

ORDINANCE NO. 2013-35-CM

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATE FROM A (AGRICULTURAL) TO RE (RURAL ESTATE)

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 Tippecanoe Township, Tippecanoe County, Indiana

SEE ATTACHED EXHIBIT A

Section 2: The above described real estate should be and the same is hereby rezoned from A (AGRICULTURAL) to RE (RURAL ESTATE).

Section 3: This ordinance effect from and after its adoption.

(Adopted And Passed) (Denied) by the Board Of Commissioners of Tippecanoe County, Indiana, this 7<sup>th</sup> day of October, 2013.

VOTE:

Yes

Yes

Yes

David S Byers  
DAVID S. BYERS President

John L. Knochel  
JOHN L. KNOCHEL Vice President

Thomas P. Murtaugh  
THOMAS P. MURTAUGH Member

ATTEST:

Jennifer Weston  
Jennifer Weston, Auditor

**EXHIBIT A**

**MEADOWGATE ESTATES SUBDIVISION – SECTION 4**  
*Part of the Southwest Quarter of Section 28, Township 24 North, Range 4 West*  
*Tippecanoe Township, Tippecanoe County, Indiana*

DESCRIPTION:

A part of the real estate conveyed to Fred M. Kuipers and Andrea D. Kuipers as recorded in Deed Record MF77-4213 in the Office of the Recorder for Tippecanoe County, Indiana (ORTCI), being a part of the Northeast Quarter of the Southwest Quarter and a part of the Northwest Quarter of the Southwest Quarter, all in Section 28, Township 24 North, Range 4 West, located in Tippecanoe Township, Tippecanoe County, Indiana, and being more particularly described as follows:

Beginning at the Northwest Corner of the said Northeast Quarter of the Southwest Quarter of Section 28; thence North 89° 36' 58" East for 984.70 feet along the North Line of the said Southwest Quarter to the Northeast Corner of the West Half of the East Half of the said Northeast Quarter of the Southwest Quarter of Section 28; thence South 00° 42' 40" East for 1,316.90 feet along the East Line of the said West Half to the Southeast Corner thereof; thence South 89° 20' 11" West for 986.66 feet along the South Line of the said Northeast Quarter of the Southwest Quarter to the Southwest Corner thereof; thence North 63° 23' 01" West for 176.99 feet along the northerly line of Lot 22 in the Meadowgate Estates Subdivision, Section 2 as recorded in Plat Cabinet 8, Page 45, as Document Number 2006006594 (ORTCI) to the northwesterly corner of the said Lot 22; thence northwardly for 186.45 feet along the easterly right-of-way line of Shootingstar Lane on a non-tangent curve to the left, the radius point of which lies North 63° 23' 01" West 426.00 feet, from the said northwesterly corner of Lot 22, through a central angle of 25° 04' 37", to the southwesterly corner of Lot 23 in the Meadowgate Estates Subdivision, Section 3, as recorded in Plat Book 8, Page 126, as Document Number 2007021170 (ORTCI); thence North 89° 20' 11" East for 360.24 feet along the southerly line of the said Lot 23 to the southeasterly corner thereof; thence northwardly along the easterly line of the said Section 3 for the following three (3) courses: 1) thence North 15° 47' 21" West for 330.47 feet; 2) thence North 24° 18' 16" West for 406.83 feet; 3) thence North 00° 37' 33" West for 370.00 feet to the point of beginning, containing 28.31 acres, more or less.

