

ORDINANCE NO. 2014-07-CM

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA, TO REZONE REAL ESTATE,
FROM AA TO NB.**

**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 Lauramie Township, Tippecanoe County, Indiana, to wit:

(See legal description attached as Exhibit A)

Section 2. The real estate described above should be and the same is hereby rezoned from AA to NB.

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 2nd day of JUNE, 2014.

VOTE:

yes

yes

yes

John Knochel
John KNOCHEL, President

Tom Murtaugh
Tom MURTAUGH, Vice President

Dave Byers
DAVE BYERS, Member

Attest: Jennifer Weston
Jennifer Weston, Auditor

Exhibit A

A part of the Northwest Quarter of the Southwest Quarter of Section 9, Township 21 North, Range 3 West, Laumie Township, Tippecanoe County, Indiana, being a part of the Saber Management - Lafayette, LLC property as described in Document No. 9901927, being depicted on a boundary survey by Vester & Associates, Inc., Job No. E-03107, and being more completely described as follows, to-wit:

Beginning at the Northwest Corner of the Southwest Quarter of Section 9, Township 21 North, Range 3 West, said point being marked by an A1NB monument; thence along the North line of said Southwest Quarter, North 88 degrees 53 minutes 14 seconds East, 200.00 feet; thence parallel with the West line of said Southwest Quarter, South 00 degrees 08 minutes 10 seconds West, 100.00 feet to a ¾ inch rebar with an aluminum cap stamped "VESTER & ASSOC., INC.", hereinafter referred to as a Vester capped rebar; thence parallel with the North line of said Southwest Quarter, South 88 degrees 53 minutes 14 seconds West, 200.00 feet to a railroad spike on the West line of said Section 9; thence along the West line of said Southwest Quarter, North 00 degrees 08 minutes 10 seconds East, 100.0 feet to the point of beginning, said in survey to contain 0.46 acres, more or less.

ALSO

A part of the vacated portion of Suburban Street (vacated per Ordinance #87-40 GM recorded in Deed Record 88-03294), as platted in the Second Addition to the Town of Stockwell, recorded in Deed Record 42, page 228; being a part of the Saber Management - Lafayette, LLC property as described in Document No. 9901927, being depicted on a boundary survey by Vester & Associates, Inc. Job No. E-03107, and being more completely described as follows:

Commencing at the Southwest corner of the Northwest Quarter of Section 9, Township 21 North, Range 3 West, said point being marked by an A1NB monument; thence along the South line of said Northwest Quarter and the South line of Suburban Street as platted in said addition, North 88 degrees 53 minutes 14 seconds East, 30.01 feet to a ¾ inch rebar with an aluminum cap stamped "VESTER & ASSOC., INC.", hereinafter referred to as a Vester capped rebar at the point of beginning of the herein described tract; thence parallel with and 30 feet East from the West line of said Northwest Quarter, North 00 degrees 07 minutes 24 seconds East, 20.00 feet to the centerline of said street; thence along the centerline of said street and parallel with and 20 feet North from the South line of said Northwest Quarter, North 88 degrees 53 minutes 14 seconds East, 169.99 feet to a Vester Capped rebar; thence parallel with the West line of said Northwest Quarter, South 00 degrees 07 minutes 24 seconds West, 20.00 feet to a Vester capped rebar on the South line of said Northwest Quarter and the South line of said street; thence along said South line, South 88 degrees 53 minutes 14 seconds West, 169.99 feet to the point of beginning, said in survey to contain 0.08 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

May 22, 2014
Ref. No.: 14-139

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

CERTIFICATION

RE: **Z-2570--J.D. & D. FUNERAL CORPORATION (AA to NB):**
Petitioner is requesting rezoning of 9409 S. 700 E. located adjacent to the south of the platted lots in the unincorporated town of Stockwell, Lauramie 9 (SW) 21-3.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on May 21, 2014 the Area Plan Commission of Tippecanoe County voted 13 yes - 0 no on the motion to rezone the subject real estate from AA to NB. 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 June 2, 2014 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,



