

ORDINANCE NO. 2013-23-CM

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATE, FROM A & 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 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, to wit:

SEE ATTACHED LEGAL DESCRIPTION

Section 2. The real estate described above should be and the same is hereby rezoned from A & 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 1st day of JULY, 20 13.

VOTE:

Y

David S Byers
DAVID BYERS
President

absent

absent
JOHN KNOCHEL
Vice President

Y

Thomas Murtaugh
THOMAS MURTAUGH
Member

Attest: Jennifer Weston
JENNIFER WESTON, Auditor

2523

EXHIBIT A

PARCEL I.

A part of the northwest quarter of Section 11, Township 23 North, Range 4 West, Fairfield Township, Tippecanoe County, Indiana, described as follows: Commencing at a Berntsen monument marking the northeast corner of the northwest quarter of said Section 11; thence South 00°-29'-04" East 240.17 feet along the east line of said quarter section to the point of beginning of this description; thence continuing South 00°-29'-04" East 735.64 feet along said east line to a 5/8 inch rebar with a yellow plastic cap marked, "C.N.Starr/RLS# 0159" (hereinafter referred to as a capped rebar); thence South 88°-17'-14" West 525.51 feet to an iron pipe found at the southeast corner of Lot numbered One (1) of the Aretz Subdivision as recorded in Plat Book 7, Page 10, in the Office of the Recorder of Tippecanoe County, Indiana; thence following the boundary of said subdivision for the following nine (9) courses; thence (1) North 02°-47'-47" East 134.52 feet to a capped rebar; thence (2) southwesterly along an arc to the right 63.45 feet with a radius of 70.00 feet and a long chord having a bearing of South 69°-48'-36" West and a length of 53.80 feet to a capped rebar; thence (3) North 87°-35'-29" West 214.58 feet to a capped rebar; thence (4) southwesterly along an arc to the left 63.45 feet with a radius of 210.71 feet and a long chord having a bearing of South 83°-46'-56" West and a length of 63.21 feet to a capped rebar; thence (5) South 75°-09'-22" West 0.84 feet; thence (6) northwesterly along an arc cul-de-sac to the right 273.01 feet with a radius of 50.00 feet and a long chord having a bearing of North 14°-50'-38" West and a length of 40.00 feet; thence (7) North 75°-09'-22" East 0.84 feet to a capped rebar; thence (8) northeasterly along an arc to the right 75.49 feet with a radius of 250.71 feet and a long chord having a bearing of North 83°-46'-56" East and a length of 75.21 feet to a capped rebar; thence (9) South 87°-35'-29" East 100.62 feet to an existing bent iron pipe; thence North 02°-24'-31" East 85.00 feet to a capped rebar; thence North 37°-45'-08" West 67.78 feet to a cotton gin spike set in the base of a Hackberry tree; thence South 89°-00'-57" West 1.44 feet to a capped rebar; thence North 01°-36'-01" West 258.69 feet to a capped rebar on the south line of property purchased by the Indiana State Department of Transportation; thence South 88°-21'-08" East 195.36 feet along said south line to a capped rebar; thence North 01°-06'-38" East 189.97 feet along the east line of said State property to a capped rebar; thence North 88°-58'-05" East 522.88 feet to the point of beginning and containing 11.042 acres.

EXCEPT A part of the Northwest Quarter of Section 11, Township 23 North, Range 4 West, in Fairfield Township, Tippecanoe County, Indiana and that part of the grantor's land lying within the right of way lines depicted on the Right of Way Parcel Plat marked Exhibit "B" contained in Warranty Deed recorded November 21, 2008 as Document Number 200808022288, described as follows: Beginning at the Southwest corner of Lot 10, Aretz Subdivision, the plat of which is recorded in Plat Book 7, page 10, Office of the Recorder of Tippecanoe County, said southwest corner designated as point "13620" on said plat; thence South 8°53'38" East 40.20 feet to the northwest corner of Lot 5 in said subdivision, designated as point "9207" on said plat; thence along the Northwesterly, Northerly, Easterly and-Southerly lines of Lot 5, 6, 7, 8 & 9 in said Subdivision, Northwesterly 273.01 feet along an arc to the right and having a radius of 50.00 feet and subtended by a long chord having a bearing of North 14°50'54" West and a length of 40.00 feet to the point designated as "9208" on said plat; thence North 75°09'06" East 0.84 feet to the point designated as "9209" on said plat; thence Northeasterly 3.33 feet along an arc to the right and having a radius of 250.71 feet and subtended by a long chord bearing North 75°30'26" East and a length of 3.33 feet to the point of beginning and containing 0.180 acres, more or less, inclusive of the presently existing right of way which contains 0.180 acres, more or less for a net additional taking of 0.000 acres, more or less.

