

ORDINANCE NO. 2014-23-CM
AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF TIPPECANOE
COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATE
FROM A 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 Wabash Township, Tippecanoe County, Indiana

INSERT OR ATTACH LEGAL DESCRIPTION

Section 2: The above-described real estate should be and the same is hereby rezoned from A 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 of Tippecanoe County, Indiana, this 18th day of December, 2014.

VOTE:

yes

John Knochel
John Knochel, President

yes

Thomas Murtaugh
Thomas Murtaugh, Vice President

yes

Dave Byers
Dave Byers, Member

ATTEST:

Jennifer Weston
Auditor

Exhibit A

Stolz Minor Subdivision Lot 1, Wabash Township (SE ¼ of Sec. 4 T23N,R5W), together with:

A part of the Real Estate of Irma Baker (f/k/a Irma Erwin) as conveyed in Deed Book 303, page 475, and being in the Southeast Quarter of Section 4, Township 23 North, Range 5 West, Wabash Township, Tippecanoe County, Indiana, more particularly described as follows:

Commencing at the Southeast corner of Stolz Minor Subdivision as recorded in Plat Cabinet D, Slide 80 and Document Number 90-18022; thence North 87°39'00" West along the South Boundary of Lot 1 in Stolz Minor Subdivision, 234.66 feet to the Southwest corner of said Lot 1; thence South 0°00'00" West, 18.02 feet; thence South 87°39'00" East parallel with the South Boundary of said Lot 1, 234.66 feet; thence North 0°00'00" East, 18.02 feet to the Point of Beginning, containing 0.097 of an acre more or less.

The Bearings in this description are based on Stolz Minor Subdivision as recorded in Plat Cabinet D, Slide 80.

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

November 20, 2014
Ref. No.: 14-313

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

CERTIFICATION

RE: **Z-2590--MIKE GASCHO (A to GB):**

Petitioner is requesting rezoning of lot 1 of Stolz Minor Subdivision plus 0.097 acres adjacent, located on the south side of US 52, west of CR 400 W, at 4111 US 52 West, Wabash 4 (SE) 23-5.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on November 19, 2014 the Area Plan Commission of Tippecanoe County voted 13 yes - 0 no on the motion to rezone the subject real estate from A 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 December 1, 2014 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,



