

ORDINANCE NO. 2015-01-CM
AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATE FROM R1 TO PDMX

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

Commencing at the southwest corner of said southwest quarter; thence along the south line of said quarter, North 89°59'00" East, 973.84 feet to southwest corner of Irvin Minor Subdivision as per the plat thereof recorded as Document Number 200808000752; thence along the westerly bounds of said Irvin Minor Subdivision, North 05°14'00" West, 141.57 feet to the POINT OF BEGINNING of the herein described tract; thence North 47°47'36" West, 155.06 feet; thence North 28°27'07" West, 148.99 feet; thence North 07°08'12" East, 141.04 feet; thence North 01°51'48" East, 124.46 feet; thence North 21°54'13" West, 167.86 feet; thence North 01°39'12" East, 80.35 feet; thence North 33°08'51" East, 57.30 feet; thence North 02°54'09" East, 250.78 feet; thence North 54°31'27" East, 81.12 feet; thence North 76°35'09" East, 61.42 feet; thence South 48°56'41" East, 40.29 feet; thence North 31°53'33" West, 40.16 feet; thence North 03°22'07" West, 31.78 feet; thence North 34°37'05" East, 40.13 feet; thence North 55°37'46" East, 65.80 feet; thence North 39°18'13" East, 97.32 feet to the easterly line of said Buckley property; thence along the bounds of said Buckley property for the following seven (7) courses: (1) South 40°20'30" East, 153.48 feet; (2) South 49°39'30" West, 48.63 feet; (3) South 40°20'30" East, 146.29 feet; (4) South 31°56'00" East, 150.00 feet; (5) South 64°41'30" East, 265.00 feet; (6) South 53°33'30" East, 211.10 feet; (7) South 00°15'00" East, 795.00 feet to the south line of said southwest quarter; thence along said south line, South 89°59'00" West, 400.00 feet to the southeast corner of said Irvin Minor Subdivision; thence along the bounds of said Irving Minor Subdivision for the following three (3) courses: (1) North 00°15'00" West, 614.59 feet; (2) North 90°00'00" West, 381.22 feet, (3) South 05°14'00" East, 475.68 feet to the point of beginning, containing 17.56 acres, more or less.

Section 2: The above-described real estate should be and the same is hereby rezoned from R1 to PDMX.

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 5th day of January, 2015.

VOTE:

Y TP Murtaugh
Thomas Murtaugh, President

Y D Byers
David Byers, Vice President

Y absent
Tracy Brown, Member

ATTEST:

Bob Plantenga
Bob Plantenga Auditor

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

December 18, 2014
Ref. No.: 14-333

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

CERTIFICATION

RE: Z-2593--E & A HOSPITALITY, LLC (The Whittaker Planned Development) (R1 to PDMX):

Petitioner is requesting rezoning of approximately 25 acres for a multi-use, multi-phase project that includes an 18-guestroom inn with an event space for up to 40 persons, an additional event space for up to 50 persons and a single-family detached caretaker's residence. The property is located to the northwest of the intersection of CR 500 N and CR 50 W, Tippecanoe 30 (NW) 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 December 17, 2014 the Area Plan Commission of Tippecanoe County voted 12 yes - 0 no on the motion to rezone the subject real estate from R1 to PDMX. 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, contingent on meeting all requirements of UZO 2-28-10 for submission of Final Detailed Plans, signed off by those noted in that section to include:

1. All sheets that make up the approved Preliminary Plan;
2. PD construction plans per UZO Appendix B-2;
3. Drainage Board approval shall be required prior to the submission of the Final Detailed Plans.
4. County Highway approval for the new driveway shall be required prior to the submission of the Final Detailed Plans
5. Appropriate surety submitted with Final Detailed Plans;
6. With the submission of the Final Detailed Plans the requirements of Section 2-27-17 of the UZO concerning establishing and changing FP boundaries shall be fulfilled.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their January 5, 2015 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,