Except ROW

EXHIBIT "A"

Project: NH-071-5(010)
Parcel: 205 Fee with Full Limitation of Access
Form: WL-1
Key No: 79-07-11-126-008.000-003

Sheet: 1 of 3
Code: 4933

A part of the Northwest Quarter of Section 11, Township 23 North, Range 4 West, in Fairfield Township, Tippecanoe County, Indiana and that part of the grantor's land lying within the right of way lines depicted on the attached Right of Way Parcel Plat marked Exhibit "B", described as follows: Beginning at the Southwest corner of Lot 10, Aretz Subdivision, the plat of which is recorded in Plat Book 7, page 10, Office of the Recorder of Tippecanoe County, said southwest corner designated as point "13620" on said plat; thence along the south line of said lot and north boundary of Aretz Lane, Northeasterly 72.17 feet along an arc to the right having a radius of 250.71 feet and subtended by a long chord having a bearing of North 84 degrees 09 minutes 34 seconds East and a length of 71.92 feet; thence South 87 degrees 35 minutes 45 seconds East 76.92 feet along the north boundary of said Lane; thence South 24 degrees 23 minutes 29 seconds East 24.80 feet to the point designated as "9054" on said plat; thence South 70 degrees 00 minutes 10 seconds East 59.11 feet to the north line of Lot 2 in said subdivision and the south boundary of said Lane; thence North 87 degrees 35 minutes 45 seconds West 144.45 feet along the south boundary of said lane; thence along said south boundary Southwesterly 63.45 feet along an arc to the left having a radius of 210.71 feet and subtended by a long chord having a bearing of South 83 degrees 46 minutes 40 seconds West and a length of 63.21 feet; thence South 75 degrees 09 minutes 06 seconds West 0.84 feet along said boundary; thence North 8 degrees 53 minutes 38 seconds West 40.20 feet to the point of beginning and containing 0.152 acres, more or less, inclusive of the presently existing right of way which contains 0.152 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

June 20, 2013
Ref. No.: 13-170

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

CERTIFICATION

RE: **Z-2534--ARETZ, LLC (A & R1 to GB):**

Petitioner is requesting rezoning of 10.89 acres of the old Aretz Airport property located northeast of the intersection of Old SR 25 and the Hoosier Heartland, 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 June 19, 2013 the Area Plan Commission of Tippecanoe County voted 12 yes - 0 no on the motion to rezone the subject real estate from A & R1 to GB. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioner 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 July 1, 2013 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,


