

ORDINANCE NO. 19-09

**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. 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: "R3W and GB" District
TO: "R4W" District

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

INTRODUCED ON FIRST READING ON THE _____ DAY OF _____, 2009.

DULY ORDAINED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, ON THE _____ DAY OF _____, 2009, HAVING BEEN PASSED BY A VOTE OF ____ IN FAVOR AND ____ OPPOSED, THE ROLL CALL VOTE BEING:

<u>AYE</u>		<u>NAY</u>
_____	Bunder	_____
_____	Burch	_____
_____	Hunt	_____
_____	Keen	_____
_____	Roales	_____
_____	Thomas	_____
_____	Truitt	_____

Legal Description (Per Document Number 93-14538)

A part of Lot Fifteen (15) as platted in Chauncey's Plat of Bottom Lands, City of West Lafayette, Indiana and a part of platted Wood Street, with part of said street being vacated by order of the Board of Trustees of the Towns of West Lafayette, at the regular meeting of said Board held October 19, 1908, and shown in City Record Book 6, Page 490, all being described as follows:

Beginning where the South line of Wood Street, as located by the aforesaid order of vacation, intersects the East line of South River Road (Ellsworth Street) and running thence along said Easterly right of way South 25°00'00" West, 401.00 feet; thence at right angles to said street right of way South 65°00'00" East, 140.00 feet; thence North 25°00'00" East, parallel with the aforesaid Street, 373.00 feet to the Southerly right of way of unimproved Wood Street; thence South 89°16'57" West, 17.54 feet to an angle point in the Southerly right of way of unimproved Wood Street; thence North 49°00'00" West, 129.20 feet to the intersection of the Easterly right of way of South River Road and the Southerly right of way of unimproved Wood Street and the point of beginning containing in all 1.227 acres, more or less.

ALSO (Per Document Number 9927866):

A part of Lot (15) fifteen and Lot (16) sixteen as platted in Chauncey's Plat of Bottom Lands, City of West Lafayette, Indiana and a part of platted Wood Street, with part of said street being vacated by order of the Board of Trustees of the towns of West Lafayette, at the regular meeting of said Board held October 19, 1908, and shown in City Record Book 6, Page 490, all being described as follows:

Commencing where the South line of Wood Street, as located by the aforesaid order of vacation, intersects the east line of South River Road (Ellsworth Street) and running thence South 49°00'00" East, 129.20 feet to an angle point in the southerly right of way of unimproved Wood Street; thence North 89°16'57" East, 17.54 feet to the point of Beginning thence continuing North 89°16'57" East, 83.25 feet, thence South 25°00'00" West parallel with East line of South River Road, 409.27 feet, thence at a right angle North 65°00'00" West*, 75 feet thence North 25°00'00" East, 373 feet to the southerly right of way of Wood Street and the point of beginning containing in all 0.673 acres more or less and being subject to all easements, rights of way, and restrictions of record.

EXCEPTING (Per Document Number 9708465):

A part of Lot 15 in Chauncey's Plat of Bottom Lands, the plat of which is recorded in Deed Record 48, Page 278, in the Office of the Recorder of Tippecanoe County, Indiana, described as follows: Beginning on the southeastern boundary of South River Road (Ellsworth Street) and the northwestern line of said lot at a point South 23 degrees 00 minutes 15 seconds West 351.05 feet (351 feet by deed Record 88, page 14203) from the South line of Wood Street, as laid out in said plat, but vacated by order of the Board of Trustees to the Town of West Lafayette, at the regular meeting of said Board held October 19, 1908, intersect the east line of South River Road (Ellsworth Street); thence South 66 degrees 59 minutes 45 seconds East 39.05 feet; thence South 10 degrees 57 minutes 31 seconds West 51.13 feet to the southwestern line of the owners' land; thence

North 66 degrees 59 minutes 45 seconds West 49.72 feet along said southwestern line to the northwestern line of said lot; thence North 23 degrees 00 minutes 15 seconds East 50.00 feet along said northwestern line to the point of beginning and containing 0.051 acres, more or less.

