

Z- 2602

ORDINANCE NO. 2015-08-CM

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA, TO REZONE REAL ESTATE,
FROM A TO R1.

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:

(See legal description attached hereto)

Section 2. The real estate described above should be and the same is hereby rezoned from A to R1.

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

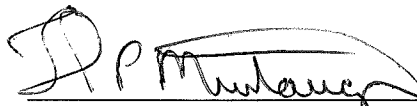
(Adopted and passed) (Denied) by the Board of Commissioners of Tippecanoe County, Indiana, this 20th day of April, 2015.

VOTE:

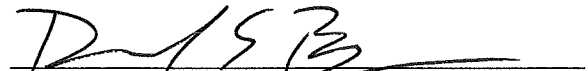
Yes

Yes

Yes



Thomas Murtaugh, President



David Byers, Vice President



Tracy Brown, Member

Attest: Bob Plantenga
Bob Plantenga, Auditor

SCANNED

LEGAL DESCRIPTION

(Record #91-09208) A part of Eighty (80) acres (Deed Record; 80.627 acres-field measured) off of the North side of the Northwest Quarter of Section Thirty (30), Township Twenty-four (24) North, Range Four (4) West in Wabash Township, Tippecanoe County, Indiana, more particularly described as follows:

Beginning at the Northwest corner of Section 30-24-4 marked by an iron pipe found; thence North 89 degrees 00 minutes 21 seconds East along the North line of said Section 30-24-4 a distance of 1770.33 feet to a P.K. nail; thence South 01 degree 00 minutes 58 seconds East a distance of 1432.36 feet to an iron pipe found; thence South 88 degrees 57 minutes 01 seconds West a distance of 1770.71 feet to an iron pin found on the West line of said Section 30-24-4; thence North 01 degree 00 minutes 03 seconds West along said West line a distance of 1434.08 feet to the point of beginning, containing 58.254 acres, more or less.

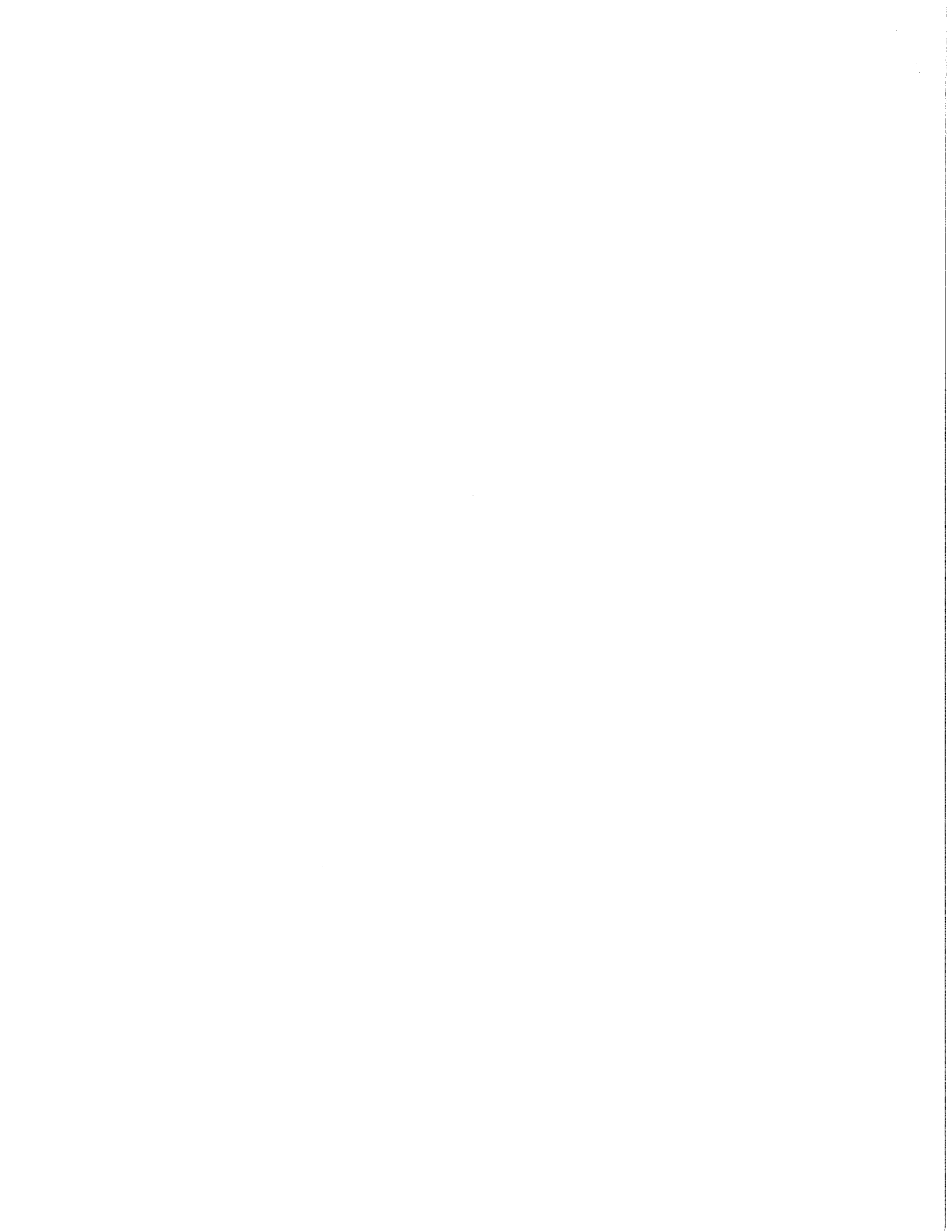
EXCEPT (Deed Record 72, Page 1452) a part of Eighty (80) acres (Deed Record; 80.627 acres-field measured) off of the North side of the Northwest Quarter of Section Thirty (30), Township Twenty-four (24) North, Range Four (4) West in Wabash Township, Tippecanoe County, Indiana, more particularly described as follows:

