

Z-2587

ORDINANCE NO. 2014-22-CM

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA, TO REZONE REAL ESTATE,
FROM I3 TO R1B.**

**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:

A part of the Northwest Quarter of the Northeast Quarter of Section Ten (10), Township Twenty-three (23) North, Range Five (5) West, Wabash Township, Tippecanoe County Indiana, also being a part of the Lafayette Venetian Blind, Inc property per Document Number 90-09786 as recorded in the Office of the Recorder of Tippecanoe County , Indiana, more completely described as follows to-wit:

Beginning at the Northwest corner of the Northwest Quarter of the Northeast Quarter of said Section 10; thence North 89°36'22" East along the north line of said quarter-quarter section, 1213.76 feet; thence South 00°00'29" West, 591.18 feet; thence North 89°30'18" East, 48.89 feet to the east line of said quarter-quarter section; thence South 00°00'29" West along said east line, 735.80 feet to the south line of said quarter-quarter section; thence South 89°31'29" West along said south line, 171.54 feet to the northerly line of the Lake Erie and Western Railroad; thence along a non-tangent curve to the left(also being the northerly line of the Lake Erie and Western Railway) having a radius of 5779.65 feet, (a chord bearing of North 47°00'22" West and a chord distance of 1493.21 feet) an arc length of 1497.40 to a point on the west line of said quarter-quarter section; thence North 00°14'35" East along said west line, 301.39 feet to the point of beginning, containing 23.869 acres, more or less.

Section 2. The real estate described above should be and the same is hereby rezoned from I3 to R1B.

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 18th day of December, 2014.

VOTE:

Yes

Yes

Yes

John L. Knochel
John L. Knochel, President

Thomas P. Murtaugh
Thomas P. Murtaugh, Vice President

David S. Byers
David S. Byers, Member

Attest: Jennifer Weston
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

November 20, 2014
Ref. No.: 14-311

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

CERTIFICATION

RE: **Z-2587--TIPPECANOE DEVELOPMENT II, LLC (I3 to R1B):**

Petitioner is requesting rezoning of 23.869 acres for a proposed 81 lot residential development located on a landlocked piece of property west of Lafayette Venetian Blind and Pemberly Drive and south of Blackthorne Subdivision, Wabash 10 (NE) 23-5. CONTINUED FROM THE OCTOBER APC AT PETITIONER'S REQUEST.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on November 19, 2014 the Area Plan Commission of Tippecanoe County voted 8 yes - 4 no on the motion to rezone the subject real estate from I3 to R1B. 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 December 1, 2014 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,



