

ORDINANCE NO. 2015-15-CM  
AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF TIPPECANOE  
COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATE  
FROM R1 TO A

*A and*  
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 Fairfield Township, Tippecanoe County, Indiana

See Exhibit A attached.

**Section 2:** The above-described real estate should be and the same is hereby rezoned from *A and* 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 6<sup>th</sup> day of July, 2015.

VOTE:

yes *Thomas Murtaugh*  
Thomas Murtaugh, President

yes *David Byers*  
David Byers, Vice President

yes *Tracy Brown*  
Tracy Brown, Member

ATTEST:

*Bob Plantenga*  
Bob Plantenga Auditor

EXHIBIT A

A part of the real estate conveyed to Horace A. and Geneva M. Hilt in Deed Record Book 316, Page 39 in the office of the Recorder of Tippecanoe County and being a part of the Longlois Reserve in Township 23 North, Range 4 West, Fairfield Township, Tippecanoe County, Indiana, more particularly described as follows:

Beginning on the West line of the Lot 1 of Longlois Reserve at the Northwesterly Right of Way of State Road 25 being marked by a concrete right of way marker; thence South 51 °39' 18" West along the Northeasterly Right of Way, a distance of 53.82 feet to a concrete Right of Way marker; thence North 38°37'53" West along the East Line of Springvale Cemetery a distance of 702.48 feet to an iron pipe; thence North 6°33 '07" East, a distance of 684.21 feet to a 5/8 inch diameter rebar with a plastic cap stamped "RWG 880043", hereafter called a standard monument; thence North 65°46'17" East, a distance of 406.42 feet to a standard monument on the West line of Lot 1 of Longlois Reserve; thence South 1°21 '00" East, along the West line of Lot 1 of Longlois Reserve, a distance of 1362.21 feet to the Point of Beginning, containing 10.505 acres, more or less.

The Bearings in this description are based on the West line of Lot 1 of Longlois Reserve being assumed North 1°21' West.

EXCEPT a part of a tract of land owned by Legado Development Group, LLC as recorded in Document Number 201313000305 in the Office of the Recorder of Tippecanoe County, Indiana (ORTCI), and being a part of the Longlois Reserve in Township 23 North, Range 4 West, Fairfield Township, Tippecanoe County, Indiana, described as follows: Beginning on the West line of Lot 1 of said Longlois Reserve at the Northwesterly right-of-way line of Schuyler Avenue; thence South 51° 38' 33" West (Bearings ore based on NAD 83) 55.68 feet along the Northwesterly right-of-way line of Schuyler Avenue to the East line of Springvale Cemetery; thence North 38° 17' 01" West 535.83 feet along the East line of Springvale Cemetery; thence North 70° 11' 12" East 233.59 feet; thence North 89° 03' 19" East 148.18 feet to the West line of Lot 1 of said Longlois Reserve; thence South 00° 56' 41" East 467.73 feet along the West line of Lot 1 of said Longlois Reserve to the Point of Beginning and containing 2. 453 Acres.

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](http://www.tippecanoe.in.gov/apc)

SALLIE DELL FAHEY  
EXECUTIVE DIRECTOR

June 18, 2015  
Ref. No.: 15-122

Tippecanoe County Commissioners  
20 North 3<sup>rd</sup> Street  
Lafayette, In 47901

## CERTIFICATION

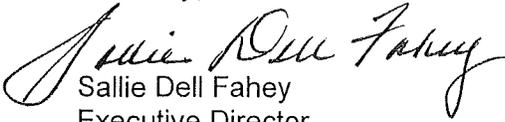
RE: **Z-2616--LEGADO DEVELOPMENT GROUP, LLC (A & R1 to A):**  
Petitioner is requesting rezoning of 8.052 acres of a 10.505 acre tract adjacent to the east of Springvale Cemetery, more specifically 2660 Schuyler Avenue, Fairfield, Longlois Reserve (N1/2) 23-4.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on June 17, 2015 the Area Plan Commission of Tippecanoe County voted 10 yes - 0 no on the motion to rezone the subject real estate from A & R1 to A. 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 6, 2015 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

