

ORDINANCE NO. 2017-06-CM

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

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

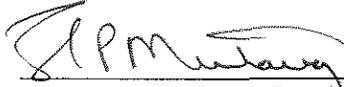
Section 1: The Unified Zoning Ordinance of Tippecanoe County, Indiana, being a separate ordinance and not part of a unified county code is hereby amended to rezone the following described real estate situated in Perry Township, Tippecanoe County, Indiana

Section 2: The above-described real estate should be and the same is hereby rezoned from AW 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 1 day of May, 2017.

VOTE:
NO


Thomas Murtaugh, President

NO


David Byers, Vice President

NO


Tracy Brown, Member

ATTEST:

Bob Plantenga

DESCRIPTION (Land Out of Flood Plain)

A part of the Northeast Quarter of Section 19 and the Northwest Quarter of Section 20, Township 23 North, Range 3 West, Perry Township, Tippecanoe County, Indiana, more completely described as follows:

Commencing at the Northeast corner of Section 19, being marked by a Berntsen monument; Thence South $89^{\circ}52'35''$ West, along the North line of the Northwest Quarter of Section 20 and approximate centerline of County Road 100 North, a distance of 39.70 feet to the Point of Beginning; Thence South $07^{\circ}51'22''$ West, a distance of 55.50 feet; Thence South $58^{\circ}25'34''$ West, a distance of 57.46 feet; Thence North $88^{\circ}09'19''$ West, a distance of 68.34 feet; Thence North $52^{\circ}11'25''$ West, a distance of 94.69 feet; Thence North $82^{\circ}57'24''$ West, a distance of 62.89 feet; Thence South $86^{\circ}51'26''$ West, a distance of 67.18 feet; Thence South $01^{\circ}37'54''$ East, a distance of 52.76 feet; Thence South $06^{\circ}11'57''$ West, a distance of 92.78 feet; Thence South $02^{\circ}07'24''$ East, a distance of 115.74 feet; Thence North $57^{\circ}30'47''$ East, a distance of 80.25 feet; Thence North $62^{\circ}34'05''$ East, a distance of 143.53 feet; Thence South $74^{\circ}13'21''$ East, a distance of 42.74 feet; Thence South $19^{\circ}30'27''$ East, a distance of 55.86 feet; Thence South $08^{\circ}51'19''$ East, a distance of 101.80 feet; Thence South $30^{\circ}48'23''$ East, a distance of 92.47 feet; Thence South $87^{\circ}34'01''$ East, a distance of 61.47 feet; Thence South $17^{\circ}59'01''$ West, a distance of 46.53 feet; Thence South $12^{\circ}55'48''$ East, a distance of 89.13 feet; Thence South $25^{\circ}16'00''$ West, along the East line of Chris L. and Jennifer D. Moore as recorded in Document Number 03019890 in the Tippecanoe County Recorder's Office, a distance of 121.92 feet; Thence South $35^{\circ}53'44''$ West, a distance of 431.55 feet; Thence North $85^{\circ}49'55''$ West, a distance of 170.64 feet to a point on the West line of said Chris L. and Jennifer D. Moore; Thence along the West line of said Chris L. and Jennifer D. Moore, the following (2) courses: (1) North $01^{\circ}21'49''$ East, a distance of 111.71 feet; (2) North $40^{\circ}14'45''$ West, a distance of 548.41 feet to the Southwest corner of the tract conveyed to Chris L. Moore recorded in the Tippecanoe County Recorder's Office in Document Number 95-00175; Thence along the West line of Chris L. Moore, the following (5) courses: (1) North $55^{\circ}07'27''$ West, a distance of 201.47 feet; (2) North $01^{\circ}31'23''$ East, a distance of 283.91 feet; (3) North $66^{\circ}37'03''$ East, a distance of 95.46 feet to a point on a tangent curve to the right, said curve has a central angle of $10^{\circ}25'23''$ and a radius of 509.7 feet; (4) Northeasterly along said curve, 92.72 feet to the North line of Section 19 and the approximate centerline of County Road 100 North; (5) North $89^{\circ}52'35''$ East, along the North line of Section 19, a distance of 173.74 feet; Thence South $74^{\circ}40'24''$ West, a distance of 68.41 feet; Thence South $30^{\circ}20'11''$ West, a distance of 112.22 feet; Thence South $26^{\circ}36'39''$ East, a distance of 108.97 feet; Thence South $39^{\circ}48'04''$ East, a distance of 60.89 feet; Thence South $88^{\circ}45'29''$ East, a distance of 205.59 feet; Thence North $79^{\circ}41'34''$ East, a distance of 43.78 feet; Thence North $07^{\circ}13'11''$ East, a distance of 128.36 feet; Thence North $00^{\circ}47'32''$ East, a distance of 109.51 feet; Thence North $27^{\circ}40'38''$ East, a distance of 21.96 feet to the North line of Section 19 and the approximate centerline of County Road 100 North; Thence North $89^{\circ}52'35''$ East, along the North line of Section 19, to the Point of Beginning, containing 12.378 acres, more or less.

