

ORDINANCE NO. 2017-15-CM
AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATE FROM R1 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 Wabash Township, Tippecanoe County, Indiana

See Exhibit A Attached

Section 2: The above-described real estate should be and the same is hereby rezoned from R1 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 5 day of September, 2017.

VOTE:

Yes _____ Tracy Brown
Tracy Brown, President

Yes _____ Thomas Murtaugh
Thomas Murtaugh, Vice President

Yes _____ David Byers
David Byers, Member

ATTEST:

Robert Plantenga
Robert Plantenga, Auditor

A part of the Southeast Quarter of the Southeast Quarter of Section 34, in Township 24 North, Range 5 West in Wabash Township, Tippecanoe County, Indiana, being more completely described as follows, to wit:

Commencing at the southeast corner of the southeast quarter of Section 34-24-5; thence North $89^{\circ}59'57''$ West along the south line of said quarter section a distance of 693.00 feet to the point of beginning of the herein described tract; thence continuing North $89^{\circ}59'57''$ West along said south line a distance of 621.25 feet to the southwest corner of the southeast quarter of the southeast quarter of said Section 34; thence North $0^{\circ}47'32''$ West along the west line of said quarter quarter section a distance of 363.03 feet; thence South $89^{\circ}59'57''$ East a distance of 625.69 feet; thence South $0^{\circ}05'30''$ East a distance of 363.00 feet to the point of beginning, containing 5.195 acres.

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

August 17, 2017
Ref. No.: 17-273

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

CERTIFICATION

RE: **Z-2697--STEVEN & SUE SANDERS (R1 to A):**
Petitioners are requesting rezoning of a 5.195 acre tract west of CR 300 W, north of Sagamore Parkway, in order to parcelize their tract into two parcels, at 3936 N 300 W, Wabash 34 (SE) 24-5.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on August 16, 2017 the Area Plan Commission of Tippecanoe County voted 14 yes - 0 no on the motion to rezone the subject real estate from R1 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 September 5, 2017 meeting. Petitioners or their representatives must appear to present their case.