Sallie Dell Fahey
Executive Director

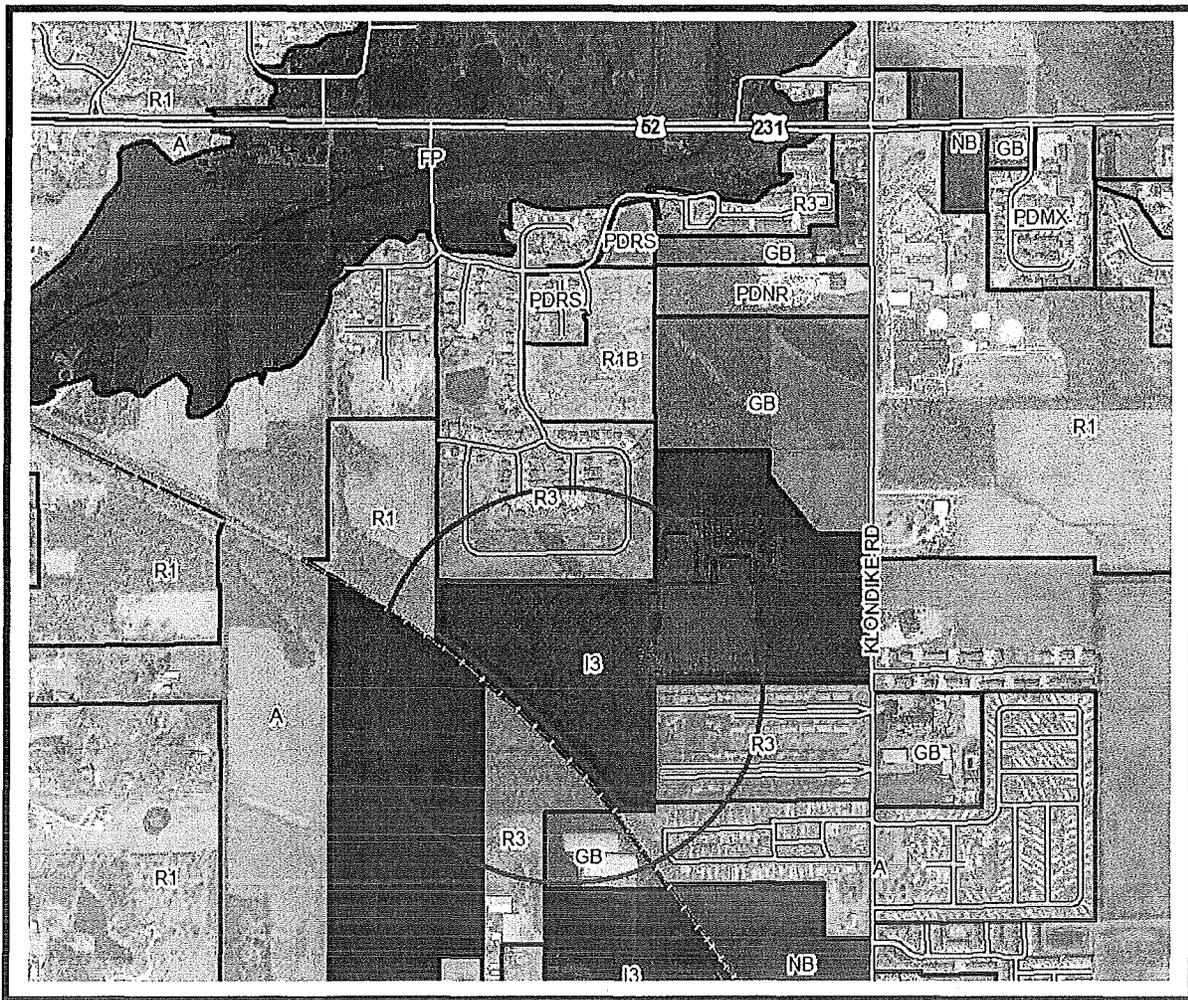
SDF/lmu

Enclosures: Staff Report & Ordinances

cc: John Scheumann, Tippecanoe Development
Daniel Teder
Lafayette Venetian Blind
Ken Brown, Tippecanoe County Building Commissioner

Z-2587
TIPPECANOE DEVELOPMENT II, LLC
(I3 to R1B)

STAFF REPORT
October 9, 2014



Z-2587
TIPPECANOE DEVELOPMENT II, LLC
I3 TO R1B

Staff Report
October 9, 2013

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, with consent of the property owner Lafayette Venetian Blind and represented by attorney Daniel Teder, is requesting rezoning of 23.869 acres for a proposed 81 lot single-family residential development located on a landlocked piece of property west of Lafayette Venetian Blind and Pemberly Drive and south of Blackthorne Subdivision, Wabash 10 (NE) 23-5. It is anticipated that this development will be an extension of the Blackthorne Subdivision.

ZONING HISTORY AND AREA ZONING PATTERNS:

The property is presently zoned I3 and was originally zoned as an expansion area for Lafayette Venetian Blind. Industrial expansion did not take place, however, and the property has remained undeveloped. Area zoning patterns surrounding the subject property are varied with I3 zoning to the west and east, R3 to the north, south and southeast and R1 to the northwest. The most recent rezone petition in the vicinity that was approved was Z-2580 which rezoned an undeveloped area of GB zoned land to R1B. The emerging zoning pattern is characterized by undeveloped non-residentially zoned land being converted to residentially-zoned land and developed residentially.

