

Z- 2586

ORDINANCE NO. 2014-19-CM

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA, TO REZONE REAL ESTATE,
FROM NB TO GB.**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
THE COUNTY OF TIPPECANOE, 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 Wabash Township, Tippecanoe County, Indiana, to wit:

See legal description attached hereto as Exhibit A

Section 2. The real estate described above should be and the same is hereby rezoned from NB to GB.

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

(Adopted and passed) (Denied) by the Board of Commissioners of Tippecanoe County, Indiana, this 3rd day of November, 2014.

VOTE:

N/A

Yes

Yes

absent
John L. Knochel, President

TPP Murtaugh
Thomas P. Murtaugh, Vice President

R 1573
David S. Byers, Member

Attest: Jennifer Weston
Jennifer Weston, Auditor

EXHIBIT A

Situated in the State of Indiana, in the County of Tippecanoe and in the City of West Lafayette:

A part of the West Half of the Southwest Quarter of Section Two (2) in Township Twenty-three (23) North, Range Five (5) West, described as follows:

Beginning at a point Four Hundred Twenty (420) feet East of the Northwest corner of the Southwest Quarter of said Section Two (2); running thence East Two Hundred Sixty Four (264) feet; thence South Four Hundred Ninety Five (495) feet; thence West Two Hundred Sixty Four (264) feet; thence North Four Hundred Ninety Five (495) feet to the point of beginning, containing Three (3) acres.

ALSO, part of the Southwest Quarter of Section Two (2) Township Twenty-three (23) North, range Five (5) West, described as follows:

Beginning at a point Four Hundred Twenty (420) feet East and Four Hundred Ninety Five (495) feet South of the Northwest corner of said Southwest Quarter of Section Two (2), running thence East on a line parallel with the North line of said Southwest Quarter a distance of Two Hundred Sixty Four (264) feet; running thence South on a line parallel with the West line of said Southwest Quarter a distance of 16-1/2 feet; thence West on a line parallel with the North line of said Southwest Quarter a distance of 264 feet; thence North on a line parallel with the West line of said Southwest Quarter a distance of 16-1/2 feet to the place of beginning, containing .1 acre, more or less. Located in Wabash Township, Tippecanoe County, Indiana.

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

October 16, 2014
Ref. No.: 14-283

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

CERTIFICATION

RE: **Z-2586--RONALD & JANET WALLACE (NB to GB):**

Petitioners are requesting rezoning of 3.1 acres located on the south side of US 52 W, just east of Klondike Road, more specifically 2831 US 52 W, Wabash 2 (SW) 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 October 15, 2014 the Area Plan Commission of Tippecanoe County voted 11 yes - 0 no on the motion to rezone the subject real estate from NB to GB. 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 November 3, 2014 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: Ronald & Janet Wallace
Daniel Teder
Ken Brown, Tippecanoe County Building Commissioner

Z-2586
RONALD & JANET WALLACE
(NB to GB)

STAFF REPORT
October 9, 2014



Z-2586
RONALD AND JANET WALLACE
NB To GB

Staff Report
October 9, 2014

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioners/owners, represented by attorney Daniel Teder, are requesting rezoning of 3.1 acres located on the south side of US 52 W, just east of Klondike Road, more specifically 2831 US 52 W, Wabash 2 (SW) 23-5. No site plan was submitted with this request and staff is unaware of any proposed use.

ZONING HISTORY AND AREA ZONING PATTERNS:

This request represents the third rezone attempt since 2000. The most recent rezone from R3 to NB was approved in 2005 (Z-2244). Originally zoned R1, the property was rezoned to R3 in 2000 for either an apartment complex or a manufactured housing development (Z-1968). Historically this and the surrounding sites were zoned R1. This zoning remains in place immediately west and south of the site. GB zoning is adjacent to the east.

Zoning along US 52 between US 231 and Klondike Road changed significantly after the early 1990's when sewer and water became available. Land immediately east of petitioners' site was rezoned in August of 2014 to GB from NB (Z-2583); it was originally rezoned from R1 to NB in 1987 (Z-1314). Farther to the east are two properties rezoned GB (Z-1585, which was heard in 1994, & Z-1975, rezoned in 2000). Two of the largest rezones Z-1833, (NB to GB) and Z-2210, (NB to GB) were approved in 1999 and 2004 respectively. The first, requested by Meijer for a future superstore, involved 41.9 acres at CR 250 and US 52. The second was requested by Menards for 19.66 acres near the corner of CR 300 and US 52. Together the two sites occupy the majority of the land in the half-mile of frontage along the north side of US 52 between CR 250 and CR 300. GB zoning also occupies two corners of the intersection at US 52 and Klondike. The northwest corner was rezoned from A to GB in 1995 for a furniture store and the southwest corner from R3 to GB in 2001 for a lawn equipment repair service (Z-1609 & Z-2033).

Residential zoning in the vicinity includes 3 planned developments: 12.8 acres rezoned from R1 & R3 to PD-R in 1996 (Z-1632) for Brindon Woods, a mixed density residential development; Wyndham Trace, R1 to PDMX in 2000 (Z-1967) with 12.4 acres for one commercial lot, 32 townhouses, and 42 single-family attached units; and Blackthorne, 17.48 acres from R3 to PDRS for 140 condo units in 20 buildings (Z-2007, 2001). Numerous properties of various sizes and a mix of residential zones from single-family

to multi-family are found east and west of this site as well as north and south of US 52 beyond the commercially zoned frontage.

AREA LAND USE PATTERNS:

The site is currently an unimproved lot. At one time the property was home to approximately 33 mobile homes, one 2-bedroom rental house, and a 5-unit apartment building. All of the mobile homes and other buildings were removed and the property cleaned up around the time of the rezone in 2000 in preparation for a future residential redevelopment.

Land uses near the property are Klondike Elementary and Middle Schools abutting to the south and west. Wyndham Trace and Brindon Woods residential planned developments are located east of the site and set back from the highway. A carwash facility separates the Brindon Woods residences from US 52. An equipment rental business, lawn equipment service operation, and a dentist office are located along the west side Klondike Road. Other significant land uses in the area include a cemetery, several smaller commercial centers, Menards and Meijer.

TRAFFIC AND TRANSPORTATION:

The property in question has frontage along US 52 W, a four-lane divided highway, classified a Rural Divided Primary Arterial in the *Thoroughfare Plan*. The property presently has one driveway onto US 52 located in the center of its frontage. Any improvement to the site will require a driveway permit from INDOT. No site plan showing proposed future development was filed with the case.

When developed commercially, the amount of required paved parking will be dictated by the *UZO* requirements for the proposed uses.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

If successfully rezoned, petitioners will be required to provide a 20' wide, Type C bufferyard along the entire south and west sides of the property where it abuts R1 zoning as well as along a residential portion of the Brindon Woods planned development.

Before any development can occur, the drainage board must approve drainage and erosion control plans.

STAFF COMMENTS:

The vicinity of this request has seen dramatic changes since this site was rezoned commercially in 2005. A new highway is in place ¼ mile to the east, two general retail stores are now open across the street, and three commercial buildings can be found to the east on the south side of US 52.

In this situation, the only reason to support the continuation of Neighborhood Business zoning on site would be as protection to the adjacent residences to the southwest from incompatible land uses. However, the *UZO* requires a 20' wide type C bufferyard

between GB zones and residential uses in a PDMX zone and R1 zoning. With the presence of a major intersection to the east, a traffic light close to the access point, and suburban development nodes across the highway that generate regional shopping trips, rather than neighborhood shopping, staff can support this request.

STAFF RECOMMENDATION:

Approval