

ORDINANCE NO. 2015-17-CM
AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF TIPPECANOE
COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATE
FROM A TO NB

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 Washington Township, Tippecanoe County, Indiana:

A part of the Southwest Quarter of the Section 28, Township 24 North, Range 3 West, in Washington Township, Tippecanoe County, Indiana and being a portion of the Charles M. Kennedy, et al property described in Document No. 9404488, in the Recorders Office of said County, being more particularly described as follows, to-wit;

Commencing at an A1NB Monument marking the Southeast corner of said Southwest Quarter of the Section 28, thence along the East line of said quarter section, North 01°07'35" West (state plane bearing) 490.00 feet to the Northeast corner of the Board of Trustee of Washington Township property described in Document No. 01034997; thence along the North line thereof, North 89°07'43" West, 37.76 feet to the Point of Beginning of the herein described tract; thence continue North 89°07'43" West, 488.29 feet; thence North 20°43'03" West, 201.96 feet; thence North 04°02'49" East, 165.06 feet to a point o the South right-of-way line of State Road 25 as described in Document No. 200909091006; thence along said right of way line the following four (4) courses: 1) North 62°57'45" East, 12.77 feet to a ¾" rebar with punched aluminum cap stamped "Vester & Assoc. INC. LS Firm 0004" set (Hereinafter referred to as "Vester Rebar"), 2) North 76°59'43" East, 469.28 feet to a Vester Rebar, 3) South 21°17'17" East, 116.00 feet to a Vester Rebar, 4) South 05°50'40" East, 366.20 feet to the Point of Beginning, containing 4.92 acres more or less.

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

Section 3: This ordinance shall be in full force and effect from and after its adoption.

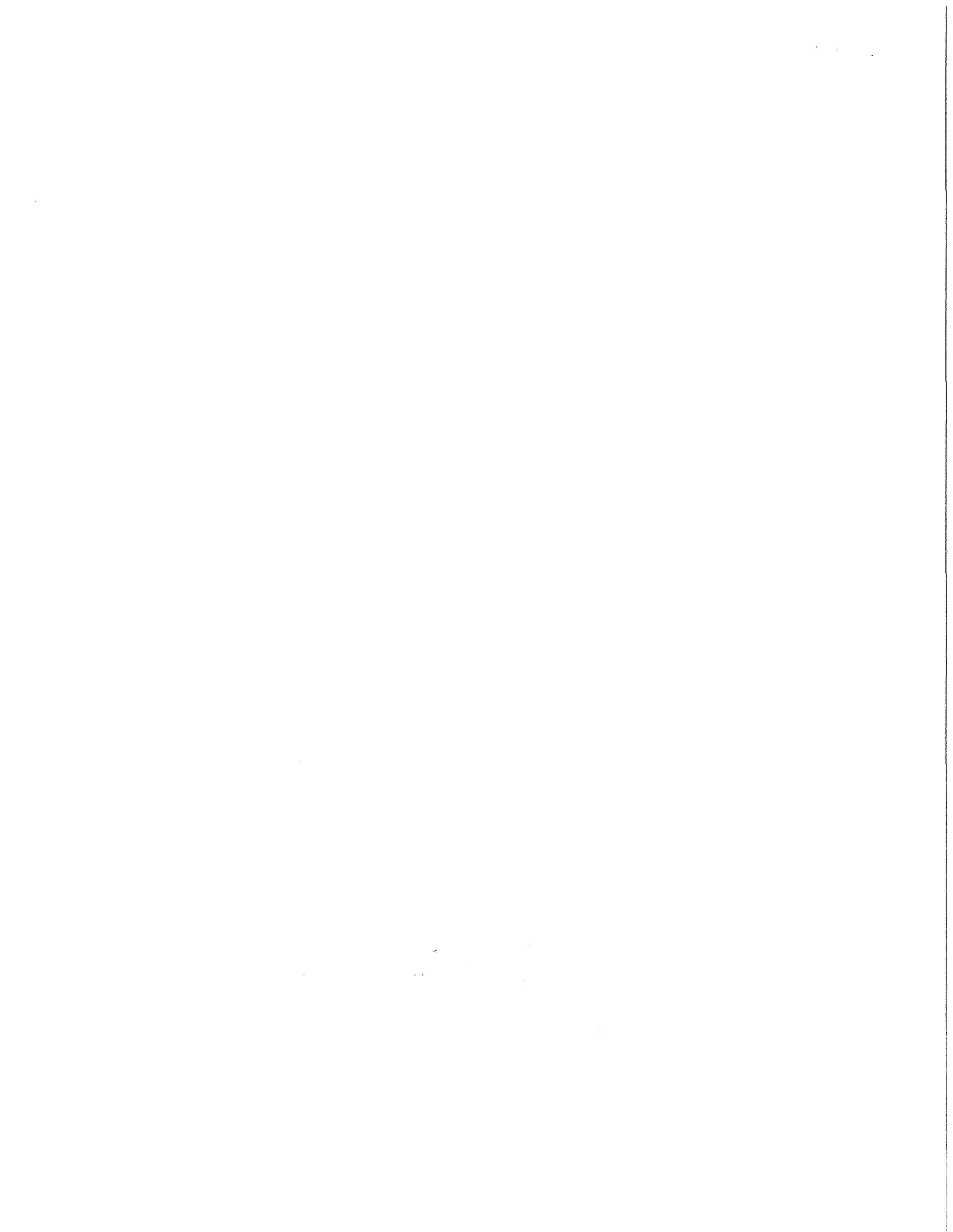
(Adopted And Passed) (Denied) by the Board Of Commissioners of Tippecanoe County, Indiana, this 8th day of SEPTEMBER, 20 15.

