

ORDINANCE NO. 2013-29-CM

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATE FROM GB and NB TO R3

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

Section I: The Unified Zoning Ordinance Tippecanoe County, Indiana being a separate ordinance is hereby amended to rezone the following described real estate situated in Wabash Township, Tippecanoe County, Indiana, to-wit:

See attached maps

Section II: The above described real estate should be and the same is hereby rezoned from GB and NB to R3.

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

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF TIPPECANOE COUNTY, INDIANA, THIS 3rd DAY OF September, 2013.

VOTE:

yes

yes

yes

D. Byers
Dave Byers, President

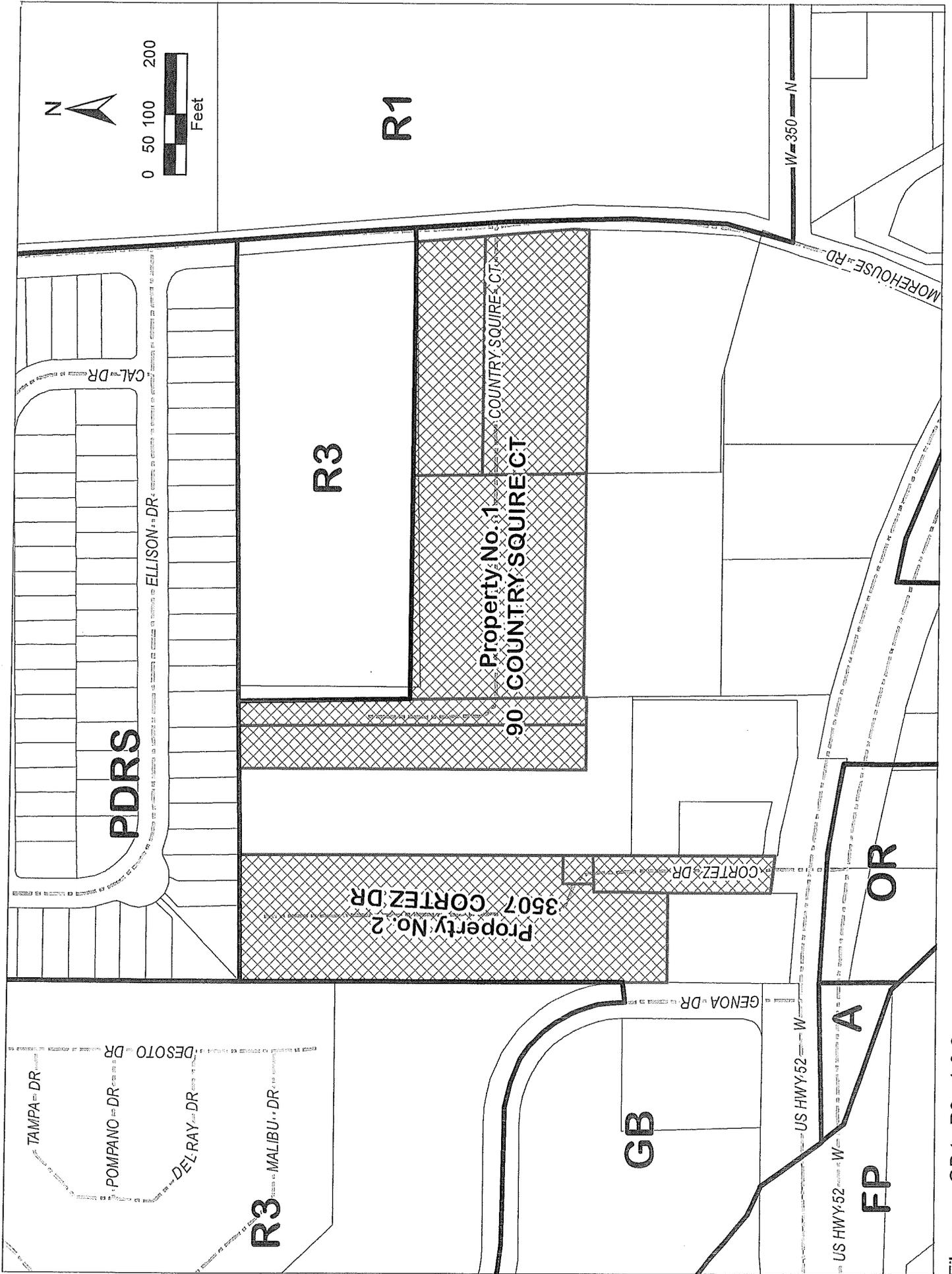
John Knochel
John Knochel, Vice President