PARENT TRACT INFORMATION

COUNTY TAX KEY NO: 124-04000-0095

STATE PARCEL ID: 79-03-28-300-002.000-017

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

September 19, 2013  
Ref. No.: 13-306

Tippecanoe County Commissioners  
20 North 3<sup>rd</sup> Street  
Lafayette, IN 47901

## CERTIFICATION

RE: **Z-2552--FRED & ANDREA KUIPERS (A to RE) (Meadowgate Estates RE):**

Petitioner is requesting rezoning of 28.31 acres located on the east side of Shootingstar Lane (private) about 2,000 feet north of CR 500 N, Tippecanoe 28 (SW) 24-4.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on September 18, 2013 the Area Plan Commission of Tippecanoe County voted 10 yes - 0 no on the motion to rezone the subject real estate from A to RE. 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 Monday, October 7, 2013 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,



Sallie Dell Fahey  
Executive Director

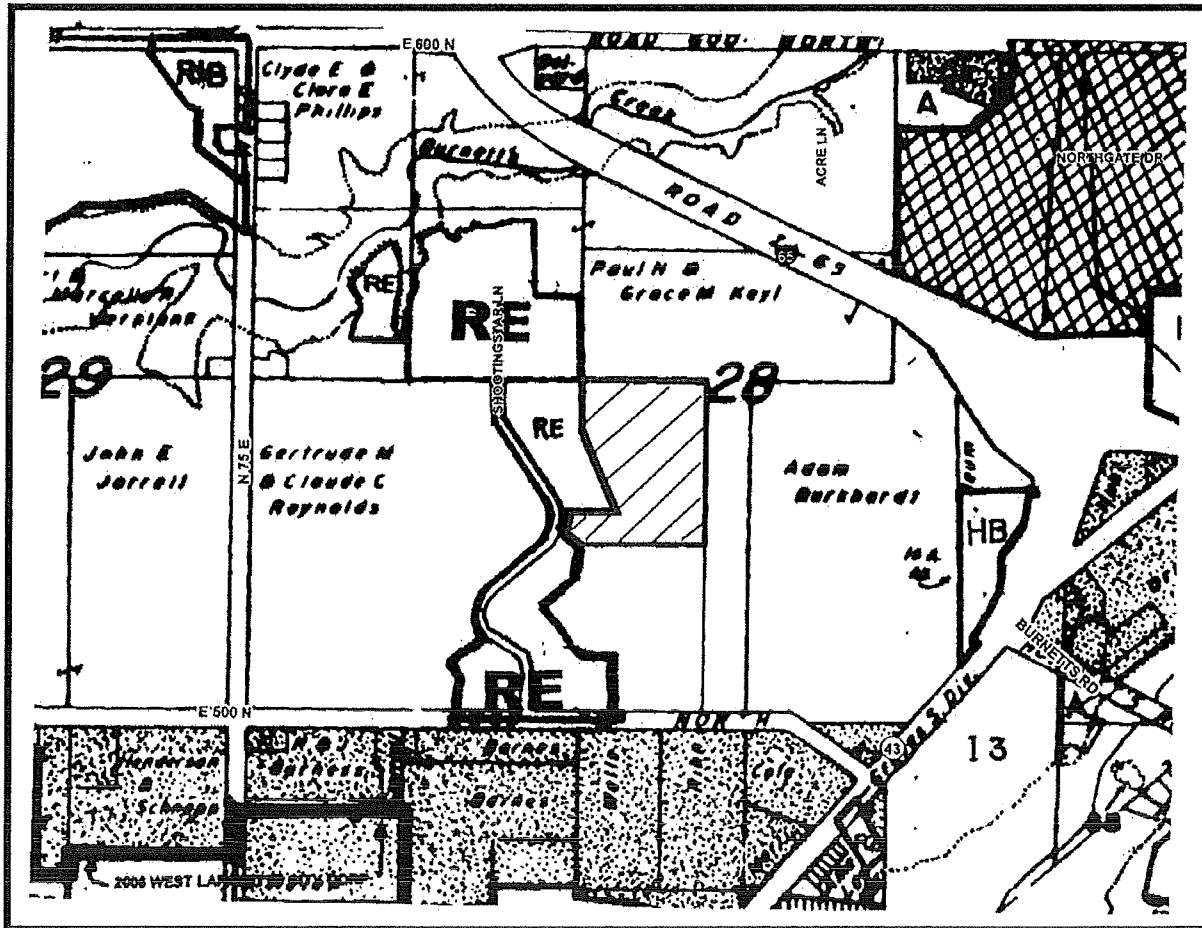
SDF/lmu

Enclosures: Staff Report & Ordinances

cc: Fred & Andrea Kuipers  
Joseph Coutts  
Ken Brown, Tippecanoe County Building Commissioner