Sallie Dell Fahey
Executive Director

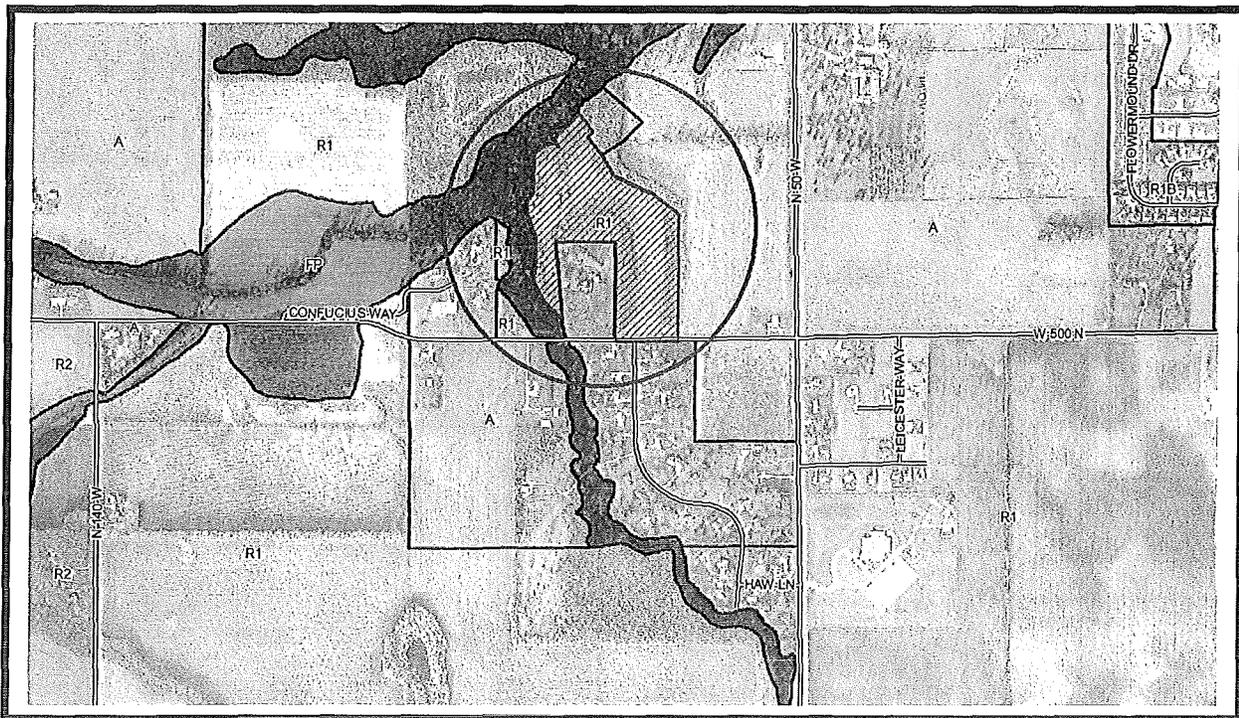
SDF/lmu

Enclosures: Staff Report & Ordinances

cc: E & A Hospitality, Marianne Owen
Alfred Buckley
Ken Brown, Tippecanoe County Building Commissioner
Vectren
Frontier
Duke Energy
Comcast

Z-2593
E & A HOSPITALITY, LLC
(THE WHITTAKER PLANNED DEVELOPMENT)
(R1 to PDMX)

STAFF REPORT
December 11, 2014



Z-2593
E&A HOSPITALITY, LLC
THE WHITTAKER PLANNED DEVELOPMENT
R1 TO PDMX

Staff Report
December 11, 2014

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, on behalf of the owner and represented by attorney Marianne Mitten Owen, is requesting PDMX zoning on a part of approximately 25 acres for a multi-use, multi-phase project that includes a maximum 18-guestroom inn with an event space for up to 40 persons (Phase 1: "The Inn"), an additional event space which can hold up to 50 persons (Phase 2: "The Barn") and a single-family detached caretaker's residence (Phase 3: "The Proprietor's House"). The single tract of unplatted land is proposed to be split-zoned into three districts: PDMX for "The Whittaker Planned Development" and FP and R1 which will remain as they are and not be bound by the requirements of Z-2593 but by their own respective district regulations. The property is located to the northwest of the intersection of CR 500 N and CR 50 W in unincorporated Tippecanoe County; Tippecanoe 30(NW) 24-4.