Also, a part of Lot 15 in Chauncey's Plat of Bottom Lands, the plat of which is recorded in Deed Record 48, page 278, in the Office of the Recorder of Tippecanoe County, Indiana, described as follows: Beginning of the southeastern boundary of South River Road (Ellsworth Street) and the northwestern line of said lot at a point South 23 degrees 00 minutes 15 seconds West 182.88 feet (182.86 feet by Deed Record 88, page 14202) from the South line of Wood Street, as laid out in said plat, but vacated by order of the Board of Trustees of the Town of West Lafayette, at the regular meeting of said Board held October 19, 1908, intersects the east line of South River Road (Ellsworth Street); thence South 66 degrees 59 minutes 45 seconds East 37.00 feet; thence South 23 degrees 00 minutes 15 seconds West 158.55 feet; thence South 10 degrees 57 minutes 31 seconds West 9.83 feet; thence North 66 degrees 59 minutes 45 seconds West 39.05 feet to the northwestern line of said lot; thence North 23 degrees 00 minutes 15 seconds East 168.16 feet (168.14 feet by Deed Record 88, page 14202) along said northwestern line to the point of beginning and containing 0.143 acres, more or less.

Also, a part of Lot 15 in Chauncey's Plat of Bottom Lands, the plat of which is recorded in Deed Record 48, page 278, in the Office of the Recorder of Tippecanoe County, Indiana; and a part of Wood Street, as laid out in said plat, but vacated by order of the Board of Trustees of the Town of West Lafayette, at the regular meeting of said Board held October 19, 1908, described as follows: Beginning where the South line of Wood Street, as located by the aforesaid order of vacation, intersects the east line of Ellsworth Street (the foregoing portion of this description beginning with the words "Beginning where the" is quoted from Deed Record 88, page 01071); thence South 52 degrees 00 minutes 22 seconds East 65.22 feet along the southwestern boundary of said Wood Street; thence South 83 degrees 44 minutes 49 seconds West 29.80 feet; thence South 23 degrees 00 minutes 15 seconds West 151.45 feet; thence North 66 degrees 59 minutes 45 seconds West 37.00 feet to the northwestern line of said lot; thence North 23 degrees 00 minutes 15 seconds East 182.88 feet (182.86 feet by Deed Record 88, page 01071) along said northwestern line to the point of beginning and containing 0.158 acres, more or less.

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

August 20, 2009
Ref. No.: 09-272

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

RECEIVED

AUG 20 2009

CLERK - TREASURER

CERTIFICATION

RE: **Z-2409—JAMES & SHEILA COCHRAN (R3W & GB to R4W):**
Petitioners are requesting rezoning of 1.548 acres located at 202 South River Road, West Lafayette, Wabash 20 (SW) 23-4.
CONTINUED FROM THE JULY APC MEETING DUE TO A FAILURE TO SEND A CERTIFIED LETTER.

Dear Council:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on August 19, 2009 the Area Plan Commission of Tippecanoe County voted 12 yes - 1 no on the motion to rezone the subject real estate from R3W & GB to R4W. 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 September 14, 2009 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,