Sallie Dell Fahey
Executive Director

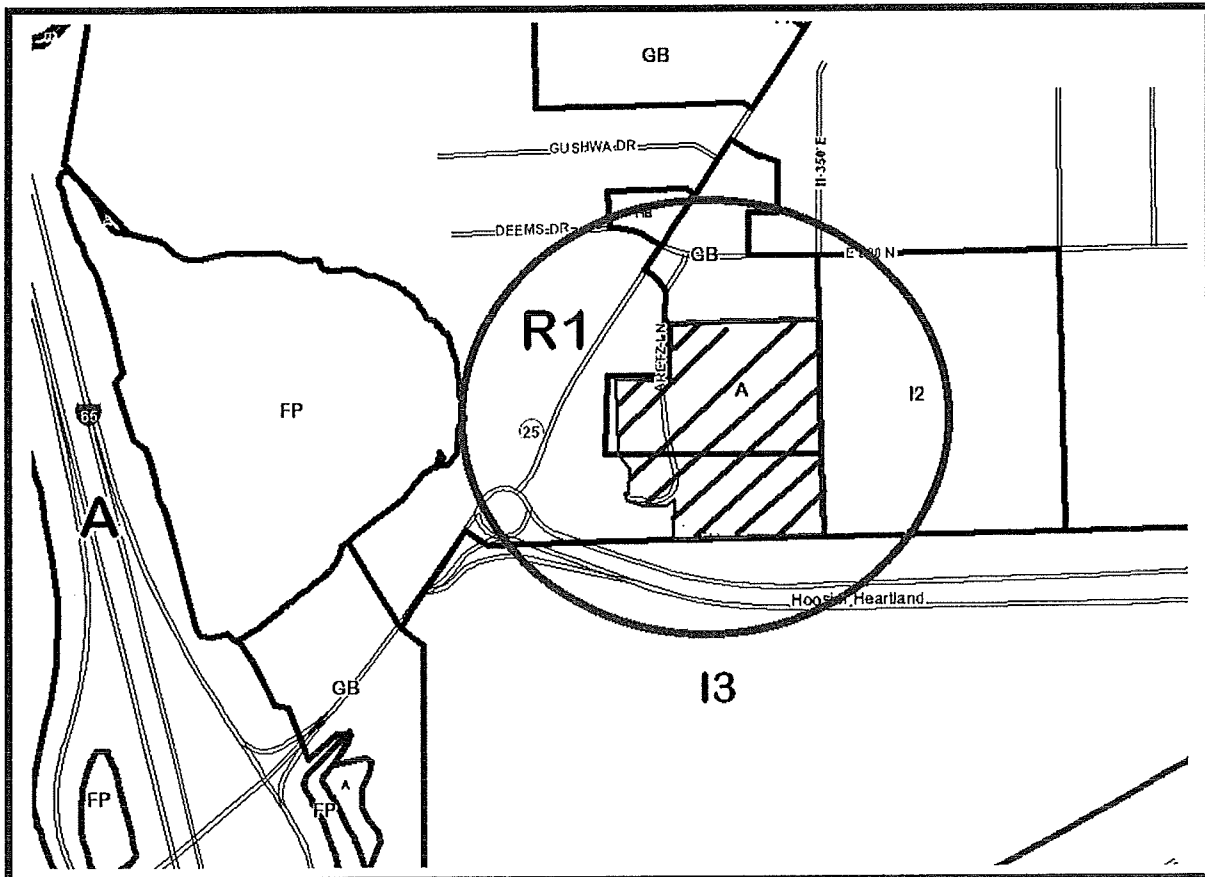
SDF/lmu

Enclosures: Staff Report & Ordinances

cc: Aretz, LLC
Terri Griffin, INDOT
Ken Brown, Tippecanoe County Building Commissioner

Z-2534
ARETZ, LLC
(A & R1 to GB)

STAFF REPORT
June 13, 2013



**Z-2534
ARETZ, LLC
A & R1 TO GB**

**Staff Report
June 13, 2013**

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner is requesting the rezoning of 10.89 acres from A & R1 to GB located on the former Aretz Airport located between CR 300 North and the new SR 25, just east of Old SR 25. Currently petitioner operates a building contracting business (SIC 15) by special exception. Petitioner applied for I3 zoning for this same property at the March APC, but it was denied and then withdrawn prior to the County Commissioner's meeting (Z-2523). This rezone would allow the business to continue by right and potentially allow other uses. The site is located in Fairfield 11(NW) 23-4.

ZONING HISTORY AND AREA ZONING PATTERNS:

This site was originally zoned R1, single-family residential. In 1998, 5.9 acres were rezoned to A (Z-1812) to allow for petitioner's business by special exception. Twenty acres adjacent to the east were rezoned to I2 (Z-2257). GB zoning was approved in April for the land abutting north of the site in question (Z-2522 and 2524); I3 zoning is adjacent to the south.

AREA LAND USE PATTERNS:

Petitioner's building contracting business is located on the A zoned portion of the subject site. The southern half, which is zoned R1, is currently unimproved and open. The business utilizes buildings from the defunct Aretz Airport.

North of this site are two lots: one supports a single-family home and the other is unimproved. Further north are a gas station and a handful of single-family homes. Adjacent to the east is a manufacturing facility, Roadworks. The Hoosier Heartland, SR 25, is adjacent to the south.

TRAFFIC AND TRANSPORTATION:

Currently, the site has two access points to CR 300 North. Traffic counts taken in 2008 indicate that 3,471 vehicles travel this stretch of CR 300 daily.

The new State Road 25 (The Hoosier Heartland), a 4-lane limited access highway, borders this site to the south.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

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

Per UZO 4-9-3-a, bufferyards are required where GB zoning abuts I2 zoning to the east.

STAFF COMMENTS:

Late last year, petitioner contacted the Building Commission and staff about building additional structures to serve his general contractor's business. Staff's advice was to either seek an expansion of his special exception approval or rezone to a district that would allow his business by right. Additionally, petitioner indicated that he might want to operate another business, mini-storage warehousing, on this same land. In addition to subdividing, he was also advised that either GB or industrial zoning would allow both uses.

At the March APC meeting I3 zoning was requested, but the request received a negative recommendation from both Staff and the plan commission. Petitioner withdrew the request before it could be heard by the County Commissioners. Now, a rezone for General Business has been filed.

As staff said in the previous staff report (Z-2523), until public sewer and water are available in the area, these requests for commercial and industrial zoning 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. In staff's opinion, the future of this land is to serve the traveling public and support freight operations and logistics. From a zoning perspective, this translates to HB (Highway Business), I1 or I2 zoning, but *only* when utilities are available to the area.

STAFF RECOMMENDATION:

Denial