ZONING HISTORY AND AREA ZONING PATTERNS:

The subject property is presently zoned R1 as are adjacent properties to the west. To the south, north and east is Agricultural (A) zoning. Flood Plain (FP) zoning runs just inside the subject property's western boundary, leaving approximately ¼ of R1 zoned property on the west bank of the stream separated from the remaining R1 land on the east bank. Recent zoning activity in the immediate vicinity includes: Z-1684 from A to R1 approved in 1996, Z-2301 from A to R1 in 2006. R1 and A zoned land dominate the area surrounding the subject property.

AREA LAND USE PATTERNS:

The non-floodplain area of the subject property is presently in crop production as is adjacent land to the east. To the south is the Hawthorne Ridge Subdivision while to the north and west, land is heavily wooded or in crop production. A tract of land containing a single family home is surrounded on three sides by the subject property and is screened by woods. Schools, churches and the site of a future Islamic Center are also all within the immediate vicinity.

TRAFFIC AND TRANSPORTATION:

CR 500 N is a rural secondary arterial according to the *Thoroughfare Plan*. A single driveway entrance to the PD area is planned to be located directly across from the Hawthorne Ridge Drive intersection with CR 500 N. Parking for the project includes: 34 parking spaces (plus 2 garage spaces) planned for the first phase (The Inn), an additional 24 spaces planned for the second phase (The Barn) and the required parking for a single-family detached residence for the third phase (The Proprietor's House).

ENVIRONMENTAL, SIGNAGE AND UTILITY CONSIDERATIONS:

Public utilities are available to serve the site. "Preservation Areas", which contain large tracts of the existing wooded areas, have been established inside the perimeter of the PD area to ensure adequate buffering from adjacent properties. A floodplain certification for the east bank of the stream running through the property has been submitted per staff's request. Signage for the project is limited to a single sign planned to be located at the driveway entrance.

STAFF COMMENTS:

The Whittaker Planned Development is a unique project that successfully combines, in a harmonious way, multiple UZO definitions related to hotels, bed & breakfasts and event spaces into a singular experience that will have no equivalent in our community. The project is a true exemplar of why our community established planned development zoning in the first place. According to UZO Section 2-28-1-a, Planned Development zoning is used to:

*"...foster innovative and diverse design in land development..." and "...to provide a widening variety of **developments** to meet the needs of the community."*

In that spirit The Whittaker Planned Development, in its design elements and sensitivity to its surroundings, fulfills the Commission's goals for planned developments outlined in Section 2-28-1-b:

1. *"to accommodate compatible **development** in environmentally sensitive locations;*
2. *to enhance compatibility with surrounding land uses;*
3. *to permit a harmonious variety of uses within a single **development**;*
4. *to promote efficiency, sustainability and thus economy by clustering structures and/or by using shared facilities or services;*
5. *to foster new site treatments not contemplated in other kinds of **zones**.*
6. *to advance the policies of the Comprehensive Plan in innovative ways less easily achievable through other zoning districts while providing a demonstrable community benefit."*

Set adjacent to a wooded floodplain, the project has gone to great pains to minimize the impacts on the environment through the establishment of "Preservation Areas" which serve as both buffer and natural enhancements to the project's setting. Additionally the compact design of the project further reduces the environmental impacts. The project itself is set far back from the roadway so as to not be visible from it, further minimizing the impacts to adjacent neighbors. The initial phase will be a single building containing 15 guestrooms, event space for up to 40 individuals and the proprietor's suite. Two additional phases will add a detached event space for up to 50 individuals and a detached caretaker's residence which will allow the guestroom count in the inn to increase up to 18 maximum. All guests will be served from the on-site kitchen staffed by the proprietors themselves. Amenities for the project are appropriate to the rural setting and the architecture highlights some of the best elements of rural homesteads and inns.

Staff welcomes this new innovation for planned developments and recommends approval.

STAFF RECOMMENDATION:

Approval, contingent on meeting all requirements of UZO 2-28-10 for submission of Final Detailed Plans, signed off by those noted in that section to include:

1. All sheets that make up the approved Preliminary Plan;
2. PD construction plans per UZO Appendix B-2;
3. Drainage Board approval shall be required prior to the submission of the Final Detailed Plans.
4. County Highway approval for the new driveway shall be required prior to the submission of the Final Detailed Plans
5. Appropriate surety submitted with Final Detailed Plans;
6. With the submission of the Final Detailed Plans the requirements of Section 2-27-17 of the UZO concerning establishing and changing FP boundaries shall be fulfilled.