

ORDINANCE NO. 2013-44-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 not a part of the unified county code, is hereby amended to rezone the following described real estate situated in Wea Township, Tippecanoe County, Indiana, to-wit:

See Exhibit attached

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

2nd day of December, 2013.

VOTE:

y

y

y

David S. Byers
President, DAVID S. BYERS

John L. Knochel
Vice President, JOHN L. KNOCHEL

Thomas P. Murtaugh
Member, THOMAS P. MURTAUGH

ATTEST:

Jennifer Weston

EXHIBIT A

Description of Zoning request excluding flood plain:

All of Painted Hills Subdivision, as per plat thereof recorded as instrument #02029629 in the Office of the Recorder in Tippecanoe County, Indiana, Except that portion of Lot 1 which lies within the Flood Hazard AE, which is described as follows:

Beginning at the southwest corner of said Lot 1; thence North 00 degrees 24 minutes 06 seconds West along the west line of said Lot a distance of 107.06 feet to the limits of said Flood Zone AE (the following 6 courses are along said limits of Flood Zone AE); (1) thence North 87 degrees 25 minutes 07 seconds East a distance of 23.61 feet; (2) thence South 84 degrees 54 minutes 01 seconds East a distance of 53.09 feet; (3) thence South 59 degrees 02 minutes 50 seconds East a distance of 28.65 feet; (4) thence South 24 degrees 34 minutes 16 seconds East a distance of 37.78 feet; (5) thence South 55 degrees 53 minutes 55 seconds East a distance of 31.83 feet; (6) thence South 57 degrees 40 minutes 40 seconds East a distance of 8.96 feet to the south line of said Lot 1; thence South 78 degrees 04 minutes 16 seconds West along said south line a distance of 153.23 feet to the Point of Beginning, containing 0.259 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

November 21, 2013
Ref. No.: 13-356

Tippecanoe County Commissioners
20 N 3rd St
Lafayette IN 47901

CERTIFICATION

RE: Z-2551 CHARLES R. VAUGHN (R1 TO GB)

Petitioner is requesting rezoning of the four lots in Painted Hills Subdivision, located on the north side of Veterans Memorial Parkway (CR 350 S) between Old Romney Road and Old US 231, Wea 7 (NE) 22-4. CONTINUED FROM THE OCTOBER 16TH MEETING IN ORDER TO COMPLETE A FLOOD PLAIN CERTIFICATION. SECOND CONTINUANCE.

Dear Council:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on November 20, 2013 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.