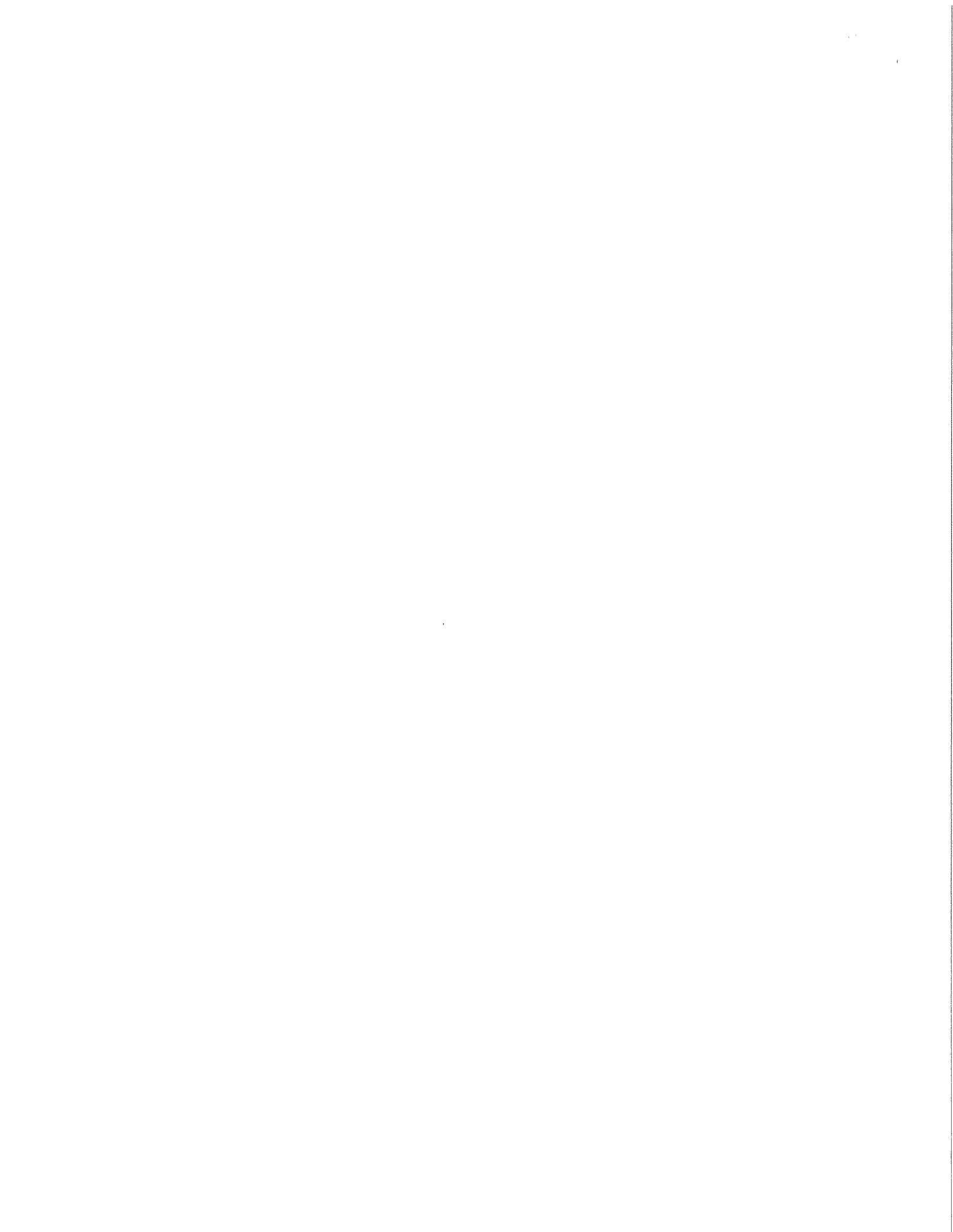
Tom Murtaugh
Tom Murtaugh, Member

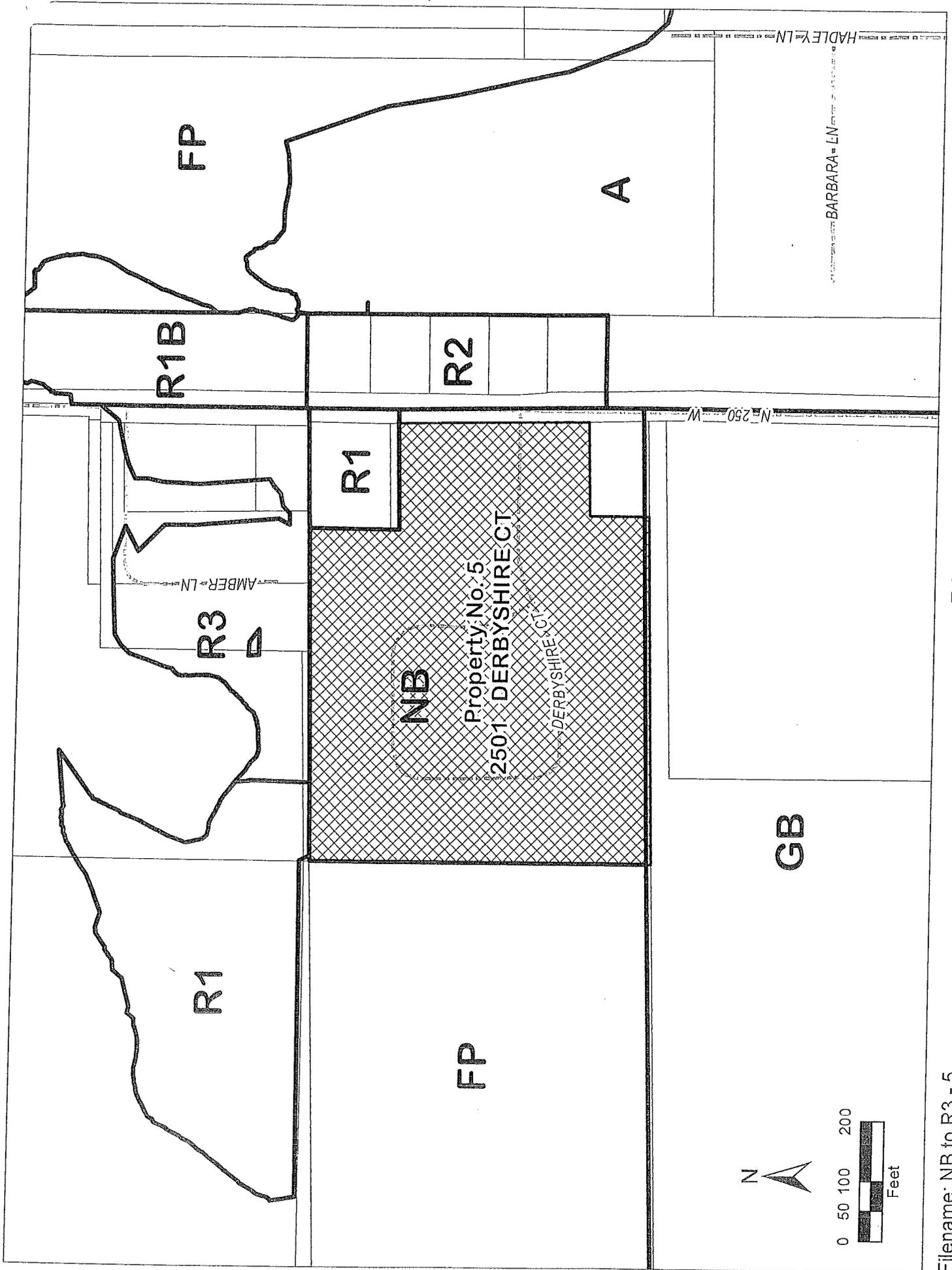
ATTEST:

Jennifer Weston
Jennifer Weston, Auditor

1. The first part of the document is a list of names and titles, including "The Hon. Mr. Justice G. D. C. O'Connell, Chief Justice of the Supreme Court of the State of New South Wales."







