

ORDINANCE NO. 2014-12-CMAN ORDINANCE TO AMEND THE ZONING ORDINANCE OF TIPPECANOE
COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATE
FROM R1 TO A

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 Wabash Township, Tippecanoe County, Indiana

Commencing at the northwest corner of the northwest quarter of section 35-24-5, said point being marked by a Berntsen A1NB monument; thence along the north line of said quarter, South 89° 30' 24" East a distance of 889.09' to a ¾" rebar with an aluminum cap stamped "VESTER & ASSOC. INC", hereinafter referred to as a Vester capped rebar at the northeast corner of the William E and Connie J Newell property as described in Deed Record 281-376, recorded on February 22, 1963 in the Office of the Tippecanoe county Recorder and the point of beginning of the herein described tract; thence continuing South 89° 30' 24" East a distance of 449.78' to a railroad spike with "+" cut at the northeast corner of the northwest quarter of the northwestern quarter of said section 35; thence along said quarter, South 00° 22' 13" East a distance of 276.70' to a Vester capped rebar on the north line of Lot 14 in unplatted Homewood Addition as depicted in Miscellaneous Record 12-200, recorded on September 17, 1959 in the Office of the Tippecanoe County Recorder; thence along the north line of said Lot 14, North 89° 25' 50" West a distance of 7.83' to the northwest corner of said Lot 14 and the east line of said Lot 18, North 01° 15' 00" East a distance of 31.68' to a ¾' iron pipe at the northeast corner of said Lot 18; thence along the north line of Lots 18, 20, 22, 24, and 26 in said Homewood Addition, North 89° 36' 27" West a distance of 449.79' to a point of the east line of said Newell property; thence along said property, North 01° 15' 01" East a distance of 245.79' to the point of beginning, containing 2.5585 acres.

Section 2: The above-described real estate should be and the same is hereby rezoned from R1 to A.

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 4th day of AUGUST, 2014.

VOTE:

yes

John L. Knochel

JOHN L. KNOCHEL,

President

yes

Tom P. Murtaugh

THOMAS P. MURTAUGH,

Vice President

yes

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

July 17, 2014
Ref. No.: 14-201

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

CERTIFICATION

RE: **Z-2573--DEREK S. A. CHISHOLM (R1 to A):**

Petitioner is requesting rezoning of 2.56 acres located at 2801 W 500 N., a quarter mile west of Morehouse Road, on the south side of CR 500 N, Wabash 35 (NW) 24-5. CONTINUED FROM THE JUNE APC MEETING DUE TO AN INCONCLUSIVE VOTE

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on July 16, 2014 the Tippecanoe County Area Plan Commission voted 7 yes - 4 no, representing its second inconclusive vote on this petition. Per APC Bylaws, a motion was subsequently made and approved to send this petition on to the Tippecanoe County Commissioners with "no recommendation."

The inconclusive votes were as follows:

<u>Meeting date: June 18, 2014</u>	5 Yes - 4 No
<u>Yes Votes</u>	<u>No Votes</u>
Dave Williams	Perry Brown
Tim Shriner	Brian Brewer
Vicki Pearl	Gerry Keen
Roland Winger	Carl Griffin
Gary Schroeder	

<u>Meeting date: July 16, 2014</u>	7 Yes - 4 No
<u>Yes Votes</u>	<u>No Votes</u>
Vicki Pearl	John Swick
Tim Shriner	Perry Brown
Roland Winger	Gerry Keen
Dave Williams	Carl Griffin
Tom Murtaugh	
Jackson Bogan	
Jerry Reynolds	

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their August 4, 2014 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

A handwritten signature in cursive script that reads "Sallie Dell Fahey".

