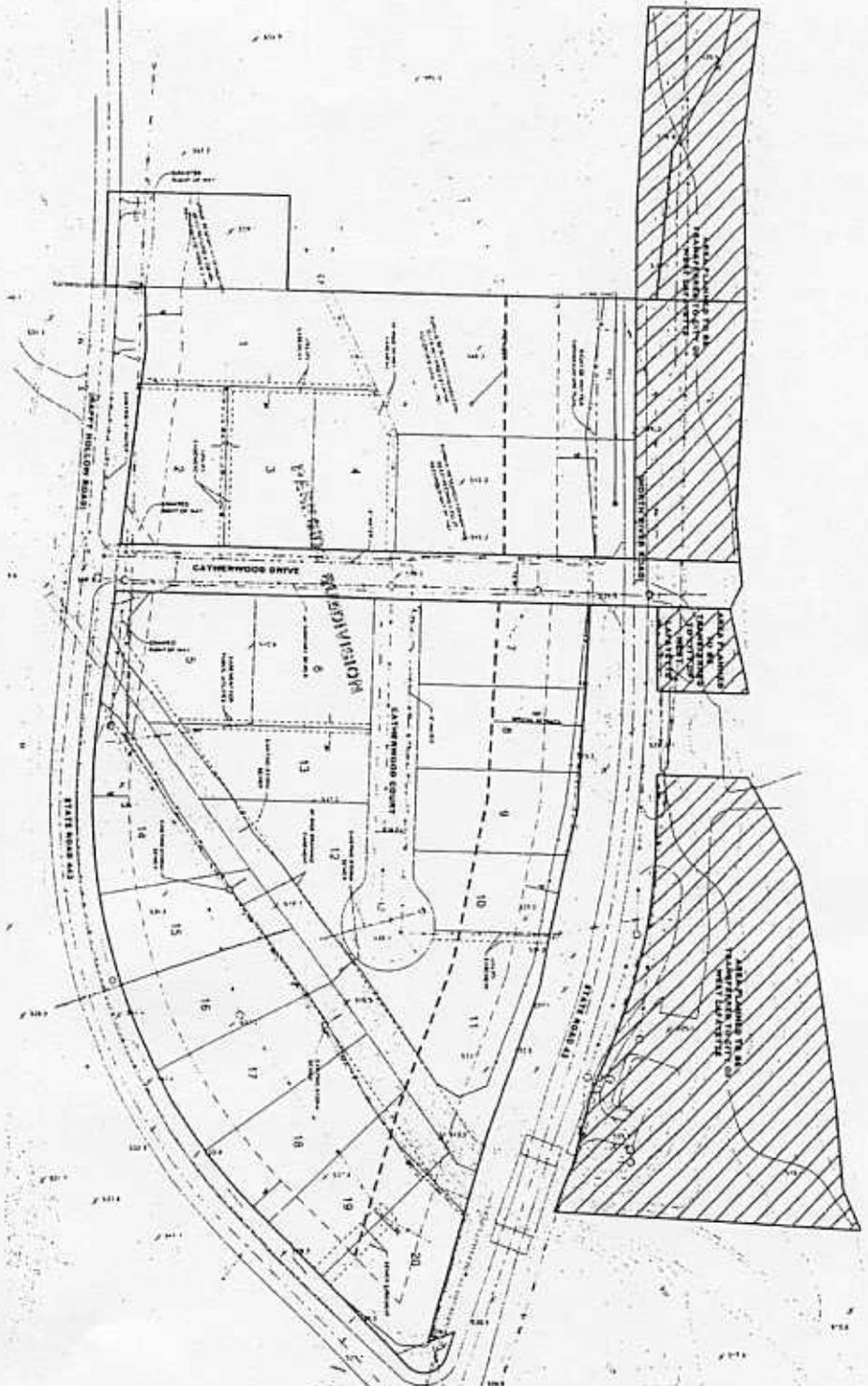
11. Page 13, inclusion of the West Lafayette Administrative Officer as a member of the Architectural Review Board;
12. Page 16 & 17, provide missing numbers related to minimum sq. ft. area for homes;
13. Inclusion of the statement under Article 14 "Amendment" concerning changes to the planned development: "Notwithstanding anything to the contrary contained herein, there shall be no amendment of the Declarations, nor any change in use or exterior design without prior approval of the Tippecanoe County Area Plan Commission through the planned development process, which includes the possibility of consideration as a minor modification by the administrative officer.";

