

ORDINANCE NO. **15-09**

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA TO REZONE CERTAIN REAL ESTATE
FROM **R3W** TO **PDRS**

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

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 Exhibit A

Section 2. The real estate described above should be and the same is hereby rezoned from **R3W** to **PDRS**

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

Introduced and filed on the _____ day of _____, 2009

Exhibit A

MODERNIZED LEGAL DESCRIPTION

A part of the southeast quarter of Section Nineteen (19), Township Twenty-three (23) North, Range Four (4) West, Wabash Township, Tippecanoe County, Indiana, being a part of Lot 71, Lot 72, and Chauncey Avenue of Ellsworth Subdivision of the Town of Chauncey, recorded in Book 55 Page 430, recorded on the 13th of May, 1870 in the Office of the Recorder of Tippecanoe County and a part of Lot 35 of the Town of Chauncey as recorded in Book 41 Page 344-345, recorded on the 26th of November, 1861 in said Recorder's office, being more completely described as follows, to-wit:

Beginning at the northwest corner of Lot 72 of said Ellsworth Subdivision; thence along the north line of said Lot 72 and crossing into Lot 71, South $87^{\circ}55'26''$ East, 350.84 feet; to the western right-of-way line of South River Road; thence along said western right-of-way line, South $29^{\circ}09'24''$ West, 14.94 feet to the north line of the Kankakee, Beaverville, & Southern Railroad; thence along said north line, along a non-tangent curve to the right (said curve having a radius of 2509.72 feet and chord bearing South $75^{\circ}18'50''$ West, 437.58 feet) an arc distance of 438.13 feet to the western right-of-way of Chauncey Avenue; thence along the said western right-of-way, North $00^{\circ}01'06''$ West, 92.24 feet; thence South $89^{\circ}58'54''$ East, 26.45 feet; thence North $00^{\circ}01'06''$ West, 44.43 feet; thence South $89^{\circ}58'54''$ East, 53.55 feet to the point of beginning, containing 0.77 acres, more or less.

SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD

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

RECEIVED

July 16, 2009
Ref. No.: 09-205

JUL 17 2009

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

CLERK - TREASURER

CERTIFICATION

**RE: Z-2407--MC WOODS STREET, LLC (Park Place Apartments)
(R3W to PDRS):**

Petitioner, represented by Greg A. Milakis, is requesting rezoning of a 0.76 acre site to allow construction of a three-story multi-family building incorporating 23 units with 51 bedrooms and associated parking. The property is located at 440 South Chauncey Avenue, West Lafayette, Wabash 19 (SE) 23-4.

Dear Council:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on July 15, 2009 the Area Plan Commission of Tippecanoe County voted 12 yes - 0 no on the motion to rezone the subject real estate from R3W to PDRS. 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 surety submitted with final detailed plans;
5. Plant schedule approved by the West Lafayette Greenspace Administrator;
6. A "No Vehicular Access" statement platted along the street rights-of-way lines except drives shown and approved by the City Engineers;

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 restriction limiting one occupant per bedroom.
8. Parking spaces shall be included in apartment rent and are for residents and guests only.

Public Notice has been given that this petition will be heard before the West Lafayette Common Council at its August 3, 2009 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: Greg & Milakis & Jon Caron
FRP Holding Company
Vester & Associates
Daniel Teder
Dave Buck, West Lafayette City Engineer
Duke Energy
Vectren
American Suburban
Comcast
Verizon