Sallie Dell Fahey
Executive Director

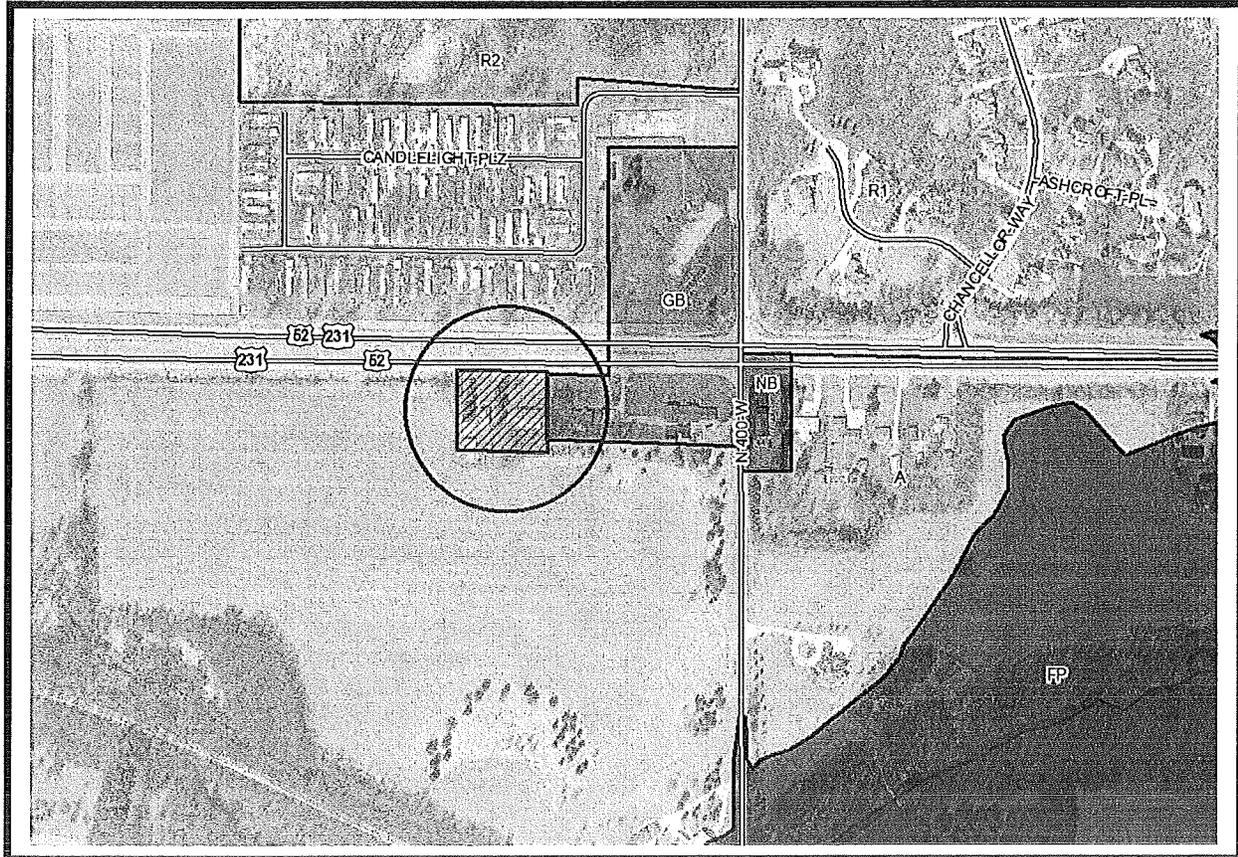
SDF/lmu

Enclosures: Staff Report & Ordinances

cc: Mike Gascho
George Tsao
Joseph Bumbleburg
Ken Brown, Tippecanoe County Building Commissioner
Gary Bowsher, INDOT

Z-2590
MIKE GASCHO
(A to GB)

STAFF REPORT
November 13, 2014



REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, represented by attorney Joseph Bumbleburg and with consent from owner, is requesting rezoning of lot 1 of Stolz Minor Subdivision plus 0.097 acres adjacent, for a total of 1.12 acres, located on the south side of US 52, west of CR 400 W, at 4111 US 52 West, Wabash 4 (SE) 23-5. Petitioner would like to relocate their custom cabinetry business from downtown Lafayette to this location and rent out the single-family home.

ZONING HISTORY AND AREA ZONING PATTERNS:

There are a few businesses in close proximity to this request; two exist to the east at the intersection of 400 W and US 52. Originally, the area was entirely zoned A, Agricultural, but currently the southwest corner is zoned GB (Z-1938) and the southeast corner of the intersection is NB (Z-1476). Additionally, the northwest corner is also zoned GB (Z-379); farther north of this GB zone is an area of R2 (Z-835). The northeast corner was rezoned to R1 in 1988 (Z-1344). The site in question and most of the land surrounding the aforementioned zones is Agricultural.

AREA LAND USE PATTERNS:

The site currently is occupied by a single-family home and a large pole building on a single lot. The adjacent uses to the east are a single-family home and an automotive repair facility. The automotive business was the impetus for a GB rezone in 2000. Across US 52, at the northwest corner, is the retail center for Candlelight Manufactured Homes and to the west of that is Candlelight Mobile Home Park. Capilano by the Lake Subdivision is located at the northeast corner of the intersection. A hair salon exists at the southeast corner in the NB zone. Just west of the rezone site on the north side of US 52 is the Agronomy Center of Purdue. Land south of the site appears to be in row crop production.

TRAFFIC AND TRANSPORTATION:

Access to the property is from a crossover off of US 52 W, a limited access highway classified as a divided primary arterial. The intersection of US 52 and CR 400 W is not signalized. A driveway permit would be required from INDOT for this proposed change of use.

According to footnote 10 in the permitted use table, cabinet making is permitted in the GB zone but only with no outdoor operation or storage of materials and equipment, and with a maximum first floor area of 5,000 sq. ft. Maximum first floor area may be

increased up to 10,000 sq. ft. if there is a retail element included. The existing pole building is significantly smaller than 5,000 square feet; however if the rezoning is approved the pole building could be legally enlarged or replaced with a larger building.

The parking requirement for this use is 1 space per 1,000 sq. ft. of gross floor area, plus 1 per 200 sq. ft. of office, sales, or similar floor area. Parking in the GB zone must be paved and spaces painted. The parking standard for this use will be calculated when petitioner applies for a building permit.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

According to the County Health Department, the site is currently served by two septic systems; one system for the home was installed in 1991 and one for the pole barn was installed in 2002. Due to the slow permeability of the soils at the site the garage system will only serve low flow water users. Nearby sites, including the hair salon and Capilano by the Lake, are served by sanitary sewer and water.

STAFF COMMENTS:

Petitioner would like to relocate his custom cabinetry manufacturing business from Erie Street in Lafayette to this site. He plans to rent the residence and use the pole building for his business. The two separate uses on one lot, single-family home and cabinetry making, is a violation of the Zoning and Subdivision Ordinances. Single-family homes, whether owner-occupied or rentals, are not permitted uses in the GB zone, so this rezone if successful will cause the house to become a nonconforming use. The UZO allows cabinetry making and a residence on the same lot by right in the A zone; however the owner of the business must also live in the house on site and can have only one additional employee and the entire enterprise must be on a lot of at least two acres in area. Petitioner's other option is to subdivide the property into two lots and attempt to rezone only the pole building lot.

The *Land Use Element of the Comprehensive Plan* shows a residential, open space, and agricultural future for this property and the immediate area surrounding it. This plan is largely based on lack of sanitary sewer service. Staff acknowledges that the area west of West Lafayette's city limits is moving towards more intense commercial and residential development, however, this intensity is farther to the east. Staff feels that, although business uses have existed at the intersection for a number of years, additional GB zoning will have a negative impact. Staff has consistently recommended denial for commercial rezones along US 52 and throughout the county, for sites that are not served by sanitary sewer. A rezone to GB would allow a more intense commercial use on the site.

STAFF RECOMMENDATION:

Denial