Additional Conditions to be met prior to Final Plat approval:

14. Areas within the Rowhouse lot outside of buildings labeled as well as noted common area;
15. River front land to be deeded to WL Parks Department shown and platted as outlot(s);
16. A copy of the Articles of Incorporation for the Home Owners Association of Catherwood Gardens Planned Development Inc., approved and filed with the Indiana Secretary of State, along with the Certificate of Incorporation;
17. Executed deed(s) transferring outlots and common area to the homeowner's association; and
18. All discrepancies and inconsistencies between sections of the covenants and between the covenants and the conditions of approval shall be resolved prior to final plat approval, including but not limited to:
 - a. Article 4 section 3(c) "Association's Rights and Obligations" and the right to deed river front property to the WL Parks Department,
 - b. Article 4, section 7 "Title to Common Area" and the timing of common area transfer to homeowners association,
 - c. Article 15 section 4 "Public Street" and the description of the private court as an outlot and drainage utility easement.



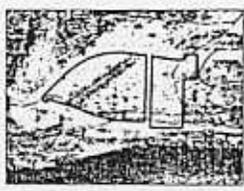
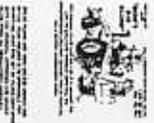
SEE:



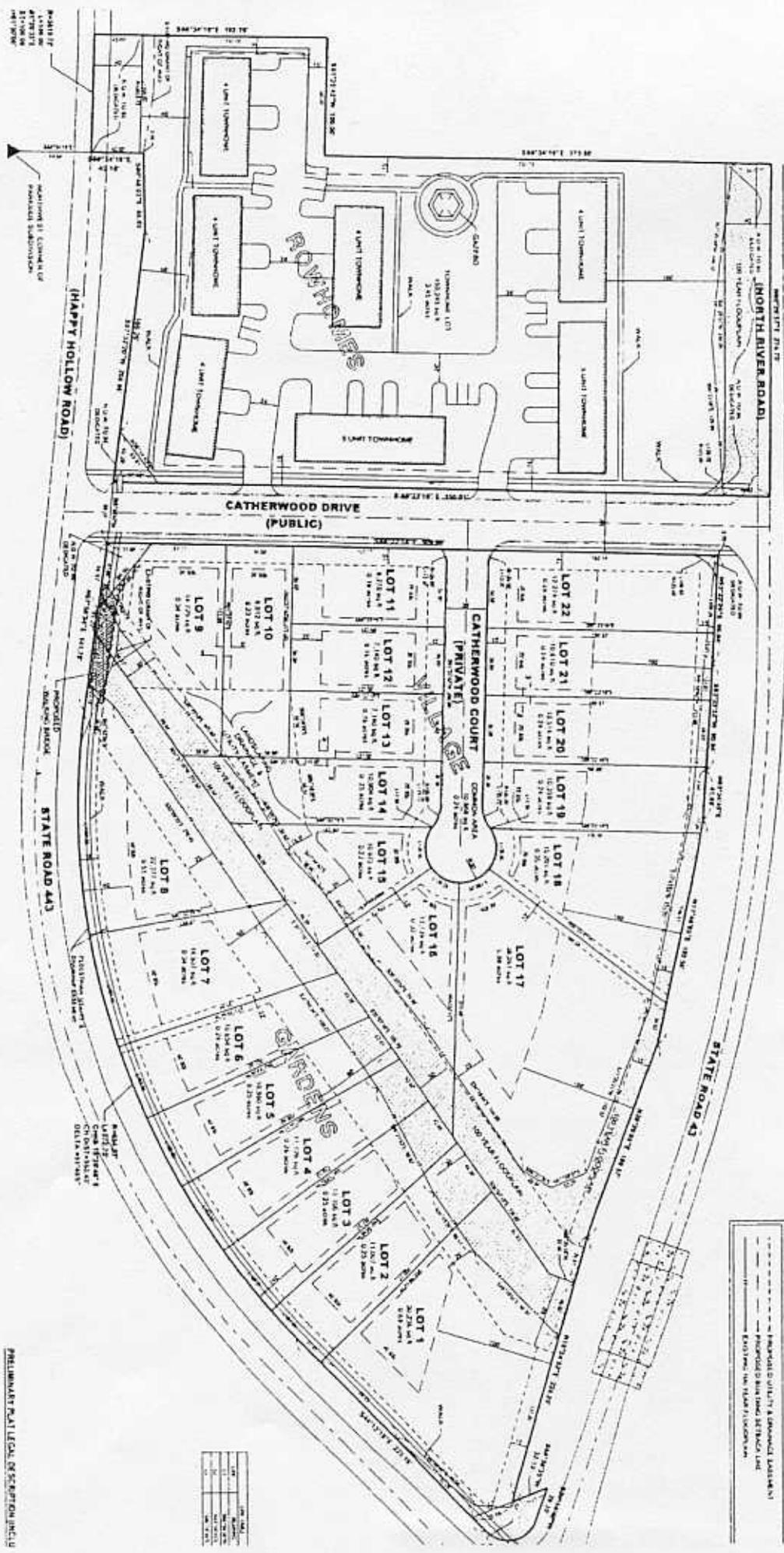
SEE SHEET 2 FOR FLOORPLAN CERTIFICATION

DATE	DESCRIPTION
10/15/2010	PRELIMINARY SITE ANALYSIS
11/15/2010	FINAL SITE ANALYSIS

<p>LEGEND</p> <p>--- Proposed Road</p> <p>--- Proposed Lot</p> <p>--- Proposed Building Footprint</p> <p>--- Proposed Driveway</p> <p>--- Proposed Utility Line</p> <p>--- Proposed Easement</p> <p>--- Proposed Setback</p> <p>--- Proposed Fencing</p> <p>--- Proposed Landscaping</p> <p>--- Proposed Stormwater Management</p> <p>--- Proposed Parking</p> <p>--- Proposed Access</p> <p>--- Proposed Other</p>	
