Z- 2658

# ORDINANCE NO. 2016-14-CM

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

**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.

(see legal description attached hereto)

**Section 2:** The above-described real estate should be and the same is hereby rezoned from GB to R3.

**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 1st day of August, 2016.**

VOTE:

yes — David Byers, President

yes — Tracy Brown, Vice President

yes — Thomas Murtaugh, Member

ATTEST:

CHIEF DEPUTY AUDITOR

Bob Plantenga, Auditor

LEGAL DESCRIPTION: (TRACT 1)
A part of the Southeast Quarter of Section Ten (10), Township Twenty-Three (23) North, Range Five (5) West, Wabash Township, Tippecanoe County, Indiana, being a part of the property depicted on a plat of survey by The Schneider Corporation, Document No. 01000713, recorded January 11, 2001 in the office of the Tippecanoe County Recorder, being more completed described as follows, to wit:

COMMENCING at the Southeast corner of said Quarter-Section 10-23-5; THENCE northerly along easterly line of said Quarter-Section North 00°47'27" West, 40.00 feet to the projection of the southerly line of Lindberg Village Commercial Subdivision property as recorded in Document # 06007423, 4/19/06, Plat Cabinet 8, Slide 47, Tippecanoe County Recorder; said point also being the POINT OF BEGINNING of the herein described tract;

THENCE westerly along said projection South 89°10'01" West, 341.21 feet to the easterly line of said Commercial Subdivision; THENCE northerly along easterly line of said Commercial Subdivision North 00°49'59" West, 312.46 feet to the northerly line of said Commercial Subdivision; THENCE easterly along the projection of the northerly line of said Commercial Subdivision North 89°12'29" East, 341.44 feet to said Quarter-Section line; THENCE southerly along said Quarter-Section line South 00°47'27" East 312.21 feet to POINT OF BEGINNING, containing 2.447 acres, more or less.

EXCEPTING the following, as follows, to wit:

COMMENCING at the Southeast corner of said Quarter-Section 10-23-5; THENCE northerly along easterly line of said Quarter-Section North 00°47'27" West, 40.00 feet to the projection of the southerly line of Lindberg Village Commercial Subdivision property as recorded in Document # 06007423, 4/19/06, Plat Cabinet 8, Slide 47, Tippecanoe County Recorder; THENCE westerly along said projection of the southerly line of said Commercial Subdivision South 89°10'01" West, 30.00' to the easterly line of Tippecanoe County right-of-way tract as described in Document # 201616005449, 4/6/2016, Tippecanoe County Recorder, said point also being the POINT OF BEGINNING of the herein described tract;

THENCE continuing along southerly line of said right-of-way tract South 89°10'01" West, 18.70 feet to the westerly line of said right-of-way tract, THENCE along the westerly bounds of said right-of-way tract for the following four (4) courses: (1) North 28°17'14" East, 14.04 feet (2) North 01°05'10" East, 90.19 feet (3) North 01°02'28" West, 77.34 feet (4) North 01°11'11" West, 132.50 feet to the projection of the northerly line of said Commercial Subdivision; THENCE easterly along said projection of the northerly line of said Commercial Subdivision North 89°12'29" East, 10.18 feet to the easterly line of said right-of-way tract; THENCE southerly along said right-of-way tract South 00°47'27" East, 312.23 feet, to the POINT OF BEGINNING, containing 0.072 acres, more or less.

SUBJECT TO ALL RESTRICTIONS, EASEMENTS, AND RIGHT-OF-WAY OF RECORD

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 21, 2016
Ref. No.: 16-169

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

**CERTIFICATION**

RE: **Z-2658--TIPPECANOE DEVELOPMENT, LLC (GB to R3):**
Petitioner is requesting rezoning of 2.375 acres located at the northwest corner of Lindberg and Klondike Roads, Wabash 10 (SE) 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 July 20, 2016 the Area Plan Commission of Tippecanoe County voted 12 yes - 0 no on the motion to rezone the subject real estate from GB 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 Monday, August 1, 2016 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