EXCEPTING:

Description (2.769 Acres ±)

A part of the Northeast Quarter of Section 19, Township 23 North, Range 3 West, Perry Township, Tippecanoe County, Indiana, more particularly described as follows:

Commencing at a railroad spike at the Northeast corner of Section 19; Thence North 89°57'08" West along the North line of said Section, 684.61 feet to a PK nail at the point of beginning; Thence South 01°08'30" West, 468.16 feet to a 5/8" rebar; Thence North 88°51'30" West, 122.58 feet to a rebar along the Northeasterly boundary of Woodberry Planned Development, Phase One, as recorded in Plat Cabinet C, Sheet 90; Thence the following two (2) courses along the Northeasterly and Easterly boundary of Woodberry Planned Development Phase one; 1) North 54°57'10" West, 201.47 feet to a rebar; 2) North 01°41'40" East, 283.91 feet to a PK nail at the Northeasterly corner of Woodberry Planned Development, Phase One, and approximate centerline of County Road 100 North; Thence the following two (2) courses along the approximate centerline of County Road 100 North; 1) North 66°47'20" East, 95.46 feet to a PK nail at the point of curvature of a tangent curve to the right, said curve has a central angle of 10°16'36" and a radius of 509.70 feet; 2) Northeasterly along said curve, 91.42 feet to a PK nail at the North line of Section 19 and point of non-tangency; Thence South 89°57'10" East, along the North line of said section, 113.90 feet to the point of beginning, containing 2.769 acres.

Acreage after exception: 9.609 Acres.

The above Description is based on the July 27, 2005 Flood Plain Survey by R.W. Gross & Associates, Inc., Job No. 05-52-FLD.

Bearings in the description are based on State Plane Coordinates Grid North (N.A.D. 83) as determined by the Tippecanoe County Section Corner Perpetuation Project.

Subject to all easements, restriction and rights of way of record.

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

April 20, 2017
Ref. No.: 17-115

Tippecanoe County Commissioners
20 North Street
Lafayette, IN 47901

CERTIFICATION

RE: **Z-2679--CHRIS L. MOORE (AW to A):**

Petitioner is requesting rezoning of 9.609 acres (originally filed as 17.4 acres) located at 6303 E 100 N, approximately ½ mile east of CR 550 E, Perry 19 (NE) and 20 (NW) 23-3. CONTINUED FROM THE FEBRUARY 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 April 19, 2017 the Area Plan Commission of Tippecanoe County voted 1 yes - 14 no on the motion to rezone the subject real estate from A to AW. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be DENIED 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 May 1, 2017 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,



