

ORDINANCE NO. 2012-08-CM

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN
REAL ESTATE FROM R1 TO R3**

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 not a 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:

Section 2. The real estate described above should be and the same is hereby rezoned from R1 to R3.

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 February, 2012.

VOTE:

y
y
y

[Signature]
President
[Signature]
Vice President
[Signature]
Member

ATTEST:

Jennifer Weston
Jennifer Weston

LAND DESCRIPTION – R1 to R3

Part of the real estate in the estate of Elizabeth C. Swanson (deceased) recorded in Deed Record 9502387 in the Office of the Tippecanoe County Recorder and being part of Section 11, Township 23 North, Range 5 West, Wabash Township, Tippecanoe County, Indiana, more particularly described as follows:

Commencing at the Southwest Corner of the Northwest Quarter of Section 11, being marked by a Berntsen Monument; thence North $88^{\circ}43'04''$ East along the South Line of said Northwest Quarter 1308.05 feet to a 15" square concrete fence post, being the Southwest Corner of the Southeast Quarter of said Northwest Quarter; thence North $00^{\circ}09'40''$ West along the West Line of the Southeast Quarter of said Northwest Quarter 54.80 feet to the Point of Beginning of this description; thence continuing North $00^{\circ}09'40''$ West along said West Line 604.90 feet to a 5/8 inch diameter rebar with a plastic cap stamped "RWG 880043"; thence North $88^{\circ}39'17''$ East a distance of 1294.97 feet to the north line of the real estate conveyed to Tippecanoe County, Indiana, as per Warranty Deed recorded as Document Number 201111003214 in said Recorder's Office; thence along said real estate the following four (4) courses:

- (1) South $58^{\circ}38'00''$ West 643.60 feet;
- (2) South $50^{\circ}06'09''$ West 101.12 feet;
- (3) South $58^{\circ}38'00''$ West 59.06 feet to a tangent curve to the right, having a radius of 1445.00 feet and a central angle of $25^{\circ}56'07''$;
- (4) southwesterly an arc distance of 654.09 feet to the Point of Beginning, containing 10.701 acres, more or less.

Subject to all easements, rights-of-way, restrictions, and covenants of record.

November 8, 2011

Written by Tamra Lumsden

C:\Documents and Settings\joe\Local Settings\Temporary Internet
Files\Content.Outlook\MU78OVAH\R1 to R3 desc.doc

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

January 19, 2011
Ref. No.: 12-010

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

CERTIFICATION

RE: **Z-2479--CITATION HOMES, INC. (R1 to R3):**

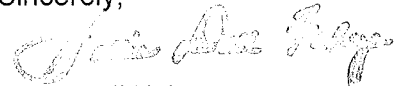
Petitioner is requesting rezoning of 10.701 acres located northwest of the future intersection of Cumberland and US 231, on property currently identified as between McCormick Road and Klondike Road, north of CR 250 N extended to the east, Wabash 11 (NW) 23-5.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on January 18, 2012 the Area Plan Commission of Tippecanoe County voted 14 yes - 0 no on the motion to rezone the subject real estate from R1 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 February 6, 2012 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,