Beginning at a point on the North line of Section 30-24-4 said point being North 89 degrees 00 minutes 21 seconds East a distance of 700.80 feet from the Northwest corner of said Section 30-24-4; thence continuing North 89 degrees 00 minutes 21 seconds East along the North line of said section 30-24-4 a distance of 338.3 feet; thence South 01 degree 48 minutes 57 seconds East a distance of 644.00 feet; thence South 88 degrees 59 minutes 44 seconds West a distance of 345.10 feet; thence North 01 degree 12 minutes 39 seconds West a distance of 644.00 feet to the point of beginning, containing 5.052 acres, more or less.

ALSO EXCEPT the following described tract (as occupied), a part of Eighty (80) acres (Deed Record; 80.627 acres-field measured) off of the North side of the Northwest Quarter of Section Thirty (30), Township Twenty-four (24) North, Range Four (4) West in Wabash Township, Tippecanoe County, Indiana, more particularly described as follows:

Beginning at a point on the North line of Section 30-24-4 said point being North 89 degrees 00 minutes 21 seconds East a distance of 1039.10 feet from the Northwest corner of said Section 30-24-4; thence continuing North 89 degrees 00 minutes 21 seconds East along the North line of said section 30-24-4 a distance of 2.88 feet; thence South 01 degree 33 minutes 48 seconds East a distance of 644.36 feet to an iron pipe found; thence South 88 degrees 03 minutes 12 seconds West a distance of 345.17 feet to an iron pipe found; thence North 01 degree 12 minutes 39 seconds West a distance of 6.07 feet; thence North 88 degrees 59 minutes 44 seconds East a distance of 345.10 feet; thence North 01 degree 48 minutes 57 seconds West a distance 644.00 feet to the point of beginning, containing 0.047 of an acre, more or less.

ALSO EXCEPT (Record #201111011014) Part of the Northwest quarter of Section 30,



Township 24 North, Range 4 West, in Tippecanoe County, Indiana, more particularly described as follows:

Beginning at a railroad spike on the North line of said Quarter Section South 89 degrees 00 minutes 21 seconds West (bearing taken from previous survey by John M. Irr, dated May 1991) 1749.53 feet from a P.K. nail marking the Northeast corner of said Quarter Section (said point being the northwest corner of a tract currently owned by Harold Webster, as referenced as a 5.099 acre tract on aforementioned survey by John M. Irr) and running thence South 01 degree 10 minutes 20 seconds East measured (South 01 degree 12 minutes 39 seconds East by aforesaid survey) along the West line of said Webster tract 480.00 feet to a 5/8 inch rebar; thence South 89 degrees 00 minutes 21 seconds West 200.00 feet to a 5/8-inch rebar; thence North 01 degree 10 minutes 20 seconds West, 480.00 feet to the railroad spike and the North line of said Quarter Section; thence North 89 degrees 00 minutes 21 seconds East along said North line 200.00 feet to the point of beginning, containing 2.20 acres, more or less.