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SHEET NO. 3 OF 3	PROJECT NO. 04389	DATE 11/15/2010	Bester and Associates, Inc. ENGINEERS AND ARCHITECTS 1000 N. WASHINGTON ST., SUITE 200 WEST LAFAYETTE, INDIANA 47996 TEL: 765/853-1111 FAX: 765/853-1112	OFFICE LOCATION 1000 N. WASHINGTON ST., SUITE 200 WEST LAFAYETTE, INDIANA 47996 TEL: 765/853-1111 FAX: 765/853-1112	Catherwood Gardens STATE ROAD 41 AND STATE ROAD 42 WEST LAFAYETTE, INDIANA SITE ANALYSIS	PART OF THE SOUTHWEST QUARTER, SECTION 17, TOWNSHIP 23 NORTH, RANGE 4 WEST, WARREN TOWNSHIP, TIPPECANOE COUNTY, INDIANA	REVISIONS NO. DATE DESCRIPTION 1 2 3
		DRAWN BY RS		CHECKED BY RS	SCALE AS SHOWN		



EXCEPTIONS INCLUDE AREAS WITHIN THE FOLLOWING:

1. The area shown in the shaded area of the site plan is reserved for the use of the applicant and shall not be used for any other purpose.

2. The area shown in the shaded area of the site plan is reserved for the use of the applicant and shall not be used for any other purpose.

3. The area shown in the shaded area of the site plan is reserved for the use of the applicant and shall not be used for any other purpose.

NOTES:

- All lots are shown with 10' wide easements.
- Lot 11 is shown with a 10' wide easement.
- Lot 12 is shown with a 10' wide easement.
- Lot 13 is shown with a 10' wide easement.
- Lot 14 is shown with a 10' wide easement.
- Lot 15 is shown with a 10' wide easement.
- Lot 16 is shown with a 10' wide easement.
- Lot 17 is shown with a 10' wide easement.
- Lot 18 is shown with a 10' wide easement.
- Lot 19 is shown with a 10' wide easement.
- Lot 20 is shown with a 10' wide easement.
- Lot 21 is shown with a 10' wide easement.
- Lot 22 is shown with a 10' wide easement.

LAND EXISTING CHARACTER:

The area shown in the shaded area of the site plan is reserved for the use of the applicant and shall not be used for any other purpose.