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 22, 2013
Ref. No.: 13-247

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

CERTIFICATION

RE: **Z-2545--AREA PLAN COMMISSION (GB and NB to R3):**

Petitioner is requesting the rezoning of three currently nonconforming duplex or multi-family apartment developments in order to make their zoning conforming. The three developments are located on Country Squire Court, Cortez Drive, and Derbyshire Court, Wabash 1 (SW) and 2 (NW) 23-5.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on August 21, 2013 the Area Plan Commission of Tippecanoe County voted 9 yes - 0 no on the motion to rezone the subject real estate from GB & NB to R3. 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 Tuesday, September 3, 2013 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,



Sallie Dell Fahey
Executive Director

SDF/lmu

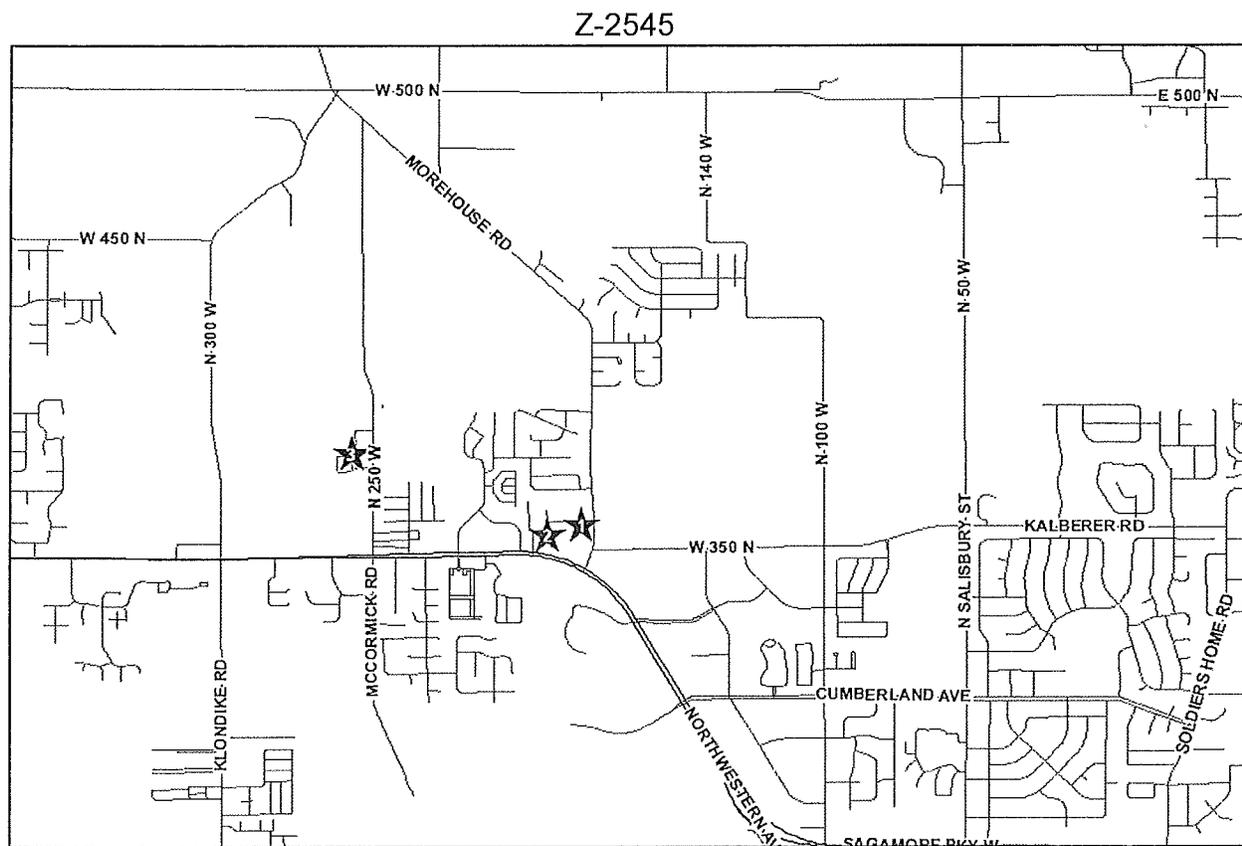
Enclosures: Staff Report & Ordinances

cc: Sallie Fahey, Area Plan Commission
Ken Brown, Tippecanoe County Building Commissioner
Lambirth Family LP
Ida Entimo & Corado Nelbiz
Sundance Group of Indiana



**Z-2545 AND Z-2546
AREA PLAN COMMISSION OF TIPPECANOE COUNTY
(GB, NB, R3, and R1 to R3)**

**STAFF REPORT
August 15, 2013**



1. Country Squire Apartments, 2-110 Country Squire Ct.
2. Cortez Apartments, 3507 Cortez Drive
3. 2501 Derbyshire Ct

Z-2545 and Z-2546
AREA PLAN COMMISSION OF TIPPECANOE COUNTY
GB, NB, R3 and R1 to R3

Staff Report
August 15, 2013

REQUEST MADE, PROPOSED USE, LOCATION:

The Area Plan Commission as petitioner, is requesting rezoning of several nonconforming multi-family developments (duplexes and apartments) located in unincorporated Tippecanoe County (Z-2545, three properties) and Lafayette (Z-2546, eight properties). The purpose of these two requests is to make the existing residential uses conforming.

The three multi-family properties in unincorporated Tippecanoe County (Z-2545) are:

1. Country Squire Duplexes, 90 Country Squire Court, west side of Morehouse Road, just north of Sagamore Parkway. Eighteen buildings, most of which appear to be duplexes, under one ownership, currently zoned GB.
2. Cortez Apartments, 3507 Cortez Drive, north side of Sagamore Parkway, just west of Morehouse Road. Ten buildings of multiple units on a single lot currently zoned GB.
3. 2501 Derbyshire Court, west side of CR 250 W, ¼ mile north of Sagamore Parkway; County jurisdiction. 21 duplex buildings on a single lot zoned NB. Requires R3 zoning.