  
Sallie Dell Fahey  
Executive Director

SDF/lmu

Enclosures: Staff Report & Ordinances

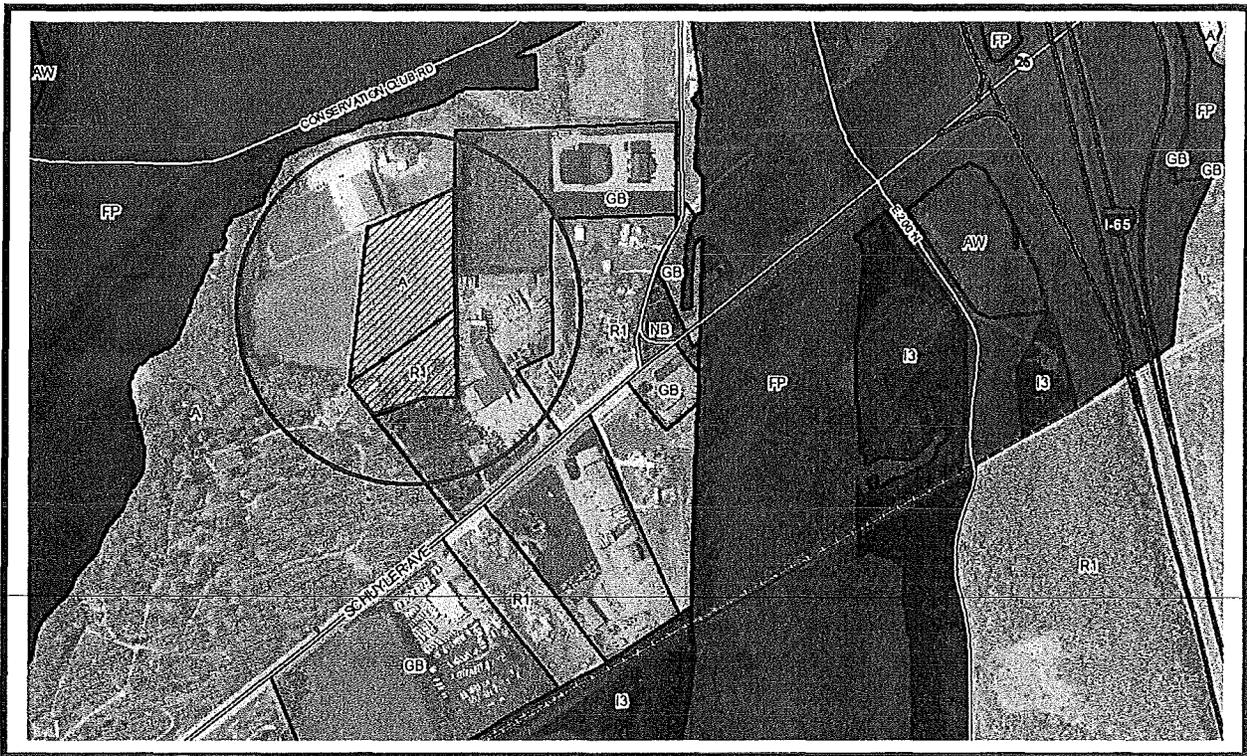
cc: David Bugay  
Gutwein Law  
Mike Wolf, Tippecanoe County Building Commissioner

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Z-2616  
LEGADO DEVELOPMENT GROUP, LLC  
(A & R1 to A)

STAFF REPORT  
June 11, 2015

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**Z-2616**  
**LEGADO DEVELOPMENT GROUP, LLC**  
**R1 & A to A**

**Staff Report**  
**June 11, 2015**

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**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioner, with consent from the secretary David Bugay and represented by attorney Chris Shelmon of Gutwein Law, is requesting the rezoning of 8.052 acres from R1 (Single-family Residential) & A (Agricultural) to A. The purpose of this rezone is to allow a special exception to be filed for this land as an expansion of the Legacy Sports Club. According to petitioner, the site is planned to contain a large building with 4 indoor basketball courts, two outdoor courts, (which can be flexed for other sports), and associated parking. The site is located at 2660 Schuyler Avenue, Fairfield, Longlois Reserve (N ½) 23-4.

**ZONING HISTORY AND AREA ZONING PATTERNS:**

The subject site is zoned both R1 and A. Land to the north, west and southwest is zoned A, Agricultural. GB zoning is south along Schuyler and to the east. A rezone to the Agricultural zone for some of the GB land to the east is also on this same agenda (Z-2617). The most recent rezone in this area was along Schuyler and changed the zoning from R1 to GB in 2013 (Z-2540).

As the business has grown, three special exceptions have been granted to petitioner and/or petitioner's business partner for land adjacent to the north for a recreational facility (BZA-1820, 1839 and 1883).

**AREA LAND USE PATTERNS:**

The site in question was farmed for many years and also included a house and garage that have since been removed. South of the site is a recently constructed commercial center, parking lot and a driveway to Schuyler Avenue. A tire service and repair center is located to the east and a cemetery to the west. To the north is Legacy Sports Club.

**TRAFFIC AND TRANSPORTATION:**

A new driveway to improve access to the sports complex is under construction from Schuyler Avenue; presently the only access is from Conservation Club Road. According to petitioner, both access points will be used. Required and optional parking does not need to be paved in the Agricultural zone.

Traffic counts on Schuyler taken in 2014 indicate that 20,179 vehicles pass this site daily.

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

Private septic and well will serve the site.

**STAFF COMMENTS:**

Petitioner is requesting a rezone to the Agricultural zone so that a special exception can be sought for an expansion of the sports complex. Begun in 2011, the complex has seen tremendous growth as evidenced by three special exceptions covering both indoor and outdoor facilities for soccer, rugby, softball and basketball. The land in this request lies south of the existing facility and provides a connection to a new commercial development along Schuyler Avenue via a new driveway.

The area along Schuyler Avenue has more of a commercial and light industrial future given the existing land uses in the area. However, the *Comprehensive Plan* recommends a non-development zone, such as Agricultural, for an area that has no sewer or water facilities available. It is unlikely that this small, R1-zoned acreage has a single-family residential future. While the City is planning to serve the area with utilities this is unlikely to occur in the immediate future.

**STAFF RECOMMENDATION:**

Approval