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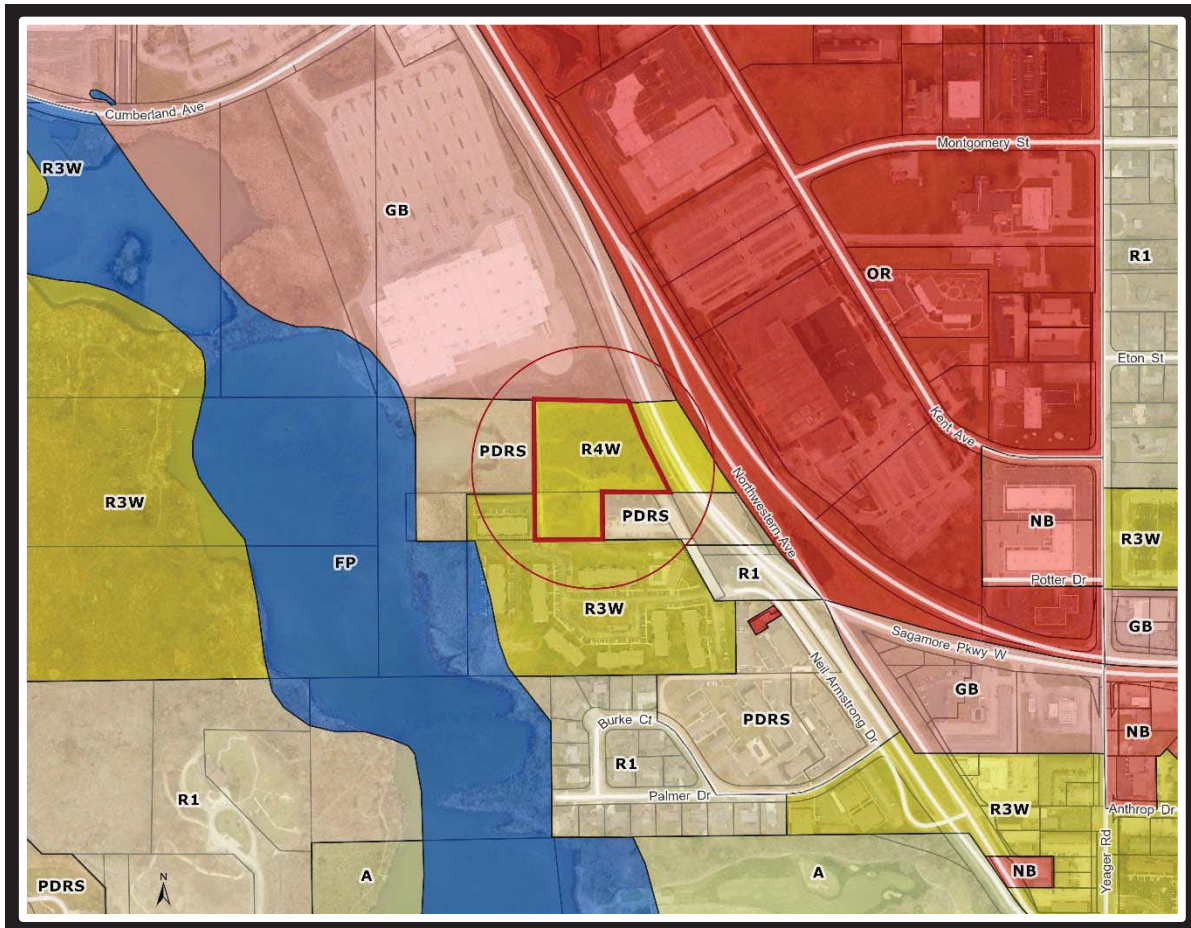
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**BZA-2096**  
**TOMISH DEVELOPERS, LLC**  
**(variances)**

**STAFF REPORT**  
**April 20, 2023**

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**BZA-2096**  
**TOMISH DEVELOPERS, LLC**  
**Variances**

**Staff Report**  
**April 20, 2023**

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**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioner, with consent of the owner and represented by KJG Architecture, is requesting two variances for a proposed apartment complex with 176 units (288 beds) in six 4-story buildings:

1. To reduce the parking standard from the minimum 352 spaces to 192 spaces (or 55% of the total required parking); and
2. To increase the maximum building height from 14' (as measured from the ground to the finished floor of the uppermost level) to 32' (or an overall height of 54'3").

