

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, 2012
Ref. No.: 12-011

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

CERTIFICATION

RE: **Z-2480--CITATION HOMES, INC. (R1 to GB NB):**

Petitioner is requesting rezoning of 20.623 acres located at the future southwest corner of the intersection of Cumberland and US 231, currently identified as the west side of McCormick Road, 1/2 mile north of Lindberg Road, Wabash 11 (N1/2) 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 13 yes - 1 no on the motion to rezone the subject real estate from R1 to GB NB, as changed at the meeting by the petitioner. 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

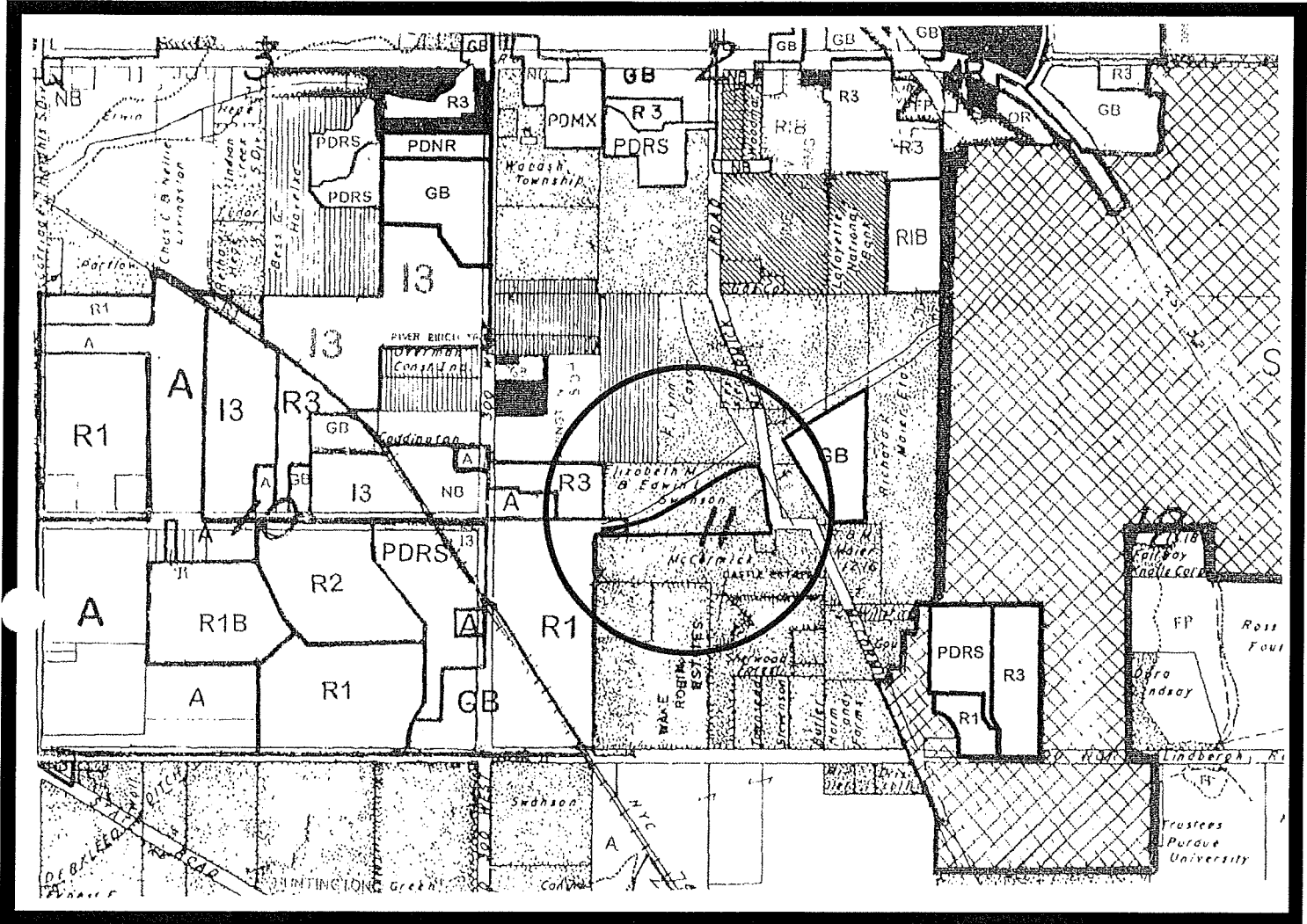
Enclosures: Staff Report & Ordinances

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

**Z-2480
CITATION HOMES, INC.
R1 TO GB**

**STAFF REPORT
January 12, 2012**

Z-2480
CITATION HOMES, INC.
(R1 to GB)



Z-2480
CITATION HOMES, INC.
R1 TO GB

Staff Report
January 12, 2012

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, who is also the owner and represented by attorney Joe Bumbleburg, is requesting the rezoning of 20.623 acres from R1 to GB. The site is located on the west side of McCormick Road directly north of Wake Robin Estates Subdivision, Wabash 11(N1/2) 23-5. Also on this same agenda, petitioner is requesting R3 zoning for land immediately to the north across the Cumberland extension (Z-2479).

