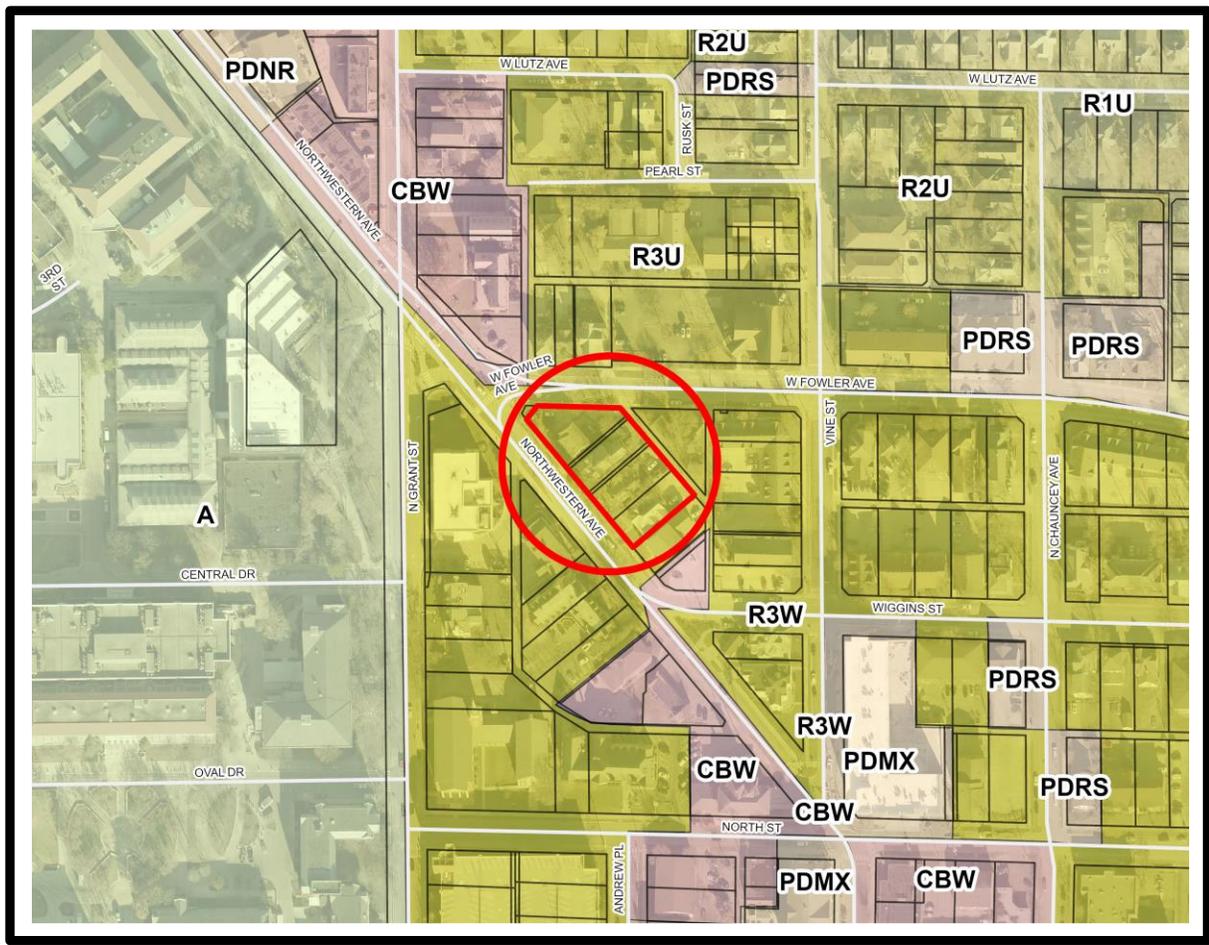

BZA-2031
THETA NU HOUSING, LLC
(variance)

STAFF REPORT
February 20, 2020



BZA-2031
THETA NU HOUSING, LLC
Variance

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REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner with consent from the four property owners and represented by attorney Daniel Teder is requesting the following variances:

1. To increase the building height to 28' at the finished floor of the upper story from the maximum allowed 14'; (UZO 2-10-11)
2. To decrease the parking requirement to 24 spaces from the minimum requirement of 45; (UZO 4-6-3)
3. To eliminate the maneuvering aisle required for parking spaces along the alley; (UZO 4-6-15)
4. To eliminate the requirement for a 5' no parking setback and allow parking within the front setback; (UZO 4-4-6)
- ~~5. To reduce the required building setback from Northwestern Avenue to 20' from the minimum requirement of 60'; (UZO 2-10-8)~~
- ~~6. To reduce the street setback from Fowler Avenue to 30' from the minimum requirement of 60'; and (UZO 2-10-8)~~
7. To reduce the required bicycle parking to 25 spaces from the minimum requirement of 45; (UZO 4-6-7)

on property located at the southeast corner of Northwestern and Fowler Avenues, in West Lafayette, Wabash 19 (NE) 23-4. Petitioner plans to raze the four existing residential buildings and construct a new sorority building on R3W-zoned land.