Sallie Dell Fahey
Executive Director

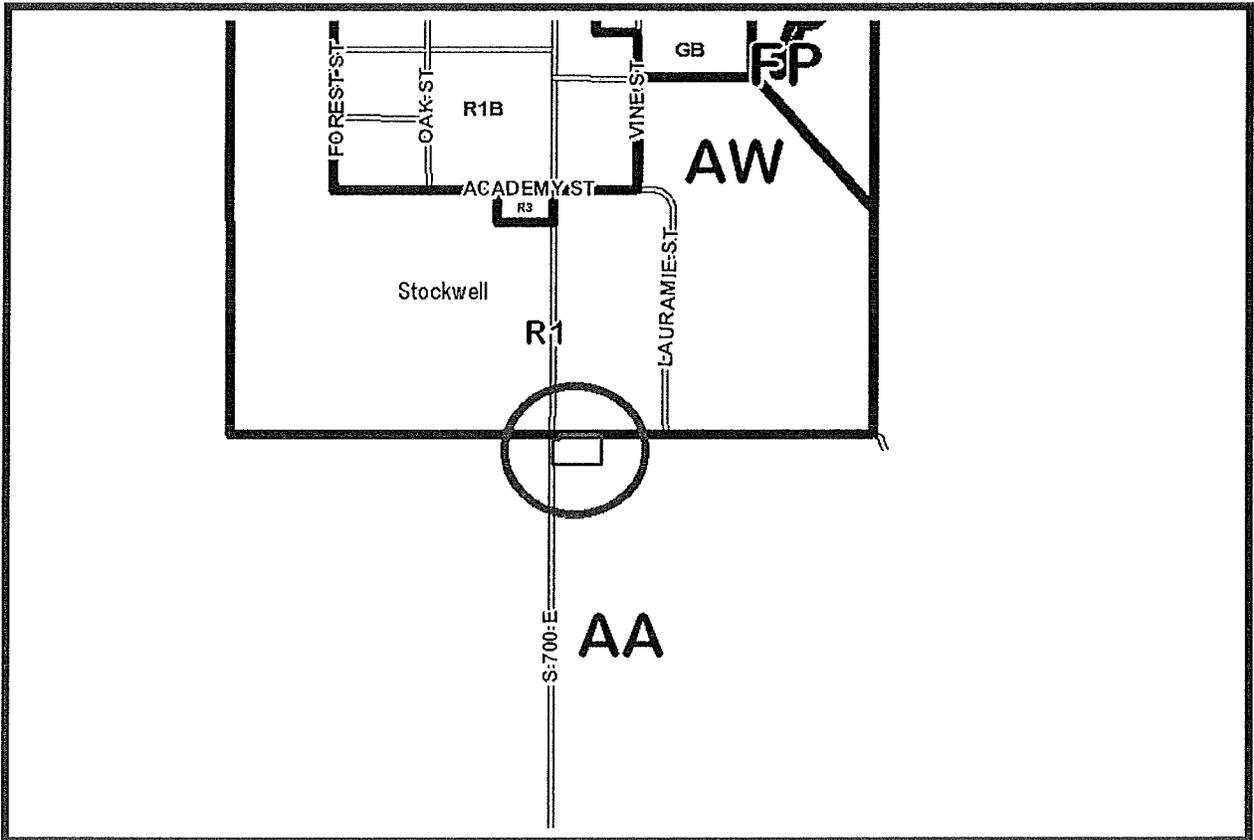
SDF/lmu

Enclosures: Staff Report & Ordinances

cc: Jonathan Fisher
Dawn Fisher
Daniel Teder
Ken Brown, Tippecanoe County Building Commissioner

Z-2570
J.D. & D. FUNERAL CORP.
(AA to NB)

STAFF REPORT
May 15, 2014



Z-2570
J.D. & D. FUNERAL CORP.
AA to NB

Staff Report
May 15, 2014

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner Jonathan Fisher, Secretary of J.D. & D. Funeral Corp., with consent of owner Dawn Fisher, and represented by attorney Daniel Teder, is requesting rezoning of 9409 S. 700 E. to allow the reopening of a funeral home located near the southern edge of the unincorporated town of Stockwell, Lauramie 9 (SW) 21-3.

ZONING HISTORY AND AREA ZONING PATTERNS:

The site was originally zoned A, Agricultural. The current AA, Select Agricultural zoning was established in 1988 with the adoption of the second overall Lauramie Township zoning map (Z-1341).

Stockwell, because it is unincorporated, does not have an official town boundary. Old zoning maps for Stockwell found in the APC office show the unofficial edge of town as being adjacent to the north of this rezone site which placed this property outside of Stockwell. This boundary also marks the change in zoning between R1 to the north (on the old Stockwell map) and AA for this site and all surrounding property to the east, south and west (on the overall Lauramie Township map).

For a small, unincorporated town, there have been a surprising number of rezones heard within Stockwell in the last decade: there was an attempt to rezone three vacated lots on Church Street from R3 to A to allow placement of a mobile home in October which was denied (McIntyre, Z-2548), 2 lots on Yorktown were rezoned from GB & NB to NBU in 2011 (Easterbrook, Z-2452), 2 lots on Monroe Street were rezoned from NB to R1 in 2009 (Morgan, Z-2413) and a lot on Attica Street was also rezoned from NB to R1 in 2007 (Evans, Z-2343).

AREA LAND USE PATTERNS:

The site has a small building once used as a funeral home with a canopy leading to the front door; there is also a two-car garage to the rear. Petitioner plans to build an addition to the back of the building. There are two or three houses to the south of the property in question all of which are surrounded by farmland. To the north are more single-family homes. Offices and historic storefronts are located in the center of the town to the north.

TRAFFIC AND TRANSPORTATION:

CR 700 E is classified as a rural secondary by the adopted *Thoroughfare Plan*. Parking in the NB zone is required to be paved and striped; the UZO requires a funeral home

have 1 space per 200 square feet of gross floor area in addition to the two spaces for a residential use.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

In the last few years, sewer has been installed in Stockwell and this site is now served by sanitary sewer. Like all properties in Stockwell, the site is served by an individual water well. The redevelopment of an NB-zoned lot surrounded by AA zoning would require a type B bufferyard and a type C buffer would be required adjacent to R1 zoning.

STAFF COMMENTS:

Generally, staff does not favor commercial zoning out in the county. These sites do not usually have sewer, they tend to be spots of GB surrounded by farmland and usually on major highways. This is not entirely the case here.

Although it is unknown when the funeral home came to be here, whether before 1965 which would have made it legally nonconforming, or after 1965 which would have technically made it an illegal use, the site has a history of this use and its building is still in place. It is unlikely that if petitioner's plans change or if the funeral home does not last, that a McDonald's or CVS would locate on site. The property is too small and the road too lightly travelled to generate that sort of high intensity commercial interest.

Historically, funeral homes have also been used residentially and that is petitioner's plan for this one. Maintaining a residence on site will keep the character of the building more like the residences around it and less like a commercial business. Although staff would prefer to support commercial growth in our small towns in their historic commercial centers, because this site has a history as a funeral home and is served by sanitary sewer, staff can support this request for Neighborhood Business zoning.

STAFF RECOMMENDATION:

Approval