AREA LAND USE PATTERNS:

The development patterns in the vicinity match the zoning patterns with non-residential uses not expanding while residential ones do. The Blackthorne subdivision is north of the site while Lafayette Venetian Blind lies to the east. An apartment complex lies to the southeast and along the southern boundary of the property are KB&S railroad tracks. Land to the west is undeveloped.

TRAFFIC AND TRANSPORTATION:

Proposed vehicular access to the subject property is limited to a single connection to Morallion Drive through the Blackthorne Subdivision, which winds its way to Kerfoot Drive and its intersection with US 52. The railroad tracks to the south and existing development to the east prevent road connections to Klondike Road or points south.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

Public utilities are available to serve the site. A Type-C Bufferyard will be required along the common I3 zone boundaries to the west and east of the subject property. The aforementioned sole entry/exit into Blackthorne is Kerfoot Drive which traverses a substantial floodplain before intersecting with US 52; a floodplain that has already caused significant problems for the residents of nearby older neighborhoods such as Capuano.

SCHOOLS:

Children attending public school in this development would attend Klondike Elementary School, Klondike Middle School, and Harrison High School.

STAFF COMMENTS:

Having been zoned industrial for decades without any movement to develop it industrially, the subject property and the other non-residentially zoned areas along the Klondike Road corridor are steadily being transformed to serve residential uses. This area was once targeted to serve what was thought to be an expanding industrial area. As this has not materialized it is clear that, while some established non-residential uses are sure to continue for years to come, the dominant land use for the Klondike Road corridor and its surrounds will be residential with commercial service and retail nodes located at major intersections. While staff continues to support this transition, we do so only if adequate public infrastructure (public roads, public utilities, etc...) is in place.

The Housing Element in the *Comprehensive Plan* provides clear guidance with respect to the relationship between new residential developments and public infrastructure in Policy 23:

“Significant new residential construction, regardless of density and configuration, is to be constructed only in the presence of, or in conjunction with, sufficient levels of public services, facilities, and all modes of transportation.”

In this petition what is lacking are adequate public road connections. With 336 dwelling units either built or approved (not including the 81 lots proposed with this petition) in an area over 150 acres in size all using the lone Kerfoot Drive connection with US 52 as the only point of ingress/egress, there must come a point when a new public road facility into the neighborhood must be constructed for public safety access purposes and improved traffic circulation for the residents of Blackthorne. It is staff's opinion that we have reached that point. In a recent conversation with Chief Michael Francis of the Wabash Township Volunteer Fire Department, he expressed a "big concern" to staff on the further growth of Blackthorne without another entrance/exit into it.

Without a sensible second public road connection into Blackthorne coupled with the already mentioned floodplain issues at the Kerfoot Drive intersection (staff has already observed, in past flood events, water reaching the underside of the Kerfoot Drive bridge), it is simply inappropriate and irresponsible to permit an expansion of residential uses in this neighborhood; and a second access point only for emergency vehicles is not enough. There must be an additional public road into Blackthorne, preferably connecting directly to Klondike Road. Staff is aware that the developer presently doesn't own any land along Klondike Road that would serve this road need (although the developer has provided a stub street from an older phase of Blackthorne to a neighboring GB zoned property that does have frontage on Klondike Road). However, if the developer is sincere about investing in the future development of Blackthorne than he should show an equal interest in Blackthorne's infrastructure needs and strive to work out a deal for a new road connection with adjacent land owners. To that end, staff is willing and able to provide any assistance we can.

If a new road connection is put in, not only will emergency vehicles have improved response times, but the residents of Blackthorne and their visitors (whose vehicle trips comprise the vast bulk of trips in and out of the neighborhood) will have an alternative means of connecting to the rest of the community, reducing traffic congestion and ultimately improving safety. Once the new road is put in, staff will be ready to support new development in Blackthorne.

STAFF RECOMMENDATION:

Denial