

ORDINANCE NO. 2013-41-CM

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATE FROM PD-RS TO R1B

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.

Legal Description Attached

Section 2: The above-described real estate should be and the same is hereby rezoned from PD-RS to R1B.

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 4th day of November, 2013.

VOTE:

y

David S. Byers
DAVID S. BYERS, President

y

John L. Knochel
JOHN L. KNOCHEL, Vice President

y

Thomas P. Murtaugh
THOMAS P. MURTAUGH, Member

ATTEST:

Jennifer Weston
Jennifer Weston, Auditor

MODERNIZED LEGAL DESCRIPTION – (PROPOSED PLANNED DEVELOPMENT AREA)

A part of the west half of the southeast quarter of Section Three (3), Township Twenty-three (23) North, Range Five (5) West, Wabash Township, Tippecanoe County, Indiana, being a part of the Lafayette Bank and Trust Company, NA property, recorded in Document Number 09013885, on the 26th of June, 2009 in the Office of the Tippecanoe County Recorder, being more completely described as follows, to wit:

Commencing at the center of said Section 2-23-5, said point being marked by an iron pipe set in concrete; thence along the north line of said west half, North 89°32'41" East, 1265.03 feet to the northeast corner of said west half; thence along the east line of said west half, South 00°18'14" East, 830.15 feet to a 3/4" rebar with punched aluminum cap stamped "VESTER & ASSOC. INC LS FIRM 0004" (herein after referred to as a Vester Capped Rebar), said point being the southeast corner of Common Area of Blackthorne Planned Development, Phase One, as platted in Document Number 04013014, recorded on the 7th of May, 2004, in said Recorder's office, said point also being the point of beginning of the herein described tract; thence continuing along said east line, South 00°18'14" East, 879.91 feet to a Vester Capped Rebar, said point also being the northeast corner of Blackthorne Subdivision, Phase 2 – Part 1, as platted in Document Number 07007100, recorded on the 11th of April, 2007 in said Recorder's office; thence along the bounds of said Blackthorne Subdivision, Phase 2 – Part 1 for the following three (3) courses: (1) South 89°21'49" West, 414.51 feet; (2) North 88°07'33" West, 239.98 feet to a Vester Capped Rebar; (3) along a non-tangent curve to the left (said curve having a radius of 175.00 feet and a chord bearing North 26°43'30" West, 5.55 feet) an arc distance of 5.55 feet to the southeast corner of Blackthorne Subdivision, Phase One, as platted in Document Number 03048834, recorded on the 9th of December, 2003, in said Recorder's office; thence along the bounds of said Blackthorne Subdivision, Phase One for the following four (4) courses: (1) continuing along said curve to the left (said curve having a radius of 175.00 feet and a chord bearing North 31°05'45" West, 21.14 feet) an arc distance of 21.15 feet to a Vester Capped Rebar; (2) North 34°33'30" West, 114.98 feet to a Vester Capped Rebar; (3) along a tangent curve to the right (said curve having a radius of 115.00 feet and a chord bearing North 17°09'24" West, 68.79 feet) an arc distance of 69.85 feet to a Vester Capped Rebar; (4) North 00°14'42" East, 253.52 feet to a Vester Capped Rebar, said point also being the southwest corner of said Blackthorne Planned Development, Phase One; thence along the bounds of said Blackthorne Planned Development, Phase One for the following eleven (11) courses: (1) South 89°45'18" East, 364.55 feet to a Vester Capped Rebar; (2) North 00°14'42" East, 127.21 feet; (3) along a non-tangent curve to the right (said curve having a radius of 125.00 feet and chord bearing North 30°40'27" West, 45.80 feet) an arc distance of 46.06 feet to a Vester Capped Rebar; (4) North 69°52'58" East, 50.00 feet to a Vester Capped Rebar; (5) along a non-tangent curve to the right (said curve having a radius of 75.00 feet and a chord bearing North 09°56'10" West, 26.51 feet) an arc distance of 26.65 feet to a Vester Capped Rebar; (6) North 00°14'42" East, 100.00 feet to a Vester Capped Rebar; (7) along a tangent curve to the left (said curve having a radius of 125.00 feet and chord bearing North 09°37'39" West, 42.86 feet) an arc distance of 43.08 feet to a Vester Capped Rebar; (8) North 19°30'00" West, 60.26 feet to a Vester Capped Rebar; (9) along a tangent curve to the right (said curve having a radius of 20.00 feet and a chord bearing North 18°49'44" East, 24.81 feet) an arc distance of 26.76 feet to a Vester Capped Rebar; (10) along a tangent curve to the left (said curve having a radius of 175.00 feet and chord bearing North 54°40'39" East, 15.15 feet) an arc distance of 15.15 feet to a Vester Capped Rebar; (11) North 90°00'00" East, 369.90 feet to the point of beginning, containing 11.25 acres, more or less.

