Z- 2657

ORDINANCE NO. 2016-13-CM

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATE FROM I3 TO A

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 Tippecanoe Township, Tippecanoe County, Indiana:

(see legal description attached hereto)

Section 2: The above-described real estate should be and the same is hereby rezoned from I3 to A.

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, 2016.

VOTE:

_____ _____
David Byers, President

_____ _____
Tracy Brown, Vice President

_____ _____
Thomas Murtaugh, Member

ATTEST:

_____ CHIEF DEPUTY AUDITOR
Bob Plantenga, Auditor

Z-_____

LEGAL DESCRIPTION

A part of Section 6 of Burnett's Reserve, below the mouth of the Tippecanoe River, Township 24 North, Range 4 West, being also a part of Lot Numbered 10 in Subdivision of that part of said Section 6, lying East of Burnett's Creek (as made by Father Hamilton) described as follows: Beginning at the Northeast corner of said Section 6, being the North corner of said Lot Numbered 10, and running thence South 14 1/4 degrees West along the East line of said Lot Numbered 10, 28 rods; thence North 70 degrees West 18.36 rods to the Northwest line of said Section 6 on the Reserve; thence Northeast along said line 32 rods to the place of beginning, said in previous deeds to contain 1.60 acres, more or less.

EXCEPT:

A part of the Northwest fraction of Section 34, Township 24 North, Range 4 West, Tippecanoe Township, Tippecanoe County, Indiana, described as follows:

Commencing at the North most corner of Section 6, Burnett's Reserve; thence South 40 degrees 23 minutes 45 seconds East 8.00 feet along the Northeasterly line of said Section 6; thence South 50 degrees 26 minutes 30 seconds West 10.98 feet; thence South 13 degrees 44 minutes 28 seconds West 213.62 feet; thence South 14 degrees 34 minutes 43 seconds West 235.88 feet to the centerline of a former public highway (Battle Ground Road) to a non-tangent curve; thence Northwesterly 141.79 feet along an arc to the left having a radius of 2,081.00 feet and subtended by a long chord having a bearing of North 68 degrees 32 minutes 12 seconds West and a length of 141.77 feet along the centerline of said public highway (Burnett's Road) to a non-tangent reverse curve; thence Northwesterly 102.42 feet along an arc to the right having a radius of 895.00 feet and subtended by a long chord having a bearing of North 70 degrees 42 minutes 33 seconds West and a length of 102.36 feet along the centerline of said public highway (Burnett's Road) to a reverse curve; thence Northwesterly 67.15 feet along an arc to the left having a radius of 1,487.00 feet and subtended by a long chord having a bearing of North 70 degrees 11 minutes 27 seconds West and a length of 67.14 feet along the centerline of said public highway (Burnett's Road) to a point on the Southeasterly line of the Tippecanoe Township property (described in Deed Book 17, page 383); thence North 49 degrees 57 minutes 30 seconds East 50.66 feet along the Southeasterly line to the Northeast corner of said Tippecanoe Township property; thence North 40 degrees 02 minutes 30 seconds West 82.50 feet along the Northeasterly line of said Tippecanoe Township property to the Northwest corner of said Tippecanoe Township property; thence South 49 degrees 57 minutes 30 seconds West 13.76 feet along the Northeasterly line of said Tippecanoe County property and the point of beginning of this description; thence South 49 degrees 57 minutes 30 seconds West 91.19 feet along the Southwesterly line of the grantors' land to a non-tangent curve; thence Northwesterly 40.89 feet along an arc to the left having a radius of 1,487.00 feet and subtended by a long chord having a bearing of North 76 degrees 04 minutes 42 seconds West and a length of 40.89 feet; thence North 71 degrees 44 minutes 53 seconds West 102.86 feet to a non-tangent curve; thence Northwesterly 65.10 feet along an arc to the right having a radius of 330.00 feet and subtended by a long chord having a bearing of North 70 degrees 41 minutes 43 seconds West and a length of 64.99 feet; thence South 79 degrees 24 minutes 14 seconds West 26.36 feet; thence North 56 degrees 02 minutes 35 seconds West 57.01 feet to the Northwest line of the grantors' land; thence North 79 degrees 24 minutes 14 seconds East 205.64 feet along the Northwest line of the grantors' land to a curve; thence Northeasterly 20.71 feet along an arc to the left having a radius of 1,295.51 feet and subtended by a long chord having a bearing of North 78 degrees 56 minutes 46 seconds East and a length of 20.71 feet; thence South 58 degrees 18 minutes 05 seconds East 140.19 feet to the point of beginning and containing 0.530 acres, more or less.

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

July 21, 2016
Ref. No.: 16-168

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

CERTIFICATION

RE: **Z-2657--DONNIE G. LAYTON (I3 to A):**
Petitioner is requesting rezoning of 1.07 acres located at the northwest corner of North Ninth Street Road and Burnetts Road, Tippecanoe, Burnett's Reserve 06 (N1/2) 24-4.

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 12 yes - 0 no on the motion to rezone the subject real estate from I3 to A. 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. Petitioner or his representative must appear to present their case.