Sallie Dell Fahey

Sallie Dell Fahey
Executive Director

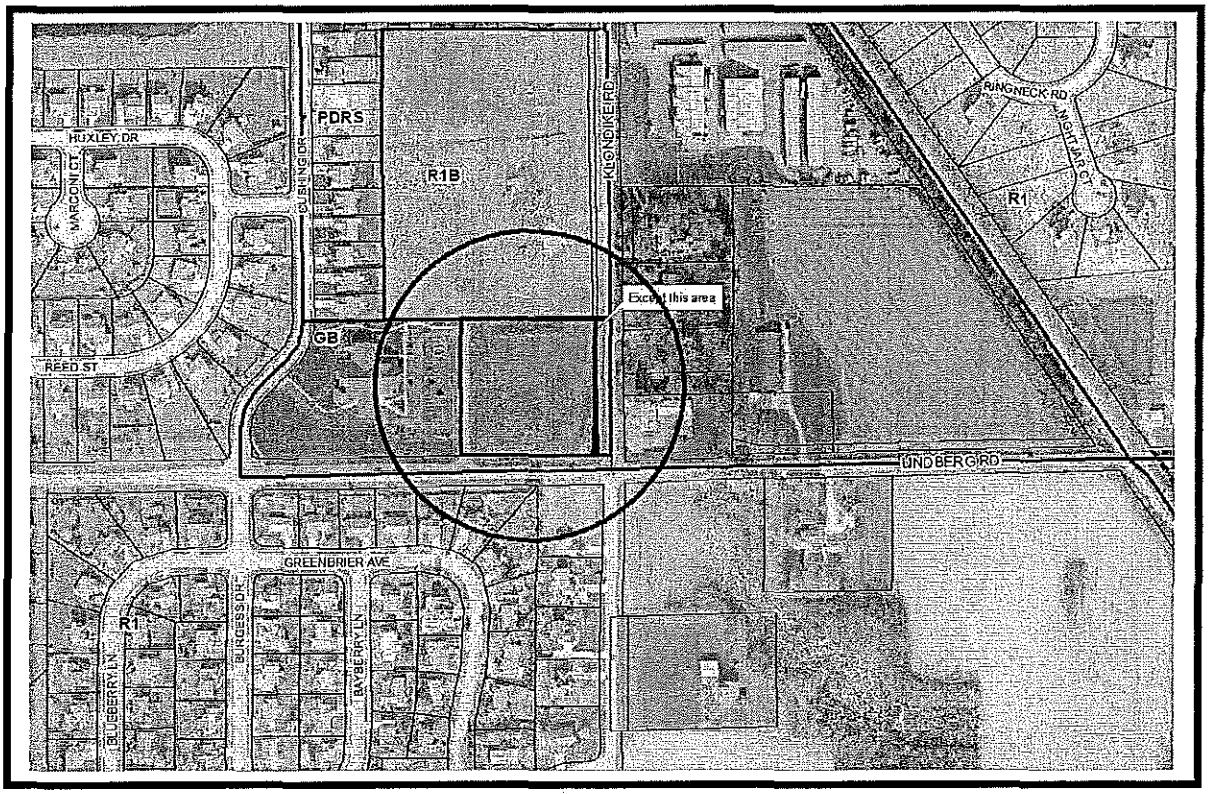
SDF/lmu

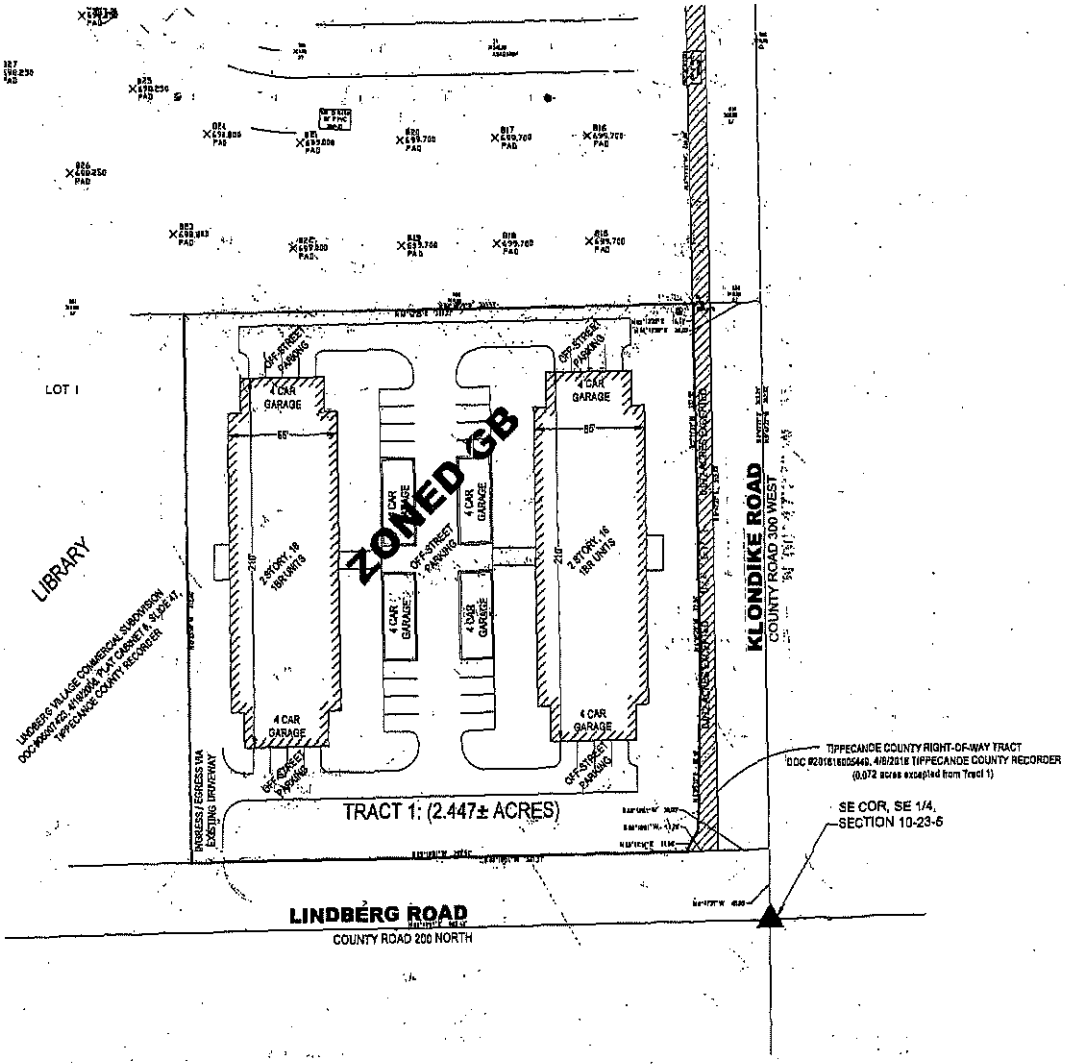
Enclosures: Staff Report & Ordinances

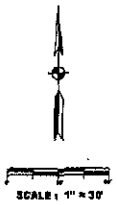
cc: Derrin Sorenson, Tippecanoe Development
Daniel Teder
Mike Wolf, Tippecanoe County Building Commissioner

# Z-2658
# TIPPECANOE DEVELOPMENT, LLC
# (GB to R3)

## STAFF REPORT
## July 14, 2016






LEGAL DESCRIPTION: (TRACT 1)
A part of the Southeast Quarter of Section Ten (10), Township Twenty-Three (23) North, Range Five (5) West, Wabash Township, Tippecanoe County, Indiana, being a part of the property depicted on a plat of survey by The Schneider Corporation, Document No. 01006715, recorded January 11, 2001 in the office of the Tippecanoe County Recorder, being more completed described as follows, to wit:

COMMENCING at the Southeast corner of said Quarter-Section 10-23-5; THENCE northerly along easterly line of said Quarter-Section North 00°47'27" West, 40.00 feet to the projection of the southerly line of Lindberg Village Commercial Subdivision property as recorded in Document # 06007423, 4/18/06, Plat Cabinet B, Slide 47, Tippecanoe County Recorder; said point also being the POINT OF BEGINNING of the herein described tract;

THENCE westerly along said projection South 89°10'01" West, 341.21 feet to the easterly line of said Commercial Subdivision; THENCE northerly along easterly line of said Commercial Subdivision North 00°49'59" West, 312.46 feet to the northerly line of said Commercial Subdivision; THENCE easterly along the projection of the northerly line of said Commercial Subdivision North 89°12'29" East, 341.44 feet to said Quarter-Section line; THENCE southerly along said Quarter-Section line South 00°47'27" East 312.21 feet to POINT OF BEGINNING, containing 2.447 acres, more or less.

