

ORDINANCE NO. 2013 -15-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 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 Fairfield Township, Tippecanoe County, Indiana

Legal Description: PT NW SEC 11 TWP 23 R4 1.423A

See attached legal description

Section 2: The above-described real estate 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 adoption.

(Adopted And Passed) (Denied) by the board of Commissioners off Tippecanoe County, Indiana, this 1st day of April, 2013.

VOTE:

RISB _____ President

John Roedel _____ Vice President

SP Mantone _____ Member

ATTEST:

Jennifer Weston _____ Auditor

PARCEL II.

A part of the northwest quarter of Section 11, Township 23 North, Range 4 West, Fairfield Township, Tippecanoe County, Indiana, described as follows: Beginning at a Bermtsen Monument marking the northeast corner of the northwest quarter of said Section 11; thence South $0^{\circ}-29'-04''$ East 240.17 feet; thence South $88^{\circ}-58'-05''$ West 277.55 feet to a 5/8 inch rebar with a yellow plastic cap marked, "C.N.Starr/RLS# 0159" (hereinafter referred to as a capped rebar set); thence North $02^{\circ}-05'-17''$ West 199.73 feet to a capped rebar set; thence North $87^{\circ}-51'-58''$ East 134/25 feet to a capped rebar set; thence North $02^{\circ}-08'-03''$ West 35.00 feet to a mag nail set on the north line of said quarter section and the approximate center line of County Road 300 North; thence North $87^{\circ}-51'-58''$ East 150.00 feet along said north line and approximate center line to the point of beginning, and containing 1.423 acres.

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.: 13-073

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

CERTIFICATION

RE: **Z-2524--ARETZ, LLC/STEVE WITHERS (R1 to GB):**

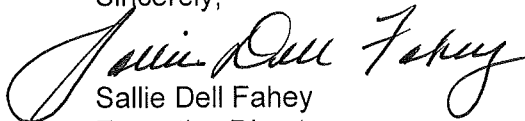
Petitioner is requesting rezoning of 1.423 acres located at the southwest corner of CR 350 E and CR 300 N (north of the old Aretz Airport hangars), Fairfield 11 (NW) 23-4.

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 10 yes - 2 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.

