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2023 MAR 21 P 1:37

z-2877

CINDY MURRAY

ORDINANCE NO. 2023-17

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF TIPPECANOE COUNTY,
INDIANA, TO REZONE CERTAIN REAL ESTATE FROM I3 TO GB

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

Section I: The Unified Zoning Ordinance of Tippecanoe County, Indiana being a separate ordinance and part of the Municipal Code of Lafayette, Indiana is hereby amended to rezone the following described real estate situated in Fairfield Township, Tippecanoe County, Indiana, to-wit:

See Attachment Exhibit A

Section II: The above-described real estate should be and the same is hereby rezoned from I3 to GB.

Section III: This Ordinance shall be in full force and effect from and after its adoption.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE, INDIANA, THIS _____ DAY OF _____, 2023.

Lauren Ahlersmeyer, Presiding Officer

ATTEST:

Cindy Murray, City Clerk

Presented by me to the Mayor of the City of Lafayette, Indiana, on the _____ day
of _____, 2023.

Cindy Murray, City Clerk

This Ordinance approved and signed by me on the _____ day of _____, 2023.

Tony Roswarski, Mayor

Attest:

Cindy Murray, City Clerk

TRACT I

Lots numbered twenty-one (21), twenty-two (22), twenty-three (23), twenty-four (24), twenty-five (25), twenty-six (26), twenty-seven (27), and five (5) feet of even width across the entire east side of lot numbered twenty (20) in Union Park Subdivision, Part Two (2), a Replat of Lots 15 & 16 in Part One, as per plat thereof dated October 8, 1985, recorded October 17, 1985 in Plat Cabinet C, Slide 122, re-recorded March 6, 1986 in Plat Cabinet C, Slide 126. Located in Fairfield Township, Tippecanoe County, Indiana.

TRACT 2

Five (5) feet of even width across the entire East side of Lot numbered Twenty-eight (28) in Union Park Subdivision, Part Two (2), and replat of Lots Fifteen (15) and Sixteen (16) in Part One, as per plat dated October 8, 1985 and recorded October 17, 1985 in Plat Cabinet C, Slide C-122, in the Office of the Recorder of Tippecanoe County, Indiana. Located in Fairfield Township, Tippecanoe County, Indiana.

SUBJECT TO easements, rights of way, and restrictions of record, if any.

SUBJECT TO taxes for the year 2014, due and payable in May and November, 2015; and all subsequent taxes. SUBJECT TO minimum building lines, easements, restrictions, conditions, and rights-of-way as shown on the Plat of Union Park Subdivision, Part 2, dated October 8, 1985 and recorded October 17, 1985 in Plat Cabinet C, Slide 122.

SUBJECT TO covenants and restrictions as set forth in Protective Covenants and Restrictions dated September 8, 1981 and recorded September 18, 1981 in Deed Record 81, page 2494 as Document 8107455; Part Two dated October 8, 1985 and recorded October 17, 1985 in Deed Record 85, page 3161 as Document No. 8511511.



Area Plan Commission of Tippecanoe County, Indiana

March 16, 2023
Ref. No.: 2023-052

Lafayette Common Council
20 North 6th Street
Lafayette, Indiana 47901

RE: Z-2877 DAVID KELLER (I3 to GB):

Petitioner is requesting rezoning of seven lots, used as one, located on the west side of N. 36th Street between Crouch Street and Coleman Court, specifically, 646 – 680 N. 36th Street and 3532 Coleman Court, in Lafayette, Fairfield 22 (SE) 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 March 15, 2023, the Area Plan Commission of Tippecanoe County voted 12 yes - 0 no on the motion to rezone the subject real estate from I3 to GB. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Lafayette Common Council that the proposed rezoning be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Lafayette Common Council at its April 3, 2023 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