Sallie Dell Fahey
Executive Director

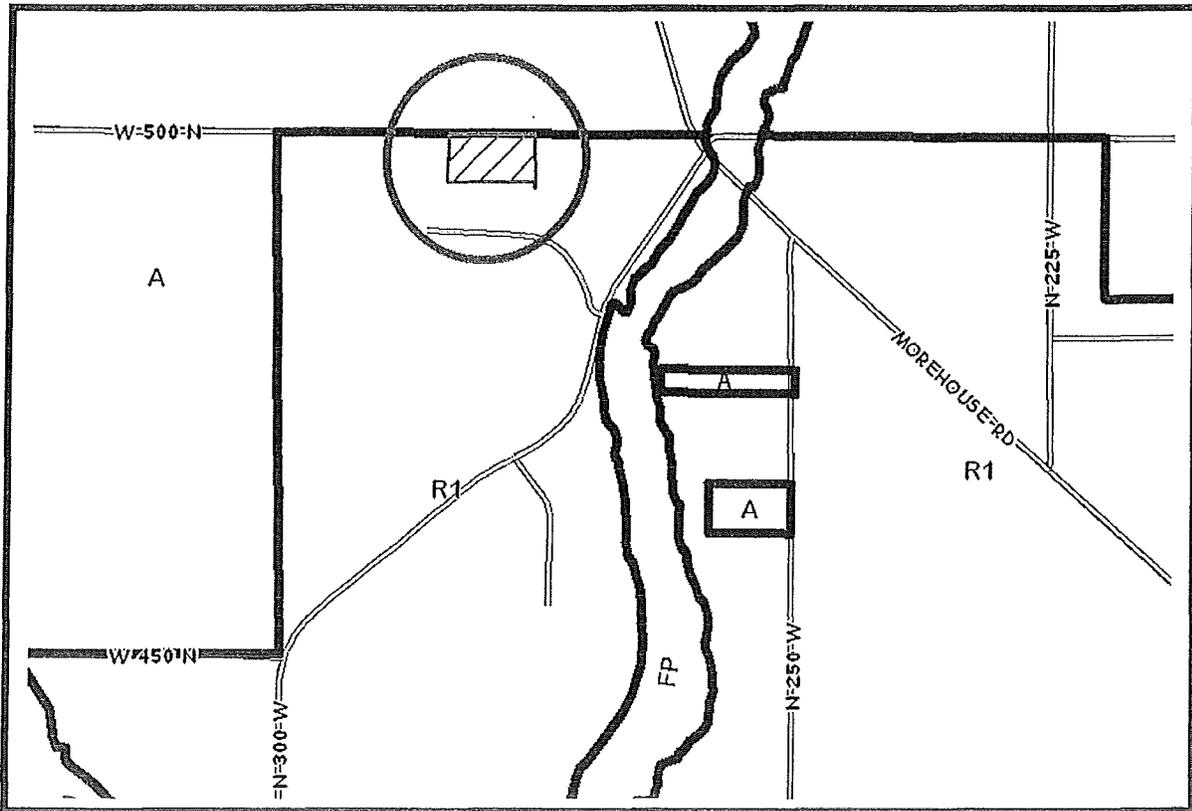
SDF/lmu

Enclosures: Staff Report & Ordinances

cc: Derek Chisholm
Ken Brown, Tippecanoe County Building Commissioner
Daniel Teder

Z-2573
DEREK S. A. CHISHOLM
(R1 to A)

STAFF REPORT
June 12, 2014



REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, who is the owner and represented by Dan Teder, is requesting rezoning of a 2.5 acre tract from R1 to A. The property, located at 2801 W 500 N, is just west of the intersection of Morehouse Road and 500 N in Wabash 35 (NW) 24-5.

Petitioner, who lives at the property, wishes to establish an auto repair shop as a rural home occupation, though the impetus for this rezone request is an alleged zoning violation (no formal complaint was ever filed however) regarding operation of a business. A building permit was issued for a 50' x 54' pole barn addition in October 2013.

ZONING HISTORY AND AREA ZONING PATTERNS:

The property is zoned R1, single-family residential. Residential zoning dominates to the south, mixed with several areas spot-zoned Agricultural. There is also some Flood Plain zoning associated with Indian Creek. Residential zoning extends west to 300 West. North, across 500 N, land is zoned Agricultural.

AREA LAND USE PATTERNS:

A single family home with a large pole barn is located on the heavily wooded site.

Land on both sides of 500 N in the immediate area of the subject property is heavily wooded; large-lot, residential uses line the south side of 500. Three lots in the small Homewood Subdivision directly abut petitioner's property to the south.

North of 500 N, land becomes more agricultural with fewer trees and more open farm fields. Across from petitioner's property is a heavily wooded area with a pond.

TRAFFIC AND TRANSPORTATION:

Petitioner's site has one access to CR 500 N, a paved local road. Traffic counts taken in 2010 indicate 512 vehicles per day pass the property.

The parking standard for rural home occupations requires two additional parking spaces; there is ample room on site to provide required unpaved parking.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

No buffering is required with a change in zoning. Petitioner's site is served by well and septic and is not located in a utility service area.

According to conversations with the County Health Department, petitioner will be required to properly dispose of all solvents, oils and chemicals. Petitioner should be in contact with the health department to ensure proper disposal.

STAFF COMMENTS:

This rezone is the result of an alleged zoning violation about a potential auto repair business operated on the site (though no formal violation investigation was conducted). Petitioner's intended use, automotive repair, is permitted as a rural home occupation, but one which requires an agricultural zone, at least two acres, all business conducted on site must be indoors and limits non-resident employees to one. Petitioner has 2.5 acres, pole buildings large enough to house the proposed business indoors, has not indicated there will be additional employees, and is now requesting agricultural zoning.

Staff recommended against an R1 to A rezone about ½ mile southeast of this property along 250 W in 2012 (Z-2515). The petitioner in that request also wanted to establish a rural home occupation. However there are some significant differences between the requests. The site in Z-2515 was located in the middle of a solidly residential area; the property in the current request is located at the northern edge of a block of remnant R1 zoning from 1965 when zoning was first adopted in the county. Additionally, the site along 250 W was located within utility service areas; this site is not and it is unlikely in the foreseeable future that development pressure will bring utilities to serve it. Though there really isn't a future contemplated for this area, at least as pertaining to development, the Land Use Plan depicts a land use "future" as it existed in 1981: in the absence of sanitary sewer, primarily an agricultural area with some residential uses. A residence with an accompanying home occupation still fits within that intent.

STAFF RECOMMENDATION:

Approval