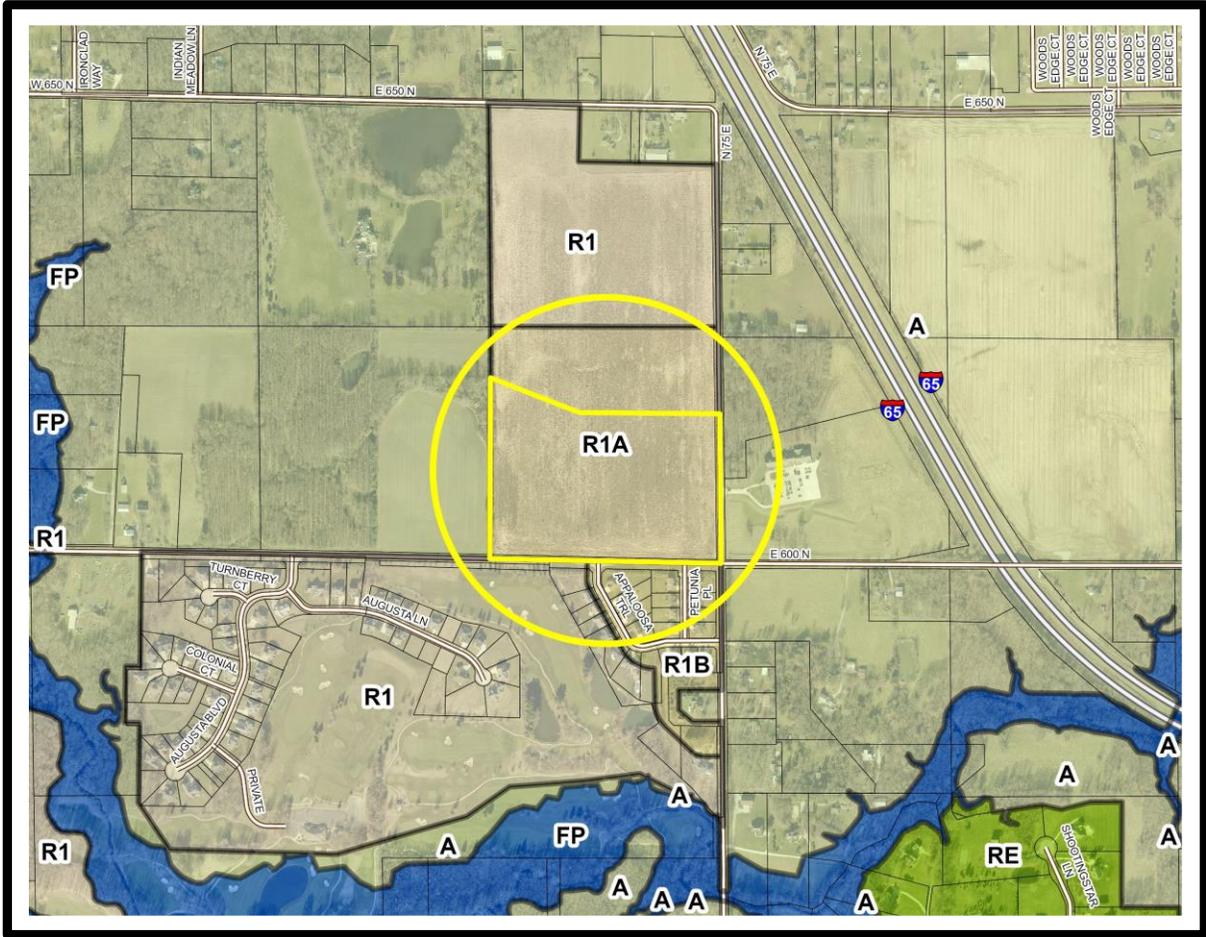

Z-2795
K & K HOMES, LLC
(R1A to R1B)

STAFF REPORT
May 14, 2020



REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, K & K Homes LLC (represented by attorney Dan Teder) is requesting rezoning of 27.57 acres (aka Belle Terra Major Subdivision), located at the northwest corner of CR 600 N and CR 75 E in Tippecanoe 20 (SE) 24-4. With Commitment.

ZONING HISTORY AND AREA ZONING PATTERNS:

This 27.57 acres site is part of a 40.7 acre tract that was rezoned from A (Agricultural) to R1A in February 2018 (Z-2711). At the same time, adjoining on the north, a 34.45 acre tract was rezoned from A to R1 (Z-2712). To the west, east and southeast are A zoned tracts. Properties to the south, across CR 600 N, are zoned R1 and R1B.

AREA LAND USE PATTERNS:

The site is open and farmed, as is the adjoining field to the north. Agricultural production is the predominant land use surrounding the subject property, mixed with a scattering of large and small lot single-family homes. To the east, across CR 75 E, is a church. The Winding Creek subdivision and the Coyote Crossing golf course are located to the south. The acreage to the north was granted conditional primary approval in August 2018 for a 119 lot single-family subdivision called The Preserve.

