

ORDINANCE NO. 2016-22-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

See attached

79-06-09-476-016.000-022

**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 3rd day of OCTOBER, 2016.

VOTE:

<u>Y</u>	<u>[Signature]</u> _____ President
<u>Y</u>	<u>[Signature]</u> _____ Vice President
<u>Y</u>	<u>[Signature]</u> _____ Member

ATTEST:

[Signature]  
\_\_\_\_\_  
Auditor

Part of the East half of the southeast quarter of section nine (9) in Township Twenty-three (23) North, Range Five (5) West, described as follows, to-wit:

Beginning at the southeast corner of the southeast quarter of said Section, Township and Range, aforesaid, then running north on the eastern line of said section a distance of two hundred seventeen (217) feet to the point of beginning of said tract; thence north one hundred fourteen (114) feet; thence west parallel to the south section line one hundred ninety-one (191) feet; thence south one hundred fourteen (114) feet parallel to the eastern section line; thence west one hundred ninety-one (191) feet to the point of beginning containing 0.42 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

September 22, 2016  
Ref. No.: 16-225

Tippecanoe County Commissioners  
20 North 3<sup>rd</sup> Street  
Lafayette, IN 47901

## CERTIFICATION

RE: **Z-2666--MARIA ISABEL TRUJILLO VARELA (A to GB):**  
Petitioner is requesting rezoning of 0.42 acres located on the west side of CR 400 W, just north of the Lindberg intersection, Wabash 9 (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 September 21, 2016 the Area Plan Commission of Tippecanoe County voted 14 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 October 3, 2016 regular meeting. Petitioner or her representative must appear to present her case.

Sincerely,



Sallie Dell Fahey  
Executive Director

SDF/lmu

Enclosures: Staff Report & Ordinances

cc: Mike Wolf, Tippecanoe County Building Commissioner

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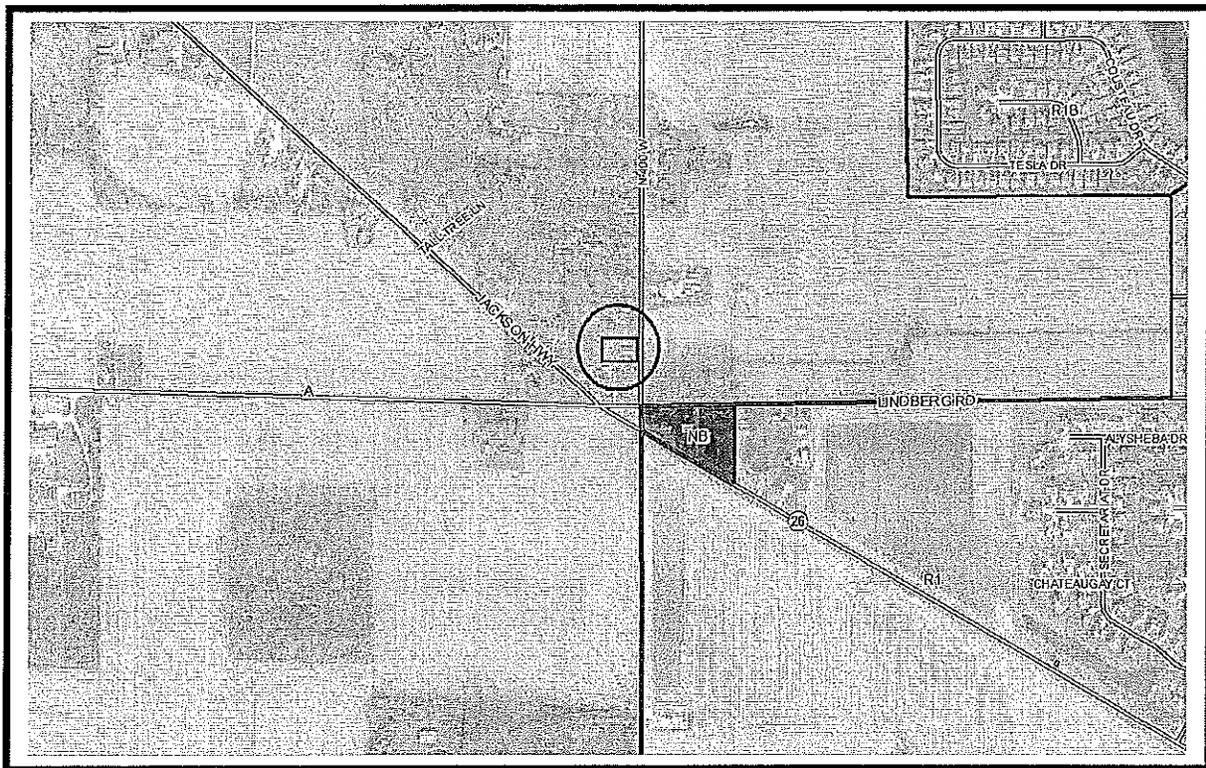
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Z-2666  
MARIA ISABEL TRUJILLO VARELA  
(A to GB)