ALSO EXCEPT (Record #04033510) Part of the Northwest quarter of Section 30, Township 24 North, Range 4 West in Tippecanoe County, Indiana, being described as follows:

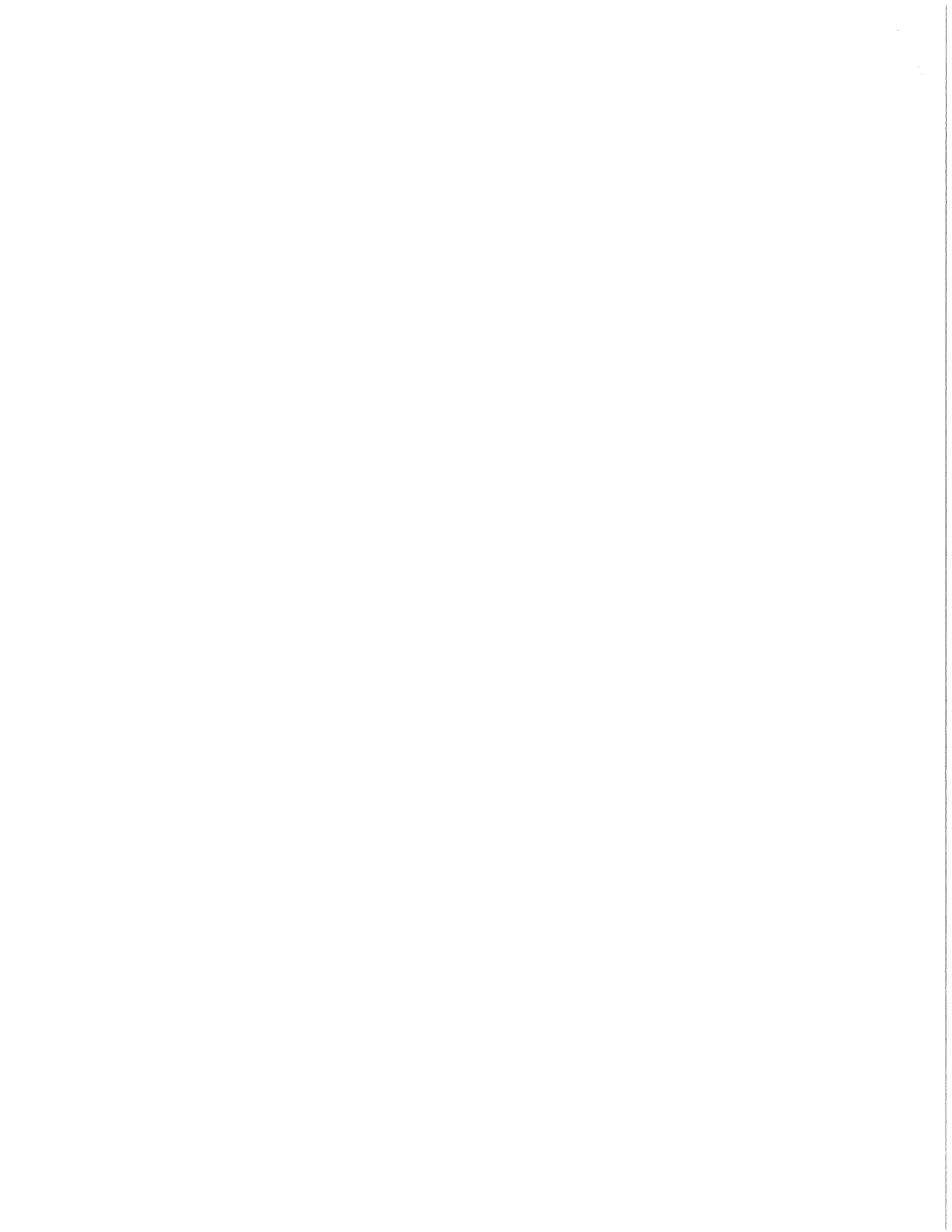
Beginning at a railroad spike on the north line of said quarter section South 89 degrees 00 minutes 21 seconds West (bearing taken from previous survey by John M. Irr, dated May 1991) 1080.00 feet from a P.K. nail marking the northeast corner of said quarter section, and running thence South 00 degrees 59 minutes 40 seconds East, 480.00 feet to a 5/8 inch rebar; thence South 89 degrees 00 minutes 21 seconds West, 200.00 feet to a 5/8 inch rebar; thence North 00 degrees 59 minutes 40 seconds West, 480.00 feet to a railroad spike and the north line of said quarter section; thence North 89 degrees 00 minutes 21 seconds East along said north line 200.00 feet to the point of beginning, containing 2.20 acres, more or less.