**Z-2407
MC WOODS STREET LLC
PARK PLACE APARTMENTS
PLANNED DEVELOPMENT
R3W TO PDRS**

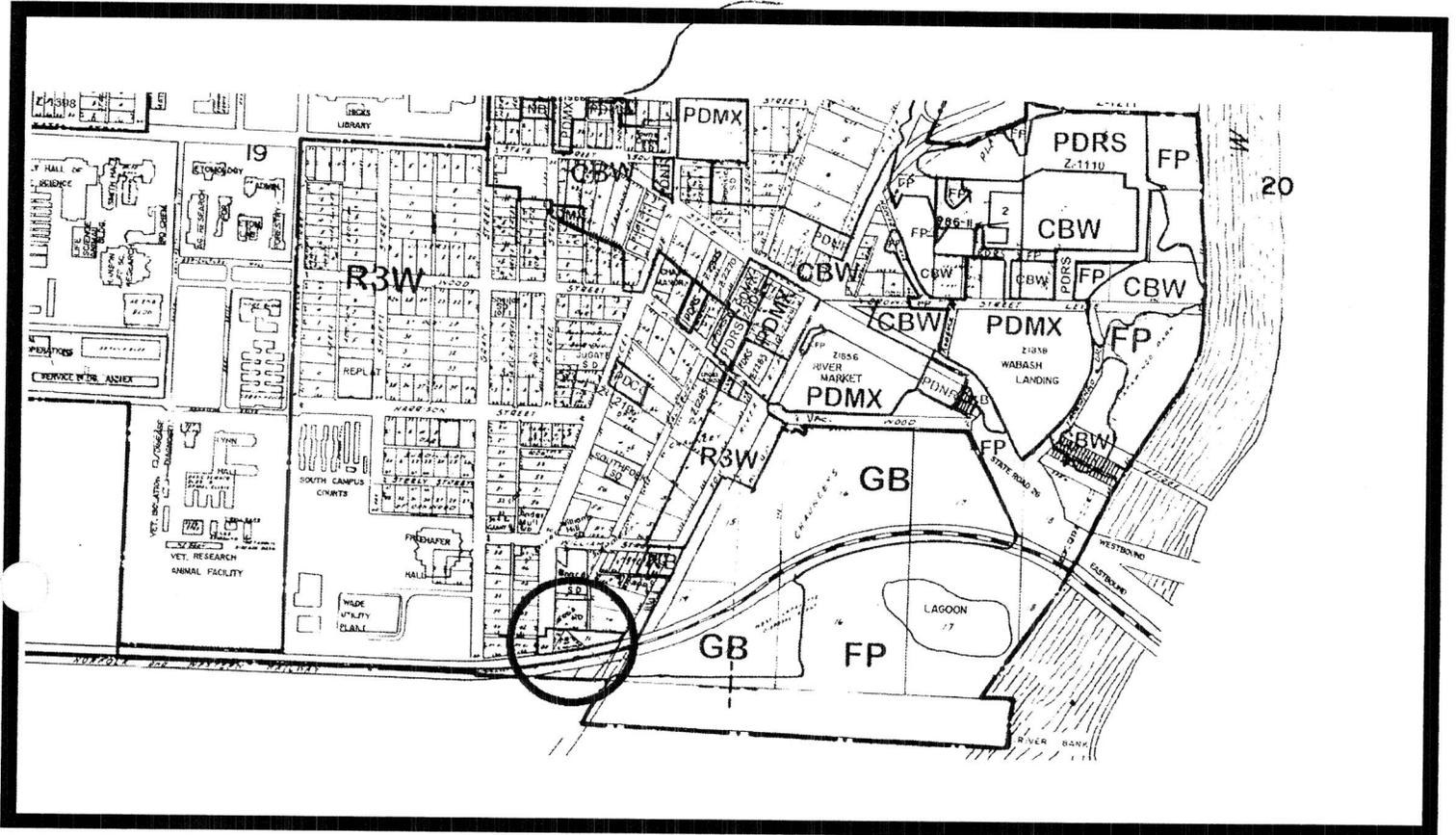
**STAFF REPORT
July 9, 2009**

RECEIVED

JUL 17 2009

CLERK - TREASURER

Z-2407
McWOODS STREET, LLC
(R3W TO PDRS)



001750

001750

REQUEST MADE, PROPOSED USE, LOCATION:

With the consent of the owners, the petitioner, MC Woods Street, LLC, (Greg A. Milakis), is requesting rezoning from R3W to PDRS on 0.76 acre site in the City of West Lafayette to allow construction of a 3-story apartment building incorporating 23 units with 51 bedrooms and 52 parking spaces. The property is located on the east side of the end of S Chauncey Avenue in West Lafayette, Wabash 19 (NW) 23-4.

ZONING HISTORY AND AREA ZONING PATTERNS:

This site is zoned R3W (Residential). R3W zoning surrounds the site with GB (General Business) zoning located to the east and south across the Kankakee, Beaverville & Southern Railroad tracks. Further north down S Chauncey Avenue toward the intersection with State Street are found several PD rezones for various mixed use and other residential developments serving the student population that resides in this vicinity. This application will continue this trend in rezoning for a denser, more urban student residential neighborhood.

