APC

Planning for Tippecanoe County, Lafayette, West Lafayette
Battle Ground, Clarks Hill, and Dayton

David Hittle, AICP, Executive Director

Area Plan Commission of Tippecanoe County, Indiana

May 19, 2022
Ref. No.: 2022-099

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

CERTIFICATION

RE: **Z-2854 NEWCASTLE HOLDING, LLC (A to I3):**
Petitioner is requesting rezoning of 16.25 acres of land located at the northwest corner of Newcastle Road and Old CR 350 S, Sheffield 7 (NW) 22-3. CONTINUED FROM THE APRIL APC MEETING AT PETITIONER'S REQUIEST. FIRST CONTINUANCE.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on May 18, 2022 the Area Plan Commission of Tippecanoe County voted 13 yes – 1 no on the motion to rezone the subject real estate from A to I3. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Board of 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 its June 6, 2022 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

David Hittle
Executive Director

DH/jae

Enclosures: Staff Report & Ordinances

cc: Marianne Mitton Owen, Stuart & Branigin LLP
Brenton R. Arihood, Owner

Z- 2854

ORDINANCE NO._____

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATE FROM A TO I3

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 Sheffield Township, Tippecanoe County, Indiana

A part of the Northwest Quarter of Section 7, Township 22 North, Range 3 West, Sheffield Township, Tippecanoe County, Indiana, described as follows: Commencing at the southwest corner of the Northwest Quarter of said Section 7, said point being marked by a Bernsten monument set by the Tippecanoe County Surveyor; thence South 89° 13' 11" East (bearings are based on the Tippecanoe County section corners as published) 1,567.17 feet along the south line of said quarter section to the Mag nail set marking the point of beginning of this description, said point also being the southeast corner of the tract of land owned by Patricia J. Ricks as recorded as Document Number 9501410 on January 27, 1995 in the Office of the Recorder of Tippecanoe County, Indiana; thence North 00° 02' 40" East 300.03 feet along the east line of said tract to an existing bent rebar marking the northeast corner of said tract; thence North 89° 13' 11" West 359.45 feet along the north line of said tract to a capped rebar set; thence North 00° 24' 00" West 386.19 feet to an existing capped rebar marking the southwest corner of a tract of land owned by Curtis L. Anderson and Helen M. Anderson, husband and wife, as recorded in Document Number 9717439 on August 27, 1997 and 92-19433 on September 4, 1992 in the Office of the Recorder for Tippecanoe County, Indiana; thence North 89° 39' 21" East 263.06 feet (262.91 feet by deed record) along the south line of said Anderson tract to an existing capped rebar; thence North 43° 28' 43" East 237.35 feet along said tract to the approximate center line of Newcastle Road; thence South 46° 32' 06" East 1,276.93 feet along said center line to a Mag nail set on the south line of said quarter section; thence North 89° 13' 11" West 991.37 feet along said south line to the point of beginning and containing 13.783 acres. Said tract is subject to the existing rights-of-way for Newcastle Road and Old County Road 350 South.

ALSO,

A part of the Northwest Quarter of Section 7, Township 22 North, Range 3 West, Sheffield Township, Tippecanoe County, Indiana, described as follows: Commencing at a Berntsen monument marking the southwest corner of the Northwest Quarter of said Section 7; thence South 89° 13' 11" East 1,210.05 feet along the south line of said quarter section to a Mag nail set marking the point of beginning of this description; thence North 00° 24'

00" West 300.06 feet to a capped rebar set; thence South 89° 13' 11" East 359.45 feet to an existing bent rebar; thence South 00° 02' 40" West 300.03 feet to a Mag nail set on the south line of said quarter section and on the surface of Old County Road 350 South; thence North 89° 13' 11" West 357.12 feet along said south line to the point of beginning and containing 2.467 acres. Said tract is subject to the existing right-of-way for Old County Road 350 South.

Section 2: The above-described real estate should be and the same is hereby rezoned from A to I3.

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 of Tippecanoe County, Indiana, this _____ day of _____, 20___.