ALSO EXCEPT (Record #9506182) Part of the Northwest quarter of Section 30, Township 24 North, Range 4 West in Tippecanoe County, Indiana, more particularly described as follows:

Beginning at a railroad spike on the north line of said quarter section South 89 degrees 00 minutes 21 seconds West (bearing taken from previous survey by John M. Irr, dated May 1991) 880.00 feet from a P.K. nail marking the northeast corner of said quarter section, and running thence South 00 degrees 59 minutes 40 seconds East, 480.00 feet to a 5/8 inch rebar; thence South 89 degrees 00 minutes 21 seconds West, 200.00 feet to a 5/8 inch rebar; thence North 00 degrees 59 minutes 40 seconds West, 480.00 feet to a railroad spike and the north line of said quarter section; thence North 89 degrees 00 minutes 21 seconds East along said north line 200.00 feet to the point of beginning, containing 2.20 acres, more or less.

ALSO EXCEPT (Record #04027446) Part of the Northwest quarter of Section 30, Township 24 North, Range 4 West in Tippecanoe County, Indiana, being described as follows:

Beginning at a railroad spike on the north line of said quarter section South 89 degrees 00

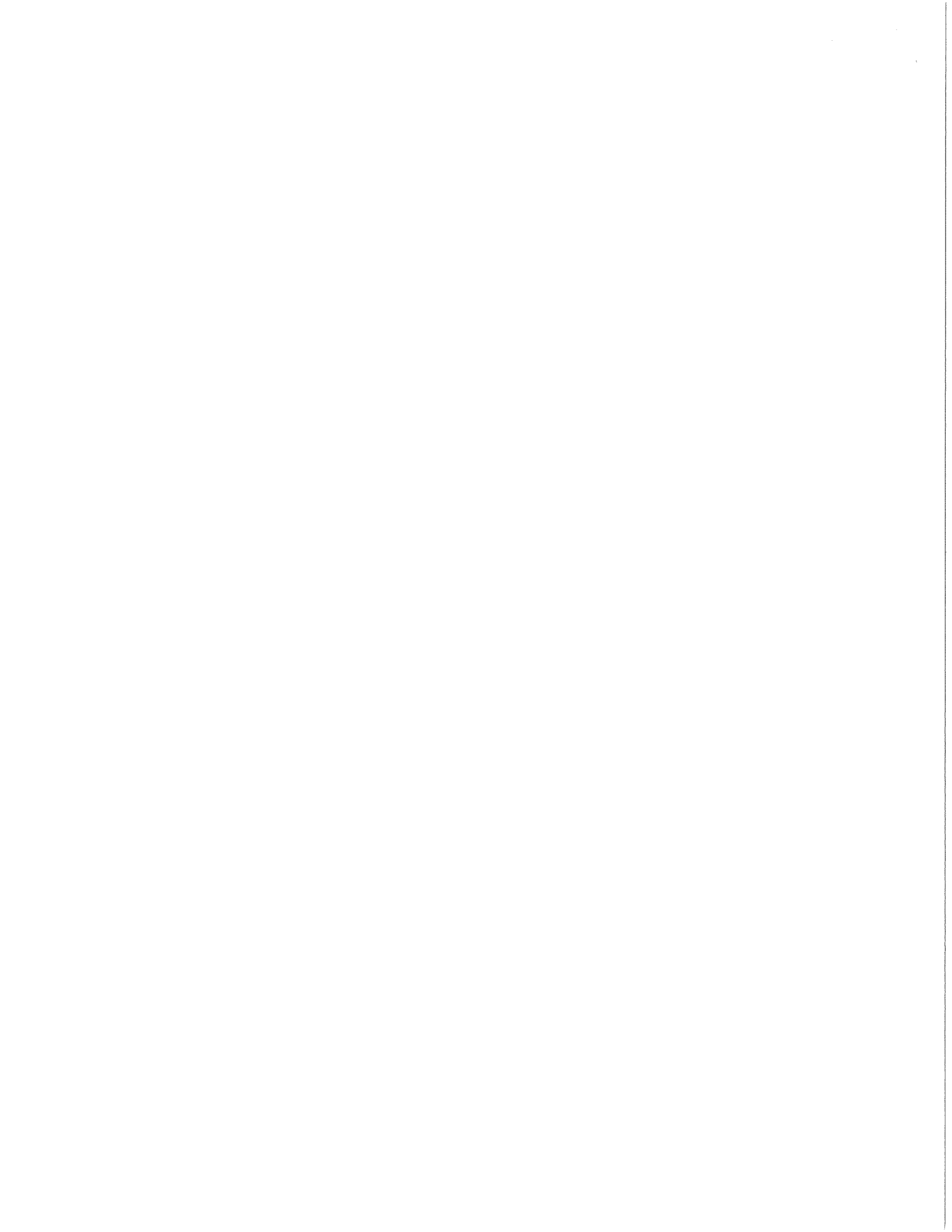


minutes 21 seconds West (bearing taken from previous survey by John M. Irr, dated May 1991) 680.00 feet from a P.K. nail marking the northeast corner of said quarter section (said point also being the northwest corner of a tract conveyed by Charles J. Heidenreich and Winifred C. Heidenreich, husband and wife, to Plennie E. Chase and Mary M. Chase, husband and wife, by recorded Contract for Sale of real Estate dated April 13, 1966, as recorded in Deed Record 