

ORDINANCE NO. 2017-08-CM
AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF TIPPECANOE
COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATE
FROM A TO RE

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 Tippecanoe Township, Tippecanoe County, Indiana

See attached legal description

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

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 5 day of June, 2017.

VOTE:

yes _____ [Signature] _____
David Byers, President

yes _____ [Signature] _____
Tracy Brown, Vice President

yes _____ [Signature] _____
Thomas Murtaugh, Member

ATTEST:

[Signature] _____
Robert Plantenga, Auditor

RE Rezone Description

A part of the Southeast Quarter of Section 4, Township 24 North, Range 4 West, Tippecanoe Township, Tippecanoe County, Indiana, being more completely described as follows, to-wit:

Commencing at the southwest corner of said Southeast Quarter; thence North 88°55'16" East along the south line of said quarter section, 138.53 feet to the point of beginning of the herein described tract; thence North 00°02'10" East, 602.60 feet to the centerline of the North Fork of Burnett's Creek; thence along said centerline the follow 48 courses, 1) North 78°57'44" East, 4.77 feet; 2) North 87°24'32" East, 57.16 feet; 3) South 88°02'45" East, 64.35 feet; 4) South 80°55'45" East, 39.36 feet; 5) North 69°42'39" East, 33.26 feet; 6) North 72°38'29" East, 53.77 feet; 7) North 73°08'54" East, 37.27feet; 8) North 48°30'16" East, 40.35 feet; 9) North 34°57'30" East, 57.31 feet; 10) North 44°48'39" East, 58.97 feet; 11) North 37°34'44" East, 35.14 feet; 12) North 36°54'58" East, 40.08 feet; 13) North 38°03'19" East, 24.57 feet; 14) North 23°35'42" East, 14.76 feet; 15) North 07°39'40" East, 14.66 feet; 16) North 08°13'58" West, 18.58 feet; 17) North 33°41'31" West, 30.58 feet; 18) North 23°58'58" West, 18.46 feet; 19) North 08°13'13" West, 30.61 feet; 20) North 07°38'27" West, 33.25 feet; 21) North 22°17'41" West, 28.01 feet; 22) North 36°24'37" West, 22.12 feet; 23) North 56°20'05" West, 19.15 feet; 24) North 77°45'28" West, 28.98 feet; 25) North 77°21'32" West, 40.02 feet; 26) North 74°51'34" West, 39.63 feet; 27) North 66°29'55" West, 87.04 feet; 28) North 45°53'01" West, 31.31 feet; 29) North 40°06'04" West, 32.98 feet; 30) North 35°26'33" West, 43.82 feet; 31) North 36°07'46" West, 62.30 feet; 32) North 40°15'58" West, 35.67 feet; 33) North 22°11'05" West, 11.30 feet; 34) North 00°00'00" West, 11.44 feet; 35) North 09°56'34" East, 21.59 feet; 36) North 23°17'12" East, 28.54 feet; 37) North 15°01'55" East, 39.34 feet; 38) North 15°26'10" East, 27.88 feet; 39) North 10°23'15" West, 52.37 feet; 40) North 27°42'23" West, 49.46feet; 41) North 17°38'37" West, 34.56 feet; 42) North 48°23'36" West, 25.96 feet; 43) North 79°49'04" West, 27.86 feet; 44) South 51°15'46" West, 29.16 feet; 45) South 57°53'14" West, 11.09 feet; 46) North 85°57'21" West, 21.59 feet; 47) North 78°18'28" West, 43.81 feet; 48) North 80°04'43" West, 46.97 feet to the west line of said southeast quarter; thence North 00°02'10" East along said west line, 1100.16 feet to the north line of said quarter section; thence North 89°17'50" East along said north line, 636.20feet; thence South 01°06'32" West, 251.73 feet; thence South 88°53'28" East, 259.84 feet; thence along a curve to the left having a radius of 25.00 feet (a chord bearing of North 67°32'13" East with a chord distance of 20.00 feet) and arc length of 20.57 feet; thence along a curve to the right having a radius of 50.00 feet (a chord bearing of South 01°07'16" West with a chord distance of 68.00 feet) and arc length of 239.38 feet; thence along a curve to the left having a radius of 25.00 feet (a chord bearing of North 65°18'25" West with a chord distance of 20.00 feet) and arc length of 20.58 feet; thence North 88°53'28" west, 208.82 feet; thence along a curve to the left having a radius of 25.00 feet (a chord bearing of South 46°06'32" West with a chord distance of 35.36 feet) and arc length of 39.27 feet; thence South 01°06'32" West, 110.26 feet; thence along a curve to the left having a radius of 124.00 feet (a chord bearing of South 09°54'14" East with a chord distance of 47.37 feet) and arc length of 47.67 feet; thence South 20°55'00" East, 497.58 feet; thence along a curve to the right having a radius of 332.28 feet (a chord bearing of South 13°09'42" East with a chord distance of 98.32 feet) and arc length of 98.69 feet; thence South 03°11'21" East, 484.36 feet; thence along a curve to the right having a radius of 1422.17 feet (a chord bearing of South 10°37'42" West with a chord distance of 605.36 feet) and arc length of 61.03 feet; thence South 25°21'20" West, 263.74 feet; thence North 88°54'35" East, 611.38 feet; thence South 01°05'25" East, 270.99 feet to the south line of said quarter section; thence South 88°55'16" West along the said south line, 1143.97 feet to the point of beginning, containing 40.890 acres, more or less.