VOTE:

<u>y</u>	<u>[Signature]</u> Thomas Murtaugh, President
<u>y</u>	<u>[Signature]</u> David Byers, Vice President
<u>y</u>	<u>[Signature]</u> Tracy Brown, Member

ATTEST:

[Signature]
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

August 20, 2015
Ref. No.: 15-181

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

CERTIFICATION

RE: **Z-2623--WASHINGTON TOWNSHIP (A to GB-NB):**

Petitioner, c/o Barbara Knochel, Washington Township Trustee, is requesting rezoning of 4.92 acres located at the southwest corner of CR 775 E and the Hoosier Heartland (SR 25) just north of the unincorporated town of Buck Creek, Washington 28 (SW) 24-3.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on August 19, 2015 the Area Plan Commission of Tippecanoe County voted 11 yes - 0 no on the motion to rezone the subject real estate from A 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 September 8, 2015 regular meeting. Petitioners or their representatives must appear to present their case.

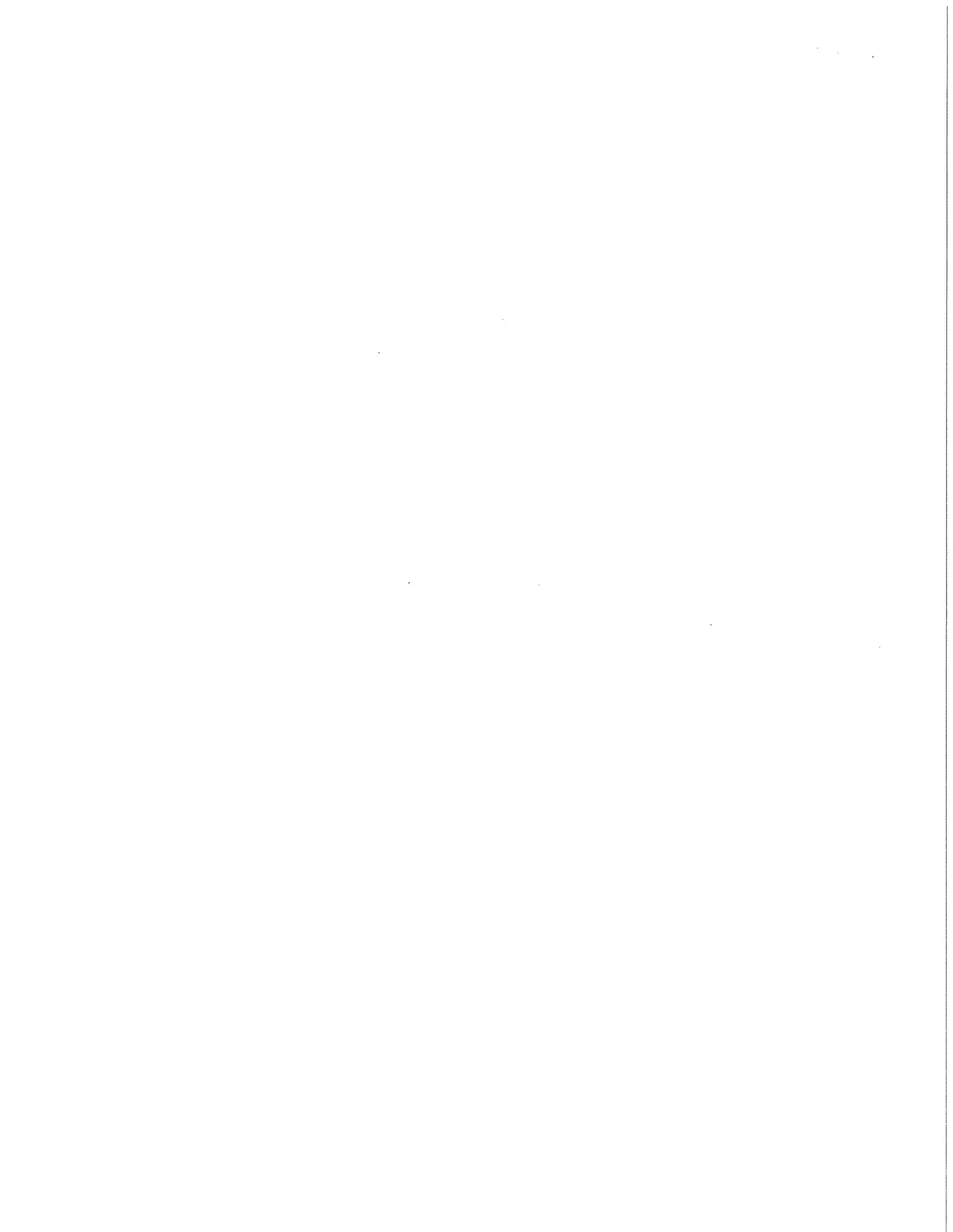
Sincerely,


Sallie Dell Fahey
Executive Director

SDF/lmu

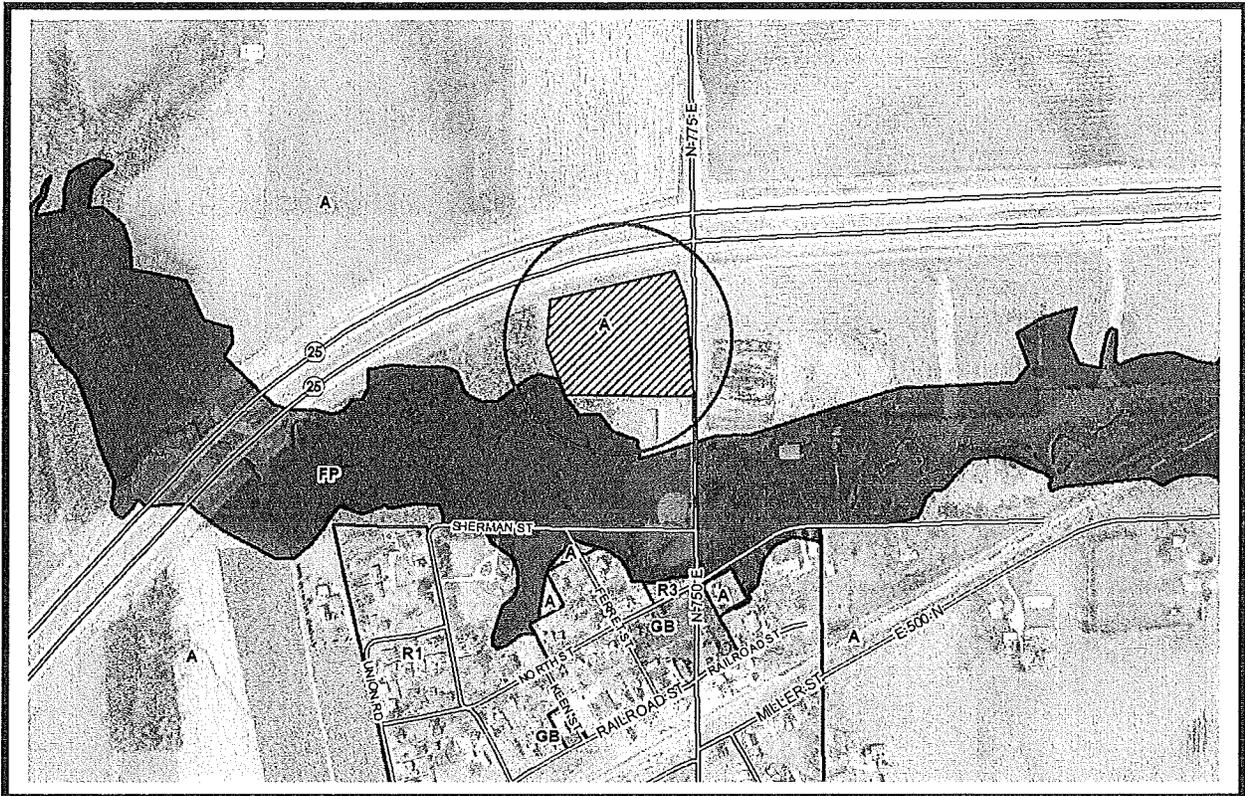
Enclosures: Staff Report & Ordinances

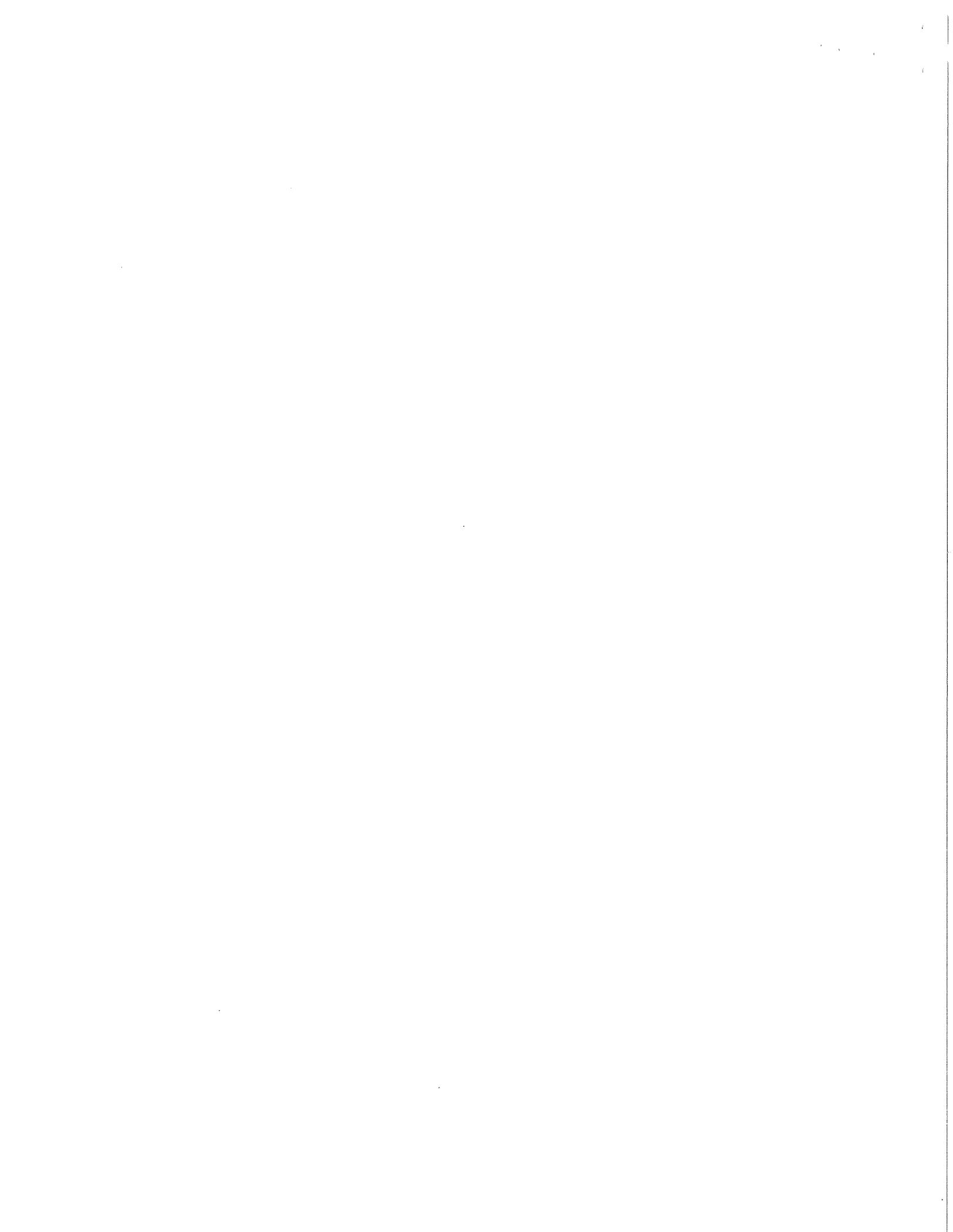
cc: Barbara Knochel, Wabash Township Trustee
Stuart Boehning
Daniel Teder
Mike Wolf, Tippecanoe County Building Commissioner