VOTE:

_____ _____
David Byers, President

_____ _____
Tracy Brown, Vice President

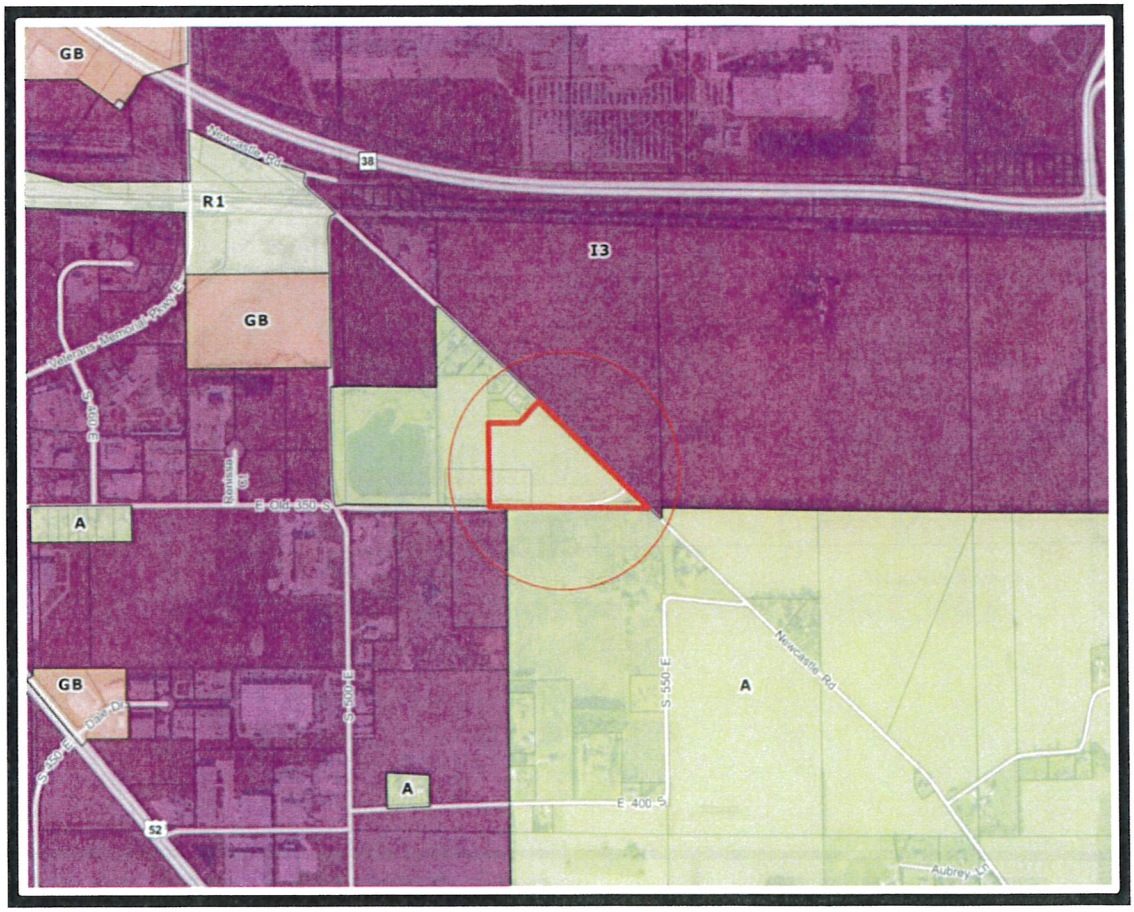
_____ _____
Thomas Murtaugh, Member

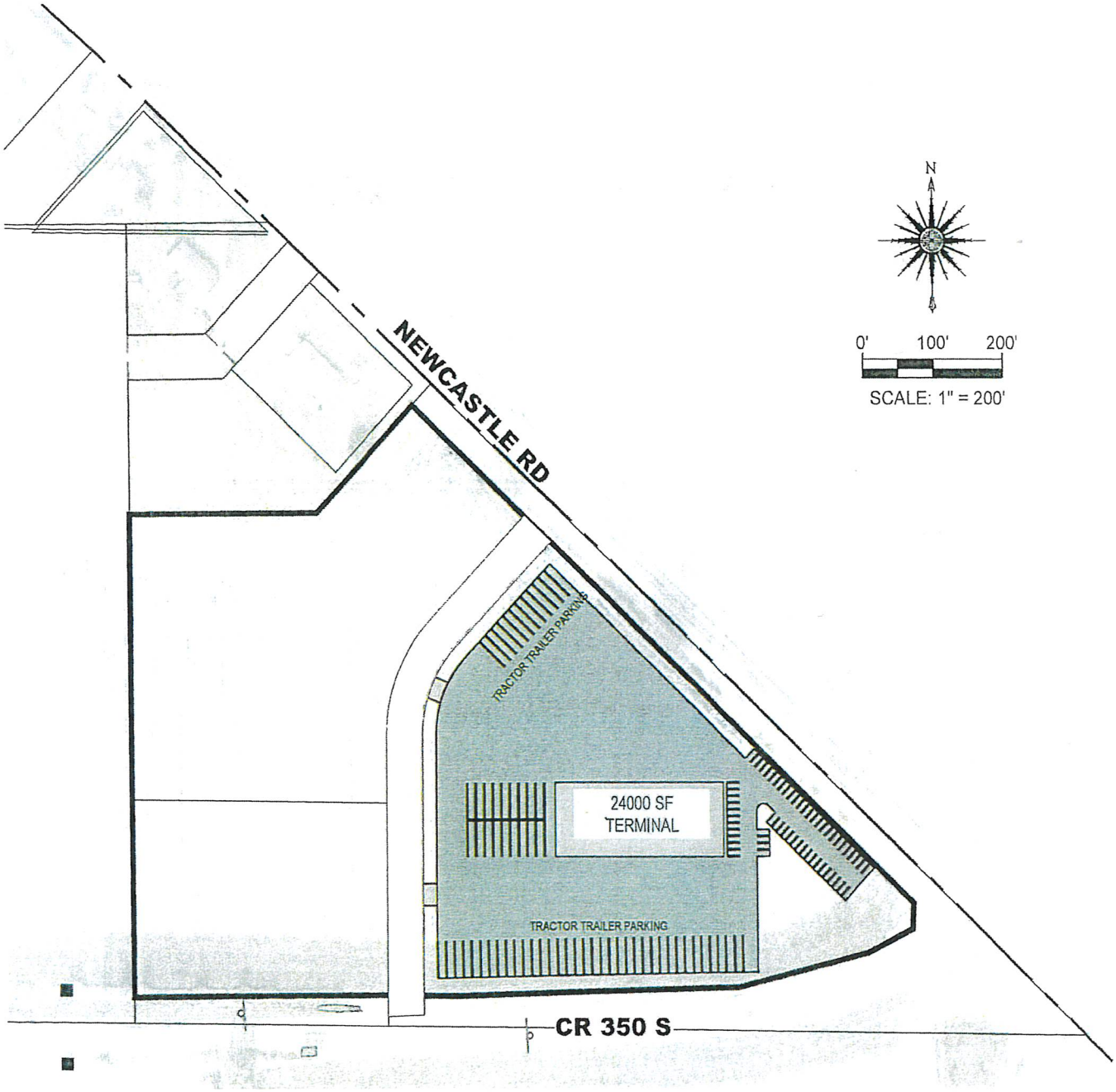
ATTEST:

_____
Robert Plantenga, Auditor

Z-2854
NEWCASTLE HOLDING, LLC
(A to I3)

ADDENDUM
May 12, 2022





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CONCEPTUAL SITE PLAN

NEWCASTLE HOLDINGS, LLC
PART OF THE NW QUARTER OF SECTION 7, TOWNSHIP 22
NORTH, RANGE 3 WEST, SHEFFIELD TOWNSHIP,
TIPPECANOE COUNTY, INDIANA

PROJECT:	DATE:	CHECKED BY:	DRAWN BY:	DRAWING FILE:	SHEET:
-----	3/16/2022	-----	-----	LAYOUT1.DWG	1 of 1

Z-2854
NEWCASTLE HOLDINGS, LLC
A to I3

Addendum
May 12, 2022

(Please see the original staff report dated April 14th included below, for background information on this rezone request.)

After last month's report was written, APC staff had correspondence with Dennis Carson, Director of Economic Development, and learned that the development of the neighboring 210-acre site across Newcastle Rd, currently owned by Lafin Partners LLC, is "moving ahead aggressively". This provides opportunity because utilities can be further extended to the subject site as needed and resolves staff's previous concern regarding availability of city sewer and water.