After a detailed review of the site plan staff determined that variance requests 5 and 6 are not required because the setbacks along both frontages can be reduced by averaging. (UZO 4-4-1)

AREA ZONING PATTERNS:

Petitioner has received preliminary approval to combine four lots into a single lot (S-4898 Kappa Delta Theta Nu Minor Subdivision). This single replatted lot is zoned R3W as is 1 surrounding properties to east southwest and adjacent to the south. Across Fowler Avenue to the north/northeast is R3U zoning and to the northwest is CBW zoning. Farther to the southeast along both sides of Northwestern, zoning is a mix of CBW and various Planned Development. The urban zoning to the north was established as part of the rezone following the adoption of the New Chauncey Neighborhood Plan.

This site is the northwestern corner of the area encompassed by the West Lafayette

Downtown Plan. The plan has been approved by the Area Plan Commission and is still being considered by the West Lafayette City Council. The plan makes these recommendations for this site:

“This block is at an important crossroads, a place where the downtown meets the university and the New Chauncey neighborhood. The future land uses planned for this block are designed to provide appropriate and harmonious transitions between the university, New Chauncey neighborhood, and the more intense downtown blocks to the south. Downtown Village is planned for the entire block.... The prominent corner at Fowler Avenue and Northwestern Avenue should incorporate an urban open space (privately-owned with dedicated public access easement) amenity. Any redevelopment on this block should make use of existing alleys to provide rear-loaded vehicle access, minimize street curb cuts and protect the pedestrian orientation of the streetscape.”

This plan is unique because it incorporates design recommendations for redevelopments within the boundaries.

AREA LAND USE PATTERNS:

Currently on site are a duplex and three apartment buildings. Student apartments are the primary land use in this neighborhood so close to the Purdue campus with Bailey Hall across Northwestern to the west. Our Savior Lutheran Church is across Fowler to the northeast and the Delta Tau Delta fraternity is across the street to the north. In 2005 a sorority at the corner of Northwestern and Grant requested 4 variances to expand their structure, two were withdrawn and two were denied, (BZA-1697). Those requests were similar in nature to the requests associated with this site. East of this request in 2002, a new multi-family structure was built after the granting of a setback variance from Fowler to 14' from the required 60' (BZA-1606).

TRAFFIC AND TRANSPORTATION:

Both roads have a setback of 60' because they are classified as urban primary arterials; however, based on setback averaging, Fowler Street's setback is 11' and Northwestern's is 19'. West Lafayette is requiring a “no vehicular access” statement be platted along both the Fowler and Northwestern frontages; the sole access to the site will be from the existing alley off Fowler.

The parking requirement for this use is 0.75 spaces per each occupant at capacity. This structure will have a capacity of 60 beds which would require 45 spaces. Petitioner is requesting a reduction to 24 spaces, with 8 spaces having no maneuvering aisle other than the 10' public alley. On both the east side and the west side, parts of the paved parking spaces would encroach into the 5' no parking setback. Additionally, a couple of spaces are within the front setback from Fowler Avenue which the UZO prohibits.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

Drainage on site will be reviewed at the time of building permit issuance. Sewer and water are both available to the site; although an upgrade to the sewer system may be

needed prior to construction.

STAFF COMMENTS:

Petitioner plans to demolish four existing residential structures and build a new three-story sorority house. The proposed building's design fits with some of the historical structures in the area but the parking layout does not match the urban style seen by recent new buildings around campus. The Downtown Plan identifies this site as a unique crossroad between campus, New Chauncey Neighborhood, and the Chauncey Village. This site is classified as Downtown Village which states parking should be located within structured environments. The proposed 3-story building does meet the Plan's recommendation of having building heights with a 2-story minimum.

The petitioner is requesting a three-story building that has a height of 28' measured at the third story floor. Most new structures in the near campus area are a minimum of 3 floors. Recent discussion has focused less on the height and more on the usable floors of the structures. Staff has been able to support variances associated with three story developments; the proposed overall height of the building in this request is 56'.

The existing height standard in the UZO (14' measured at the uppermost floor) only exists in West Lafayette and is obsolete. Staff is working on an ordinance amendment to address this but until that amendment is completed, staff supports reasonable height variances for apartment buildings and residential structures. Likewise, based on staff's experience, the bicycle parking standard is too high. This will likely be addressed in an upcoming ordinance amendment. Previously approved bicycle parking variances have provided 50% of the required parking; this request would provide 56% and is supportable.