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THENCE continuing along southerly line of said right-of-way line at South 89° 10'0 1" West, 18.73 feet to the westerly line of said right-of-way tract. THENCE along the westerly bounds of said right-of-way tract for the following four (4) courses: (1) North 28°12'14" East, 14.04 feet (2) North 01°05'10" East, 80.10 feet (3) North 01°02'28" West, 77.34 feet (4) North 01°11'11" West, 132.53 feet to the projection of the northerly line of said Commercial Subdivision; THENCE easterly along said projection of the northerly line of said Commercial Subdivision North 89°12'29" East, 10.18 feet to the easterly line of said right-of-way tract; THENCE southerly along said right-of-way tract South 00°47'27" East, 312.23 feet, to the POINT OF BEGINNING, containing 0.072 acres, more or less.

SUBJECT TO ALL RESTRICTIONS, EASEMENTS, AND RIGHT-OF-WAY OF RECORD

| NO. | REVISIONS | DATE |
|---|---|---|
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |
| 5 | | |
| 6 | | |

PART OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 23 NORTH, RANGE 5 WEST, WABASH TOWNSHIP, TIPPECANOE COUNTY, INDIANA

TIPPECANOE DEVELOPMENT, LLC
P.O. BOX 811
LAFAYETTE, INDIANA 47902

LINDBERG VILLAGE COMMERCIAL SUBDIVISION
EXHIBIT FOR PROPOSED REZONE: GB TO R3

OFFICE LOCATION:
LAFAYETTE, INDIANA
PHONE: (765) 742-8371
FAX: (765) 742-8372
WWW.VESTERANDASSOCIATES.COM

Vester and Associates Inc.
LAND DEVELOPMENT AND ENGINEERING

OFFICE INFORMATION:
DRAWN BY: DAN
DATE: 10/17/2016
DESIGNED BY: MPT
CHECKED BY: MPT
APPROVED BY: MPT
FIELD BOOK: NA
PAGE: NA

SHEET 1

16239

**Z-2658**
**TIPPECANOE DEVELOPMENT LLC**
**GB to R3**

**Staff Report**
**July 14, 2016**

## REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner and owner, Tippecanoe Development LLC (represented by attorney Dan Teder of Reiling, Teder & Schrier) is requesting rezoning of 2.375 acres to allow the construction of two apartment buildings with 32 units (all one bedroom) located at the northwest corner of Lindberg and Klondike Roads, Wabash 10 (SE) 23-5.

## ZONING HISTORY AND AREA ZONING PATTERNS:

This site was part of a larger 22 acre rezone from A to NB (Z-1921) approved in March 2000, along with several other rezone petitions for the overall Lindberg Village residential development. About three years later (August 2003), 13 acres of the original NB site was rezoned to GB (Z-2132). The remaining 9 acres was incorporated into the Lindberg Village Planned Development (Z-2131 – August 2003), located northwest of the current rezone site. The planned development also replaced R3 zoning from the original rezones in 2000. Adjoining on the north, petitioner is currently developing the 7.8 acre Phase 6 of Lindberg Village single-family subdivision, which was rezoned from GB to R1B (Z-2580) two years ago (July 2014). Properties to the west and east are also zoned GB. Farther west, south and southeast are large areas of R1 zoning.

## AREA LAND USE PATTERNS:

These 2.375 acres are open and undeveloped. In December 2005, the 13 acre GB tract was granted primary approval as Lindberg Village Commercial Subdivision, which includes this site as part of Block A. The Klondike Branch of the Tippecanoe County Public Library was built on a 3 acre lot in Phase 1 of this commercial subdivision (recorded in April 2006). Lindberg Village Phase 6 is the northern 3/4 of Block A and this site is the remainder. To the east, across Klondike Road, is a self-storage warehouse facility, a few single-family homes and a roofing business. To the south, across Lindberg Road, is Green Meadows - a single-family subdivision.