STAFF REPORT  
September 15, 2016

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**Z-2666**  
**MARIA ISABEL TRUJILLO VARELA**  
**A to GB**

**Staff Report**  
**September 15, 2016**

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**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioner, who is also the owner, is requesting a rezone from Agricultural to General Business to allow an auto repair operation adjacent to their home. Petitioner's family owns an automobile sales lot in town; the site in question is used to repair their own vehicles and on occasion vehicles that belong to others (SIC 753). It is the repair of others vehicles that compels this request. The .42 acre site is located on the west side of CR 400 West just north of its intersection with Lindberg Road, Wabash 9(SE) 23-5.

**ZONING HISTORY AND AREA ZONING PATTERNS:**

This parcel and all surrounding land is zoned A, Agricultural. The only other zoning district nearby is NB which is located to the south between Lindberg and SR 26. This property was rezoned in two petitions in 1970 and 1978 by the County Commissioners (Z-377 and 881).

**AREA LAND USE PATTERNS:**

The site in question contains a detached garage. Petitioner's home is adjacent to the south and not part of this request. Other single-family homes can be found to the northeast, north, west, south and southeast. Land directly east across CR 400 W is farmed.

**TRAFFIC AND TRANSPORTATION:**

The property has frontage and its access on CR 400 West which is classified as a rural local road. Traffic counts taken in 2014 indicate that 1,478 vehicles travel this road daily.

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

According to the County Health Department, sanitary sewer and water is not available to the site. The Health Department has no information regarding a septic system for this property.

If this property is rezoned, a type 'B' bufferyard would be required where the property abuts Agricultural zoning.

**STAFF COMMENTS:**

Petitioner and her husband own and operate a car sales operation in Lafayette. Typically repair of the vehicles occurs at the car lot, but petitioners would like the option

of performing some of these repairs in the garage of the subject site which is adjacent to their home. Auto repair is permitted as a Rural Home Occupation but a minimum of 2 acres is required. Even if petitioner's home site were included in this request, the acreage would not amount to 2 acres so rezoning is the only option. Footnote 37 in the Permitted Use Table for auto repair states that all work and materials shall be inside.

The Land Use Element of the *Comprehensive Plan* for Tippecanoe County shows a residential, open space, and agricultural future for this property and the immediate area surrounding it. The plan was largely based on lack of sanitary sewer service. Since that time American Suburban has made improvements that set the stage for rezoning /development activities west of West Lafayette. However, this site is still not served by American Suburban; therefore establishing a commercial future for this property is not compatible with the plan.

Staff acknowledges, generally, that development is moving westward of the city, with more intense commercial and residential development. However, the density decreases west of Klondike and is significantly rural west of CR 400 W. It is only in the past 10+ years that staff has been able to support rezoning requests of this type in the vicinity of Klondike Road, nearly one mile east. A rezone to GB would allow an incompatible commercial use adjacent to other residences and is simply too far from the developing area west of the city limits of West Lafayette for staff to support.

**STAFF RECOMMENDATION:**

Denial