The 4.212-acre site is located on the west side of Sagamore Parkway, just north of its intersection with Northwestern Avenue, specifically, 2541 Neil Armstrong Drive, West Lafayette, Wabash 12 (NE) 23-5.

**AREA ZONING PATTERNS:**

The site in question was rezoned by the West Lafayette City Council earlier this month (Z-2874) from PDRS to R4W. Planned Development zoning exists to the west and east and R3W zoning is adjacent to the south and southwest. GB zoning is located directly north of the site.

**AREA LAND USE PATTERNS:**

The site is currently unimproved and covered in trees and scrub growth. An informal trail crosses this property north-to-south that connects the apartments to the south to Walmart which is located to the north of the subject site.

Multi-family and single-family developments are adjacent to the south and city owned land, including the Celery Bog, are to the west. North of the site are commercial uses serving the area. The Purdue Research Park is east across Sagamore Parkway.

**TRAFFIC AND TRANSPORTATION:**

The site will derive access from the end of Neil Armstrong Drive (a public street) which connects to Sagamore Parkway south of the site. A transit stop for CityBus exists north of the site at Walmart and is connected by the trail mentioned above.

## **ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

City utilities serve the site. A “type C” bufferyard, 30 feet in width, is required along the north property line where this site abuts GB zoning. However, according to West Lafayette, existing vegetation on the Walmart property is sufficient to meet half of this requirement. Petitioner will need to submit a new site plan showing the remaining 15’ of the required bufferyard along the property line.

## **STAFF COMMENTS:**

The land in this request was recently rezoned from an expired planned development zone last month to R4W. The proposal consists of 176 units in six buildings with a mix of 1-, 2-, and 3-bedroom units. The parking standard for this use is 2 spaces per unit requiring 352 spaces. Petitioner’s proposal is slightly over half of this amount with 192 spaces shown on the site plan. The 192 parking spaces shown on the site plan would allow for each 1- and 2-bedroom apartment to be assigned 1 parking space and each 3-bedroom apartment to be allotted 2 parking spaces.

Staff realizes that the parking standard in the R4W zone needs to be re-examined and the current parking proposal is similar to negotiated residential planned developments near campus. While this location is a bit farther away, at 1½ miles north of the stadium, the site in question is served by two trails: one which petitioner is improving that leads to Walmart directly to the north, and another trail constructed by the city that parallels Sagamore Parkway connecting to retail and restaurants. Additionally, Walmart is a connection point for CityBus with four routes serving the site, which would allow residents of this complex to be less car dependent than some developments at an equal distance from campus.

Like the parking requirement in the R4W zone, the height standard is also out-of-date and now obsolete. Maximum building height is limited to 14 feet as measured to the finished floor of the uppermost story. Petitioner is proposing six 4-story buildings that would have a topmost finished floor height of 32 feet. If measured to the peak of the roof, the buildings would be 54’ 3”. Thirty-five feet is the typical height limitation in other residential zones as measured to the top of the roof. While this height is greater than many apartment buildings, the increased density allowed in the R4W can be more easily accommodated with 4-story buildings.

Regarding the ballot items for both requests:

1. The Area Plan Commission at its meeting on March 15, 2023 determined that the variances requested **ARE NOT** use variances.

And it is staff’s opinion that:

2. Granting these variances **WILL NOT** be injurious to the public health, safety, and general welfare of the community. Decreased parking for this development, as well as increased height, will not affect the public health and safety. The West Lafayette Fire Department can serve taller buildings like what is shown on the site plan.