AREA LAND USE PATTERNS:

Being at the end of S Chauncey Avenue, the site currently contains two 2-story apartment buildings with associated parking. This area of West Lafayette supports a mix of multi-family apartment buildings, commercial retail and single-family homes converted to multi-family units.

TRAFFIC AND TRANSPORTATION:

S Chauncey Avenue is classified in the County *Thoroughfare Plan* as a primary arterial requiring 60' building setbacks. With the consent of the City of West Lafayette in order to achieve a better development, a portion of S Chauncey Avenue is to be vacated with sufficient right-of-way frontage and ingress/egress access easements provided to allow freedom of movement to both emergency vehicles and to vehicles/pedestrians accessing the proposed development and the Benchmark Apartments to the west. Sufficient pedestrian connections to the existing sidewalk running along S Chauncey Avenue will also be provided.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

- Public utilities serve the site.
- A limits of clearing and grading line has been provided to protect as much of the existing trees and vegetation as possible.
- Retaining walls shall be provided to lessen the impact of the development on the existing trees and vegetation and to adequately control stormwater runoff.
- A total of 9,167 square feet of vegetative open space (or approximately 35% of the site) is being provided with an emphasis on protecting existing trees.

STAFF COMMENTS:

This application continues the trend in this vicinity of providing a denser, more urban residential environment appropriate for a near-campus setting. Situated on a high point of largely wooded land above the railroad tracks, the proposed development respects its surroundings by locating the principle building over the main parking area; thereby reducing its overall footprint and maximizing open space while protecting existing trees. A single 3-bedroom handicap accessible unit is provided at grade while the remaining units lie within the second and third floors. The parking garage shall be adequately lit for security concerns and sufficient space for deliveries, moving vehicles and trash removal has been provided in the exposed surface parking area.

Running along the north property boundary is an egress path for emergency exits from the northeast corner of the building. This space shall be landscaped in accordance with standards prescribed by the City of West Lafayette. Additionally, a short section of wooden fencing is being provided from the northeast corner of the building to the northern property boundary to prevent movement behind the building where the grade drops off significantly.

As part of this Planned Development, a 0.16 acre outlot is being created on the extreme eastern portion of the subject property. Due to the grades found in this section of the subject property, this portion of land was deemed unusable by the applicant with respect to the Park Place Apartments and is being reserved for conveyance to the adjoiner in the event the land could be combined with adjacent properties for development under a separate application.

In continuing the positive trend of denser high-quality residential development close to campus and by protecting a significant existing stand of trees and vegetation, staff supports the application for planned development. Staff recommends approval.

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 B2-2*;
3. A final plat per *UZO Appendix B-3-2* as applicable;
4. Appropriate surety submitted with final detailed plans;
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7. A restriction limiting one occupant per bedroom.
8. Parking spaces shall be included in apartment rent and are for residents and guests only.

OFFICE INFORMATION:

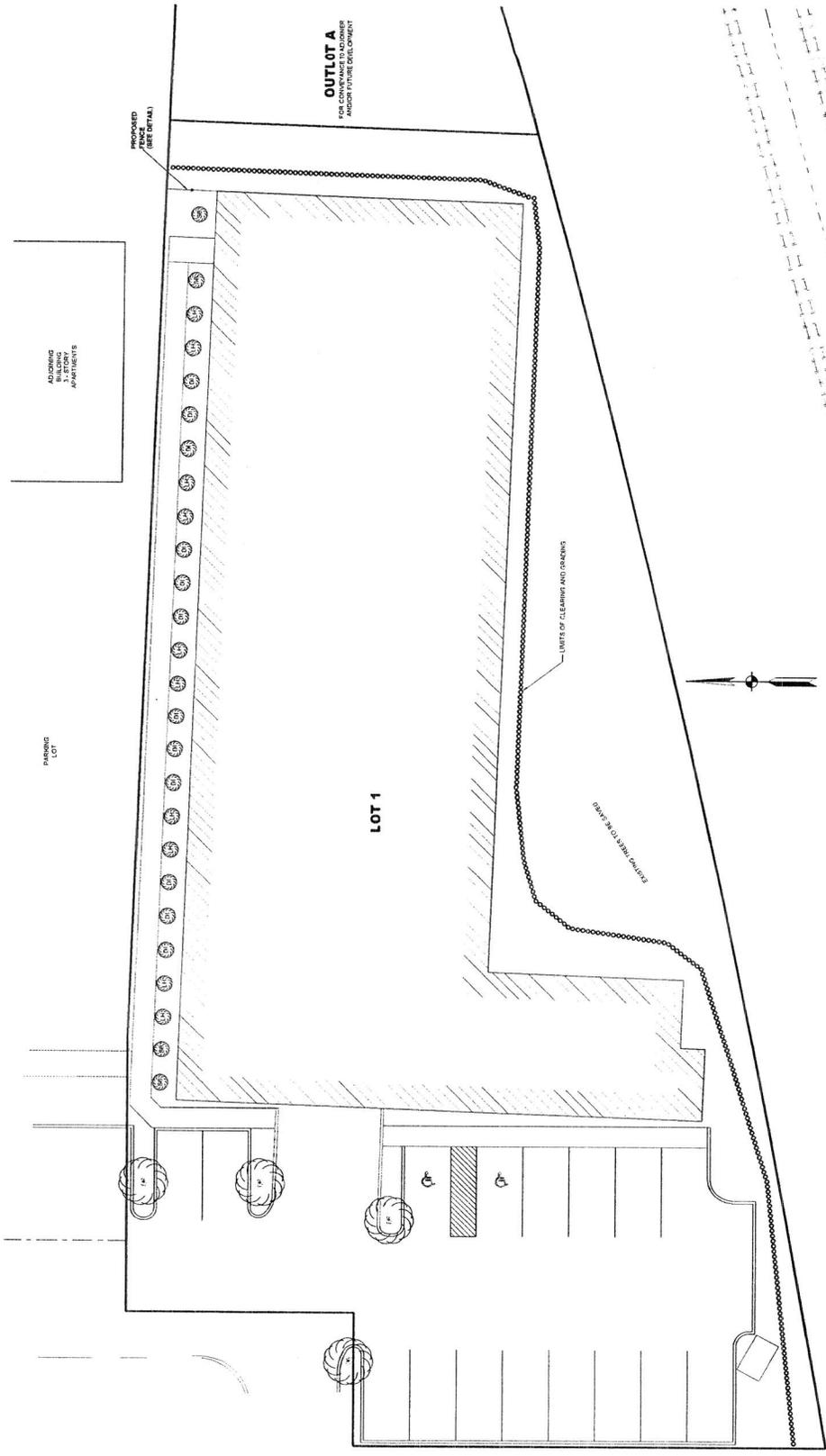
FIELD BOOK	99 003
CHECKED BY	PLM
DRAWN BY	KLS
DESIGN BY	ALM
DRAWING DATE	JUL 06, 2008

RJ Associates and
LAND SURVEYING AND ENGINEERING, Inc.
 200 COLLETT STREET, SUITE 100
 LAFAYETTE, INDIANA 47903
 OFFICE LOCATION: (812) 425-1234
 FAX: (812) 425-1234
 www.rjassociates.com

LANDSCAPING PLAN
 PARK PLACE APARTMENTS
 LAFAYETTE, INDIANA 47903
 MC WOOD ST. LLC
 P.O. BOX 488

PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTIONS 19, TOWNSHIP 23 NORTH, RANGE 3 WEST, WABASH TOWNSHIP, TIPPECANOE COUNTY, INDIANA

NO.	REVISION	DATE
1	PERCEP DETAIL & DIMENSIONS	05/01/08
2		
3		
4		
5		
6		
7		
8		



TREE AND SHRUB LEGEND

SYMBOL	TYPE	SIZE	NO.
(Symbol)	DOGWOOD	TOTAL 12	
(Symbol)	LITTLE HAWK SHEET PINE	TOTAL 10	
(Symbol)	SUN BURST ST. JONQUIN	TOTAL 4	
(Symbol)	SUMMER BLOOMING HIBISCUS	TOTAL 1	
(Symbol)	BUTTERNUT BUD	1 1/2"	4
(Symbol)	CLEMENS SELECT PEAR	1 1/2"	1
(Symbol)	RED BURNING MAPLE	1 1/2"	3