Z-2623
WASHINGTON TOWNSHIP
(A to GB)

STAFF REPORT
August 13, 2015





Z-2623
WASHINGTON TOWNSHIP
A to GB

Staff Report
August 13, 2015

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, c/o Barbara Knochel, Washington Township Trustee, is requesting rezoning of 4.92 acres for a volunteer fire station despite the fact that a fire station is a permitted use by Special Exception in the A zone. The property is located at the southwest corner of CR 775 E and the Hoosier Heartland (SR 25) just north of the unincorporated town of Buck Creek, Washington 28 (SW) 24-3.

ZONING HISTORY AND AREA ZONING PATTERNS:

The property is zoned Agricultural as is land to the north and east. Land to the south and west is zoned FP with commercial and residential zoning found further south in the town of Buck Creek. The most recent change in zoning in the vicinity occurred in 2013 (Z-2518) west of the town. The change from A to GB was opposed by staff but approved by the County Commissioners.

AREA LAND USE PATTERNS:

The current site is undeveloped and in agricultural production. A township-owned community center and playground are found on the property adjacent to the south and a cemetery is found to the east across CR 775 E.

TRAFFIC AND TRANSPORTATION:

State Road 25 (Hoosier Heartland), along the property's northern boundary, is a limited access highway. Access to the property will be off of CR 775 E. Commercial driveway permits must be reviewed and approved through the County Highway Department.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

Neither public sewer nor water service is available to serve development on this site. Petitioner will need to contact the Tippecanoe County and State Departments of Health to determine utility needs and suitability. Additionally, a 20' wide Type B bufferyard is required to be installed on all property lines that abut the Agricultural zoning found to the south and west.

STAFF COMMENTS:

For the purposes of establishing a fire station on this site, a rezone action is unnecessary. A fire station is a permitted use by Special Exception in the A zone. If, however, the Township is interested in the future commercial development of this site beyond the fire station project then staff can recall its recommendation of denial in the

aforementioned rezone case (Z-2518) concerning bringing GB zoning just outside of the town to the west. Staff stated:

"The proximity of the Hoosier Heartland provides a chance for Buck Creek to expand to the north and would also serve the nearby town of Americus only 2 ½ miles to the north. Thus, staff can only support, as guided by the Comprehensive Plan and Unified Zoning Ordinance, neighborhood business zoning adjacent to the north of Buck Creek to encourage the responsible growth of our small towns and rejects this much too large and much too commercially intense request for GB zoning."

While this petition is seeking commercial zoning in an appropriate place, the GB zone is unnecessary and too intense. The proposed use (fire station) can be accommodated by-right in any commercial zone. The NB zone is the more appropriate choice if the Township continues to seek a commercial rezone to establish the fire station use rather than pursuing a Special Exception with the ABZA.

Staff remains committed to the prosperity of our community's small towns. GB permits far too many uses likely to ill-serve the Buck Creek community and it is a zoning district that is best reserved for commercial uses that serve a clear regional need. At the small-town scale and at this particular location, NB zoning is more than sufficient.

STAFF RECOMMENDATION:

Denial unless amended to NB.