The parking reduction seems excessive; staff does not have enough data to validate this reduction in the parking standard. Most similar variances have been to reduce the parking by a few spaces. This request reduces the parking by 20 spaces. This building would presumably be used for social activities of occupants and nonoccupants which would require additional spaces.

The two parking requests (3 and 4) are the biggest concerns for staff based on the proposed layout of the of the lot. The WL Downtown Plan identifies this site as an important crossroad in the near campus area. The land should be maximized, parking lots/spaces in the front of the structures and along road frontages minimizes the potential use of the land. Staff cannot support the layout of a design that promotes development that is not in line with the plan.

Regarding the ballot items:

1. The Area Plan Commission on February 19, 2020 determined that the variances requested **ARE NOT** use variances.

And it is staff's opinion regarding the following requested variances:

1. To increase the building height to 28' at the finished floor of the upper story from the maximum allowed 14'; (UZO 2-10-11)

2. To decrease the parking requirement to 24 spaces from the minimum requirement of 45; (UZO 4-6-3)
 3. To eliminate the maneuvering aisle required for parking spaces along the alley; (UZO 4-6-15)
 4. To eliminate the requirement for a 5' no parking setback and allow parking within the front setback; (UZO 4-4-6)
 - ~~5. To reduce the required building setback from Northwestern Avenue to 20' from the minimum requirement of 60'; (UZO 2-10-8)~~
 - ~~6. To reduce the street setback from Fowler Avenue to 30' from the minimum requirement of 60'; and (UZO 2-10-8)~~
 7. To reduce the required bicycle parking to 25 spaces from the minimum requirement of 45; (UZO 4-6-7)
2. Granting variances 3 and 4 **WILL** be injurious to the public health, safety, and general welfare of the community. Allowing a new structure to be built that does not conform with the Downtown Plan recommendations of structured parking behind or in a structure is not in the general welfare of the community. In addition, it would be a safety issue for vehicles to not have a maneuvering aisle. Granting variances 1, 2, and 7 **WILL NOT** be a public issue because they are similar in design standards approved with sites close to campus.
 3. Use and value of the area adjacent to the property included in variance request 3 **WILL** be affected in a substantially adverse manner. The proposed parking layout for eight spaces that only have access directly on the narrow 10' wide alley will create a traffic flow obstruction for motorists trying to access properties to the south and east of this site. Use and value of the area adjacent to the property included in requests 1, 2, 4 and 7 **WILL NOT** be affected in a substantially adverse manner. The proposed new building will meet fire safety and ADA requirements with additional site improvements.
 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. Various fraternities, sororities and apartments in this near campus area have only been able to developed with multiple variances or through the planned development process. While there is nothing unusual regarding this lot's size, shape or topography that necessitates any of the variances, the obsolete R3W standards do not address the density of development of the near campus area.
 5. Strict application of the terms of the zoning ordinance for requests 1 and 7 **WILL** result in an unusual or unnecessary hardship as defined in the zoning ordinance. Again, requiring the developer to abide by the existing height requirement and bicycle space standard would create a hardship as both these standards have been proven by staff to be no longer necessary. However, regarding requests 2, 3, and 4, continued use of the property will not end if these variances are not granted. A different design could alleviate the need for the parking requests.

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 for requests 1 and 7. The hardship is not self-imposed but ordinance-imposed. However, for requests 2, 3, and 4, the hardship involved **IS** self-imposed. Because the site will be a greenfield after razing of the existing structures these variances are self-imposed and not based on existing conditions.

5b. Regarding requests 1 and 7, the variances sought **DO** provide only the minimum relief needed to alleviate the hardship. Providing half the amount of bicycle parking the ordinance currently requires is sufficient; a building height of three stories is in-line with other R3W zones in the community. However, regarding requests 2, 3, and 4, the variances sought **DO NOT** provide only the minimum relief needed to alleviate the hardship because there is no hardship.

STAFF RECOMMENDATION:

- Variance 1. Building Height: Approval
- Variance 2. Parking reduction: Denial
- Variance 3. Maneuvering aisle removal: Denial
- Variance 4. No Parking Setback: Denial
- ~~Variance 5. Northwestern Setback: not needed~~
- ~~Variance 6. Fowler Setback: not needed~~
- Variance 7: Bicycle Parking: Approval

ROOF RIDGE
56'-0"



TRUSS BEARING
40'-0"

3RD F.F.E.
28'-0"

2ND F.F.E.
14'-0"

1ST F.F.E.
0'-0"