The eight Lafayette multi-family properties in Z-2546 are:

1. Chauncey Village Apartments, 1651 Chauncey Ct. North, north side of Greenbush between Pine Lane and Shenandoah Drive. Large apartment complex with multiple buildings, the north half of this development is zoned R3, the southern portion is zoned GB.
2. 2025 Greenbush, south side of Greenbush at Erie Street. A single apartment building zoned GB.
3. Portledge Commons, 500 Portledge Commons Drive, north of Cason Street, west of Earl Avenue. Five apartment buildings zoned GB.
4. 717 N. 31st Street, east side of 31st Street, west of Earl, south of Union. Single apartment building zoned GB.
5. 3750 McCarty Lane, north side of McCarty, just east of Creasy Lane. Three separate buildings with multiple units on a single lot zoned GB.
6. Country Charm Apartments, 3728 SR 38, north side of SR 38 E, just east of Maple Point Drive. Three separate buildings with multiple units – the majority of the site is zoned R3, only the easternmost lot is zoned GB.
7. Shoshone Apartments, 2300-01 Osage Court, north of Shoshone Drive, south of Teal Road, west of Summerfield. Two large apartment buildings with multiple units currently zoned NB.
8. Sun Villas, 2545 Eckman Drive and 2525 Eckman Place, east of Poland Hill Road. These 14 multi-family buildings were built in the R3 zone while still in the county. When Lafayette annexed this area and a new zoning map was adopted, this property was erroneously zoned R1. This

mistake was discovered by the property owner and brought to staff's attention earlier this year. The property owner and staff agreed to include the property in this overall GB/NB to R3 apartment building rezoning.

ZONING HISTORY AND AREA ZONING PATTERNS:

Prior to 1998, the zoning ordinance allowed apartments and duplex developments by right in the General Business (GB) and Local Business (LB) zones. It was decided when NUZO was being written, that one way to improve zoning under the new ordinance, was to do a better job at separating disparate uses from each other. One of the ways to accomplish this was to remove residential uses from the business zones. (The exception to this is the NBU zone [Neighborhood Business Urban] and our Central Business zones, which allow residences above a commercial store front.)

In January 1998 when NUZO took effect, all existing apartment buildings and duplex developments located in either GB or NB (the former LB zone) became legal nonconformities. There were many changes that needed immediate attention: properties zoned with zoning districts that no longer existed and new urban zones that needed to be utilized. The Area Plan Commission and staff agreed that eventually, because of the large number of multi-family developments that had become nonconforming though no fault of the owners, we would examine those legally nonconforming GB-zoned apartment complexes and rezone them to an appropriate zone.

At the May Ordinance Committee meeting, the decision was made to expand the list by also including NB-zoned apartments. It was also decided not to include single-family houses that had been converted into apartments in the GB zone.

Nineteen letters were mailed to property owners of apartment buildings zoned GB or NB to inform the owners of staff's plans to rezone those properties to a conforming zoning district. Four of those letters were returned to staff marked "undeliverable" by the post office. (The mailing addresses used were from the County Auditor's Office; they are the same addresses used to send tax bills.) After further investigation (phone calls to rental offices, internet searches) alternate addresses were found for those owners and the four letters were re-mailed. The letters explained their apartment buildings' nonconforming status and stated that their property would be rezoned to R3 unless staff received a letter signed by the property owner requesting that their zoning not be changed. At this point, staff has received eight letters from apartment building owners requesting that their properties retain the existing commercial zoning. These eight properties have been removed from the list, which leaves eleven properties: three in the county and eight in Lafayette.

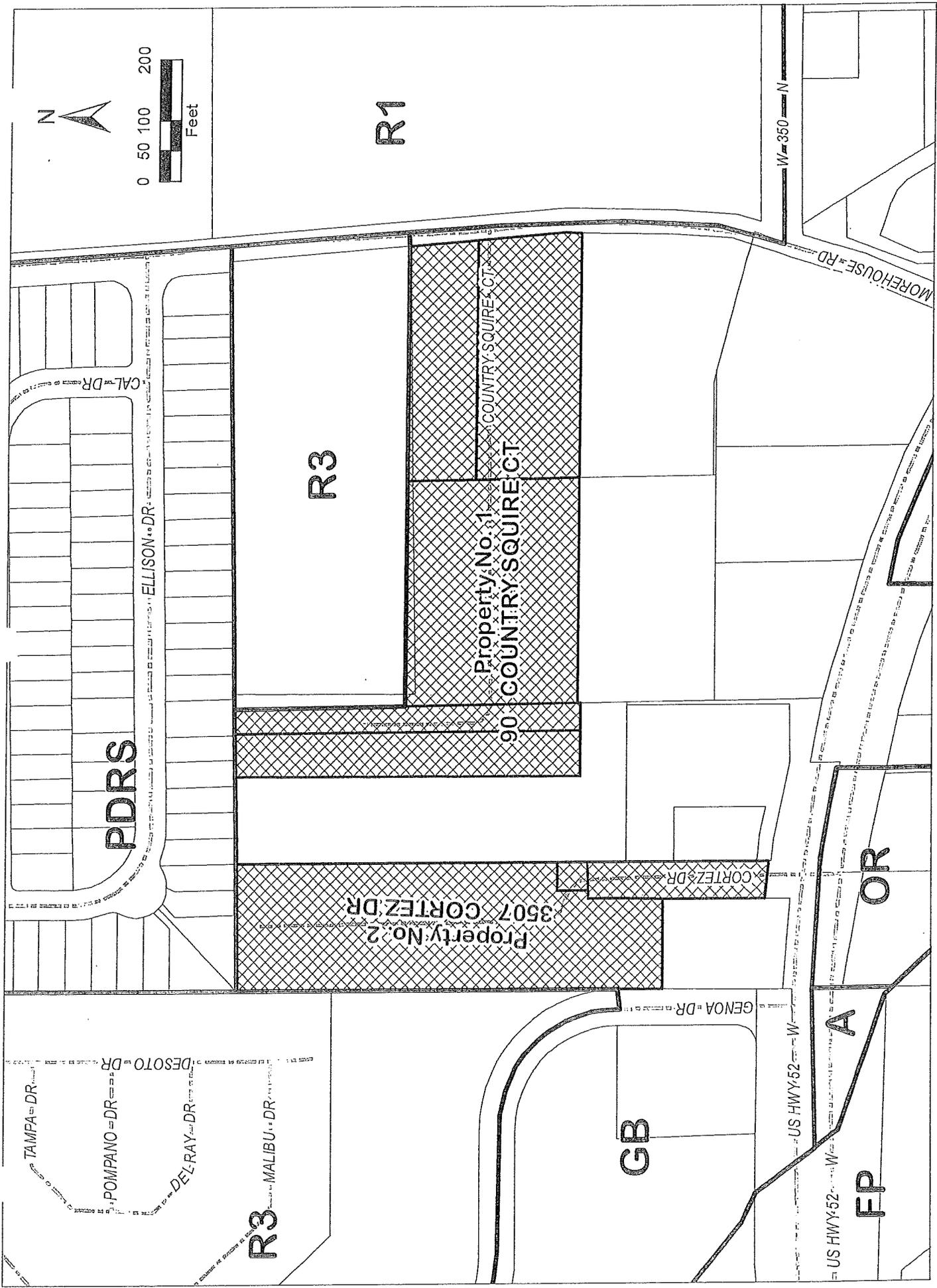
STAFF COMMENTS:

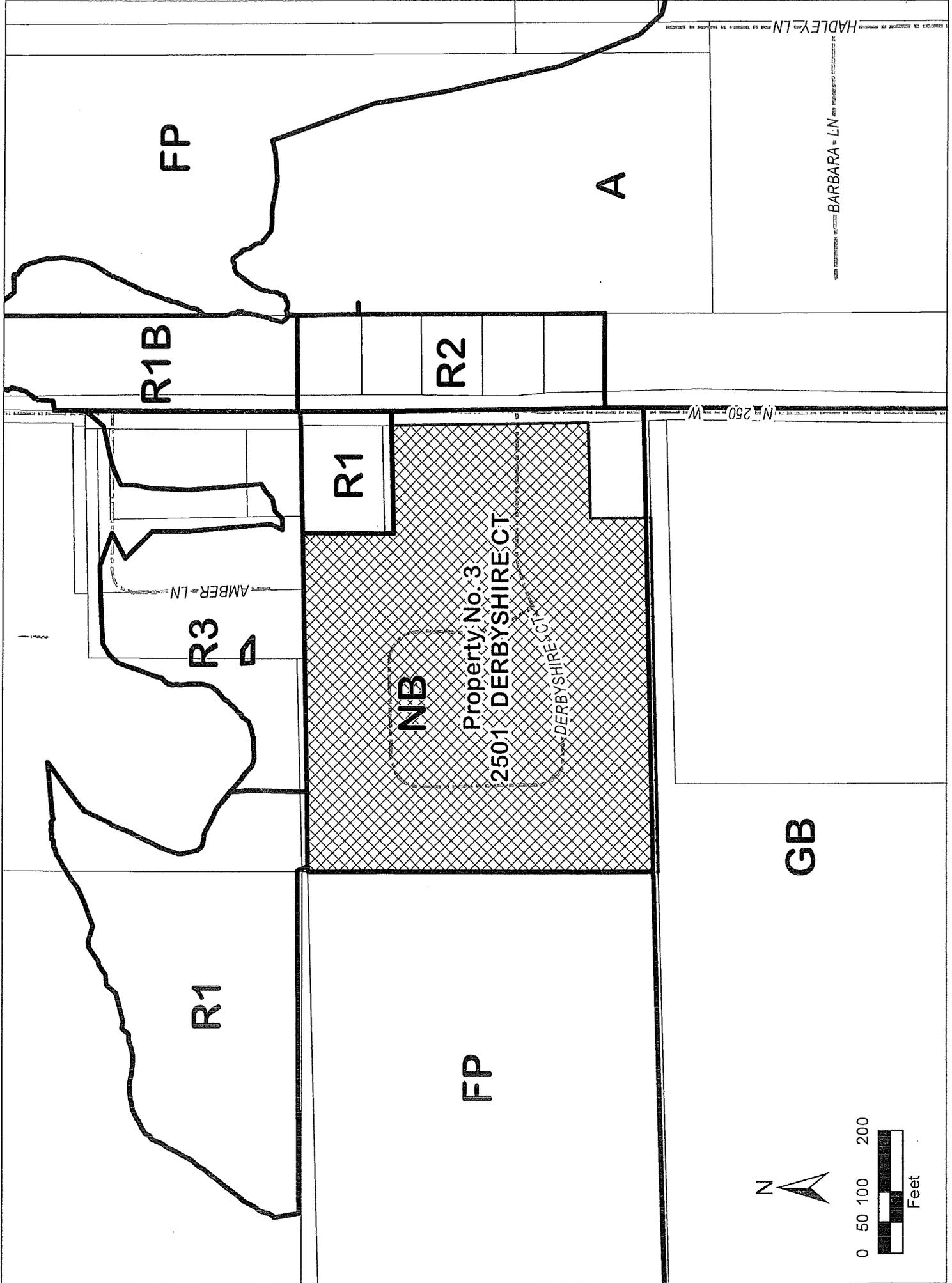
One of the eight Lafayette properties included in this request is not zoned GB or NB but is zoned R1. Sun Villas Apartments, off of Poland Hill Road was unintentionally rezoned from R3 to R1 when the new Southwest Lafayette zoning map was adopted following the annexation of the area. The property owner became aware of this error and after meeting with staff, agreed to wait to fix this zoning mistake until this GB/NB rezoning request was filed; therefore this R1-zoned apartment complex has been part of this list since the beginning.

Currently, two-family and multi-family apartment projects are only permitted in the R3 zone; the multi-family apartment buildings included in this request are all suburban in character and would best fit in the R3 zone. Staff recommends the elimination of eleven nonconforming uses by approving these two rezoning requests.

STAFF RECOMMENDATION:

Approval of Z-2545
Approval of Z-2546





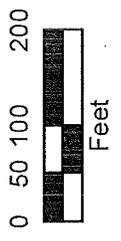
BARBARA LN

HADLEY LN

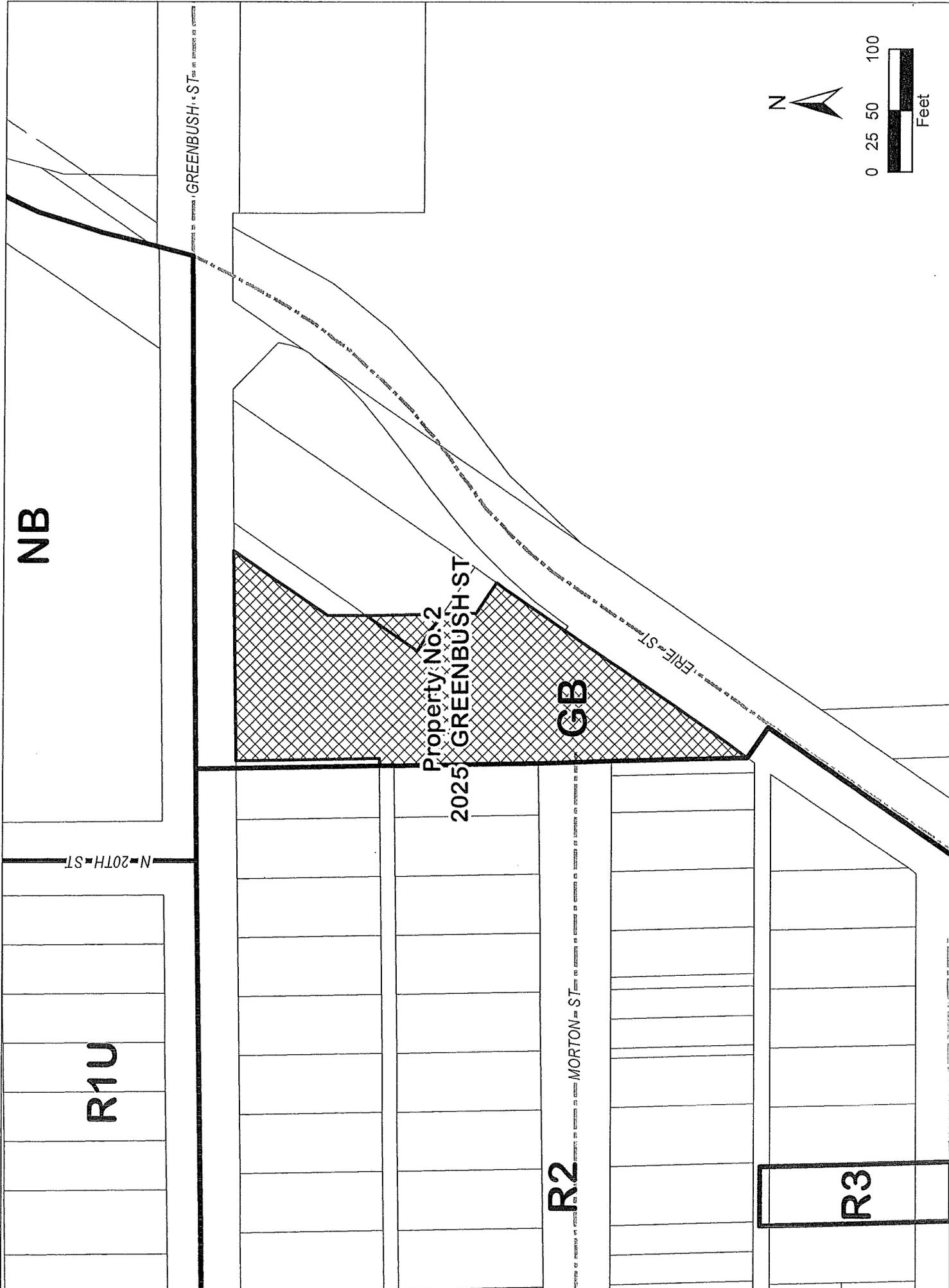
AMBER LN

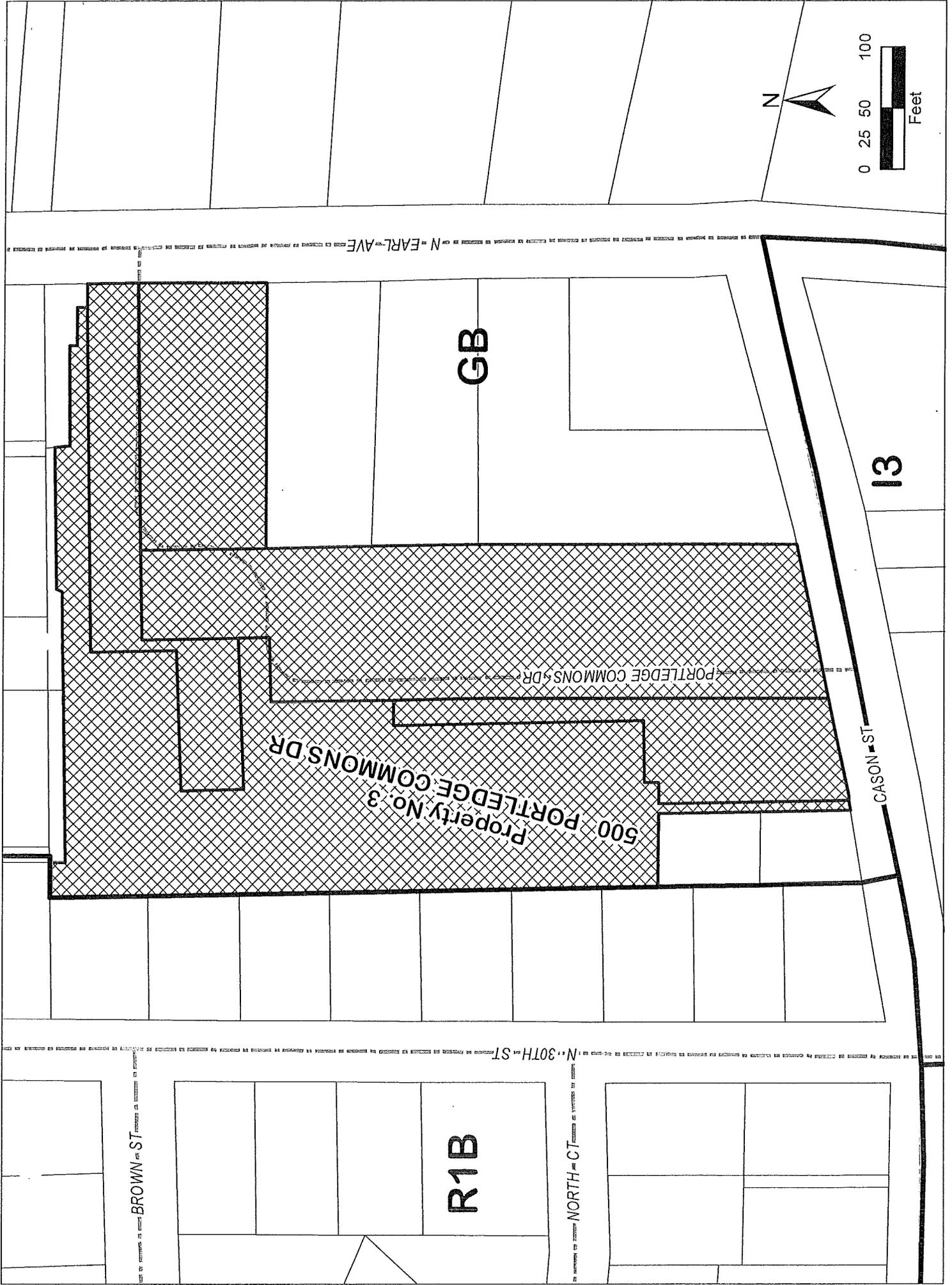
N 250 W

Property No. 3