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

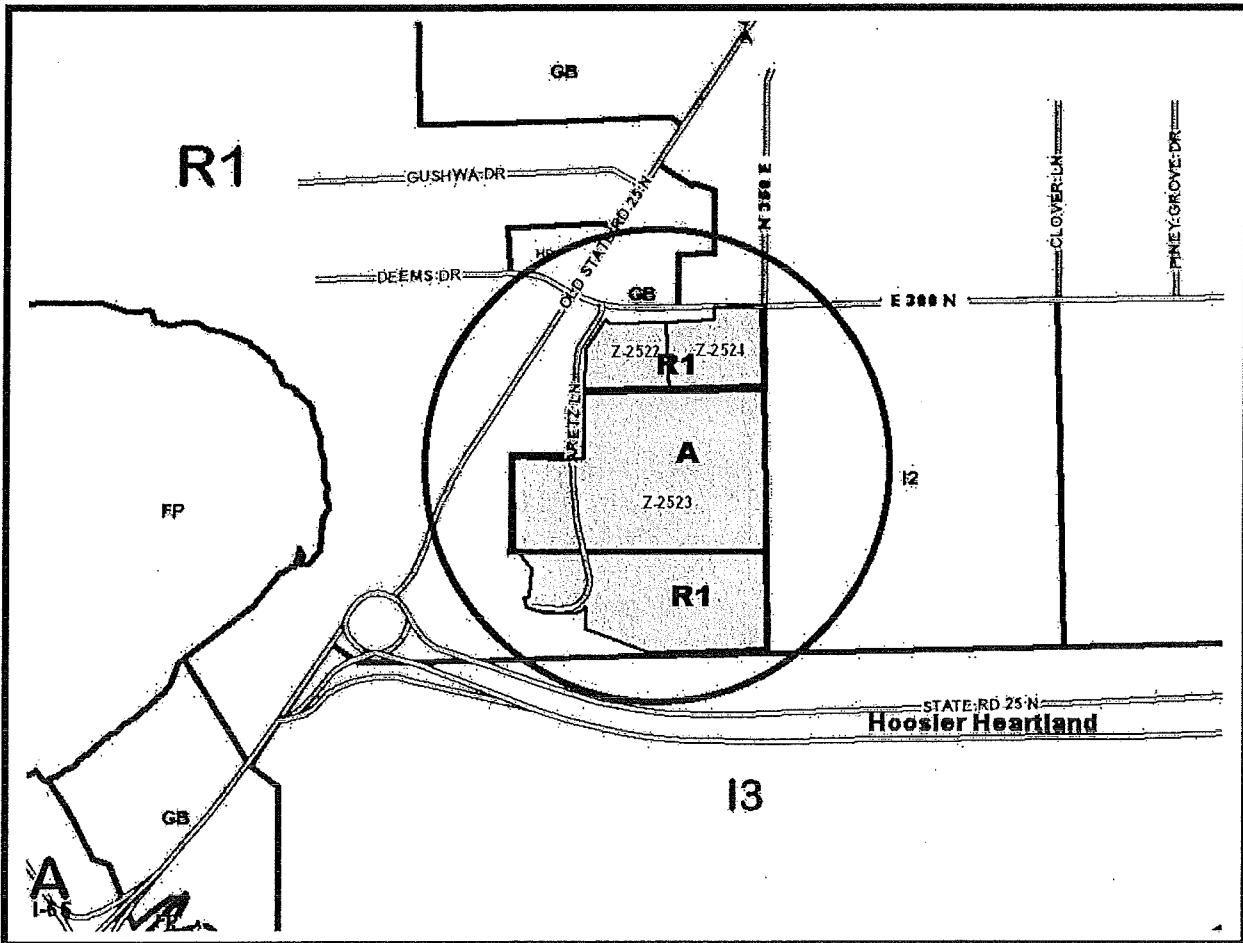
SDF/lmu

Enclosures: Staff Report & Ordinances

cc: Steve Withers, Aretz LLC
Ken Brown, Tippecanoe County Building Commissioners

Z-2522, Z-2523, Z2524
ARETZ, LLC
Z-2522 (R1 to GB)
Z-2523 (A & R1 to I3)
Z-2524 (R1 to GB)

STAFF REPORT
March 14, 2013



REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, who is also the owner, is requesting rezoning of 3 tracts totaling 13.339 acres. Two of the requests, Z-2522 and 2524, (2.477 acres) are for GB zoning and Z-2523 (10.862 acres) is for I3 zoning. No proposed uses have been given for the GB petitions. The I3 rezone would allow petitioner to continue and expand his building contractor's business (currently permitted by an approved Special Exception) and provide an opportunity for other uses on the property. The properties are located at the site of the former Aretz Airport on the south side of CR 300 North just east of Old SR 25 North, Fairfield 11(NW) 23-4.

ZONING HISTORY AND AREA ZONING PATTERNS:

Originally, this area was all zoned R1, single-family residential. In 1998, 5.9 acres were rezoned to Agricultural (Z-1812) and in 2005, the twenty acres adjacent to the east were rezoned to I2 (Z-2257). The end result for this area is a combination of I2 and A zoning surrounded by remnant R1 zoning.

The most recent ABZA activity was in 2011 when a special exception was granted for land in the I3 request (BZA-1843). That special exception approval (for a general contractor) was granted with the conditions that no outdoor storage of material is allowed and deliveries can be made only between 7am and 4pm.

AREA LAND USE PATTERNS:

The northwestern parcel has a single-family home located on it and the other tract fronting CR 300 is unimproved. A contractor's business occupies the 10.8 acre tract. Buildings used by the defunct airport are now used for the office and storage of the business.

Two single-family homes and a gas station/convenience store are located north across CR 300. A church and other homes are located northeast and a manufacturing facility (Roadworks) is adjacent to the east. To the south and west are the new Hoosier Heartland and Old SR 25, respectively.

TRAFFIC AND TRANSPORTATION:

Currently, the site has two different access points to CR 300 North. The northwestern driveway (Aretz Lane, private), is immediately east of the intersection with Old SR 25, and another private drive is located at the site's eastern corner.

Based on a conversation with the Executive Director of the County Highway Department, the two lots fronting the county road will not be eligible for individual driveways. Preferred access is from the private driveway to the east. A less desirable alternate would be a shared drive along the common lot line. Aretz Lane, a private drive to the west, is too close to the intersection of Old SR 25 and CR 300 N to be safe for commercial traffic.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

No public utilities are located in the area; all uses are served by well and septic.

If these rezones are approved, bufferyards would be required where commercial or industrial zoning abuts residential zoning.

STAFF COMMENTS:

Late last year, petitioner consulted with the County Building Commission and APC staff about building additional structures to serve the general contracting business. This use was permitted by a special exception approved in 2011, but the request did not include the option of constructing additional buildings. Petitioner was advised either to seek an expansion of the special exception or rezone to a district that would allow this operation by right. Additionally, petitioner inquired about the ability to someday operate a mini-warehouse operation on this same land. In addition to subdividing the property, he was advised that either GB or one of the industrial zones would allow both types of uses.

Petitioner filed a rezone, seeking the most intense industrial district, I3. At the same time, two other requests were filed for land adjacent to the north fronting on CR 300. While there is no proposed use for this land, General Business zoning has been requested.

Since the opening of the Hoosier Heartland project (SR 25) last fall, APC has seen one rezone request (with four parcels) for General Business zoning (Z-2518) approved by the County Commissioners at their March 2013 meeting. While there have been other requests for development zones along the highway, staff has consistently said that until public sewer and water are available in the area, these requests are premature. Given the development pressure around the newly completed highway, staff agrees that in the future, residential and agricultural zoning will no longer be appropriate for this area. The I3 zone affords the least amount of protection to adjacent land owners. Staff could support either light industrial (I1) or highway related (HB) business zoning, but *only* when utilities are available to the area.

STAFF RECOMMENDATION Z-2522 (A & R1 TO I3):

Denial

STAFF RECOMMENDATION Z-2523 (R1 TO GB):

Denial

STAFF RECOMMENDATION Z-2524 (R1 TO GB):

Denial