Z-2708
BLACK WALNUT FARM, INC.
(A to R1)

ADDENDUM & STAFF REPORT
February 15, 2018
REQUEST MADE, PROPOSED USE, LOCATION:
Petitioner Krista Jessee of Black Walnut Farm, Inc., represented by attorney Joseph Bumbleburg of the Ball Law Firm, and surveyor Jim Pence of the Schneider Corporation, is requesting rezoning of 31.86 acres located on the west side of Newcastle Road, north of its intersection with Wyandotte Road, in Sheffield 17 (S½), 20 (N½) and partly within the western half of the Richardville Reserve. Petitioner plans to divide the land into 14 single-family lots and one outlot using the major subdivision process. The sketch plan for “Black Walnut Farm Subdivision” has already been filed (S-4734). At the January APC meeting, this rezone received an inconclusive vote. If the rezone is successful this month, the preliminary plat could be on the agenda as early as the March APC meeting.

PARENT TRACT STATUS:
At the January meeting, plan commission members requested more information regarding the site in question and what land divisions could be accomplished without a rezone to the R1 district. Black Walnut Farm, Inc. has three “parent tracts.” A parent tract is defined as “a piece of land, the location, shape and size of which is determined by the official record of the last transfer of its ownership transacted before the Unified Subdivision Ordinance (USO) was enacted...on November 19, 1979.” Three small tracts were separated before 1979 and do not count as a division; they are each parent tracts of their own. (See attached parcelization map.)

A parent tract zoned A, AW, or AA is eligible for up to four land divisions resulting in a lot/parcel/tract smaller than ten acres in size. The three parent tracts owned by Black Walnut Farm have already had three parcels (P81-16, 88-5, 96-46) and one minor subdivided lot (Allen Minor Subdivision) created from them, which leaves a total of 8 division rights remaining within the three parent tracts. (It is worth noting that P81-16, which dates back to 1981, has never been sold or its ownership transferred. Because of this, it does not show up in the Auditor’s Records with a separate state ID number, or as a separate property at all. This parcel could be sold off as a 9th division, or it could be dissolved to free up that additional 9th division right.)

TIF DISTRICT:
The other question that arose at the January meeting was whether this acreage was within a Tax Increment Financing district. Although not zoned Industrial, this site is located within the McCarty Lane Southeast Industrial TIF district (see attached map). A potential subdivision of 14 lots would not generate any additional income for the TIF and would remove the possibility of future commercial/industrial uses locating here that would generate income within the TIF district.

STAFF RECOMMENDATION:
Remains unchanged: Denial
Legend

- Orange highlighter = parent tract boundary
- Cross-hatched areas = parcelizations/minor subs (P81-16, P88-5, P96-46, Allen Minor Subdivision)
EXHIBIT "B"

AREA WITHIN TIF DISTRICT
CURRENTLY ZONED INDUSTRIAL
TIF DISTRICT  TIPPECANOE COUNTY
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ZONING HISTORY AND AREA ZONING PATTERNS:
This site, like most of Sheffield Township, has been zoned Agricultural (A) since the earliest 1965 county zoning maps. Surrounding land within a mile radius is likewise still zoned A. Farther to the east across I-65 is AW, Agricultural Wooded zoning and Flood Plain associated with the South Fork of the Wildcat. A mile to the northwest is the Industrial zoning found near Lafayette’s southeast side. A mix of commercial and residential zoning can be found in Dayton which is a mile and a half to the north as the crow flies.

AREA LAND USE PATTERNS:
The site in question is relatively flat, unimproved farmland. A portion of a parcelization tract (P96-46) and a one-lot minor subdivision (Allen Minor, S-4115) were created from the 41.2 acre parent tract. An older 1.2 acre parent tract is adjacent to these two land divisions. There exists the potential for up to three lots created through the minor subdivision process within the 41.2 acre parent tract without the need of rezoning the land to a Residential zoning district.