ZONING HISTORY AND AREA ZONING PATTERNS:

The earliest zoning maps show this property and surrounding land as always having been zoned R1. The most recent rezone in the area was approved last September for nearly 20 acres just east of the subject property from R1 to GB (Z-2461).

AREA LAND USE PATTERNS:

The 20 acres in this request are currently in row crop production. Wake Robin Estates, a single-family subdivision, borders to the south. East, across the planned path for US 231, a church has been recently completed.

TRAFFIC AND TRANSPORTATION:

The property in this request currently has frontage along McCormick Road but once US 231 and Cumberland are built the site will be located at the southern corner of this intersection. Conversations with the Highway Department confirm that plans for Cumberland Avenue will include a driveway cut; owners will need to coordinate driveway permits with this department.

Wake Robin Subdivision, adjacent to the south, has a stub street (Bobolink) that ends at this property at its southwest corner. This stub should be extended with sidewalks to connect with Cumberland which is only about 60' to the north.

According to INDOT, the state is building a trail along the west side of US 231 that will connect to Wake Robin Estates. That trail will connect to sidewalks on Yeoman Drive on the east side of the subdivision.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

Indiana American Water and American Suburban Utilities serve the area; a Type C bufferyard 20' wide is required where GB abuts R1 zoning to the south and southeast.

STAFF COMMENTS:

With the route of US 231 and Cumberland firmly decided and construction beginning later this year, this area of Wabash Township is taking shape and development patterns are emerging. Staff believes the intersection of Cumberland and 231 should be a commercial/non-residential node. In fact, last year we supported a GB rezone on the southeast corner of this proposed intersection for the new Connection Point Church (formerly Bethel Christian Life Center).

Staff's recommendation was based on the US 52 Corridor Study. Though not adopted by any jurisdiction, it is an up-to-date tool used to guide staff in planning decisions. The land use proposal, consistent with staff's long held position, shows a commercial future at the intersection of Cumberland and US 231. That GB rezone request was easily supportable since it was surrounded by undeveloped property; however that is not the case for this site.

Staff has concern about the intensity of the zone requested and its proximity to Wake Robin Estates Subdivision. NB zoning would still allow many of the same uses that GB allows, but the uses would be the type more convenient to nearby residences. Also, NB would better protect them by limiting the uses, outdoor storage and square footage of allowable commercial developments. If petitioner amends the application to NB zoning, staff can support the request, but GB zoning sandwiched between Cumberland and Wake Robin Estates provides little protection for the adjacent single-family neighborhood.

STAFF RECOMMENDATION:

Denial

ORDINANCE NO. 2012-09-CM

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

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 NB.

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

D.P. Mantz
President
John Knechtel
Vice President
Russ B.
Member

ATTEST:

Jennifer Weston
Jennifer Weston, AUDITOR

LAND DESCRIPTION – R1 to NB

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°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 the Northwest Quarter; thence South 00°24'27" East along the West Line of the Southeast Quarter of the Northwest Quarter 70.66 feet to the south line of the real estate conveyed to Tippecanoe County, Indiana, as per Warranty Deed recorded as Document Number 201111003214 in said Recorder's Office, and the Point of Beginning of this description; thence along said south line the following five (5) courses:

- (1) easterly on a non-tangent curve to the left, having a radius of 1570.00 feet and a central angle of 26°20'41", an arc distance of 721.89 feet (said arc being subtended by a chord having a bearing of North 71°48'21" East and a length of 715.55 feet);
- (2) North 58°38'00" East 459.06 feet;
- (3) North 61°29'45" East 100.12 feet;
- (4) North 58°38'00" East 400.00 feet;
- (5) North 69°56'36" East 147.43 feet to the north line of said Swanson real estate; thence North 88° 39' 17" East along said north line 192.08 feet; thence South 29°52'46" East 361.67 feet; thence South 05°54'31" East 345.60 feet; thence South 01°23'05" East 136.22 feet to a fence post; thence South 88°52'43" West, along the north lines of Randolph and Marilyn Leigh (D.R. 9508440), Wakerobin Estates II Subdivision, Phase 3 (D.R. 04026631), Wakerobin Estates II Subdivision, Phase 2 (D.R. 0207763) and Wakerobin Estates II Subdivision, Phase 1 (D.R. 9826792), a distance of 2050.80 feet to a rebar at the northwest corner of Lot 53 in Wakerobin Estates II Subdivision, Phase 1, being on the West Line of the Northeast Quarter of said Southwest Quarter; thence North 00°24'27" West along said West Line 60.25 feet to the Point of Beginning, containing 20.623 Acres, more or less.

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