

ORDINANCE NO. 2016-11-CM  
AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF TIPPECANOE  
COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATE  
FROM AW TO R1

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 Perry Township, Tippecanoe County, Indiana

See attached legal

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

**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 1st day of August, 20 16.

VOTE:

y

David S. Byers  
David Byers, President

y

Tracy A. Brown  
Tracy Brown, Vice President

y

Thomas Murtaugh  
Thomas Murtaugh, Member

ATTEST:

Robert Plantenga CHIEF DEPUTY AUDITOR  
Robert Plantenga, Auditor

2011-11-10

## Description of the Rezone Area (11.282 Acres)

Part of the Northeast Quarter of Section 19, Township 23 North, Range 3 west, in Perry Township, Tippecanoe County, Indiana, and being a part of the Robert Joe Adams Living Trust and Alice Mae Adams Living Trust real estate as described in Deed Record 91-06525 in the Office of the Recorder in Tippecanoe County Indiana (ORTCI) and described as follows:

Beginning at the Southwest corner of the Northeast Quarter of said Section 19 being marked by a hinge nail; thence South 89° 53' 42" East along the south line of the Northeast Quarter, 499.63 feet; thence North 00° 06' 20" East, 80.00 feet; thence South 89° 53' 40" East, 115.00 feet; thence South 00° 06' 20" West, 80.00 feet to the south line of said Northeast Quarter; thence South 89° 53' 42" East, along the South line of the Northeast Quarter, a distance of 580.00 feet; thence North 27° 53' 42" West, 362.42 feet; thence North 89° 53' 42" West, 350.89 feet; thence North 29° 35' 54" West 276.79 feet; thence South 89° 00' 12" West, 371.92 feet to the Southeast corner of the Taylor tract as described in document number 120147203 in the ORTCI; thence continuing along the South line of the Taylor tract South 89° 00' 12" West, 175.20 feet to the West line of the Northeast Quarter and the approximate center line of County Road North 550 East; thence South 00° 59' 48" East along the West line of the Northeast Quarter, 550.00 feet to the Point of Beginning, containing 11.282 acres.



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SALLIE DELL FAHEY  
EXECUTIVE DIRECTOR

July 21, 2016  
Ref. No.: 16-162

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

## CERTIFICATION

RE: **Z-2649--ROBERT J. & ALICE M. ADAMS (AW to R1):**

Petitioners are requesting rezoning of 11.282 acres for a proposed 22 lot single-family subdivision located at the northeast corner of CR 550 E and CR 50 N, Perry 19 (NE) 23-3. CONTINUED FROM THE JUNE APC MEETING DUE TO A FAILURE TO MAIL THE NOTICE TO INTERESTED PARTIES TO THE AREA PLAN COMMISSION

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on July 20, 2016 the Area Plan Commission of Tippecanoe County voted 11 yes - 1 no on the motion to rezone the subject real estate from AW to R1. 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 Monday, August 1, 2016 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: Robert & Alice Adams  
Todd Starr, Starr & Associates  
Mike Wolf, Tippecanoe County Building Commissioner



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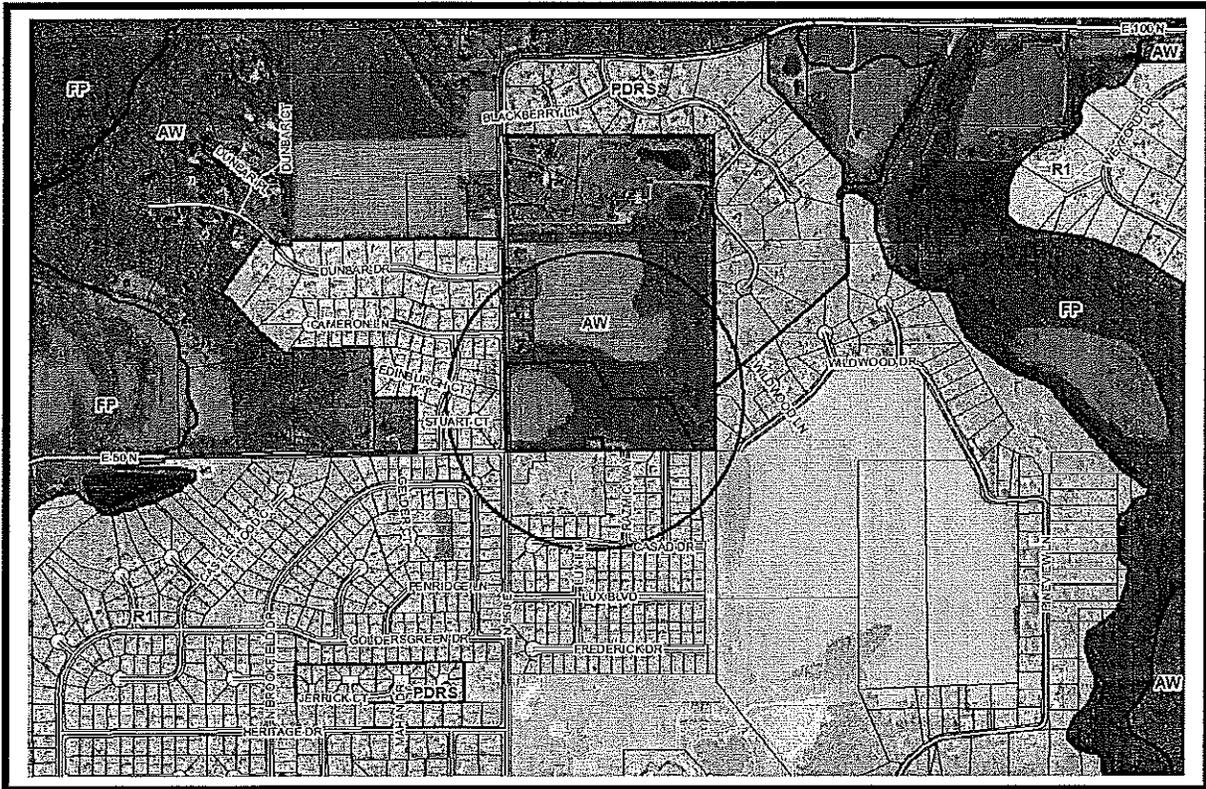
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**Z-2649**  
**ROBERT J. & ALICE M. ADAMS**  
**(AW to R1)**