Sallie Dell Fahey
Executive Director

SDF/lmu

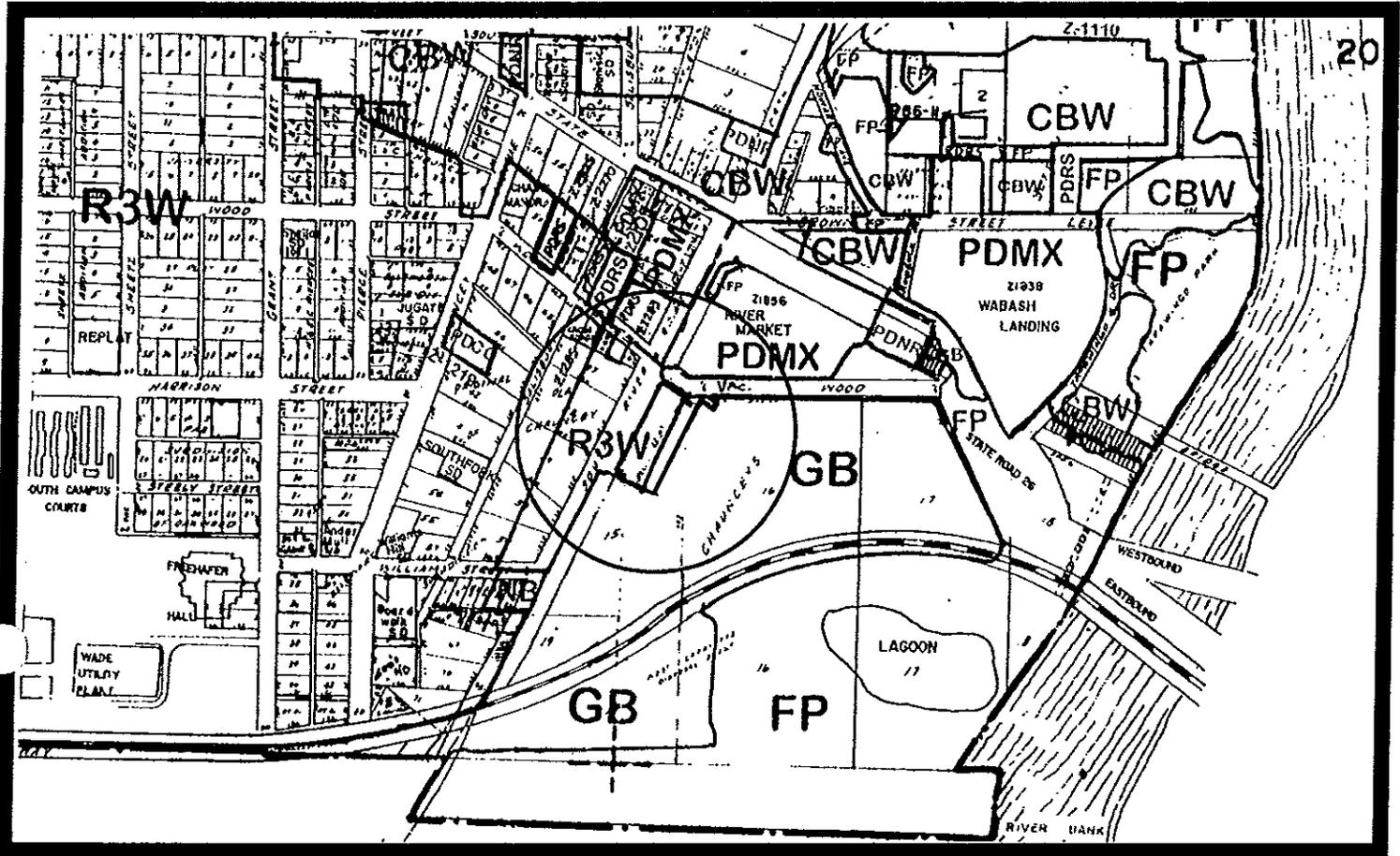
Enclosures: Staff Report & Ordinances

cc: James & Sheila Cochran
Daniel Teder
Dave Buck, West Lafayette City Engineer

Z-2409
JAMES L. AND SHELIA A. COCHRAN
R3W AND GB TO R4W

STAFF REPORT
June 11, 2009

Z-2409
JAMES & SHEILA COCHRAN
(R3W & GB to R4W)



**JAMES L. AND SHELIA A. COCHRAN
R3W and GB To R4W**

**Staff Report
June 11, 2009**

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioners, represented by attorney Daniel Teder, is requesting a rezone from R3W and GB to R4W to allow an addition of 18 Type 'D' units (1-bedroom) to an existing 32-unit apartment building. This rezone is necessary because the R3W zone limits density to 15 units per acre. This proposal would result in 17.96 units per acre (the R4W zone allows 15.1 units per acre with no maximum cap). The property is known as Riverbend Apartments and is located at 202 South River Road, West Lafayette, Wabash 20 (SW) 23-4.