TRAFFIC AND TRANSPORTATION:

The *Thoroughfare Plan* classifies CR 600 N as a rural secondary arterial and CR 75 E as a rural local road. This tract was granted conditional primary approval for 77 lots as Belle Terra Subdivision in July 2018. On this month's agenda is a revised 79-lot design for this subdivision that revises the street layout to a simple loop drive. As with the previous subdivision design, there is only a single entrance from CR 75 E to serve the lots in Belle Terra.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

American Suburban Utilities and Indiana American Water will provide the sanitary sewer and water services to this development. These utilities will be extended from existing mains in Winding Creek Subdivision to the south. Two detention ponds, one in the northwest corner of the site and one located in the center, will handle the subdivision stormwater.

STAFF COMMENTS:

On the face of this request with the proposed commitment it would seem that little will change. The subdivision layout proposed in the revised Belle Terra preliminary plat meets all the lot size zoning standards for the existing R1A zone. Plus, as listed in the commitment, this proposed change to R1B will be restricted to most of the R1A standards:

- a. Minimum lot area of 7500 square feet;
- b. Minimum lot width of 60 feet;
- c. Minimum vegetation coverage of 40%; and
- d. Minimum side setback not along street frontage – 6 feet

The only standard not listed is the maximum building coverage. The difference between R1A and R1B is 5%. The R1B zone allows a 35% maximum building coverage and R1A is 30%. There are no differences in the permitted uses between R1A and R1B. Obviously, this will permit slightly larger homes on each lot, but the overall density in this subdivision will not change.

STAFF RECOMMENDATION:

Approval

COMMITMENT

Commitment made on April 20, 2020, by K & K Homes, LLC (the "Petitioner") pursuant to Indiana Code Section 36-7-4-1015.

1. Petitioner makes this commitment with the knowledge and consent of Whiskir, LLC who is the owner (the "Owner") of certain real estate (the "Real Estate") located in Tippecanoe County, Indiana, commonly known as 27.57 acres on E 600 N in West Lafayette, Indiana and more particularly described on Exhibit A which is attached hereto and incorporated by reference herein.
2. Petitioner has filed a request (with the consent of the Owner) with the Area Plan Commission of Tippecanoe County, Indiana (the "APC"), to rezone the Real Estate from R1A to R1B which request is pending before the APC as case no. Z-_____.
3. Petitioner hereby agrees and makes the following commitments in connection with the rezoning request in case no. Z-_____:

All lots which shall be platted on the real estate shall have the following requirements:

- a. minimum lot area of 7500 square feet;
- b. minimum lot width of 60 feet;
- c. minimum vegetation coverage of 40%;
- d. minimum side setback not along street frontage - 6 feet.

4. Petitioner understands and agrees that this commitment is given to the APC and the Tippecanoe County Board of Commissioners (the "Legislative Body") as an inducement for the recommendation for and approval of the rezoning request in case no. Z-_____. Petitioner further understands and agrees that the approval of the rezoning request in case no. Z-_____ by the Legislative Body constitutes good and valuable consideration for the giving of this commitment.

5. This commitment shall be a covenant running with the Real Estate and binding and enforceable against Petitioner, any subsequent owner, or any other person who acquires any interest in the Real Estate. Any change or modification of this commitment shall only be made with the approval of the APC at a public hearing in accordance with all rules and regulations of the APC.

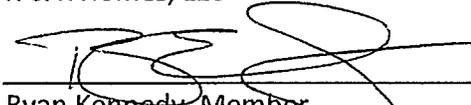
6. Petitioner agrees that each of the following shall each be a "specially affected person" under Indiana Code Section 36-7-4-1015(d)(3) who shall each independently be entitled to bring an action to enforce the terms and conditions of this commitment in the Circuit or Superior

Courts of Tippecanoe County, Indiana:

- a. the APC,
- b. the Area Board of Zoning Appeals of Tippecanoe County, Indiana,
- c. the appropriate Administrative Officer designated in the Unified Zoning Ordinance for Tippecanoe County, Indiana
- d. Tippecanoe County Board of Commissioners

PETITIONER

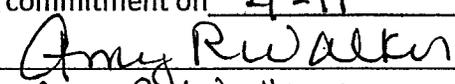
K & K Homes, LLC



 Ryan Kennedy, Member

STATE OF INDIANA)
)
 COUNTY OF TIPPECANOE) SS:

Before me, the undersigned, a notary public, personally appeared Ryan Kennedy and acknowledged the execution of the foregoing commitment on 4-11, 2020.



 Amy R Walker, notary public
 Resident of Tippecanoe County

My commission expires:

9-21-2026



This instrument prepared by: Daniel A. Teder of the firm of REILING TEDER & SCHRIER, LLC, 250 Main Street, Suite 601, P.O. Box 280, Lafayette, Indiana 47902. Telephone: (765) 423-5333. E-mail: dat@rtslawfirm.com

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Daniel A. Teder