2501 DERBYSHIRE CT









R3

NB

R1B

GB

Property No. 4

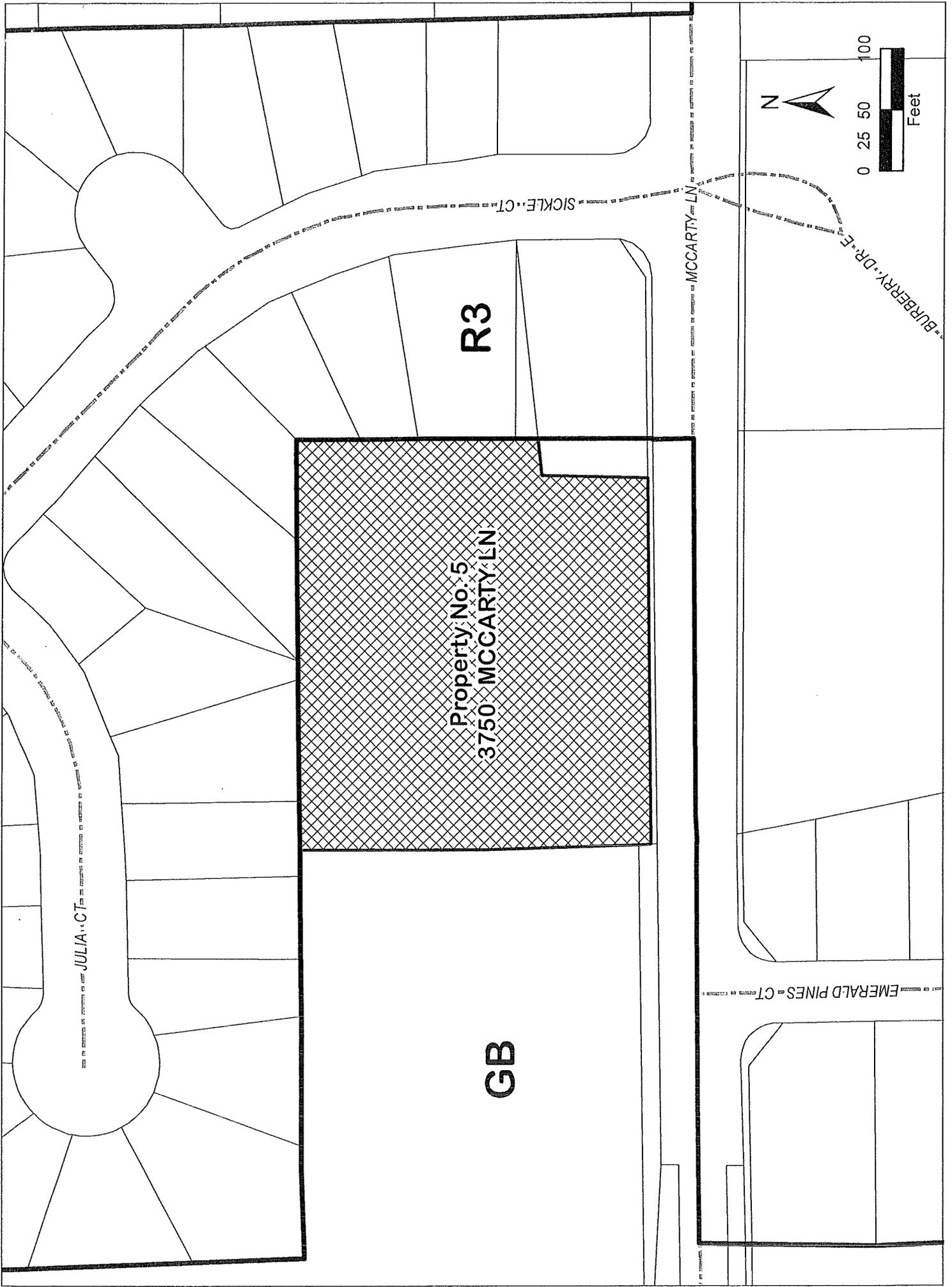
Property No. 4
717 N 31ST ST

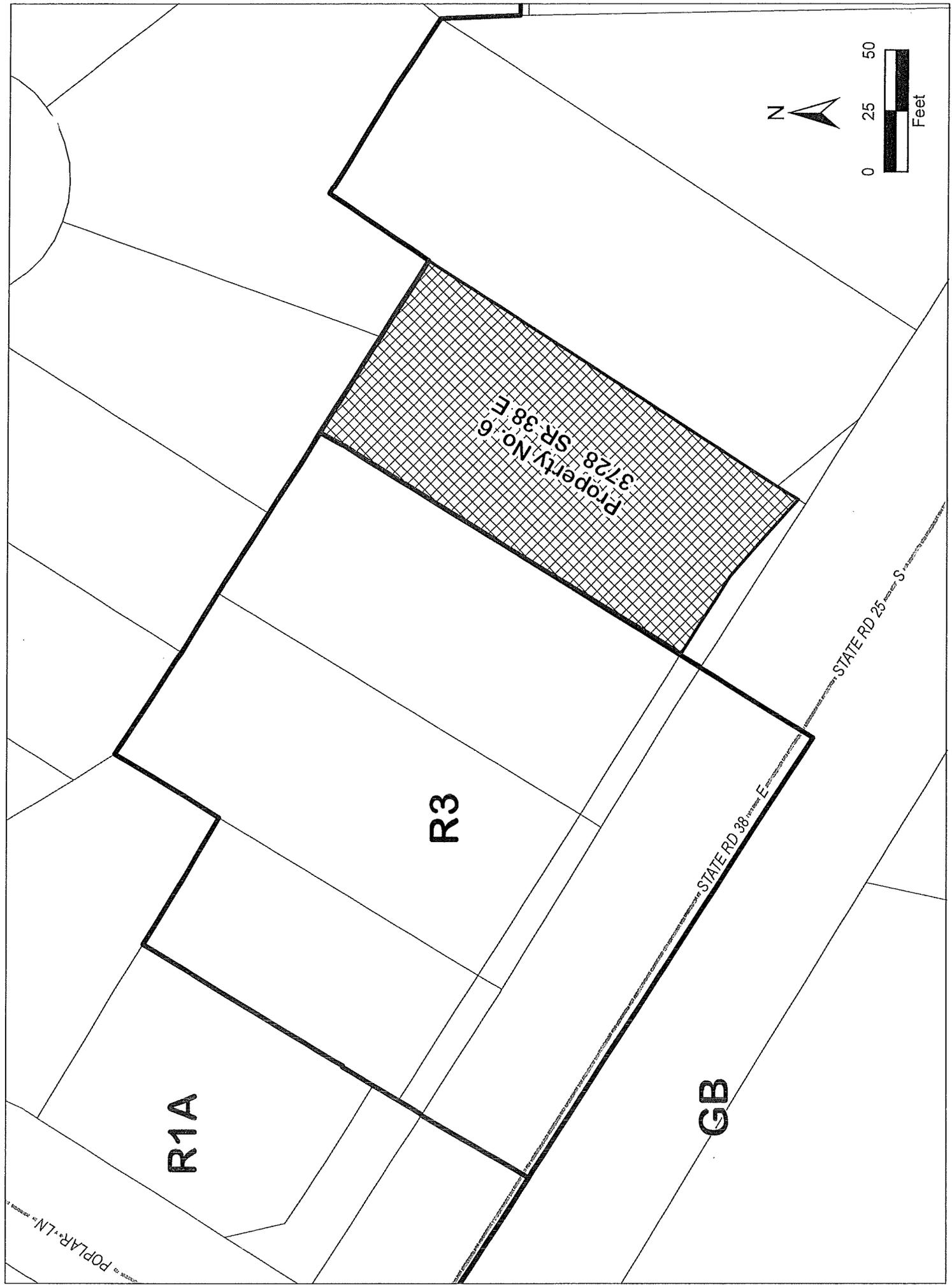


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