

ORDINANCE NO. 2013-04-CM

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA, TO REZONE REAL ESTATE,
FROM NB 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 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, to wit:

A part of the northeast quarter of Section Two (2), Township Twenty-three (23) North, Range Five (5) West, Wabash Township, Tippecanoe County, Indiana, more completely described as follows, to wit:

Commencing at the Southeast corner of the Northeast Quarter of Section 2-23-5 and being the Southeast corner of Paramount – Lakeshore Subdivision, Phase Two as per Final Plat recorded September 24, 2007 in Plat Book 8, Page 121 as Document Number 07020251; thence along the East line of said Quarter Section and the East bounds of said Subdivision for the following Five (5) courses: (1) North 00°03'09" West, 295.37 feet to the point being the beginning of the herein described tract; (2) thence along a tangent curve to the left having a radius of 230.00 feet, a delta angle of 90°00'01" and a chord bearing North 44°56'47" West, 325.27 feet) an arc distance of 361.28 feet; (3) North 89°56'48" West, 208.17 feet; (4) thence along a tangent curve to the right having a radius of 170.00 feet, a delta angle of 47°00'00" and a chord bearing North 66°26'48" West, 135.57 feet) an arc distance of 139.45 feet; (5) North 42°56'48" West, 51.19 feet to a point marking the Southeast corner of Paramount – Lakeshore Subdivision, Phase One, Section One, recorded June 18, 2003 in Plat Cabinet 7, Slide 60 as Document Number 03024192 for the following Four (4) courses: (1) continuing North 42°56'48" West, 120.15 feet; (2) thence along a tangent curve to the right having a radius of 30.00 feet, a delta angle of 84°05'48" and a chord bearing North 00°53'54" West, 40.19 feet) an arc distance of 44.03 feet; (3) thence along an adjacent curve to the left having a radius of 230.00 feet, a delta angle of 41°05'48" and a chord bearing North 20°36'06" East, 161.46 feet) an arc distance of 164.97 feet; (4) North 00°03'12" East, 61.48 feet to the Southwest corner of Baywater Townhomes Subdivision as per Revised Final Plat, recorded May 19, 2004 in Plat Book 7, Page 123 as Document Number 04014349 for the following Three (3) courses: (1) along the South bounds of said Subdivision South 90°00'00" East, 50.00 feet; (2) South 42°56'48" East, 249.22 feet; (3) South 89°56'48" East, 403.38 feet to a point on the East line of said Northeast Quarter; thence along said East line South 00°03'13" West, 480.00 feet, to the point of beginning, containing

4.392 acres, more or less.

Section 2. The real estate described above should be and the same is hereby rezoned from NB 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 4th day of February, 2013.

VOTE:

y

y

y

Thomas Murtaugh
Thomas Murtaugh, ~~President~~ MEMBER

John Knochel
John Knochel, Vice President

David Byers
David Byers, ~~Member~~ PRESIDENT

Attest: Jennifer Weston
Jennifer Weston, Auditor

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

January 17, 2013
Ref. No.: 13-013

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

CERTIFICATION

RE: **Z-2516--RBT DEVELOPMENT, LLC (NB to R3):**

Petitioner is requesting rezoning of 4.392 acres located north of Genoa Drive and east of Paramount Drive, for an expansion of the existing multi-family development, in Wabash 2 (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 January 16, 2013 the Area Plan Commission of Tippecanoe County voted 11 yes - 0 no on the motion to rezone the subject real estate from NB 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 4, 2013 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,