299, Page 42 in the Office of the Tippecanoe County Recorder), and running thence South 00 degrees 59 minutes 40 seconds East, measured (South 01 degrees 00 minutes 58 seconds East by aforementioned survey) along the west line of said Chase Tract 480.00 feet to a 5/8 inch rebar; thence South 89 degrees 00 minutes 21 seconds West, 200.00 feet to a 5/8 inch rebar; thence North 00 degrees 59 minutes 40 seconds West, 480.00 feet to a railroad spike and the north line of said quarter section; thence North 89 degrees 00 minutes 21 seconds East along said north line 200.00 feet to the point of beginning, containing 2.20 acres, more or less.

ALSO a part of the Northeast quarter of Section 25, Township 24 North, Range 5 West in Tippecanoe County, Indiana, being described as follows:

Beginning at the Northeast corner of said quarter section; thence South 00 degrees 44 minutes 13 seconds East along the east line of said quarter section 1519.45 feet to the southwest corner of Tract III of a tract of land conveyed to Boanco, Inc. as recorded in Document No. 91-09208 in the Office of the Recorder of Tippecanoe County, thence along a westerly extension of the southern line of said Boanco, Inc. tract, North 89 degrees 43 minutes 39 seconds West 114.67 feet; thence North 00 degrees 44 minutes 13 seconds West, parallel with the east line of said quarter section, 1519.38 feet to the north line of said quarter section; thence South 89 degrees 45 minutes 57 seconds East, along said north line, 114.66 feet to the point of beginning. Containing 4.00 acres, more or less.

Containing 44.35 acres, more or less in Section 30 and 4.00 acres, more or less in Section 25.



