

Z- 2583

ORDINANCE NO. 2014-14-CM

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF TIPPECANOE COUNTY, INDIANA, TO REZONE REAL ESTATE, FROM NB TO GB.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF TIPPECANOE, 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, to wit:

A part of the Northwest Quarter of the Southwest Quarter of Section Two (2) Township Twenty-three (23) North, Range Five (5) West, described as follows:

Beginning at a point on the north line of said quarter section a distance of six hundred eighty-four (684) feet East of the northwest corner thereof; thence East two hundred seventy-six and 31/100 (276.31) feet along said north line; thence South parallel with the east line of said quarter section a distance of two hundred eighty-two and 82/100 (282.82) feet to an iron post; thence West two hundred seventy-seven and 16/100 (277.16) feet to an iron post; thence North two hundred eighty-one and 5/10 (281.5) feet, more or less, to the place of beginning, containing one and 8/10 (1.8) acres, more or less. Located in Wabash Township, Tippecanoe County, Indiana.

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

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

(Adopted and passed) (Denied) by the Board of Commissioners of Tippecanoe County, Indiana, this 2nd day of SEPTEMBER, 2014.

VOTE:

Yes

Yes

Yes

John L. Knochel  
John L. Knochel, President

Thomas P. Murtaugh  
Thomas P. Murtaugh, Vice President

David S. Byers  
David S. Byers, Member

Attest: Jennifer Weston  
Jennifer Weston, Auditor

THE

# Area Plan Commission

of TIPPECANOE COUNTY

20 NORTH 3RD STREET  
LAFAYETTE, INDIANA 47901-1209

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(765) 423-9154 [FAX]  
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SALLIE DELL FAHEY  
EXECUTIVE DIRECTOR

August 21, 2014  
Ref. No.: 14-247

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

## CERTIFICATION

RE: **Z-2583--SHANE O'MALLEY (NB to GB):**

Petitioner is requesting rezoning of 1.8 acres located on the south side of US 52 West across from the Menard's store, more specifically, 2827 US 52 W, in Wabash 2 (SW) 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 August 20, 2014 the Area Plan Commission of Tippecanoe County voted 12 yes - 0 no on the motion to rezone the subject real estate from NB 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 September 2, 2014 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: Shane O'Malley  
Edward Lockhart  
Daniel Teder  
Ken Brown, Tippecanoe County Building Commissioner

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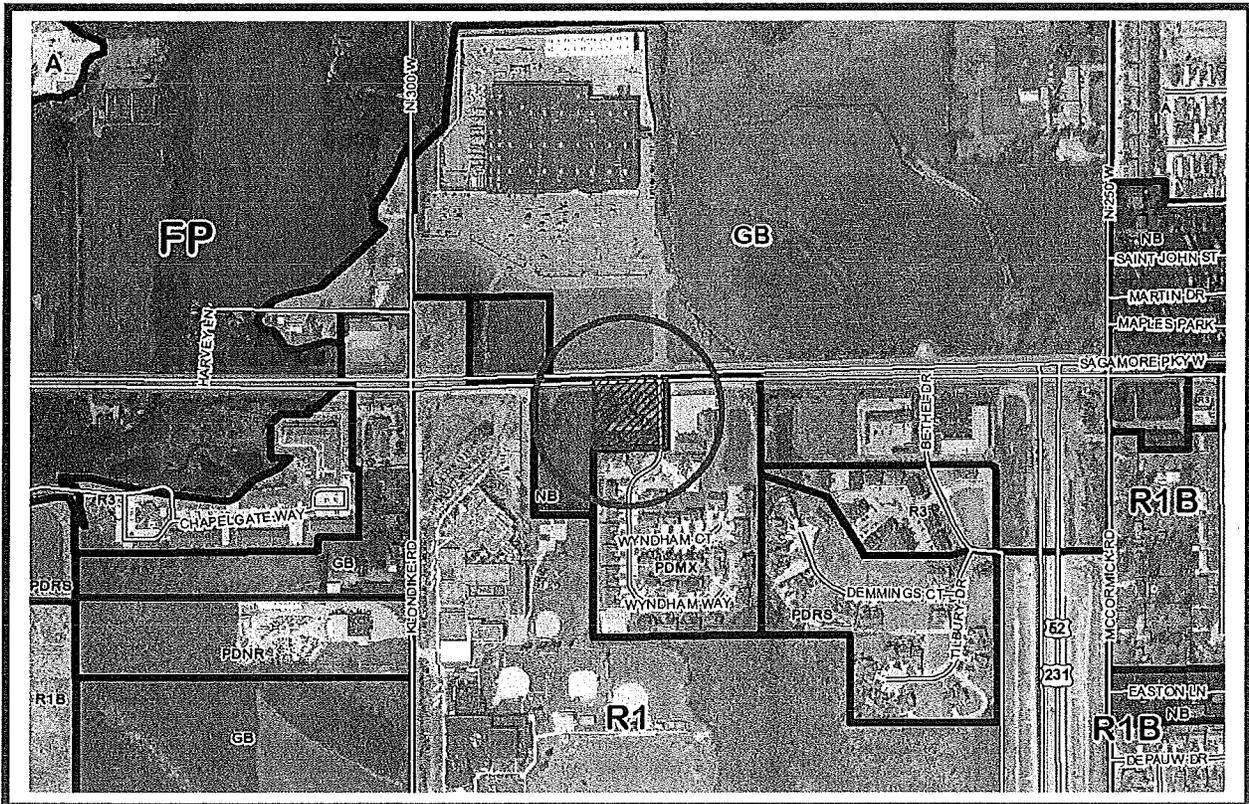
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Z-2583  
SHANE O'MALLEY  
(NB TO GB)