**STAFF REPORT**  
**July 14, 2016**

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**Z-2649**  
**ROBERT J. & ALICE M. ADAMS**  
**AW to R1**

**Staff Report**  
**June 9, 2016**

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

Petitioners, who are also the owners of the property, represented by Starr Associates, are requesting rezoning of 11.282 acres for a proposed 17 lot single-family subdivision located at the northeast corner of CR 550 E and CR 50 N, Perry 19 (NE) 23-3. The major subdivision sketch plan for the proposal, named "Winter Crest" has already been filed. This rezone must be approved before Winter Crest Major Subdivision can be heard by APC at the preliminary plat stage.

**ZONING HISTORY AND AREA ZONING PATTERNS:**

Originally zoned R1, this property became zoned FC, Forestry Conservation (now renamed AW, Agricultural Wooded) in 1983 when staff was in the process of reviewing and filing new township zoning maps based on the Comprehensive Plan. The Plan called for future residential development to be in Wea, Fairfield and Wabash Townships, so much of the original R1 zoned land in Perry Township was given rural zoning designations. Over time, with the arrival of sanitary sewer, residential rezones have eroded the once quite large AW zone in this area.

Currently, this site and land adjacent to the north are still zoned AW. R1 zoning is adjacent on both the west and south sides. A bit farther to the east is more R1 zoning as well as PDRS zoning associated with the Woodberry PD. Flood Plain zoning associated with the Wildcat Creek generally wraps around this site to the north, but at a distance of approximately 2000'.

**AREA LAND USE PATTERNS:**

The site in question is part of a larger 35 acre tract that has already had four parcels (lots created through parcelization) developed from it in 1991 and 2002. The land in this request has been a mix of cultivated farmland and heavily wooded, sloped ravines.

Dunbar Highlands Subdivision and Highland Meadows are to the west of the site in question; to the southwest is Brookfield Heights. Hickory Hills is to the south and east. Woodberry Planned Development is to the northeast.

**TRAFFIC AND TRANSPORTATION:**

The land has frontage on CR 550 E, a rural local road based on the adopted *Thoroughfare Plan*. The already filed Winter Crest sketch plan shows that the two existing stub-end streets adjacent to the south (Razmic Way and Double Tree Drive in

Hickory Hills Subdivision) would be looped together in a U-shape with this proposal and serve five new lots. Another subdivision street, "Winter Crest Court" would be a cul-de-sac with access from CR 550 serving 12 new lots.

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

City sewer and water would serve the site. Children living in the proposed subdivision would attend Hershey Elementary, East Tipp Middle School, and Harrison High School.

Most of the proposed lots have steeply sloped backyards; however the sketch plan has labeled "conservation easements" at the tops of these embankments. The review and approval of the County Drainage Board will be part of the subdivision approval process.

**STAFF COMMENTS:**

When this land was rezoned to the Forestry Conservation zone (now Agricultural Wooded) in 1983, it fit the sparsely populated, heavily forested, sloped topography of this area. Since that time, Perry Township and this area east of Lafayette have developed into a high-growth residential enclave. The predominately residential future of this area is obvious so long as sanitary sewer capacity exists. With existing R1 zoning adjacent on two sides, large-lot residences to the north and farther to the east and several single-family subdivisions both adjacent and across the street, R1 zoning at this location is clearly supportable.

**STAFF RECOMMENDATION:**

Approval