Sincerely,



Sallie Dell Fahey
Executive Director

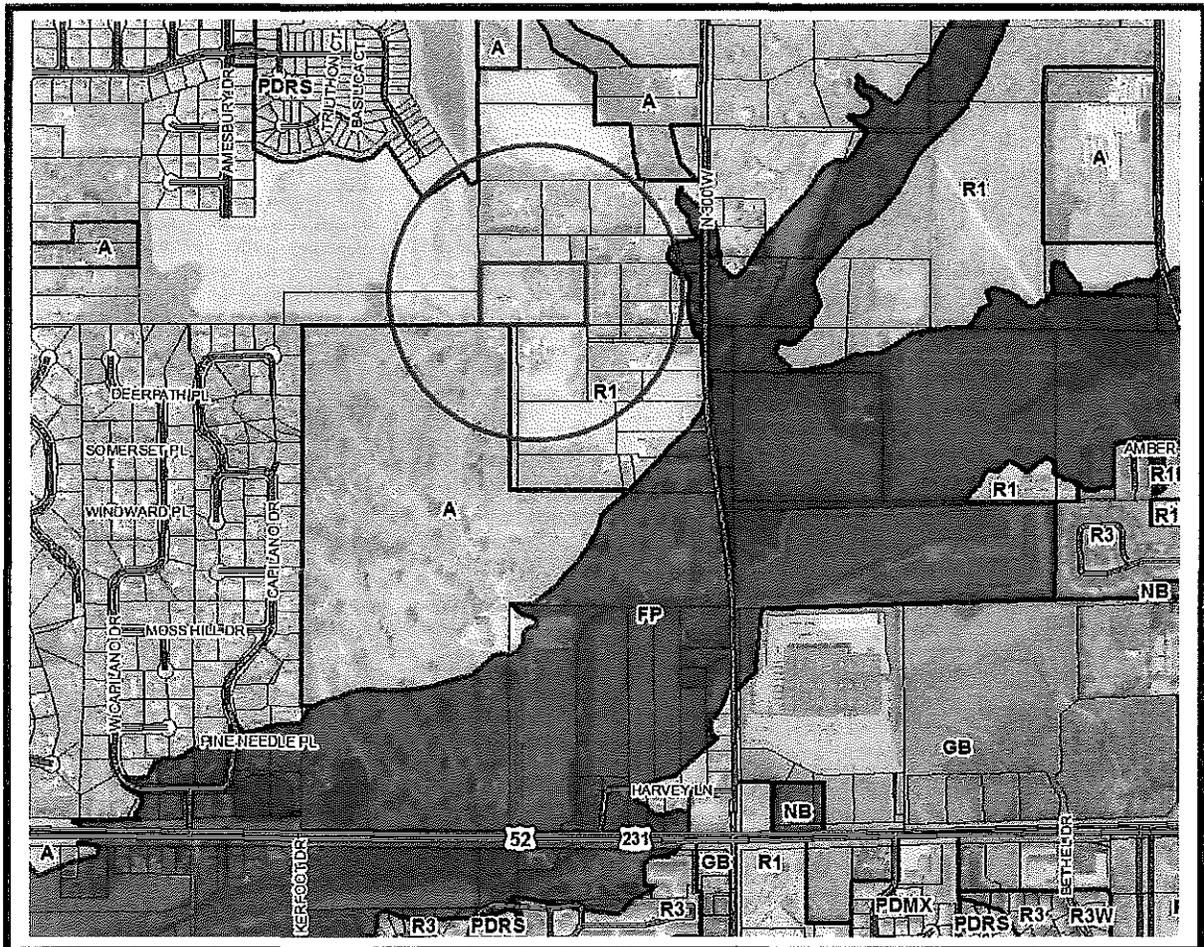
SDF/lmu

Enclosures: Staff Report & Ordinances

cc: Steven & Sue Sanders
Joseph Bumbleburg
Mike Wolf, Tippecanoe County Building Commissioner

Z-2697
STEVEN & SUE SANDERS
(R1 to A)

STAFF REPORT
August 10, 2017



Z-2697
STEVEN & SUE SANDERS
R1 to A

Staff Report
August 10, 2017

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioners, who are also the property owners, represented by attorney Joe Bumbleburg of the Ball Law Firm, are requesting rezoning of a 5.195 acre tract west of CR 300 W, north of Sagamore Parkway, in order to parcelize their homesite into two parcels, at 3936 N 300 W, Wabash 34 (SE) 24-5.

ZONING HISTORY AND AREA ZONING PATTERNS:

The site is zoned R1 as is all surrounding property except adjacent to the southwest which is zoned Agricultural. Flood Plain zoning exists farther to the east/southeast associated with Indian Creek. PDRS zoning exists farther to the northwest, with some Agricultural zoned properties to the north and east.

AREA LAND USE PATTERNS:

The site in question has petitioners' house on five acres with no road frontage about 700' west of CR 300 W. Surrounding the property are several large tracts of land with single-family homes. The West Lafayette Golf and Country Club (formerly the Elks) backs up to a portion of this site. To the west is a large, unplatted part of Stonehenge subdivision.

TRAFFIC AND TRANSPORTATION:

An access easement that several houses in the vicinity also use, connects petitioners' land to the county road. 300 W is classified as a secondary arterial. Since petitioners do not own the land on which they have an access easement, before any parcelization is submitted, it would be wise to verify that a new house and parcel would have the right to utilize this existing easement for access.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

According to the Tippecanoe County Health Department, no public utilities serve the large residential lots in this immediate area. Farther away, subdivisions to the northwest and west as well as commercial properties to the south and southeast have sewer and water, but this unplatted residential enclave is an island without public utilities. Before any parcelization can be approved, a soil scientist must test the soil on site to determine its suitability for a septic system. The health department states that soils within this area generally have slow permeability with a seasonal high water table. An outlet for drainage will likely be required.

STAFF COMMENTS:

A five acre R1-zoned tract that has division rights like this one, would be eligible for the creation of up to four lots using the minor subdivision process; however the subdivision ordinance requires all lots have frontage on an existing public road. This five acre tract does not have any frontage. On the other hand, parcelizations do not have to have frontage on a public road, but only two parcels per parent tract are allowed and they are only permitted in our rural zones (A, AA, and AW). By rezoning this tract to the A zone, petitioners would be allowed to parcelize their land into two separate parcels.

Staff rarely sees rezone requests from a development district (like R1) to a non-development district (like A); it is especially rare when the purpose of that downzone request is to allow the construction of a second house on the acreage. Because R1 zoning is generally recommended only when sewer and water are available, and this site currently has neither (nor are there future plans for extending those services), staff can support this request.

STAFF RECOMMENDATION:

Approval