3. Use and value of the area adjacent to the property included in the variance requests **WILL NOT** be affected in a substantially adverse manner. Adjoining developments are either multi-family or commercial, and decreased parking and increased building heights will have no bearing on the use of surrounding properties. One-hundred and ninety-two parking spaces are sufficient for the project. An increased height to accommodate 4 stories will have no negative impact on the surrounding area.
4. The terms of the zoning ordinance are being applied to a situation that **IS NOT** common to other properties in the same zoning district. Requiring the developer of this property to use an outdated height requirement (which exists to deal with a fire department problem that has already been solved) would create an uncommon situation. Similarly, requiring an outdated parking standard for the R4W would also create an uncommon situation.
5. Strict application of the terms of the zoning ordinance **WILL** result in an unusual or unnecessary hardship as defined in the zoning ordinance. In this situation, the zoning ordinance is creating an unnecessary hardship with outdated development standards.

**Note:** Questions 5a. and 5b. need only be answered if a hardship is found in Question 5 above.

5a. The hardship involved **IS NOT** self-imposed or solely based on a perceived reduction of or restriction on economic gain. The hardship is being created by the standards in the zoning ordinance for R4W zoning.

5b. The variances sought **DO** provide only the minimum relief needed to alleviate the hardship. The parking proposed with this project would allow each 1- and 2-bedroom unit to have one parking space and each 3-bedroom unit would have two spaces, which is in line with similar developments negotiated through the PD process. Concerning the height variance, 4 stories is the maximum height before an elevator is required by state building code, making this height the minimum relief.

#### **STAFF RECOMMENDATION:**

Variance #1: Approval, contingent on the following condition;

Variance #2: Approval, contingent on the following condition:

#### Conditions:

1. A new site plan showing the required 15' bufferyard along the north property line where it abuts GB zoning.







K&G ARCHITECTURE, INC.  
1373 LAUREL PROGRESS RD  
WEST LAKE VILLAGE, CALIFORNIA 91391  
WWW.K&GARCHITECTURE.COM  
310.491.4199

PROFESSIONAL SEAL:  
  
DECLARATION:  
I, the undersigned, architect of record for the project described herein, hereby certify that I am a duly licensed architect in the State of California, and that I am the author of the architectural drawings herein, or that I am a duly licensed architect in the State of California, and that I am the author of the architectural drawings herein, or that I am a duly licensed architect in the State of California, and that I am the author of the architectural drawings herein.

**EXTERIOR ELEVATIONS**  
NEIL ARMSTRONG DRIVE APARTMENTS  
NEIL ARMSTRONG DRIVE  
WEST LAKE VILLAGE, CA 91391  
PROJECT NUMBER: C3022.207

PROJECT DATE: 01.10.2023  
SHEET REVISIONS: NO. DESCRIPTION DATE  
PROJECT NUMBER: C3022.207 CHECKED BY:  
SHEET NUMBER: A200

- ELEVATION KEYNOTES:**  
\* THE FOLLOWING KEYNOTE LIST IS A GENERAL LIST FOR BUILDING ELEVATIONS. SOME KEYNOTES MAY NOT APPLY ON ALL SHEETS.
1. APPROXIMATE GRADE
  2. BRICK VENEER - RUNNING BOND, COLOR 1
  3. CAST STONE T&L
  4. CAST STONE HEADER
  5. CAST STONE SMO
  6. VINYL GLAZED WINDOW
  7. CONTINUOUS METAL CUTTER, SIZE AND STYLE SELECTED BY OWNER.
  8. METAL DOWNPOUT WITH SPLASH BLOCK, COLOR TO MATCH METAL CUTTER, SELECTED BY OWNER.
  9. ARCHITECTURAL TERRAZZO/SPHALT FINISH, COLOR AND STYLE SELECTED BY OWNER.
  10. VENTED ROOF SHEET
  11. EXTERIOR LIGHT FIXTURE, SEE ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION.
  12. TYPICAL FASCIA TRIM: ALUM. WRAPPED 2x8 FASCIA W/ ALUMINUM DRIP EDGE MOULD @ ROOF PARALLEL, SOFFIT BELOW TO BE CONTINUOUS VENTED PREFINISHED UPOL SOFFIT PANELS.
  13. CONCRETE STOOD, SEE STRUCTURAL DRAWINGS FOR ADDITIONAL INFORMATION.
  14. METAL VERTICAL SILING
  15. CAST STONE/LAMESTONE VENEER
  16. METAL SIBR WITH CONCRETE TREADS
  17. METAL GUARD RAIL - PAINTED