## TRAFFIC AND TRANSPORTATION:

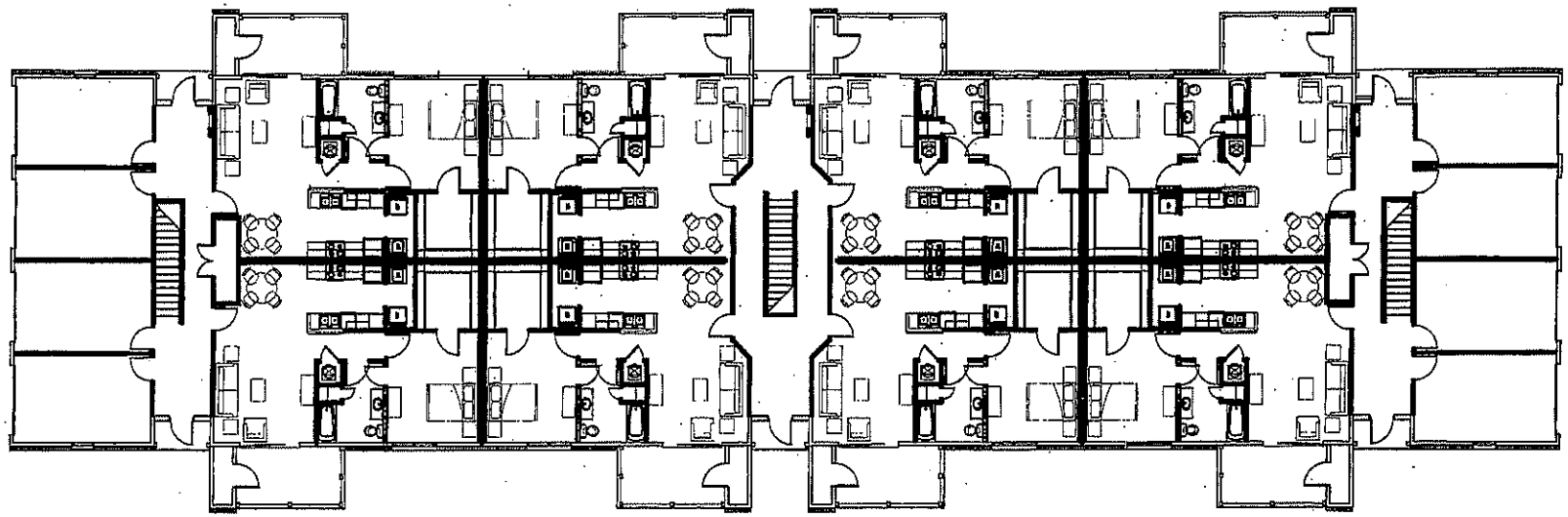
Klondike and Lindberg Roads are both classified by the *Thoroughfare Plan* as rural secondary arterials. The County has reconstruction and widening projects planned for both these roads, which will include a roundabout at the intersection. The Klondike Road project is scheduled to begin construction in mid-2017, and Lindberg Road is programed to follow about a year later. Access for this proposed apartment development is intended to be from the existing Lindberg Road entrance and private

drive located mostly on-site at the southwest corner, running along the entire west boundary. The library parking lot has a connection to this drive at the north end.

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**
Sanitary sewer and water service are available from existing American Suburban Utilities and Indiana American Water Company mains, respectively. This site is part of the overall Lindberg Village development drainage scheme. The County Drainage Board will need to approve the stormwater and erosion control plans as part of the subdivision construction plans.

**STAFF COMMENTS:**
For the past 16 years the commercial zoning (both NB and GB) of this site has created no interest in commercial development at this corner of the Lindberg Road and Klondike Road intersection. As a result, petitioner wishes to proceed with this multi-family residential development. Although petitioner cannot be held to the plans submitted with this rezone request, they are fairly detailed and show substantial investment to the plan. Application for a major multi-family subdivision will be required to proceed if the rezone is successful. Being that this proposal is not overly dense (only 13.5 units per acre) and the access has already been established near this busy and soon to be improved intersection, staff has no objection.

**STAFF RECOMMENDATION:**
Approval



32 Units
All 1 bedrooms
842 sq. ft.
with garages