Sallie Dell Fahey
Executive Director

SDF/lmu

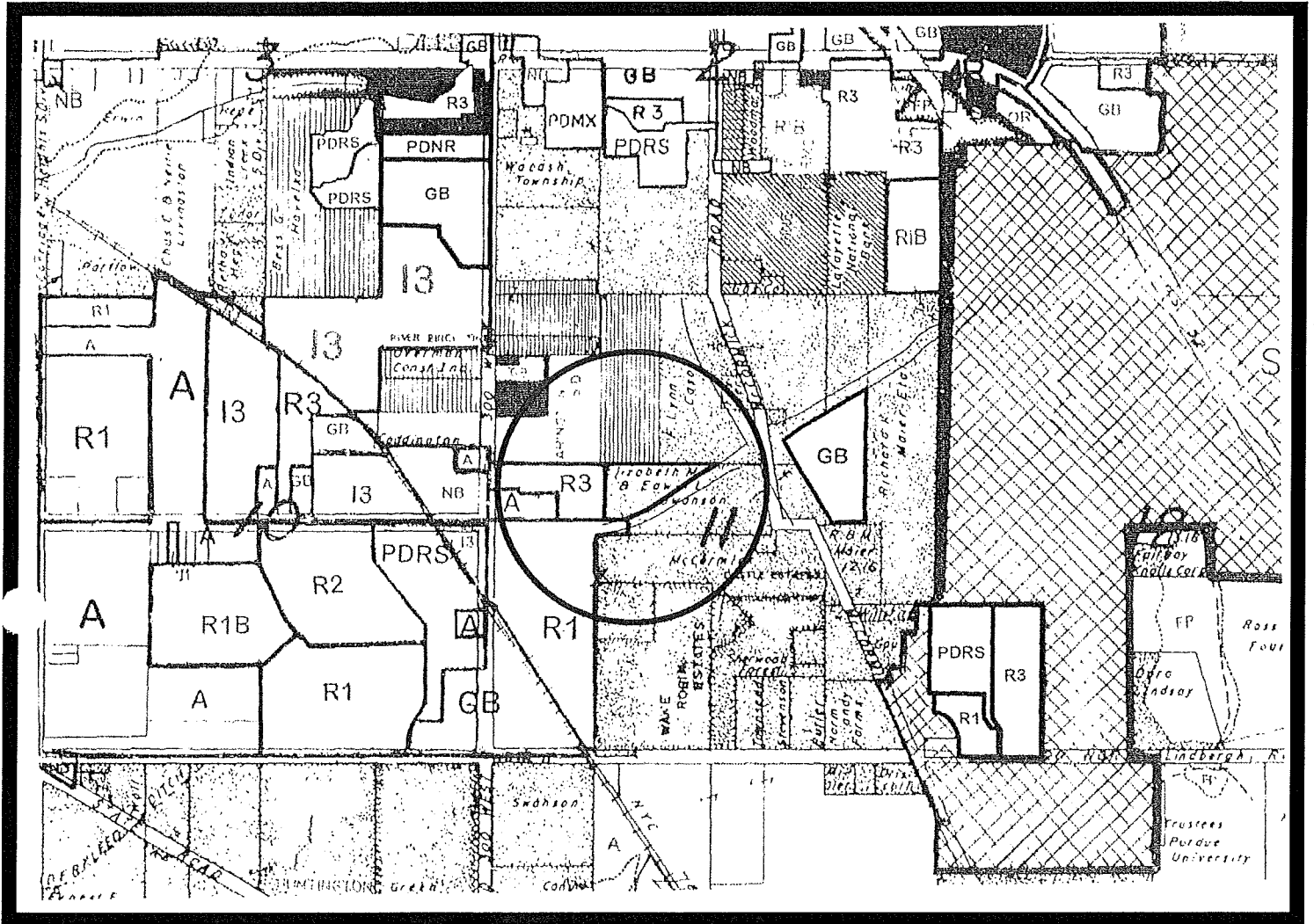
Enclosures: Staff Report & Ordinances

cc: Steve Schreckengast
Joseph Bumbleburg
Ken Brown, Tippecanoe County Building Commissioner
Terri Griffin, INDOT

**Z-2479
CITATION HOMES, INC.
R1 TO R3**

**STAFF REPORT
January 12, 2012**

Z-2479
CITATION HOMES, INC.
(R1 to R3)



Staff Report
January 12, 2012

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, who is the owner and represented by attorney Joe Bumbleburg, is requesting the rezoning for 10.701 acres from R1 to R3. The land is directly east of Copper Beech Townhomes on Klondike Road and on the north side of the proposed Cumberland Avenue extension, just west of its future intersection with US 231, in Wabash 11 (NW) 23-5. Also on this same agenda, petitioner is requesting GB zoning for land directly to the south across the Cumberland extension (Z-2480).

ZONING HISTORY AND AREA ZONING PATTERNS:

The earliest zoning maps indicate this property has always been zoned R1. There have been two failed attempts to rezone this land (or portions of it) to R3. In 2002, a request for R3 was withdrawn (Z-2075) and then later that same year a smaller area was petitioned for R3 zoning but was denied by both the Plan Commission and the County Commissioners (Z-2094).

The land to the north was rezoned R3 in 1971 for a proposed expansion of an existing mobile home park, but the proposed expansion never happened (Z-440). Land to the west was rezoned from A to R3 in 2001 (Z-2037). The most recent rezone in the area was for land on the eastern side of the proposed intersection of US 231 and Cumberland. This land was rezoned from R1 to GB last September (Z-2461); a church is located on site. Large areas of R1 zoning are located to the east and south.

AREA LAND USE PATTERNS:

The property in question is currently in row crop production as is land to the north and east. Adjacent to the west are student apartments with a private drive that stubs into this rezone site. Wake Robin and Sherwood Forest are single-family subdivisions located to the south across the future Cumberland Avenue extension.

TRAFFIC AND TRANSPORTATION:

These 10+ acres will have access on Cumberland Avenue once built. According to the County Highway Department, the project is on INDOT's July letting list. Plans for the Cumberland extension include a driveway cut for the subject property. The owner of this site will need to work with the Highway Department for a driveway permit.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

Indiana American Water and American Suburban Utilities serve the area; no buffering would be required.

STAFF COMMENTS:

This area of Wabash Township has been zoned R1 since the inception of zoning in Tippecanoe County. Over the years, this area of Wabash Township has seen many rezones with subsequent development in the form of single-family homes, mobile home parks, student apartments, senior living, and some commercial and light industry. In particular, the trend for student housing developments in this area peaked five to ten years ago, shifting students farther away from campus. Staff has repeatedly said that much of this type of development is better suited closer to Purdue where necessary services were readily available. In several requests for multi-family zoning in the vicinity, staff has written in reports that there is a saturation of student housing, the infrastructure here is incomplete and the route of Cumberland and US 231 is unknown, making these requests premature.

With the construction of both US 231 and Cumberland Avenue beginning later this year, the area's road network is now developing and the route is clear. Additionally, both sewer and water services have expanded and grown to serve this area of the township. R3 zoning for this triangular-shaped site makes sense because it is surrounded by R3 zoned property to the north and west and by Cumberland to the south. Additionally its small size does not lend itself to single-family development. The construction of Cumberland and US 231 will naturally divide the area into quadrants with lower densities to the south.

What has not changed is staff's preference for student housing to be located closer to campus. We would prefer to see additional student housing develop where urban amenities are located; however the R3 zoning staff supports also permits residential uses with a target other than students. For example, with our aging population, assisted living and skilled nursing facilities (permitted in R3) would be a natural fit because of the many nearby amenities such as the county library branch, the Celery Bog Nature Area and adjacent trail system, shopping and grocery stores, and bus service.

Because of the small size of this rezone, its location with adjacent R3 zoning and two soon-to-be major thoroughfares, staff can support this request.

STAFF RECOMMENDATION:

Approval