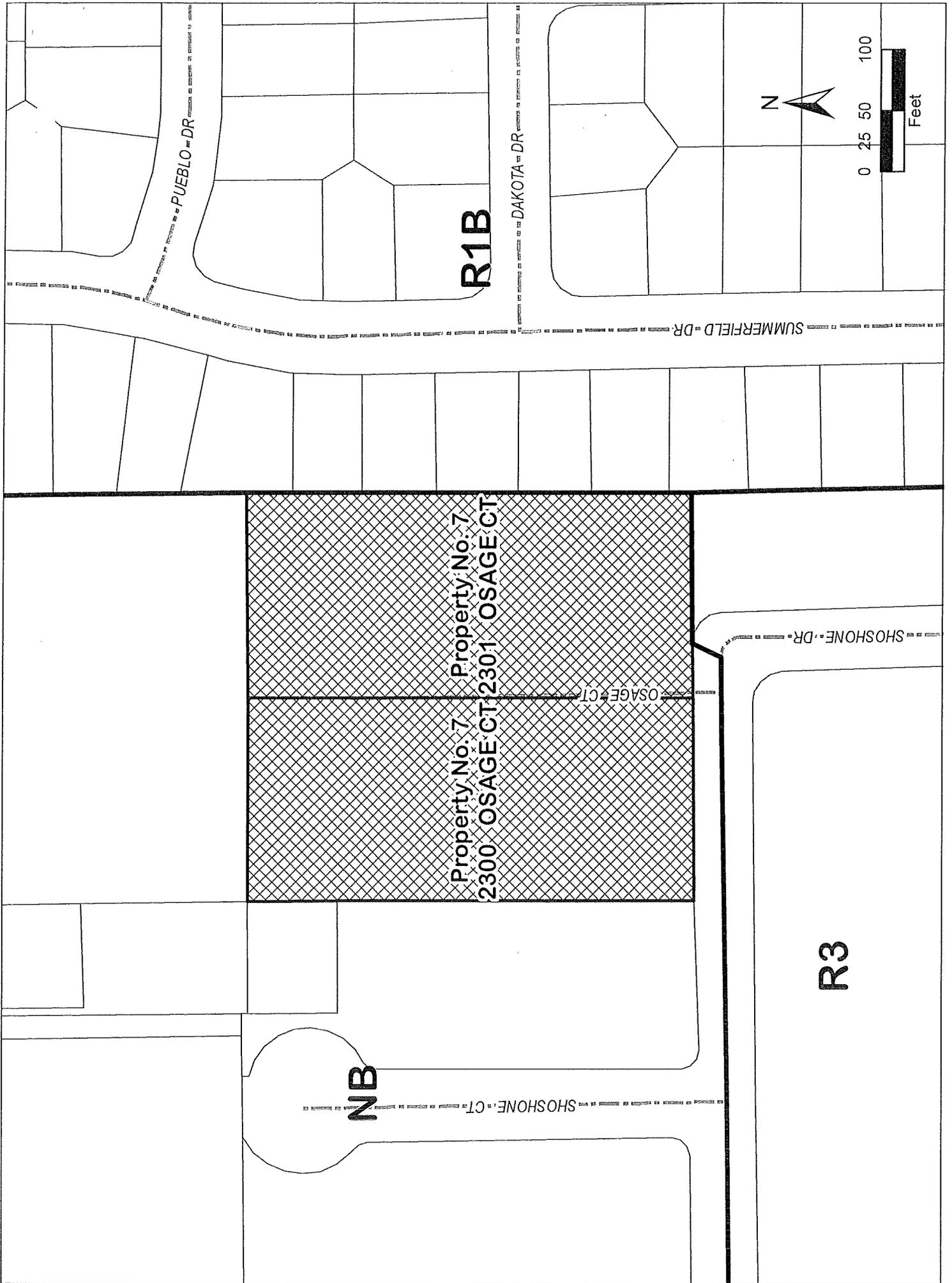


Feet





POPLAR LN. © 2018



R3

R1

Property No. 8
2545 ECKMAN DR

Property No. 8
2525 ECKMAN PL

R1B

POLAND LN

MEADOWLARK LN

ECKMAN DR

ROBINWOOD DR

