

ORDINANCE NO. 2012-22-CM

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATE
FROM AW TO I2

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TIPPECANOE
COUNTY, INDIANA:

Section 1: The Unified Zoning Ordinance of Tippecanoe County, Indiana, being a separate ordinance and not part of a unified county code, is hereby amended to rezone the following described real estate situated in Perry Township, Tippecanoe County, Indiana, to wit:

PT SW ¼ NE ¼ SEC 21 TWP 23N R3W, 1.610 AC PER SURVEY
PT W ½ NE ¼ 1.000 AC & PT E ½ NW ¼ 0.333 AC & PT W ½ SE ¼ SEC 21 TWP 23N R3W,
0.520 AC & 0.133 AC (TOTAL 1.986 AC)

Section 2: The above-described real estate should be and the same is hereby rezoned from AW to I2.

Section 3: This ordinance shall be in full force and effect from and after its adoption.

(Adopted and Passed) (~~Denied~~) by the Board of Commissioners of Tippecanoe County, Indiana, this

2nd day of July, 2012.

VOTE:

yes

yes

yes

[Signature]
Thomas Murtaugh, President

[Signature]
John Knochel, Vice President

[Signature]
David Byers, Member

Attest: [Signature]
Jennifer Weston, Auditor



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

June 21, 2102
Ref. No.: 12-177

Tippecanoe County Commissioners
20 North 3rd Street
Lafayette, IN 47901

CERTIFICATION

RE: **Z-2496--GERALD & JESSICA BECK (AW to I2):**

Petitioners are requesting rezoning of 3.596 acres located on the west side of CR 775 E, between SR 26 E and CR 100 N, more specifically, 360 N 775 E, Perry 21 (NE) 23-3.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on June 20, 2012 the Area Plan Commission of Tippecanoe County voted 12 yes - 0 no on the motion to rezone the subject real estate from AW to I2. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners 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 Tippecanoe County Commissioners at their July 2, 2012 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: Gerald & Jessica Beck
Andrew Gutwein
Ken Brown, Tippecanoe County Building Commissioner

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioners, who are also the owners and represented by attorney Andrew Gutwein, are requesting the rezoning of 3.596 acres from AW to I2 for a general contracting business specializing in excavation work for basements and foundations (SIC 15). The site is the home of the former Monitor School (closed in 1967) and then later New Directions, Inc. The property is commonly known as 360 N 775 E and is located on the west side of CR 775 East just less than ½ mile north of SR 26 East, Perry 21 (NE) 23-3.

ZONING HISTORY AND AREA ZONING PATTERNS:

The site and land surrounding to the north, west, south and southeast is zoned AW, Agricultural Wooded. Land to the east and northeast is zoned A, Agricultural. No rezones for this area have ever been filed. A special exception was approved by the ABZA for this land in December 2003 for New Directions Inc. for an alcohol/drug rehabilitation and residential center (SIC 836) with accessory vocational rehabilitation and job training center (SIC 833). After New Directions vacated the property in 2007, the building fell into disrepair and was the subject of violation of the Unsafe Structures ordinance adopted by the County. The most recent ABZA action in the area was a special exception granted in 2006 for land to the northwest for a cell tower (BZA-1728).

AREA LAND USE PATTERNS:

The site currently contains a large barn and the ruins of the former Monitor School which was destroyed by a fire in 2010. Petitioners intend on removing this barn and utilizing the foundation for a new building. A drawing sent with the Notice to Interested Parties letter indicates two new structures will be built where the former school building once stood.

The uses found in the surrounding area are largely rural residential. Two parcelizations are located adjacent to the north and south and numerous other home sites can be found with ¼ mile.

TRAFFIC AND TRANSPORTATION:

The site has access from CR 775 East, classified as rural secondary arterial, which averages about 850 vehicles per day based on traffic counts taken in 2011. CR 775 is a narrow paved two-lane road. The site currently has unrestricted access to the road; County Highway will need to review any access issues for the site. Additionally, if rezoned the parking and driveway areas must be paved.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

The existing barn is served by an individual septic system. (New Directions had an aeration basin/wastewater lagoon system, but is no longer in use. In fact, the portion of the property housing the lagoons has been sold off to a neighbor.) Petitioners will need to coordinate their development efforts with the state and county health departments.

A Type C bufferyard, 20 feet in width, is required where I2 zoning abuts AW zoning.

STAFF COMMENTS:

Petitioners purchased the former New Directions Inc. property earlier this year with the intention of locating their excavation operation which specializes in basement and foundation work. Some heavy machinery, such as back hoes and tri-axle trucks, are used in petitioners' business. If successfully rezoned, petitioners intend on storing all equipment inside a proposed building. The requested zone, I2, requires that all activities, except loading and unloading, be indoors.

The zoning ordinance permits this use (General Contracting SIC 15) in some commercial zones, all the industrial zones and by special exception in A, AA and AW zones. However, a footnote in the Permitted Use Table indicates that 5 acres are required for this use in the rural zones. Additionally, the gross floor area in the AW zone cannot exceed 5,000 sq. ft. Petitioner's attorney has stated that even if additional land can be acquired (3.596 acres are in this request), the 5,000 sq. ft. cap would not be large enough for the proposed business. The UZO specifically guides these larger scaled operations to be located in industrial zones only.

This area of the county is dominated by wooded slopes associated with the Wildcat Creek and single-family homes are sprinkled throughout. At least two dozen homes exist in the immediate area. In fact, a single-family home close to CR 775 is located across the road. Introducing industrial zoning to this quiet rural area could potentially be a detriment to the surrounding residential uses. Additionally, the *Comprehensive Plan* guides these types of uses to be located only on sanitary sewer, which is located more than 1 ½ miles to the west.

STAFF RECOMMENDATION:

Denial

**Z-2496
GERALD & JESSICA BECK
AW TO I2**

**STAFF REPORT
June 14, 2012**

Z-2496
GERALD BECK & JESSICA BECK
(AW to I2)