PRELIMINARY PLAT LEGAL DESCRIPTION:

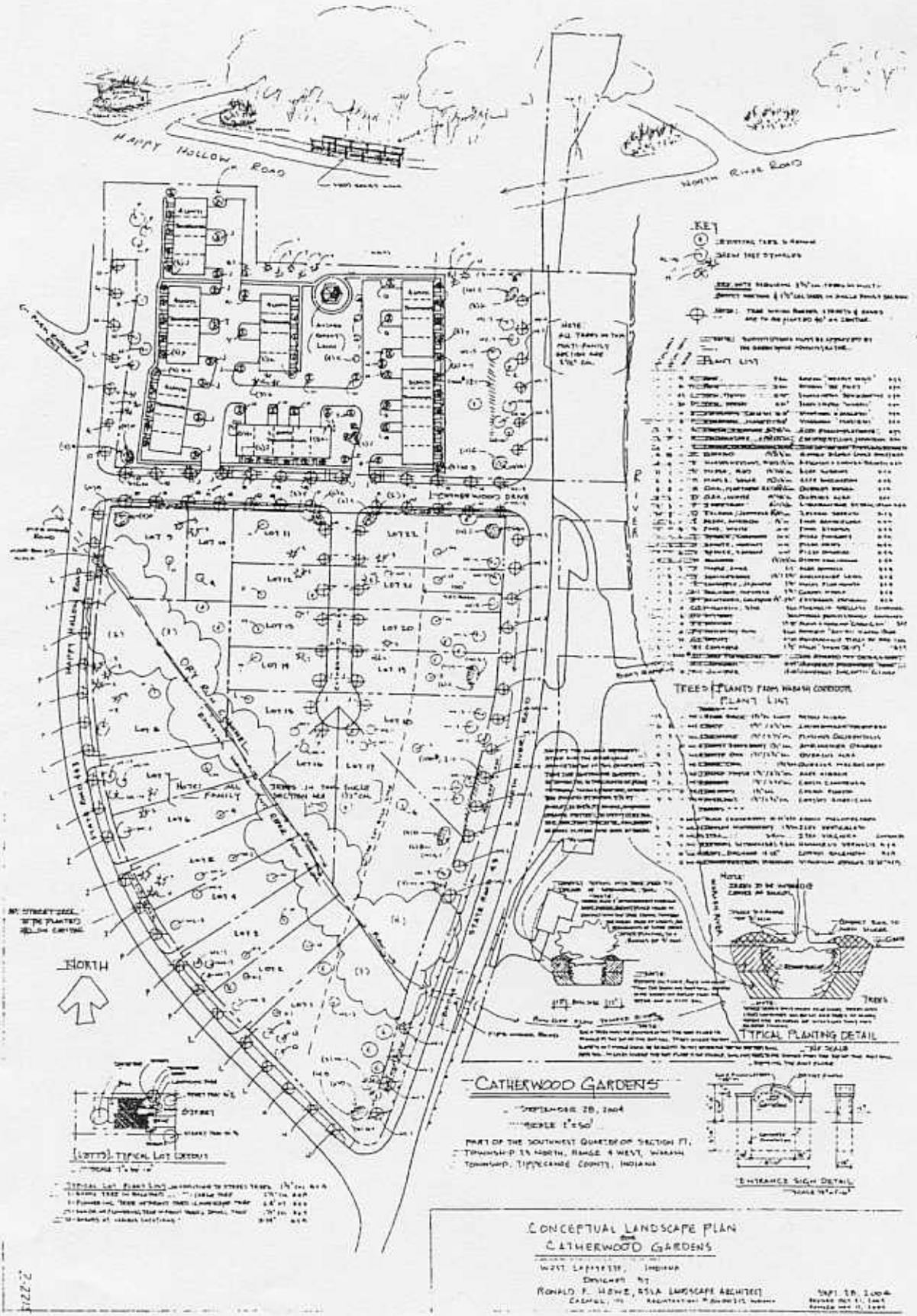
TRACT A

TRACT B

LEGEND:

- EASEMENT
- PROPERTY OF BUNDA, BETHANY, LINDA
- EXISTING LOT, TRACT A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z

Timothy A. Davis
 11-22-2004
 TIMOTHY A. DAVIS
 11-22-2004



2-2214