David Hittle
Executive Director

DH/kl

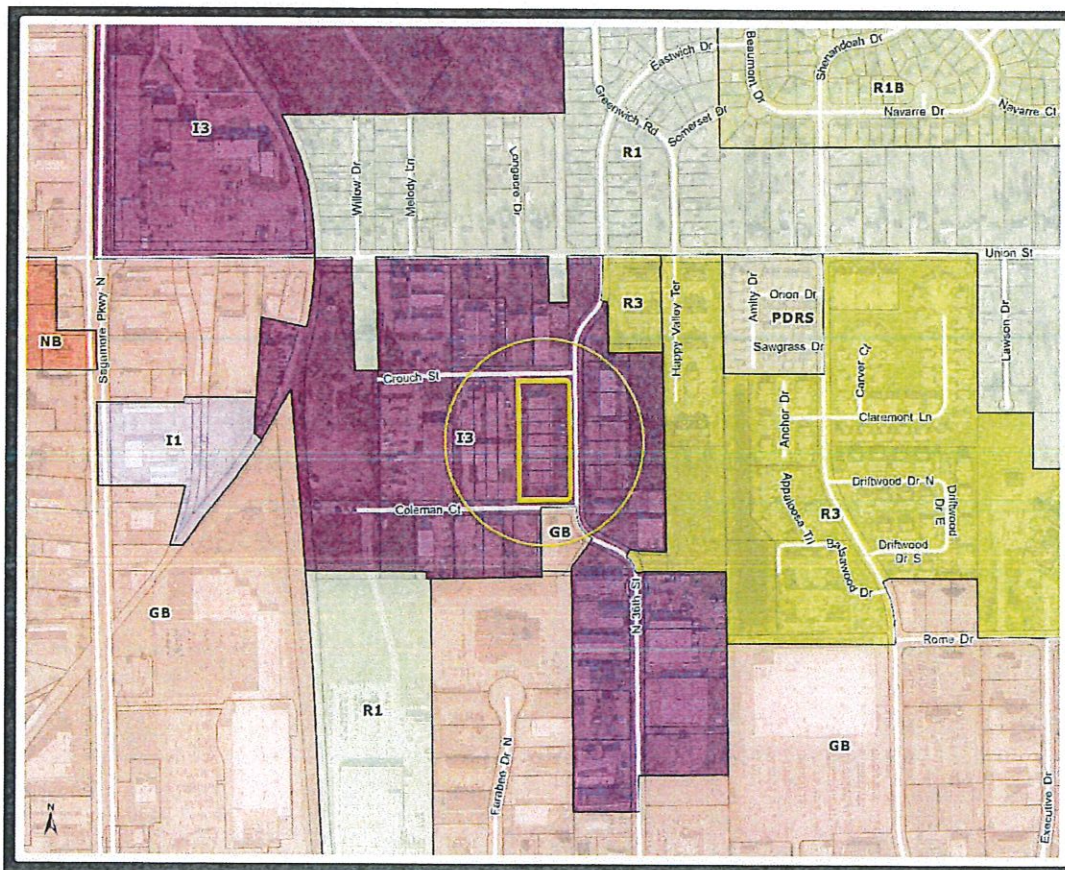
Enclosures: Staff Report & Ordinance

cc: David Keller
Craig Ebershoff, E Properties, LLC
Kevin Riley, Reiling Teder & Schrier
Jeromy Grehard, Lafayette City Engineer



**Z-2877
DAVID KELLER
(I3 to GB)**

**STAFF REPORT
March 9, 2023**



Z-2877
DAVID KELLER
I3 to GB

Staff Report
March 9, 2023

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, with consent of the property owner E Properties, LLC, and represented by attorney Kevin Riley of Reiling, Teder & Schrier, is requesting the rezoning of several lots containing a single, integrated center to allow for a nontraditional, licensed funeral home (with offsite mortuary services), as well as to legalize existing business offices including a social services office. The subject lots are located at 646-680 N. 36th Street, Lafayette, Fairfield 22 (SE) 23-4.

ZONING HISTORY AND AREA ZONING PATTERNS:

The site is zoned I3, as is all surrounding property except for a property immediately to the south which is zoned GB. The Industrial zoning in this area dates to two rezone requests in 1979 and 1981 (Z-979 and Z-1090). The GB zoning immediately to the south originated from a successful rezone from I3 zoning in 2015 (Z-2605). Other recent zoning changes in the area that have occurred include rezoning the northeast corner of 36th Street and South Street from I3 to GB in two separate requests (Z-2572 and Z-2579).

AREA LAND USE PATTERNS:

Most of the building on site is currently used as business offices. Surrounding uses include a UPS facility and the Eastside 9 Theater to the south, and a mix of light industrial uses and business offices to the north and west.

TRAFFIC AND TRANSPORTATION:

N. 36th Street, Crouch Street and Coleman Court are urban local roads according to the adopted *Thoroughfare Plan*. Access to the paved parking area serving the integrated center is from two entrances on Crouch Street and two more entrances on Coleman Court. There is no access from N. 36th Street.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

City sewer and water provide utilities to the site.

STAFF COMMENTS:

Although the subject lots are currently zoned I3 (the zone intended for the most intense industrial uses), the integrated center itself is not being used industrially. Given that the petitioner wishes to open a nontraditional funeral home with offsite mortuary services in the integrated center, as well as the fact that most of the existing tenants are using their spaces for business uses, a successful rezoning of the subject properties to GB zoning would accomplish two things. First, it would make the existing uses in the integrated center legally conforming with the Unified Zoning Ordinance (UZO). Secondly, it would

allow for the petitioner to use their space in the integrated center as proposed, while also allowing for the further expansion of a wide assortment of business uses in the center.

When considering neighboring properties, the uses that line N. 36th Street are very similar to the uses on Farabee Drive. Namely, there is a mix of light industrial, contracting, wholesale, and business offices in the area. Just as Farabee Drive is gradually shifting from industrial zoning to GB zoning, the majority of the last five rezones on N. 36th Street have been from I3 to GB. Since the location of this request is adjacent to GB zoning, as well as light industrial and commercial uses, staff can support this request.

STAFF RECOMMENDATION:

Approval