ZONING HISTORY AND AREA ZONING PATTERNS:

Under the repealed ordinance, multi-family apartments were permitted by right in the GB zone. However, the adoption of the new zoning ordinance in 1998 made this use non-conforming. In 2001, an overall rezone of West Lafayette changed the majority of this property's zoning from GB to R3W making the apartment building conforming (Z-1996). A mapping error left a strip of GB zoning along the east side. This request would correct this oversight.

Land directly west across River Road is zoned R3W and land to the north consists mainly of Planned Development zoning. Property surrounding to the south and east is zoned GB, General Business.

AREA LAND USE PATTERNS:

Currently on site is a 3-story apartment building with parking located underneath and behind the building. Uses to the north and west are a combination of multi-family and commercial. Unimproved land abuts to the south and east.

TRAFFIC AND TRANSPORTATION:

According to the *Thoroughfare Plan*, South River Road is classified as a Primary Arterial. Traffic counts taken in 2008 indicated that 21,995 vehicles passed this site daily. Two driveways to South River Road (US 231) currently serve the site; although the southern-most access is not used. According to the site plan petitioner intends on removing this southern access point.

Ninety-eight parking spaces for the complex are located behind and underneath the building. The existing units and the 18 proposed units will require 94 spaces, so the parking requirement can be met.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

City utilities serve the site.

The GB zoned land directly south and east of the site has Preliminary Plat approval and is known as Crestview Pointe Subdivision. As a condition of that approval a type 'c' bufferyard 20' in width will be installed, so no bufferyard is required on the subject parcel.

STAFF COMMENTS:

This request is somewhat unique because no one has ever petitioned for R4W zoning and no R4W zoning exists currently in West Lafayette. While there are many developments in the West Lafayette area that are considerably dense, they have all been done through the Planned Development process. The R3W zone allows a maximum density of 15 units per acre and the existing complex has a density of 14.65 units per acre. The addition of 18 one bedroom units would result in a density of 17.96 units per acre. If this was a vacant property and petitioner proposed a new high density development, staff would likely recommend a planned development. Because petitioner has an existing building on site with more than adequate parking staff feels a planned development in this particular case is unwarranted.

This area of our community has become known as the "new downtown" for West Lafayette. An urban area, such as the levee, is where planning philosophies would typically encourage more dense developments. This is evidenced by some of the surrounding planned developments such as Linwood PD (35.07 units/acre), Rivermarket PD (14.75 units/acre), and State Street Towers (26.7 units/acre). The presence of mass transit, pedestrian friendly areas and a bustling commercial area contribute to the "downtown" feel. For these reasons allowing a higher density development in this location makes sense.

STAFF RECOMMENDATION:

Approval

Z-2409
JAMES & SHEILA COCHRAN
R3W & GB TO R4W

RECEIVED

AUG 20 2009

ADDENDUM
July 9, 2009

CLERK - TREASURER

Z-2409
JAMES & SHEILA COCHRAN
R3W & GB TO R4W

Addendum
July 9, 2009

STAFF COMMENTS:

Petitioners have reduced the number of units originally planned but have not yet provided staff with a new site plan, however any increase in the number of units will require R4W zoning (site plans for rezones are non-binding). According to petitioners' attorney the redesign will meet both the required 60' building setback and the height limitation imposed by the zoning ordinance, so the variance requests (BZA-1782) will most likely be withdrawn.

STAFF RECOMMENDATION:

Approval