Sincerely,

Sallie Dell Fahey
Executive Director

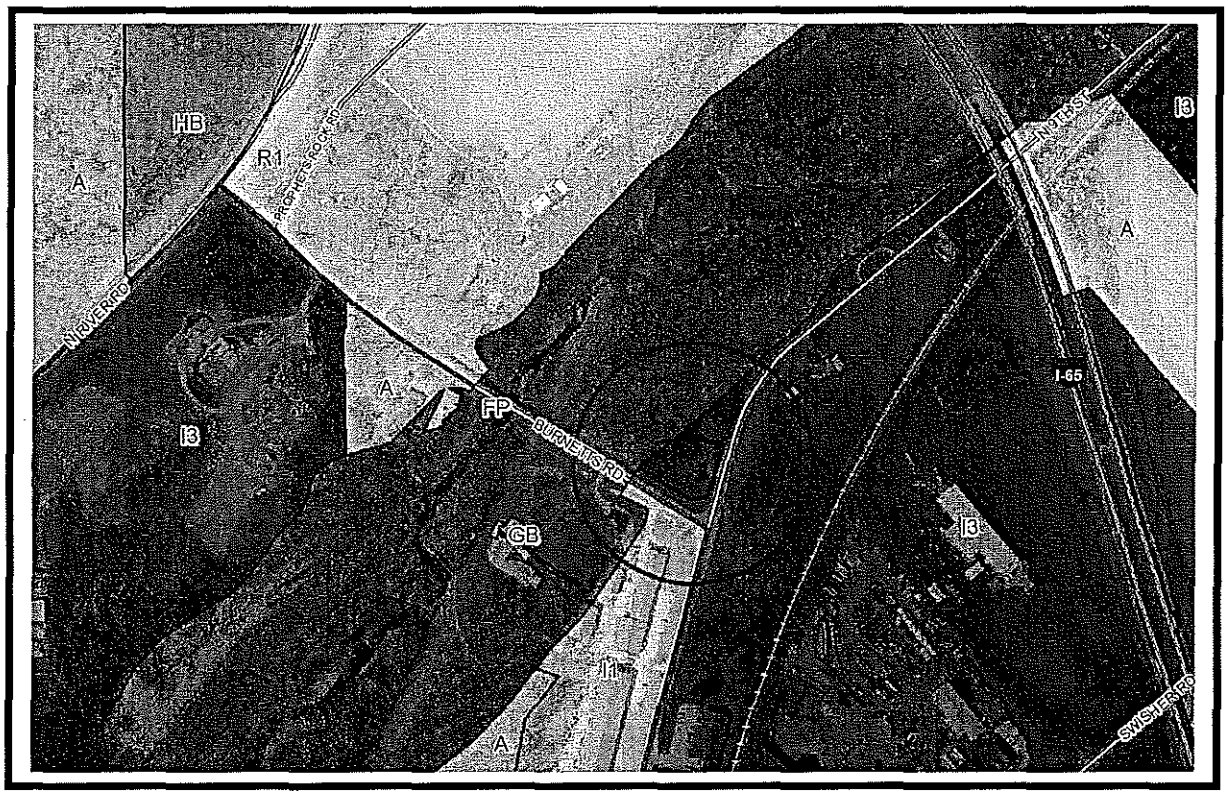
SDF/lmu

Enclosures: Staff Report & Ordinances

cc: Donnie Layton
Kevin Riley
Mike Wolf, Tippecanoe County Building Commissioner

Z-2657
DONNIE G. LAYTON
(I3 to A)

STAFF REPORT
July 14, 2016



Z-2657
DONNIE G. LAYTON
I3 to A

Staff Report
July 14, 2016

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, represented by attorney Kevin Riley, is requesting rezoning of 1.07 acres located at the northwest corner of North 9th Street Road and Burnett's Road, Tippecanoe, Burnett's Reserve 06(N½) 24-4.

ZONING HISTORY AND AREA ZONING PATTERNS:

This property is currently zoned I3. The property was zoned I, Industrial, prior to the adoption of the 1998 UZO that assigned different intensities to existing industrial zones. The earliest zoning maps show this portion of Tippecanoe Township zoned Industrial. To the northwest of the site is FP zoning associated with Burnett's Creek.

In 1981 the southwest corner of North 9th Street Road and Burnett's Road was rezoned to IR, Industrial Reserve, (Z-1035). The site was amended to I2 with the adoption of the current ordinance in 1998. Farther south along 9th Street is A zoning on the west and GB zoning on the corner of 9th and Swisher.

AREA LAND USE PATTERNS:

The structures on site are currently a single-family home and a detached garage. This home was originally an old school house. Other uses in the area are single-family homes, a veterinarian clinic, a metal fabrication business, Clay Critters, construction offices, the Trails restaurant, and Prophetstown State Park.

TRAFFIC AND TRANSPORTATION:

According to *The Thoroughfare Plan* Burnett's Road is classified as a rural secondary arterial. North 9th Street Road is classified a rural local road north of Burnett's and a rural secondary to the south of that intersection. Traffic counts taken in 2015 show that 5546 vehicles pass this site along Burnett's Road and 4198 vehicles pass this site on 9th Street Road.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

This site is served by well and septic.

STAFF COMMENTS:

This home has been owned by the current family for over 30 years. This site is now part of an estate. The petitioner would like the house to be located in a zone that permits single-family homes. The building has historical significance as an old school but was

converted to single-family use prior to the 1960's according to the County Assessor's record. The small site limits the potential for industrial uses because there is no area for expansion. Staff has no compelling reason why the site should remain zoned I3. Rezoning this property Agricultural would make the existing single-family dwelling a conforming use; therefore staff supports this request.

STAFF RECOMMENDATION:
Approval