Z-2552  
FRED & ANDREA KUIPERS  
(A to RE)

STAFF REPORT  
September 18, 2013





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**Z-2552**

**FRED & ANDREA KUIPERS (MEADOWGATE ESTATES RURAL  
ESTATE, SECTION 4)  
A TO RE**

**Staff Report  
September 12, 2013**

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**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioners, represented by surveyor Joe Coutts of C&S Engineering, are requesting the rezoning of 28.31 acres from A to RE for the fourth section of Meadowgate Estates Rural Estate Subdivision. The ten lots proposed with this phase would finish out the development located on the north side of CR 500 North, just east of CR 75 East, Wabash 28 (SW) 24-4

**QUALIFICATION OF LAND:**

Staff is currently waiting on information from the surveyor proving that less than 50% of the land in this request was farmed between 1997 and 2001. It is possible that the current request includes over 50% farmland; if that is the case, this request could be made smaller to meet this qualification. Also, Rural Estate Subdivisions must be located at least ½ mile away from sanitary sewer and water; based on evidence submitted this requirement can be met. Ten lots are proposed with an overall density of one home per 2.692 acres meeting the density requirement. The lots range in size from 1.56 to 4.25 acres, meeting the minimum lot size standard of one acre.

**ZONING HISTORY AND AREA ZONING PATTERNS:**

The County Commissioners rezoned the first three phases of Meadowgate Estates in 2003, 2005 and 2006 (Z-2101, Z-2224 and Z-2318, respectively) to the Rural Estate zone. All other land on the north side of CR 500 is zoned Agricultural and Flood Plain; land south of 500 is zoned R1, Single-family residential.

**AREA LAND USE PATTERNS:**

Land in this request is a combination of pasture, crop land, woods and a pond. The surrounding land consists of gently rolling pasture, woods/ravines and agricultural fields. There are approximately 18 single-family homes built on 27 existing lots in the Meadowgate development. Several single-family homes line both sides of CR 500 N in the area.

**TRAFFIC AND TRANSPORTATION:**

The site gains access by a public rural estate road (name to be approved) that connects with Shootingstar Lane, a public RE road. CR 500 North is classified as a rural

secondary arterial. The County Highway Department has no concerns about the addition of 10 lots to this development.

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

No soil work has been submitted to the Health Department for review; this will be a requirement of the preliminary plat. Likewise, any drainage easements required by the Health Department or Surveyor's Office will be handled at the preliminary plat stage of this project.

**STAFF COMMENTS:**

These ten lots represent the fourth and final phase of Meadowgate Estates. The overall development will include 37 Rural Estate lots and 8 parcels created through the parcelization process. A new public RE road will be built with this phase for these 10 lots, connecting to Shootingstar Lane, an existing public RE road.

Petitioner's surveyor has submitted information indicating the nearest available sanitary sewer is more than ½ mile away, located in CR 75 East right-of-way near Prophet's Ridge and Hartwood Village Subdivisions. Once additional information is received from the USDA Farm Service Agency showing that less than 50% of the land in this request was mechanically harvested between the years of 1997 and 2001, this case will meet the UZO and USO requirements. The average lot size is 2.692 acres and all of the lots are over an acre in size meeting the rural estate lot minimum. The land in this request represents the last phase in this successful development. Staff can support the addition of 10 lots for single-family homes.

**STAFF RECOMMENDATION:**

Approval, contingent on receiving the necessary information from USDA