APC staff also had correspondence with Stu Kline, Director of the County Highway Department, and learned the portion of E Old 350 S that borders the subject site has already been improved to accommodate trucks. Also, there are plans to improve Newcastle Rd to accommodate truck traffic and eventually construct a connector road from SR 38 E, over the railroad tracks, to Newcastle Rd through Lafin Partners LLC's neighboring 210-acre site. These improvements are expected to have a timeline of 3 to 5 years and would further support the intended industrial growth.

Given this new information, staff no longer believes the request for industrial zoning is "premature" as stated in the original staff report. Staff did consider recommending a possible I1 or I2 zoning given the existing abutting residential use. However, petitioner stated they will be operating outdoors so I3 zoning would be required for them to be able to operate.

STAFF RECOMMENDATION:
Approval

Z-2854
NEWCASTLE HOLDINGS, LLC
A to I3

Staff Report
April 14, 2022

(For updated staff comments and recommendation, please see the attached addendum dated May 12, 2022.)

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, who is represented by attorney Marianne Mitten Owen, is requesting the rezoning of 16.25 acres of land located at the northwest corner of Newcastle Road and Old CR 350 S, Sheffield 7 (NW) 22-3. According to the submitted site plan, about half of the site will be used as a truck terminal (SIC 4231) while the remaining half will be unimproved for the time being. The truck terminal would be, according to petitioner's representative, "a facility meeting the requirements of the motor carrier to conduct its day to day operations. Such operations may include, but are not limited to, general office for various employees, driver facilities (similar to a rest stop), warehousing space, service and repair of semis, storage of fuel, storage of inventory, storage and parking of heavy machinery, including semis and trailers."

ZONING HISTORY AND AREA ZONING PATTERNS:

The property is zoned A, Agricultural. The earliest zoning maps show this property with A zoning. Additional A zoning is located northwest of the site and continues southeast of the site. I3, Heavy Industrial Zoning, is present directly across Newcastle Road as well as in the surrounding area in all directions except southeast. There have been no recent rezones or ABZA activity in the immediate vicinity.

AREA LAND USE PATTERNS:

The site is currently unimproved and has been for at least 20 years. North of the subject site are 6 single-family homes all with access from Newcastle Rd. There is an additional single-family home in the vicinity to the west on Old CR 350 S with a large water feature on site. The rest of the surrounding area is currently unimproved agricultural land.

TRAFFIC AND TRANSPORTATION:

The site has frontage on both Newcastle Rd (urban local) and E Old CR 350 S (urban local). The site plan proposed shows access on both Newcastle Rd and CR 350 S via a new private drive on site. These new vehicular access points will require a driveway permit approved by the Highway Department.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

According to the Lafayette Engineer's office, sanitary sewer and water services are currently not available at this location. The city and county are working on a joint project

that may extend to this location in the future, but there is currently not a timeframe for this work.

If this rezone is approved, a "Type C" bufferyard would be required along the northern and eastern property line where I3 zoning would abut A zoning. All plans regarding drainage would need to be approved by the County Surveyor's office.

STAFF COMMENTS:
The *Comprehensive Plan of Tippecanoe County,* specifically the *Fuji-Isuzu Amendment*, identified the need for the county to participate in community wide efforts to encourage growth in the form of development. This amendment expanded various land use areas including the industrial sector. It states, "The amended industrial sector runs from McCarty Lane on the north to CR 400 S on the south, from Lafayette's urbanized boundaries on the west to I-65 on the east." Although the Lafayette urbanized boundaries have changed since the amendment, the subject site still falls into this targeted industrial expansion area.

The proposed truck terminal, SIC 42, is allowed by right in the GB, I1, I2, I3 and by special exception in A. If rezoned to I3, our most intense industrial zone, it would allow for all kinds of outdoor activity, including loading/unloading and storage of materials, similar to the industrial sites to the northwest. Staff believes this would not be ideal given the nearby single-family residences in the area. The I2 zone would both better protect neighboring residential uses and still fall in line with the *Comprehensive Plan's* planned industrial area.

However, the *Comprehensive Plan* also states, "Requests to rezone land within the study area for purposes of the development must be accompanied by written assurance of sanitary sewer availability. Requests in the absence of, or prior to the extension of sanitary sewer are premature". So, without a connection to sanitary sewer or water, this request is premature, and staff cannot support either I2 or I3 zoning for this 16.25-acre site.

STAFF RECOMMENDATION:
Denial