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

THE

Area Plan Commission

of TIPPECANOE COUNTY

20 NORTH 3RD STREET
LAFAYETTE, INDIANA 47901-1209

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(765) 423-9154 [FAX]
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SALLIE DELL FAHEY
EXECUTIVE DIRECTOR

October 17, 2013
Ref. No.: 13-332

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

CERTIFICATION

RE: **Z-2556--JOHN B. SCHEUMANN (PDRS to R1B):**

Petitioner is requesting rezoning of 11.25 acres in the Blackthorne Planned Development, located south of US 52, west of Klondike Road, more specifically east of Morallion Drive and east of Selwyn Drive, Wabash 3 (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 October 16, 2013 the Area Plan Commission of Tippecanoe County voted 9 yes - 0 no on the motion to rezone the subject real estate from PDRS to R1B. 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 November 4, 2013 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,



Sallie Dell Fahey
Executive Director

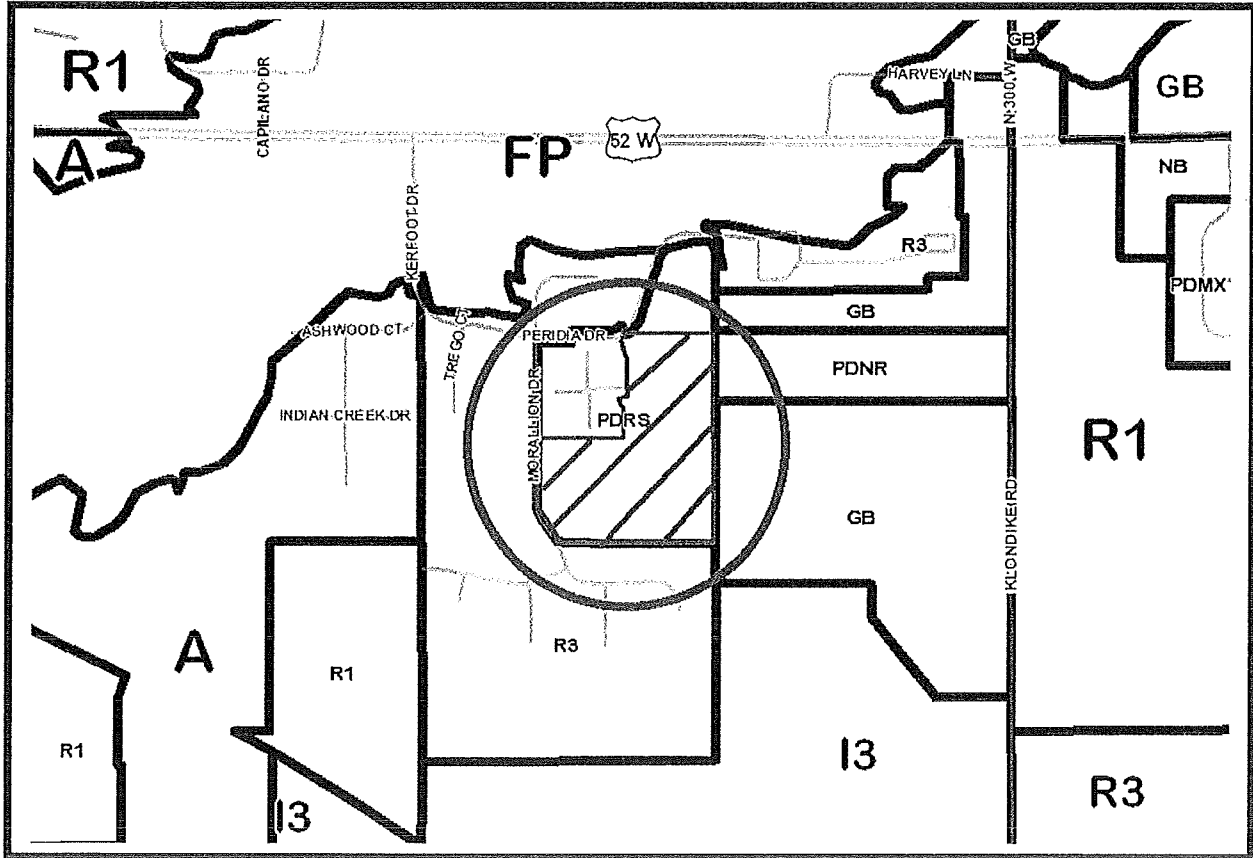
SDF/lmu

Enclosures: Staff Report & Ordinances

cc: John Scheumann
Vester & Associates
Daniel Teder
Ken Brown, Tippecanoe County Building Commissioner

Z-2556
JOHN B. SCHEUMANN
(PDRS to R1B)

STAFF REPORT
October 10, 2013



Staff Report
October 10, 2013

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, represented by attorney Daniel Teder, is requesting R1B zoning for 11.25 acres of the Blackthorne Planned Development, located south of US 52, west of Klondike Road, more specifically east of Morallion Drive and east of Selwyn Drive, Wabash 3 (SE) 23-5.

ZONING HISTORY AND AREA ZONING PATTERNS:

The property is presently zoned PDRS for the Blackthorne Planned development. This mixed-density, residential project was originally approved in May of 2001 (Z-2007) and later revised in the April of 2004 approval (Z-2170). A second phase of the Blackthorne Planned Development was approved in 2007 (Z-2360) which was to contain a total of 128 units: 8, 3-story semi-attached single-family units with attached garages and 56, 2-story semi-attached single-family units with detached garages. Blackthorne Subdivision, zoned R3, surrounds the PD on the north, west and south but is being developed as R1-sized single-family lots. A small area of R3 zoning adjoins to the northeast (Z-1981 approved in October of 2000); GB abuts to the east adopted in 1973 and 1988 (Z-585, Z-1373) along with PDNR zoning, approved in 2010 for the Midwest Rentals Planned Development (Z-2420).

