

ORDINANCE NO. 2013-12-CM

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATE FROM R1 TO R1B

BE IT ORDAINED BY THE COMMISSIONERS OF TIPPECANOE COUNTY, INDIANA:

Section I: The Unified Zoning Ordinance Tippecanoe County, Indiana being a separate ordinance is hereby amended to rezone the following described real estate situated in Wea Township, Tippecanoe County, Indiana, to wit:

Part of the Northwest Quarter of Section 15, Township 22 North, Range 4 West, Wea Township, Tippecanoe County, Indiana, being part of a 166.980-acre tract of land surveyed and described on an ALTA/ACSM Land Title Survey prepared by Ticen Surveying dated May 26, 1998, and recorded as Document Number 9833166 on December 7, 1998, in the Office of the Tippecanoe County Recorder (OTCR), more particularly described as follows:

Commencing at the southwest corner of Stones Crossing Subdivision, Section Two, as per the Final Plat thereof recorded January 22, 2004, in Plat Cabinet 7, Slide 108 in said OTCR; thence South 01°03'47" East along the southerly extension of the west line of said Subdivision 132.51 feet to the Point of Beginning of the herein-described tract; thence continuing along said southerly extension South 01°03'47" East 130.01 feet; thence South 89°33'12" West 43.26 feet; thence North 00°26'47" East 130.00 feet; thence North 89°33'12" East 41.86 feet to the Point of Beginning, containing 5,533 square feet (0.127 acres), more or less.

Section II: The above-described real estate should be and the same is hereby rezoned from R1 to R1B.

Section III: This Ordinance shall be in full force and effect from and after its adoption.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF TIPPECANOE COUNTY, INDIANA, THIS 1st DAY OF April, 2013.

VOTE:

yes

yes

yes

David Byers
David Byers, President

Jean Knochel
Jean Knochel, Vice President

Thomas Murtaugh
Thomas Murtaugh, Member

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

March 21, 2013
Ref. No.: 13-069

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

CERTIFICATION

RE: **Z-2520--WEA DEVELOPMENT, LLC (R1 to R1B):**

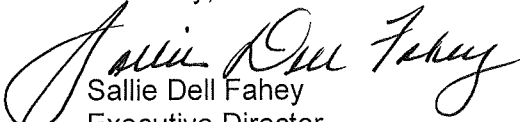
Petitioner is requesting rezoning of 5,533 square feet (0.127 acres) of land, being a portion of Lot 298, Stones Crossing Subdivision, Section 4 Revised, located on platted but unimproved Scoria Street, west of Concord Road and south of Veterans Memorial Parkway, Wea 15 (NW) 22-4.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on March 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 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 April 1, 2013 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,