Sincerely,


Sallie Dell Fahey
Executive Director

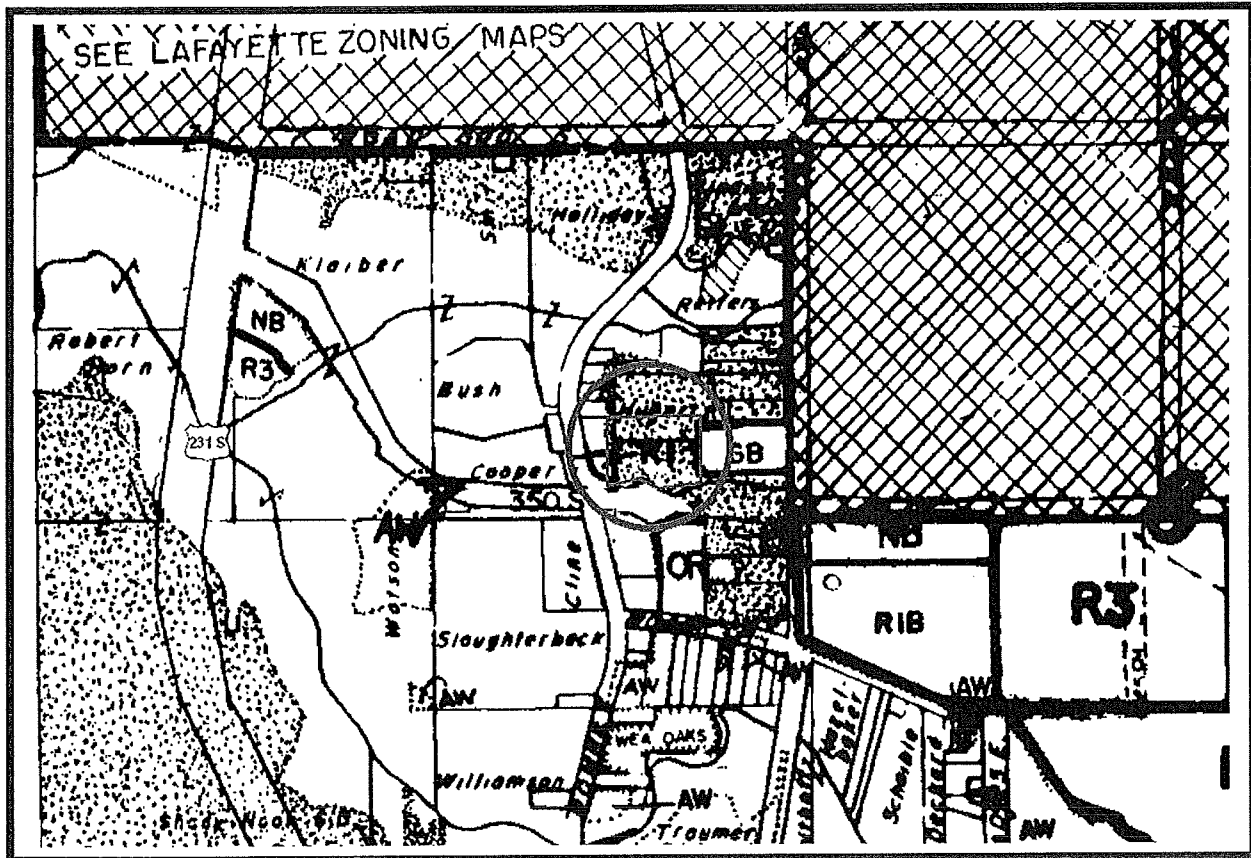
SDF/bkz

Enclosures: Staff Report & Ordinances

cc: Joseph Bumbleburg
Charles Vaughn

Z-2551
CHARLES R. VAUGHN
(R1 to GB)

STAFF REPORT
November 14, 2013



REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, represented by attorney Joseph Bumbleburg, is requesting rezoning of the four lots (approximately 7 acres) in Painted Hills Subdivision, located on the north side of Veterans Memorial Parkway between Old Romney Road and Old US 231, Wea 7 (NE) 22-4. No proposed use is provided.

ZONING HISTORY AND AREA ZONING PATTERNS:

The Painted Hills Subdivision was approved in 2002 under S-3227. Petitioner's site is zoned R1, Single-family residential. Land to the east on the corner of old US 231 and Veterans Memorial Parkway was rezoned from R1 to GB in November 2001 (Z-2024). A 4.7 acre tract was rezoned to OR, Office Research immediately across the street from the site in question in November 1999 (Z-1880). In September of 2012, the approval of Z-2499 (Southern Winds Apartments, LLC) brought R3 zoning to a 13.45 acre corner of Veterans Memorial Parkway and US 231, over staff's planning recommendation.

AREA LAND USE PATTERNS:

The site in question is currently undeveloped. Houses line the west side of old US 231, also both sides of Old Romney Road, located to the west. Wrede Rocks lies immediately to the east.

TRAFFIC AND TRANSPORTATION:

Access to the property is off of a driveway onto Veterans Memorial Parkway. No right-of-way dedication is necessary as the 60' half-width requirement is met. A "no vehicular access" statement has already been established along the right-of-way except for the driveway entrance.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

Public sanitary sewer remains out of reach and unavailable while public water lies approximately 650' from the site. If rezoned and developed, a Type C bufferyard would need to be installed along the property's boundaries with R1-zoned land. As the subdivision was platted for home sites with individual septic systems on individual lots, the Health Department could not definitively answer if a commercial septic system could be approved.

FLOODPLAIN CONSIDERATIONS:

The DFIRM maps indicated the presence of floodplain on the southwest corner of the rezone area. At staff's request a floodplain certification has been submitted and approved and the floodplain area has been removed from the rezone area's legal description. Per UZO Section 2-27-17-d, a Letter of Map Amendment (LOMA) shall be required to formally establish this new FP zone.

STAFF COMMENTS:

The *Comprehensive Plan* is very clear when it comes to supporting commercial zoning off the water and sewer grid: Don't. There is plenty of commercially zoned, developable land served by public water and sewer in our community. The development vision for this section of Veterans Memorial Parkway has always been tightly-focused commercial nodes located around major intersections, not an unbroken strip of automobile-centric commercial development stretching from US 231 to US 52. This petition does not serve the former, but rather exacerbates the later.

Staff has been very consistent over the years promoting this vision of development for this section of Veterans Memorial Parkway. Concerning the Z-1880 OR rezone we recommended denial primarily because "...Rezoning this tract of land will inevitably trigger more commercial rezones." In our staff report recommendation of denial for the Z-2024 GB rezone we further elaborated by only supporting in this vicinity "...two commercial nodes: at 18th and 350S and the intersection with New US 231..." with our reasoning being that in allowing GB we will "...inevitably trigger more commercial rezones to the north and possibly to the west."

With no certainty of commercial septic approval and with no given purpose for this rezone – located "to the west" of the Z-2024 rezone area – staff is left to conclude that this rezone petition is for merely speculative reasons. If true, such speculative commercial zoning only makes sense when a community's comprehensive plan and public utilities can support the change. This petition is supported by neither.

STAFF RECOMMENDATION:

Denial