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

March 19, 2015
Ref. No.: 15-044

Tippecanoe County Commissioners
20 North 3rd Street
Lafayette, IN 47901

CERTIFICATION

RE: **Z-2602--TIPPECANOE DEVELOPMENT II, LLC (A to R1):**
Petitioner is requesting rezoning of 48.35 acres for a proposed single-family subdivision of 124 lots located on the south side of CR 600 N, a quarter mile west of CR 50 W, north/northwest of Burnett's Creek Elementary School, Tippecanoe 30 (NW) 24-4 and Wabash 25 (NE) 24-5. CONTINUED FROM THE FEBRUARY 18, 2015 APC MEETING AT PETITIONER'S REQUEST.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on March 18, 2015 the Area Plan Commission of Tippecanoe County voted 11 yes - 0 no on the motion to rezone the subject real estate from A 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 April 6, 2015 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,


Sallie Dell Fahey
Executive Director

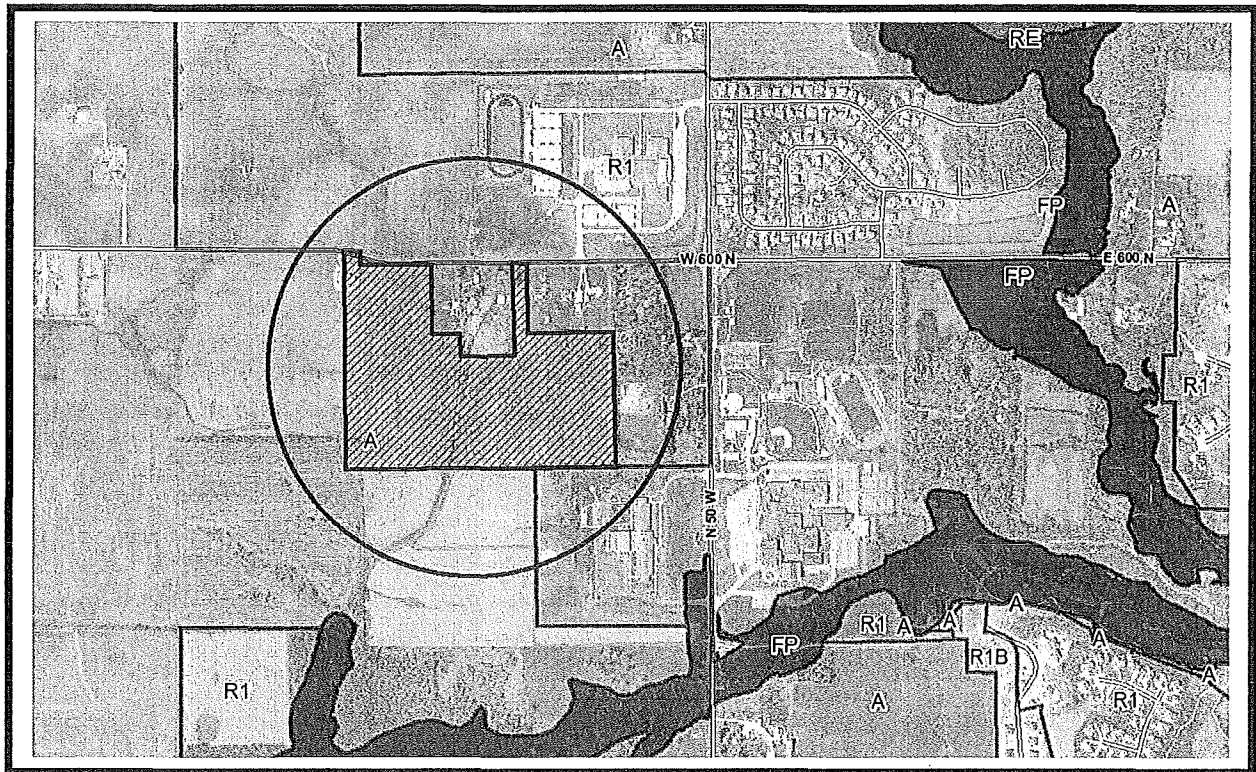
SDF/lmu

Enclosures: Staff Report & Ordinances

cc: John Scheumann, Tippecanoe Development
Boanco
Daniel Teder
Mike Wolf, Tippecanoe County Building Commissioner

Z-2602
TIPPECANOE DEVELOPMENT II, LLC
(A to R1)

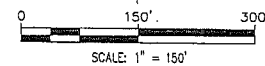
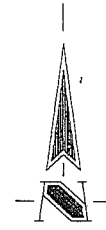
STAFF REPORT
February 12, 2015