Sallie Dell Fahey
Executive Director

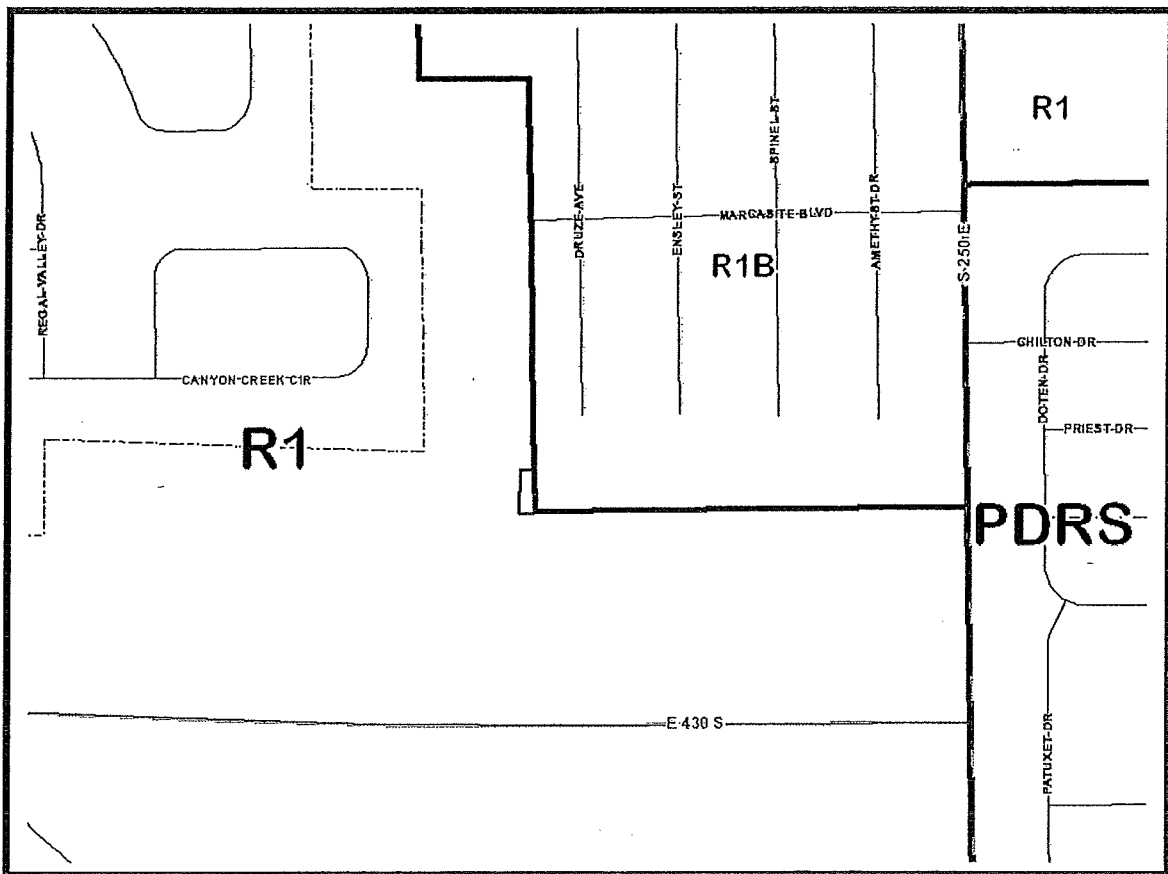
SDF/lmu

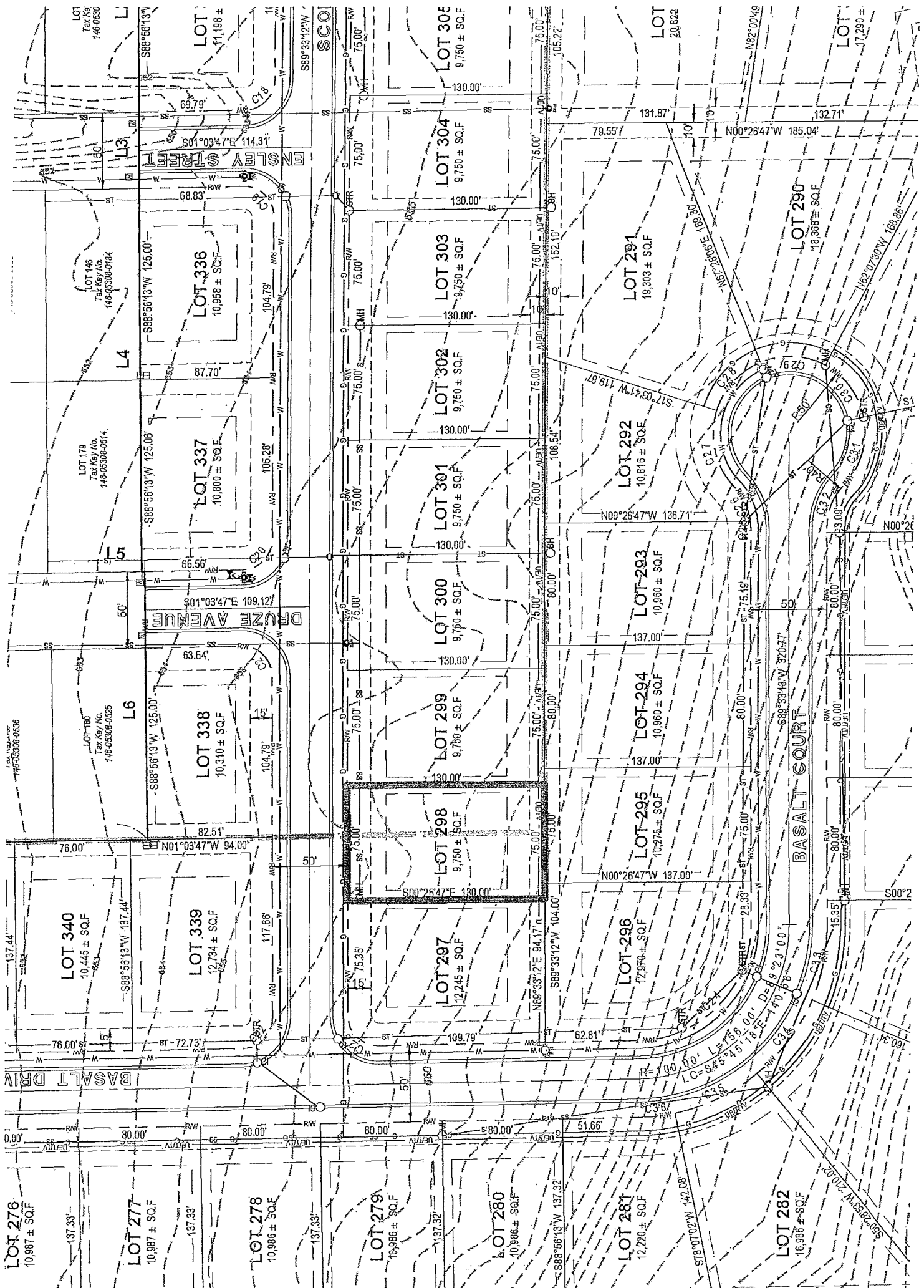
Enclosures: Staff Report & Ordinances

cc: Greg Milakis, Wea Development
Concord Road, LLC
Roger Fine
Ken Brown, Tippecanoe County Building Commissioner

Z-2520
WEA DEVELOPMENT, LLC
(R1 to R1B)

STAFF REPORT
March 14, 2013





Z-2520
WEA DEVELOPMENT LLC
R1 TO R1B

Staff Report
March 14, 2013

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner (Wea Development LLC – Greg Milakis, Member) by consent from the owner (Dillion Group, LLC) and represented by Roger Fine of Fisher and Associates, is requesting rezoning of 5,533 square feet (0.127 acres) of land, being a portion of Lot 298, Stones Crossing Subdivision, Section 4 Revised, located on preliminary platted but unimproved Scoria Street, west of Concord Road and south of Veterans Memorial Parkway, Wea 15 (NW) 22-4.

ZONING HISTORY AND AREA ZONING PATTERNS:

The R1 zoning in this area has been in place since 1965. In January 2001, 48 acres of R1 were rezoned to R1B and 30 acres were rezoned to R2 for the Stones Crossing Subdivision that has been under development since (Z-1994 & Z-1995). A 300-ft wide strip of land along the west and south sides of the subdivision were maintained as R1 to provide a density transition area between Stones Crossing and the residential development to the west and south.