AREA LAND USE PATTERNS:

Petitioner's site encapsulates the unplatted and undeveloped portion of the planned development area and has access and/or frontage on the north and west sides from three public streets: Peridia, Selwyn and Morallion Drives. Blackthorne PD Phase One is located in the northwest corner next to this site. Presently 2 of the 20 buildings originally approved with the 2001 and 2004 planned developments have been completed containing 14 condo units. As for Phase Two, there has been no construction of the units approved with the 2007 planned development, though 12 townhouse unit lots have been platted and could be completed.

Indian Creek subdivision is about 400' to the west. Adjoining land to the east contains woods and the Midwest Rentals Planned Development. TSC's Klondike Elementary and Middle Schools are situated ¼-mile east, across Klondike Road. Elks Country Club is to the north, across US 52. Farther to the south is Lafayette Venetian Blind's manufacturing plant.

TRAFFIC AND TRANSPORTATION:

Existing public streets (all local roads according to the *Thoroughfare Plan*) are available to be extended into the rezone area. Peridia Drive, along the northern boundary, would connect all of Blackthorne to Indian Creek's Kerfoot Drive, which in turn accesses US 52 further northwest.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

The area continues to be served by Indiana American Water and American Suburban sanitary sewer. Stormwater would also continue to be carried to the existing pond at the northern boundary of the rezone area.

STAFF COMMENTS:

Another casualty of the nation's most recent recession, the Blackthorne Planned Development was an ambitious project seeking to bring a greater diversity of housing choices to our community. From a planning perspective, the remnant of the three PDs that has been completed and platted fits in with the overall residential character of the vicinity, which already contains a mix of residential densities. The addition of R1B zoning to the area would simply add to this diverse mix in an appropriate way, providing for single-family residential uses on smaller lots. The result will be an even less residentially dense development than what the previous three planned developments envisioned. Such a decrease in residential density in this outlying, suburban location is in keeping with good planning practices and has staff's full support.

STAFF RECOMMENDATION:

Approval