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

May 18, 2017
Ref. No.: 17-160

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

CERTIFICATION

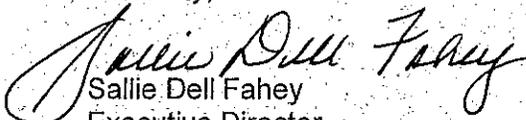
RE: **Z-2686--ANTHONY HARDEBECK (A to RE):**
Petitioner is requesting rezoning of 40.89 acres for a proposed rural estate subdivision of 12 lots located on the north side of CR 900 N, 1/4 mile west of SR 43 North, Tippecanoe 4 (SE) 24-4. CONTINUED FROM THE APRIL APC MEETING DUE TO A FILING DEFICIENCY

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on May 17, 2017 the Area Plan Commission of Tippecanoe County voted 13 yes - 0 no on the motion to rezone the subject real estate from A to RE. 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 June 5, 2017 regular meeting. Petitioner or his representatives must appear to present their case.

Sincerely,



Sallie Dell Fahey
Executive Director

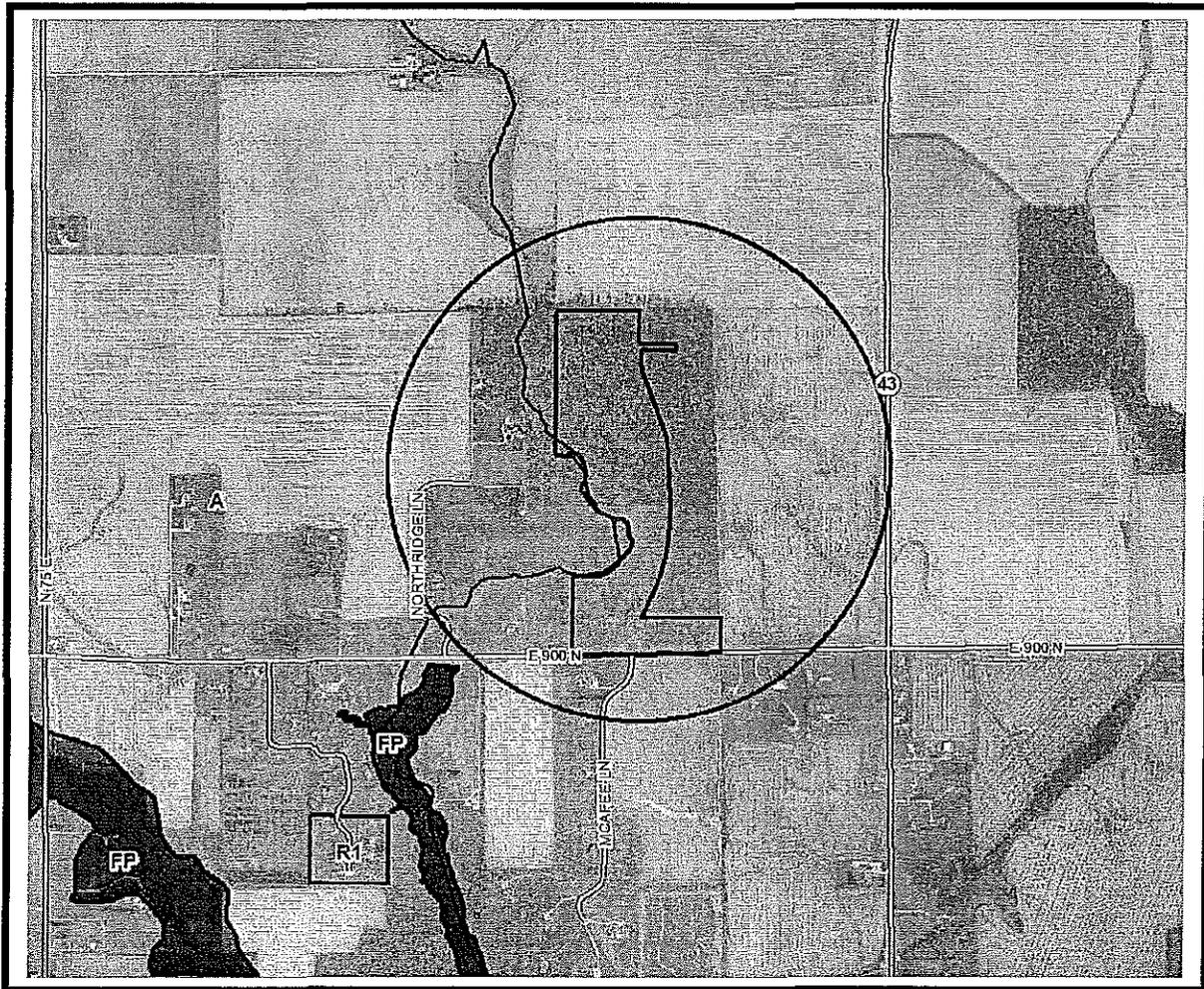
SDF/lmu

Enclosures: Staff Report & Ordinances

cc: Anthony Hardebeck
Floyd Garrott & Lorie Heath
Vester & Associates
Mike Wolf, Tippecanoe County Building Commissioner

Z-2686
ANTHONY HARDEBECK
(A to RE)

STAFF REPORT
May 11, 2017



Z-2686
ANTHONY HARDEBECK
A to RE

Staff Report
May 10, 2017

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, with consent of the owner (and represented by Patrick Cunningham of Vester and Associates), is requesting rezoning of 40.89 acres for the proposed rural estate subdivision Grace Woods Estates. This intended first phase consisting of 12 lots is located on the north side of CR 900 N, ¼ mile west of SR 43 North, Tippecanoe 4 (SE) 24-4.

ZONING HISTORY AND AREA ZONING PATTERNS:

The site has been zoned A (Agricultural) since the inception of zoning in Tippecanoe County (at least since 1965). All surrounding properties are also zoned A. To the southwest, across CR 900 N, is FP (Flood Plain) associated with the North Fork of Burnett Creek.

AREA LAND USE PATTERNS:

The site is entirely wooded with some steep sloping topography along the west side, near the North Fork of Burnett Creek. Along the east border is a future phase of the proposed subdivision, which is also wooded. Properties bordering on the west side are wooded along the creek. Farther west, north and east are open fields in agricultural production. To the south and west are a number of large lot single-family homes.

TRAFFIC AND TRANSPORTATION:

CR 900 N is classified by the *Thoroughfare Plan* as a rural local road. The sketch plan submitted with the rezone shows a proposed private rural estate road in the required 52-ft wide outlot, along the east border serving the 12 lots in this phase and the future phase.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

All lots will have individual water wells and septic systems. Petitioner has submitted a preliminary soil scientist report indicating that the "area consists mainly of soils with seasonal high water tables perched on dense glacial till". However, there are adequate outlets for septic field perimeter drains draining to the creek. The report states that there should be no significant problems for the lots being served by septic systems. When submitted for subdivision approval by the Area Plan Commission, the County Health Department will need to approve all lots included in the rural estate subdivision preliminary plat. A 3.5 acre outlot is proposed along the north side of CR 900 N and east of the subdivision entrance for stormwater detention storage.

STAFF COMMENTS:

This proposal meets all the requirements for a rural estate rezone found in UZO Section 2-29. The site is well beyond the ½ mile distance requirement from any available sanitary sewer. The entire site is wooded and has been since before 1997 through today, complying with the required wooded, non-tillable and not mechanically harvested standards. The sketch plan shows the allowed maximum of 12 lots. Each lot meets the minimum lot size of one acre (the average is 2.75 acres, minus the outlots), and the 40.89 acre site easily meets the density requirement of no more than 1 dwelling unit per 2 acres.

STAFF RECOMMENDATION:

Approval