

ORDINANCE NO. ²¹ 2011-18-CM

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN
REAL ESTATE FROM R1 TO GB**

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 part of the unified county code, is hereby amended to rezone the following described real estate situated in Wabash Township, Tippecanoe County, Indiana, to-wit:

See exhibit A

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

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 6th day of September, 2011.

VOTE:

Yes

Yes

Yes

D. S. B.
President
[Signature]
Vice President
[Signature]
Member

ATTEST:

Jennifer Weston

A part of the Northeast Quarter of Section 11, Township 23 North, Range 5 West, Wabash Township, Tippecanoe County, Indiana, more particularly described as follows:

Commencing at the southeast corner of the Northeast Quarter being marked by a Berntsen Monument; thence South $87^{\circ}46'01''$ West, along the south line of the Northeast Quarter, a distance of 891.97 feet to a 5/8 inch diameter rebar with a plastic cap stamped "RWG 88043" and hereafter referred to as a standard monument and being the point of beginning of this description; thence South $87^{\circ}46'01''$ West, along the south line of the Northeast Quarter, a distance of 420.29 feet to a standard monument at the southwest corner of the East Half of the Northeast Quarter; thence South $88^{\circ}39'12''$ West, along the south line of the Northeast Quarter, a distance of 410.35 feet to a mag nail in the approximate centerline of McCormick Road and a tangent curve to the right; thence westerly, northwesterly, and northerly, along said tangent curve having a radius of 125.59 feet, a central angle of $82^{\circ}58'47''$, and an arc length of 181.89 feet to a mag nail in the approximate centerline of McCormick Road; thence North $08^{\circ}22'01''$ West, along the approximate centerline of McCormick Road, a distance of 559.73 feet to a mag nail in the approximate centerline of McCormick Road; thence North $88^{\circ}35'52''$ East, a distance of 622.98 feet to a standard monument on the west line of the East Half of the Northeast Quarter; thence North $00^{\circ}20'06''$ East, along the west line of the East Half of the Northeast Quarter, a distance of 1988.25 feet to a standard monument at the northwest corner of the East Half of the Northeast Quarter; thence North $88^{\circ}49'41''$ East, along the north line of the Northeast Quarter a distance of 421.00 feet to a standard monument; thence South $00^{\circ}21'23''$ West, a distance of 2647.16 feet to the point of beginning, containing 34.274 acres, more or less.

AND

A part of the Northeast Quarter of Section Eleven (11), Township Twenty-three (23) North, Range Five (5) West, Wabash Township, Tippecanoe County, Indiana, being part of a 56.55 acre tract of land described in a Trustee's Deed to F. Lynn Cason Jr. TTEE, Instrument Number 9502114, recorded February 10, 1995 in the Office of the Tippecanoe County Recorder; then by Warranty Deed to F. Lynn Cason Jr., as Trustee of the F. Lynn Cason, Jr. Marital Trust, under trust agreement dated July 29, 1992, dated August 18, 2009 and recorded August 19, 2009 as Document No. 200909018224, and being designated as Transfer Tract 2 as depicted on a Boundary Survey by John E. Fisher and Associates, P.C., Commission No. 07.69.3, dated July 31, 2009, Instrument Number 200909024945, recorded November 30, 2009 in said Recorder's Office, more particularly described as follows:

Commencing at the Southeast Corner of the Northeast Quarter of said Section 11-23N-5W, said point being marked by a Berntsen A1NB aluminum monument; thence South $87^{\circ}45'44''$ West along the South line of the East half of said Northeast Quarter 1253.76 feet to a 5/8 inch rebar with a plastic cap stamped "FISHER P.C. 5092", hereinafter referred to as a Fisher capped rebar, on a non-tangent curve to the left, having a radius of 3465.00 feet and a central angle of $4^{\circ}39'07''$, said curve being the east Right-of-Way line of US Highway 231; thence northwesterly along said curve and along said east Right-of-Way line an arc distance of 281.33 feet to a Fisher capped rebar (said arc being subtended by a chord having a bearing of North $29^{\circ}02'27''$ West

and a length of 281.25 feet); thence North 31°22'00" West along said east Right-of-Way line 480.56 feet to a Fisher capped rebar on the north line of a 34.274 acre tract of land described in a Warranty Deed to Bethel Christian Life Center, Inc., Instrument Number 05000247, recorded January 5, 2005 in the Office of the Tippecanoe County Recorder, and the Point of Beginning of the herein-described tract; thence continuing North 31°22'00" West along said east Right-of-Way line 316.92 feet to the south Right-of-Way line of Cumberland Avenue; thence along the south Right-of-Way line of Cumberland Avenue the following three (3) courses:

- (1) North 58°38'00" East 59.02 feet;
- (2) North 50°38'18" East 179.75 feet;
- (3) North 58°38'00" East 364.36 feet to the West line of the East half of said Northeast Quarter;

thence South 00°19'50" West along said West line 596.83 feet to a 5/8 inch rebar with a plastic cap stamped "RWG 880043" on the north line of said 34.274 acre tract; thence South 88°35'36" West along said north line 332.17 feet to the Point of Beginning, containing 4.550 acres, more or less.

EXCEPT

A part of the Northeast Quarter of Section 11, Township 23 North, Range 5 West, Tippecanoe County, Indiana, described as follows: Beginning at a point on the south line of said quarter section South 87 degrees 46 minutes 02 seconds West 1,253.81 feet from the southeast corner of said quarter section, said southeast corner being designated as point "212" on said plat, which point of beginning is designated as point "1053" on said plat; thence south 87 degrees 46 minutes 02 seconds West 58.55 feet along said south line to the southwest corner of the East Half of said quarter section, said southwest corner being designated as point "80522" on said plat; thence South 88 degrees 38 minutes 52 seconds West 410.35 feet along said south line to the centerline of McCormick Road; thence along said centerline Northwesterly 181.89 feet along an arc to the right and having a radius of 125.59 feet and subtended by a long chord having a bearing of North 49 degrees 46 minutes 34 seconds West and a length of 166.41 feet; thence North 8 degrees 22 minutes 01 seconds West 559.73 feet along said centerline to a northwest corner of the grantor's land; thence North 88 degrees 41 minutes 34 seconds East 290.85 feet along a north line of the grantor's land; thence South 31 degrees 22 minutes 00 seconds East 480.25 feet to point "1054" designated on said plat; thence Southeasterly 281.28 feet along an arc to the right and having a radius of 3,465.00 feet and subtended by a long chord having a bearing of South 29 degrees 02 minutes 28 seconds East and a length of 281.20 feet to the point of beginning and containing 6.674 acres, more or less, inclusive of the presently existing right-of-way which contains 0.279 acres, more or less.

EXCEPT

A part of the Northeast Quarter of Section 11, Township 23 North, Range 5 West, Tippecanoe County, Indiana, described as follows: Commencing at the southeast corner of the Northeast

Quarter designated as Point "112" on said plat; thence South 87 degrees 46 minutes 02 seconds West, along the south line of said quarter section 891.97 feet to the southeast corner of said grantor's land; thence North 0 degrees 21 minutes 30 seconds East 1504.41 feet along the east line of said grantor's land to the point of beginning of this description: thence South 58 degrees 38 minutes 00 seconds West 494.22 feet to a west line of said grantor's land designated as Point "532" in said plat said point being the same as Point "1339" of Parcel 17 of the Indiana Department of Transportation Project 0819029; thence North 0 degrees 20 minutes 24 seconds East 170.44 feet along said west line to Point "520" designated on said plat said point being the same as Point "1392" of Parcel 17 of the Indiana Department of Transportation Project 0819029; thence North 58 degrees 38 minutes 00 seconds East 494.28 feet to said east line of the grantor's land; thence South 0 degrees 21 minutes 30 seconds West 170.47 feet along said east line to the point of beginning and containing 1.645 acres, more or less.

EXCEPT

A part of the Northeast Quarter of Section Eleven (11), Township Twenty-three (23) North, Range Five (5) West, Wabash Township, Tippecanoe County, Indiana, being part of a 34.274 acre tract of land described in Warranty Deed to Bethel Christian Life Center, Inc., Instrument Number 05000247, recorded January 5, 2005 in the Office of the Tippecanoe County Recorder (hereinafter referred to as the Bethel property), and being designated as Transfer Tract 1 as depicted on a Boundary Survey by John E. Fisher and Associates, P.C., Commission No. 07.69.3, dated July 31, 2009, Instrument Number 200909024945, recorded November 30, 2009 in said Recorder's Office, more particularly described as follows:

Commencing at the Southeast Corner of the Northeast Quarter of said Section 11-23N-5W, said point being marked by a Berntsen AINB aluminum monument; thence South 87°45'44" West along the South line of the East half of said Northeast Quarter 891.97 feet to the southeast corner of the above described Bethel property, being marked by a 5/8 inch rebar with a plastic cap stamped "RWG 880043", hereinafter referred to as a Gross capped rebar; thence North 00°21'08" East along the east line of said Bethel property 1674.76 feet to the north Right-of-Way line of Cumberland Avenue and the Point of Beginning of the herein-described tract, said point being marked by a 5/8 inch rebar with a plastic cap stamped "FISHER P.C. 5092" hereinafter referred to as a Fisher capped rebar; thence South 58°38'00" West along said north Right-of-Way line 494.21 feet to a Fisher capped rebar on the West line of said East half; thence North 00°19'50" East along said West line 1221.00 feet to a Fisher capped rebar at the Northwest corner of said East half; thence North 88°49'25" East along the North line of said East half 421.00 feet to a Gross capped rebar; thence along the east line of said Bethel property South 00°21'08" West 972.40 feet to the point of beginning, containing 10.591 acres, more or less.

Z-2461
BETHEL CHRISTIAN LIFE CENTER, INC.
R1 to GB

STAFF REPORT
AUGUST 11, 2011

Z-2461
BETHEL CHRISTIAN LIFE CENTER, INC.
R1 to GB

Staff Report
AUGUST 11, 2011

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, represented by Attorney Joseph Bumbleburg, is requesting rezoning of 19.914 acres located at 2541 McCormick Road (its temporary address) which will be the future southeastern corner of US 231 and Cumberland Avenue, Wabash 11 (NE) 23-5.

A new church is nearing completion on site; this new building will replace the current Bethel Christian Life Center, located at the southwest corner of McCormick and US 52, which will be razed during the construction of the new US 231.

ZONING HISTORY AND AREA ZONING PATTERNS:

The site in question is zoned R1, Single-family Residential, as is all surrounding property. The most recent rezones in the area have been to allow apartment construction, either in planned developments or regular R3 zoning. The PD's include the Cottages at Lindberg, (Z-2445) approved in April, 2011 and McCormick Place, (Z-2003 & Z-2191) approved in May, 2001 and September, 2004. The Lodge, which was rezoned as Cumberland Student Housing PD in September of 2000 (Z-1964), is a quarter mile to the east. South of The Lodge is a different type of residential PD; approved in May 2001 as a retirement community, University Place (Z-2006) extends to the south and east to Lindberg Road. Three other rezones in the area were for R3, Multi-family Residential zoning. Two of these requests were denied by the County Commissioners (Z-2297, Campus Suites and Z-2094 Copper Beech) and one was approved (Z-2037 Florian).

The current church property at the corner of McCormick and US 52 was rezoned from R1 to GB in November, 2000 (Z-1975).

AREA LAND USE PATTERNS:

Currently on site is the recently constructed church building and a surrounding parking lot. Adjacent land is currently undeveloped; however in the area are single-family subdivisions as well as multi-family developments which mostly cater to the student population.

TRAFFIC AND TRANSPORTATION:

Both the extension of Cumberland and the construction of US 231 will likely be completed in 2013. Until that time, the church has a driveway from McCormick Road. US 231 will be a limited access highway and petitioner is not proposing any driveways

THE

Area Plan Commission

of TIPPECANOE COUNTY

20 NORTH 3RD STREET
LAFAYETTE, INDIANA 47901-1209

(765) 423-9242
(765) 423-9154 [FAX]

SALLIE DELL FAHEY
EXECUTIVE DIRECTOR

August 18, 2011
Ref. No.: 11-260

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

CERTIFICATION

RE: **Z-2461-- BETHEL CHRISTIAN LIFE CENTER, INC. c/o
CLIFTON IVY (R1 to GB):**

Petitioner is requesting rezoning of 19.914 acres located at 2541 McCormick Road (temporary address) which will be the future southeastern corner of US 231 and Cumberland Avenue, extended, in Wabash 11 (NE) 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 August 17, 2011 the Area Plan Commission of Tippecanoe County voted 12 yes - 0 no on the motion to rezone the subject real estate from R1 to GB. 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 September 6, 2011 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: Clifton Ivy, Bethel Christian Life Center
Ken Brown, Zoning Enforcement Officer
Joseph Bumbleburg
Terri Griffin, INDOT

Z-2461
BETHEL CHRISTIAN LIFE CENTER, INC.
R1 to GB

STAFF REPORT
AUGUST 11, 2011

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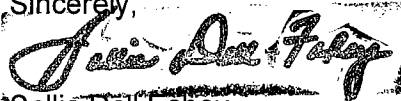
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