COUNTY ROAD 600 NORTH



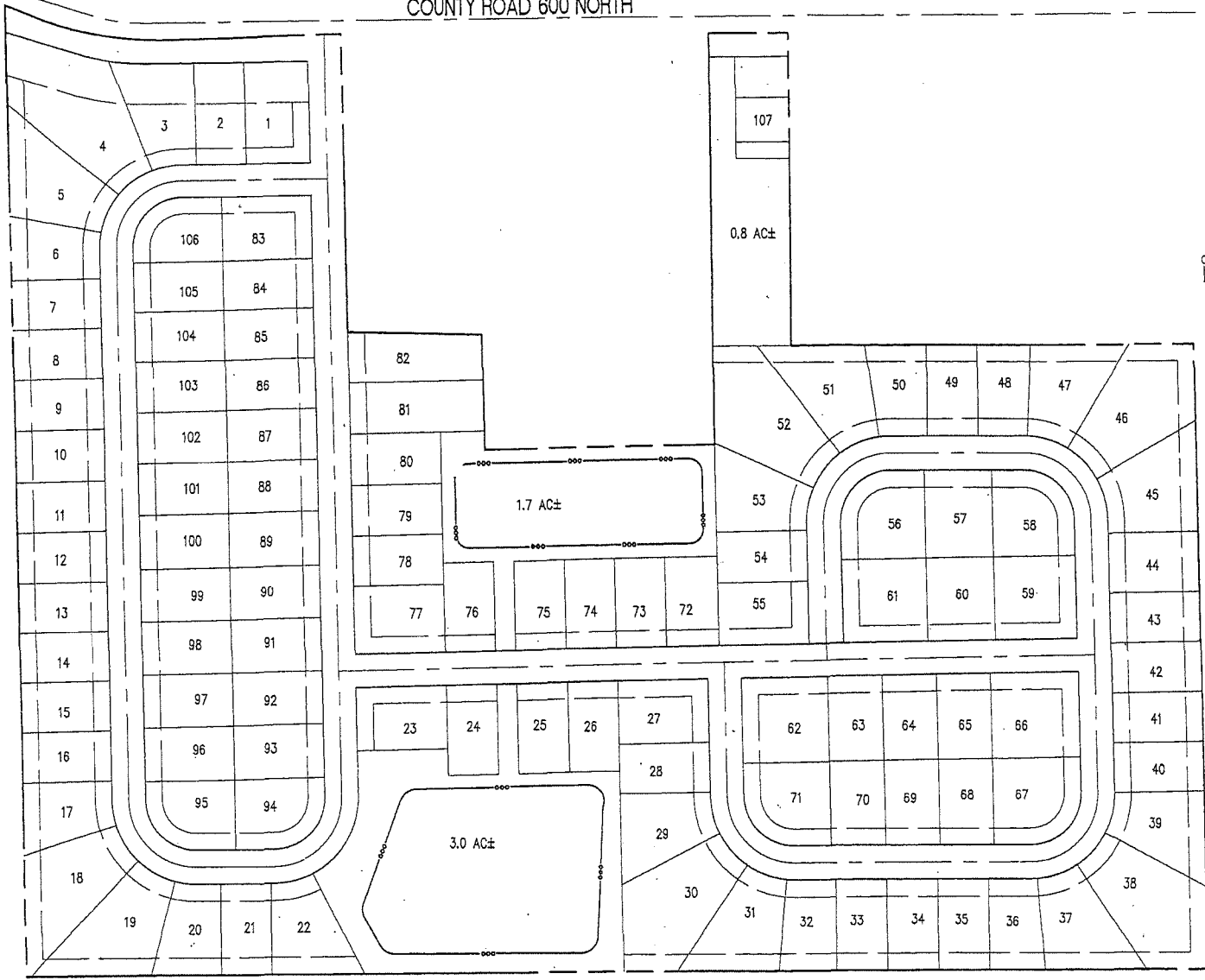
Schneider
 1330 WIN HENTSCHEL BLVD
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 765-448-6661
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R1 LAYOUT
 44.0 AC±
 107 LOTS
 2.4 UNITS/ACRE

CR 600 NORTH
 CONCEPTUAL LAYOUTS
 TIPPECANOE COUNTY, INDIANA

DATE:	8/21/14
PROJECT NO.:	9301.001
SHEET TITLE:	R1 LAYOUT
DRAWING FILE:	L:\V\9301\9301\9301\9301-01
XREF(S):	
SHEET NO.:	R1



Z-2602
TIPPECANOE DEVELOPMENT II, LLC
A to R1

Staff Report
February 12, 2015

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner (signed by member John B. Scheumann) with consent of the owner (Boanco Inc.) and represented by attorney Daniel Teder is requesting rezoning of 48.35 acres for a proposed 107-lot single-family subdivision located on the south side of CR 600 N, a quarter mile west of CR 50 W (County Farm Road), in Tippecanoe 30(NW)24-4 (44.35 acres) and Wabash 25(NE)24-5 (4.0 acres).