STAFF REPORT  
August 14, 2014

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**Staff Report**  
**August 14, 2014**

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

Petitioner, with consent of the owner Edward Lockhart, and represented by attorney Daniel Teder, is requesting rezoning of 1.8 acres located on the south side of US 52 West across from the Menard's store, more specifically, 2827 US 52 W, in Wabash 2 (SW) 23-5.

**ZONING HISTORY AND AREA ZONING PATTERNS:**

Originally all of the land between Klondike and McCormick on the south side of 52 was zoned R1. In 1987, this 1.8 acre site was rezoned to LB (Local Business) to legitimize a chiropractor's office and multiple residential units in two buildings. In 1998 with the adoption of NUZO, LB zoned land became NB (Neighborhood Business), residential uses were no longer permitted in that zone, and the residences on site became grandfathered.

In 1994, 7.5 acres farther to the east was rezoned from R1 to GB (Z-1585) and 5 acres was rezoned from R1 to R3 (Z-1586). The Wyndham Trace PD, which wraps around the rezone site to the east and south, was approved in 2000 (Z-1967). This PDMX zone includes one commercial lot on US 52 and several townhouses and duplexes to the south. The 3 acre tract adjacent to the west, once home to a mobile home park, was rezoned twice: once from R1 to R3 in 2000 and then R3 to NB in 2005 (Z-1968 and Z-2244).

Originally zoned LB (later NB), the land on the north side of US 52 from the subject property was rezoned GB in 1999 (Meijer, Inc. Z-1833) and in 2004 (Menards, Z-2210).

**AREA LAND USE PATTERNS:**

The site currently has several residences in what appears to be two buildings. The commercial portion of the PD to the east has mostly professional and medical offices. Four-unit townhouses and duplexes are to the south; the three acre tract to the west is unimproved, with Klondike Middle and Elementary Schools to the west of that. Menards and Meijer; both relatively new, are across the highway to the north.

**TRAFFIC AND TRANSPORTATION:**

Wyndham Way, a private drive which serves both the residences to the south and the commercial building to the east, also serves the site in question with access from 52. There is a stoplight at this intersection (north of 52 this street becomes the main access

to both Menards and Meijer). Parking standards for commercial uses in NB and GB zones are the same.

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

This site is served by American Suburban Utilities and Indiana American Water. A 20' wide bufferyard (type C) would be required along the southern boundary of this property where GB zoning would abut the residences in the PDMX zoning district.

**STAFF COMMENTS:**

According to petitioner's representative, the developer of the land plans to raze the existing buildings and construct a commercial building with multiple tenants. This could also be accomplished without a rezone to GB; however one of the tenants of the commercial building would like a drive-thru window. Drive-thrus are permitted in the NB zone, but only with a special exception from the ABZA. The GB zone allows them without the need for a BZA hearing.

The vicinity of this request has seen dramatic changes since this site was rezoned commercially over staff's objections, in 1987. A new highway is in place ¼ mile to the east, two huge stores are now open across the street, three commercial buildings can be found to the east lining the south side of US 52. What was a mobile home park adjacent to the west is now ready for development and zoned NB.

In this situation, the only reason to support the continuation of Neighborhood Business zoning on site would be as protection to the adjacent residences to the south from incompatible land uses. However, the UZO has been updated to require a 20' wide type C bufferyard between GB zones and residential uses in a PDMX zone. With the presence of a major intersection to the east, a stoplight at the property's access point, and two stores across the highway that generate regional shopping trips, rather than neighborhood shopping, staff can support this request.

**STAFF RECOMMENDATION:**

Approval