Sallie Dell Fahey
Executive Director

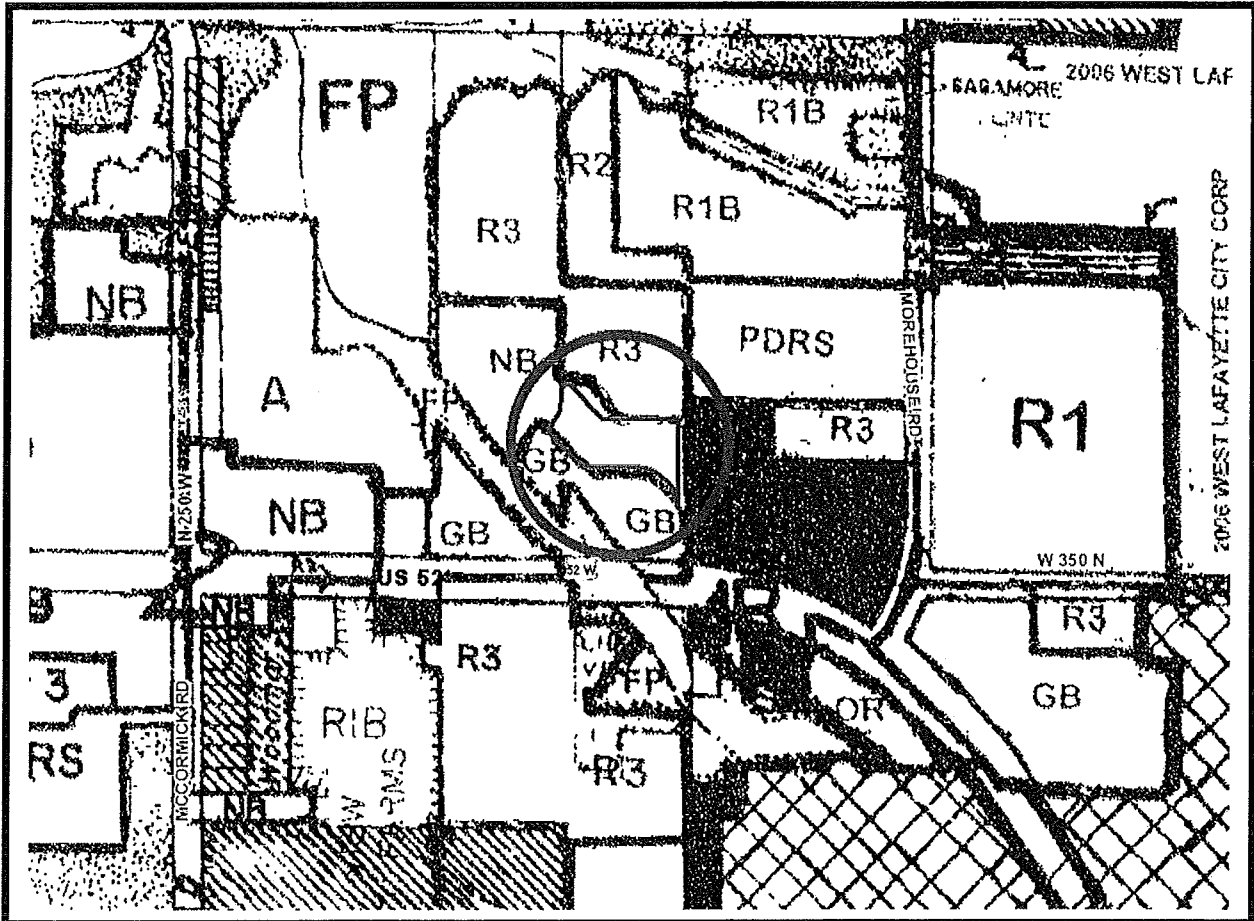
SDF/lmu

Enclosures: Staff Report & Ordinances

cc: Dave Leffert, RBT
Daniel Teder
Ken Brown, Tippecanoe County Building Commissioner

Z-2516
RBT DEVELOPMENT, LLC
(NB to R3)

STAFF REPORT
January 10, 2013



Z-2516
RBT DEVELOPMENT, LLC
NB TO R3

Staff Report
January 10, 2013

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner is requesting rezoning of 4.392 acres located on the east side of Paramount Drive between Genoa Drive and the existing Baywater Townhomes apartment complex for the purpose of expanding the multi-family development, in Wabash 2 (NE) 23-5.

ZONING HISTORY AND AREA ZONING PATTERNS:

The nearby area has a diverse zoning past. Prior to the adoption of our current zoning ordinance in 1998, land along the north side of US 52 was zoned LBS (transitioned to NB) with several acres of R1 farther north. Thirteen rezone cases later the pattern now includes GB zoning to the south, plus certified FP boundaries for the Cuppy McClure regulated drain. Along with the subject site, land located across Paramount Drive to the west is also zoned NB. Adjoining on the north is R3 zoning; farther north are R1B and R2 zones plus more R3 to the northwest. Properties abutting on the east are zoned GB.

This site has been zoned R3 before. In February 2000, RBT Development LLC successfully petitioned to rezone a 7.26 acre tract from NB to R3 that included the subject 4.39 acres (Z-1918). The current street layout was approved in the Paramount Lakeshore Subdivision (S-3152) preliminary plat in early 2002, and set the block areas that have developed since. Later that year, the same owners decided to pursue a commercial future for this site and requested rezoning of these 4.39 acres back to NB (Z-2090, Approved 11/4/2002).

AREA LAND USE PATTERNS:

Presently, the site is an open undeveloped block. To the south, across Genoa Drive, is a shopping center in two buildings. West and southwest (outside of the flood plain) are open available commercial tracts. Adjoining on the east is an older apartment complex. To the north is the Baywater Townhomes apartments. Farther north are the Campus Suites apartment complex and Lakeshore Subdivision, Phase 1 (two-family and single-family residential).

This site was granted conditional primary approval in June 2003 as a one lot commercial development called Lakeshore Subdivision, Phase 2 (S-3316). Changing the zoning to R3 for the purpose of adding more apartment buildings, however, will require new applications under USO Section 5.12 for approval as a multi-family subdivision.

TRAFFIC AND TRANSPORTATION:

The adjoining public streets (Paramount Drive and Genoa Drive) are classified by the *Thoroughfare Plan* as rural local roads, and provide access from US 52 for all of the prior mentioned developments. Sidewalks will need to be completed along these road frontages, as part of the subdivision approval. INDOT's approval of the Paramount Drive intersection included a new traffic signal that has now been installed as required of the developers at US 52. CityBus does have an existing US 52 route that serves the area.

If this site is to be developed by the Baywater Townhomes owners, the new apartments could also have internal access from an existing private drive that stubs into the shared boundary, at the northeast corner.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

This area is served by American Suburban Utilities sanitary sewer and Indiana American Water. Mains are available for extension into this site.

STAFF COMMENTS:

Although this petition does not include any site plan or statement concerning the proposed use, staff feels it is safe to assume that the purpose is to develop additional apartments targeting Purdue students. With all of the new student housing approved and currently being built, primarily closer to campus, staff is concerned about the need for and viability of additional apartments. Placing residential buildings across the street (Genoa Drive) from a commercial center's service area is also a concern. Staff recommends careful site planning to arrange the new apartment buildings so that the residents' views are internal and not looking into loading areas and dumpsters.

Considering the adjoining multi-family uses and the past approval for R3 zoning, staff feels this request to change the zoning back to R3 can be compatible with the area.

STAFF RECOMMENDATION:

Approval