ZONING HISTORY AND AREA ZONING PATTERNS:

This site is currently zoned A (Agricultural) and has been since the earliest zoning map for this area. These 48 acres were recently the subject of a rezone request to R1B (Z-2597), which was recommended for denial by the APC at its December 2014 hearing and then withdrawn by petitioner before being heard by the Board of County Commissioners. Agricultural zoning borders most of the site, including the several tracts that adjoin on the north and east sides. R1 zoning abuts on the southeast and northwest, across CR 600 N.

There have been several rezones from A to R1 in the immediate area, starting in 1993 for the Harrison High School expansion on the 78 acre property (Z-1552). In 1996 TSC (Tippecanoe School Corporation) successfully rezoned 36 acres for the Burnett Creek Elementary School (Z-1684), which borders the subject site on the southeast. In 2001, nearly 60 acres at the northeast corner of CR 50 W and CR 600 N were rezoned to R1 for the now nearly built out Harrison Highlands single-family subdivision (Z-2043). In 2005, TSC rezoned the 50 acre Battle Ground Middle School property, located to the northeast (Z-2260). Soon after this TSC rezone, 74 acres to the north were rezoned to R1 for a 164 lot subdivision (Z-2258) that was not developed. The same 74 acre site is now on this month's agenda to be rezoned to R1B (Z-2601).

AREA LAND USE PATTERNS:

The subject tract is currently in crop production, and is tucked behind several large lot single-family homes that border CR 600 N and CR 50 W. Properties to the northwest, west, and southwest are also currently farmed.

TRAFFIC AND TRANSPORTATION:

The *Thoroughfare Plan* classifies CR 600 N as a rural secondary arterial. The seasonally adjusted average daily traffic (ADT) volume taken along this site's CR 600 N frontage in 2013 was 2,286 vehicles. The count along CR 50 W, just north of the 600 N

intersection, is nearly the same at 2,273. However, east of CR 50 W, the ADT volume along 600 N is about double that at 4,538 vehicles per day. The County Highway Department has commented to staff that overall the CR 600 N pavement is in good condition (resurfaced in 2008), and that it appears there is sufficient sight distance for a new street entrance. The reverse curves are signed and have 40 mph speed advisory plaques.

The site has two separate frontages along CR 600 N, one at the west end about 508-ft and one in the middle about 125-ft. The nonbinding sketch plan submitted with the rezone petition shows a single entrance proposed in the longer frontage. The developer has tentatively agreed to provide a combination paved pedestrian path and emergency vehicular access from the internal street system through to the narrow frontage. This path would provide pedestrian access to the Battle Ground Middle School to the north. The developer also hopes to work with TSC to provide a pedestrian access to the Burnett Creek Elementary property that adjoins on the southeast border.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

Indiana American Water and American Suburban Utilities sanitary sewer mains are available along CR 600 N to serve this new development. The Haffner Regulated Drain runs north to south, nearly splitting the site in half. The sketch plan shows two proposed detention storage ponds and outlots to accommodate this existing drainage feature.

SCHOOLS:

As noted in the zoning history, the three schools that serve this district (Burnett Creek Elementary, Battle Ground Middle School and Harrison High School) are located within walking distance of this proposed subdivision site. TSC has not provided any comments to staff concerning this proposed rezone.

STAFF COMMENTS:

Compared to the failed R1B request, this R1 rezone petition does significantly reduce the possible residential density. The prior proposal came with a tentative layout of 164 lots at a density of about 3.4 lots per acre. At the R1 standards, far fewer proposed lots (107) will fit in the same area at approximately 2.2 lots per acre.

The fact that water and sanitary sewer mains are available and that this site adjoins one public school property and is just across the street from another, makes residential expansion here a logical choice.

STAFF RECOMMENDATION:

Approval