Proposed Lot 298 is located at the southwest corner of the R1B zone and is split nearly in half with R1 zoning on the west side (the subject area of this request) and R1B zoning on the east. Land adjoining on the north, west and south is also zoned R1. R1B zoning abuts on the east.

AREA LAND USE PATTERNS:

Only a few lots remain vacant of the 192 lots platted in the first three sections of Stones Crossing located to the northeast. Lot 298 is included on the Stones Crossing, Section 4 preliminary plat granted conditional primary approval just last month.

Section 4 is mostly open and in agricultural production. There is a wooded area at the south end that borders the existing homes along the north side of CR 430 S. The Commons and The Landing at Valley Lakes subdivisions adjoin all along the west boundary.

TRAFFIC AND TRANSPORTATION:

Lot 298 will be served by Scoria Street, one of the new subdivision streets to be constructed in Section 4.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

Lafayette sanitary sewer and water will serve this lot.

STAFF COMMENTS:

Lot 298 was identified in the last month's subdivision staff report (S-4358) as having a split zoning problem, and this request is the follow up solution.

The 75-ft width meets the R1 requirement. However, Lot 298 is only 9,750 sqft in area, which is less than the 10,000 sqft required for an R1 zoned lot. Rather than revise the lot to meet the R1 area standard, petitioner has opted to file this petition to rezone the entire lot to R1B.

STAFF RECOMMENDATION:

Approval