Other than the three houses adjacent to the northeast, all of the surrounding land is farmed. The homesites scattered throughout the area were nearly all created through the parcelization process during the 80’s and 90’s. This includes a parcelization “slider” development of 18 tracts ¼ mile to the north on the opposite side of Newcastle from this site. The loophole in the Subdivision Ordinance that allowed “sliders” was eliminated in 2002.

TRAFFIC AND TRANSPORTATION:
Newcastle Road is classified as a rural local road by the adopted County Thoroughfare Plan. The nonbinding development plan filed with this rezone request shows a single
proposed public street extending from Newcastle, ending in a cul-de-sac roughly 2000’ to the west.

SCHOOLS:
Children living in a potential subdivision here would attend TSC schools: Dayton Elementary, Wainwright Middle School, and McCutcheon High School.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:
No public utilities are near enough to serve this proposed subdivision from either Dayton or the City of Lafayette. All of the proposed lots would be served by individual water wells and septic systems. At this point, no soil work has been submitted to the Health Department, so it is not known if the soils are adequate for 14 septic systems or not. (A rural estate rezone at this point, without any soil work would likely result in a continuance.) Drainage for the acreage would need to be reviewed and approved by the County Surveyor and/or the Drainage Board as part of the major subdivision process.

STAFF COMMENTS:
The proposed Black Walnut Farm subdivision would create 14 lots of between 1 and 3 acres in size with a density of 1.95 acres per lot. This is slightly denser and with more lots than would be allowed in a rural estate (RE) subdivision (which is limited to 12 lots with a density of 2.0 acres per lot). Although the proposed subdivision is similar in size and density to a rural estate development, the land does not qualify for an RE. The site is not wooded nor used as pastureland, but has clearly been farmed for crops for many years. When the County Commissioners adopted the amendment that allowed these types of rural developments, (and at the same time eliminating “sliders”) it was decided that preserving farmland in Tippecanoe County was of critical importance. 12-lot rural subdivisions on septic systems would be allowed, but only on land that has not been tilled or is untillable. The subdivision of rural lots “in the country” would occur only on land that for one reason or another, had not been used for crop generation, thus preserving our farmland.

The 1981 Phased Land Use Map from the Comprehensive Plan shows this site as having a “select agricultural” future. This site is 1½ miles beyond the Residential Expansion Sector identified in the Plan for Sheffield Township. Without the availability of sewer and water, the scoring for this site would be no different today. One of the goals of the Plan is to preserve our farmland and that “orderly development…must be timely with regard to the availability of key elements of infrastructure” which include “water supply” and “sanitary sewer.”

In 1975 the County Commissioners adopted the amendment to the UZO that requires major residential subdivisions only be permitted in Residential zones. At that APC meeting, one of the Commissioners stated, “the County Commissioners were in favor of the amendment because it would allow control over the locations of subdivisions. One serious consideration is the cost of providing municipal services to rural subdivisions.” (APC minutes of the Regular Meeting, March 24, 1975, p.2).

The creation of 14 lots on 31 acres far from our cities and towns may seem innocuous. The last R1 rezone that resulted in large lots on individual septic systems approved in the
County was Fieldcrest subdivision off CR 900 E in 1994 over 20 years ago. This was years before the rural estate amendment allowing subdivisions on untilled land was added to the USO. Staff fears that rezoning farmland for residential subdivisions can easily become a slippery slope that will encourage other farm owners to do the same. The Plan is based on the premise that future development should be encouraged in areas that are contiguous to the existing urban area and where utilities are available. Part of the success of our community has been its compact development pattern that prevents unchecked sprawl. Rezoning this farm field R1 would allow a subdivision without public utilities, be developed surrounded on all sides by farm fields, miles from the nearest major residential subdivision. This would meet the very definition of unchecked sprawl.

**STAFF RECOMMENDATION:**
Denial