Sallie Dell Fahey
Executive Director

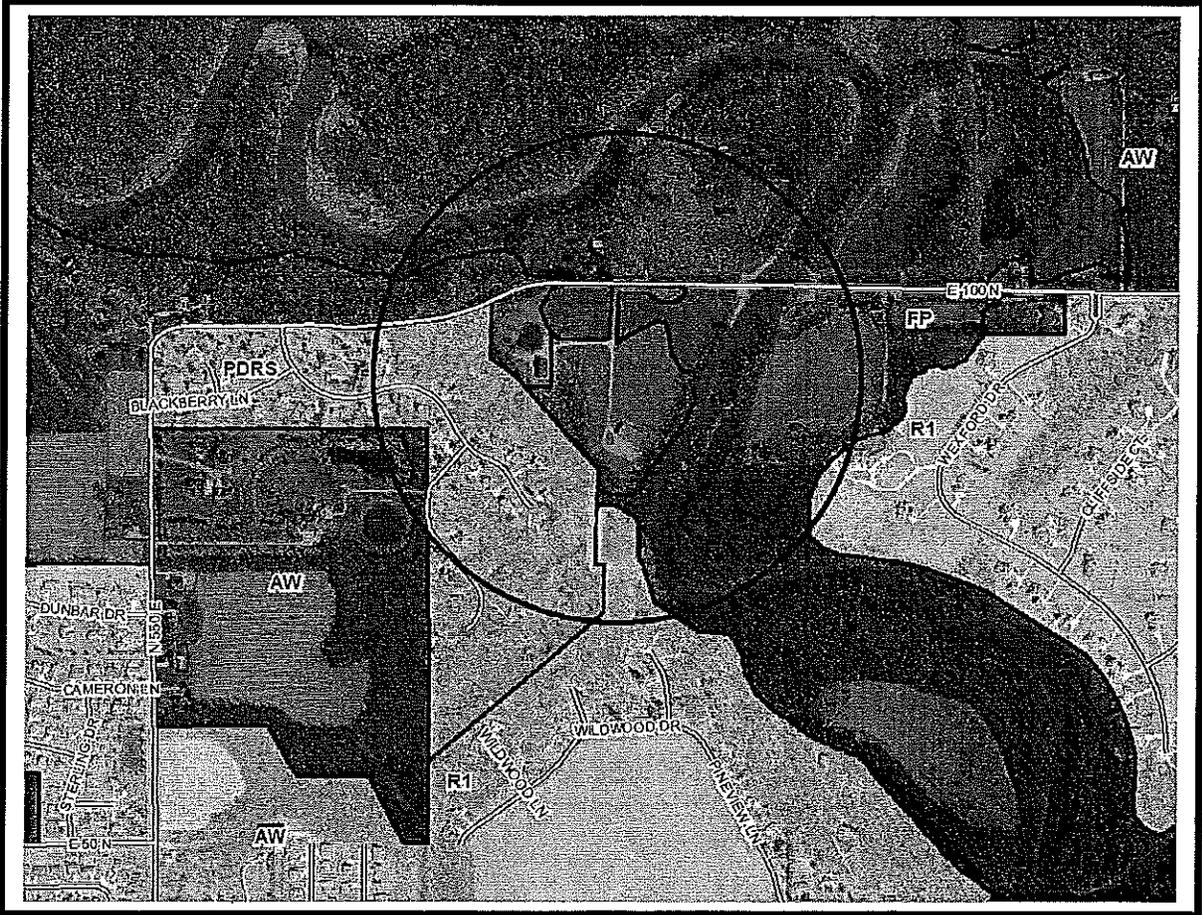
SDF/lmu

Enclosures: Staff Report & Ordinances

cc: Chris Moore
Joseph Bumbleburg
Mike Wolf, Tippecanoe County Building Commissioner

Z-2679
CHRIS L. MOORE
(AW to A)

STAFF REPORT
January 12, 2017



permitted in the AW zone. The petitioner would like to rezone this site and apply for a special exception for a self-storage warehouse. The intensity and appropriateness of this use will be examined at the ABZA public hearing when petitioner files for the proposed special exception.

In the A zone there are 4 additional uses permitted by right and 18 additional uses permitted by special exception that are not permitted in the AW zone. The proximity of the creek to this site means that an additional protection from development should be encouraged. This site is in the Wildcat Creek valley, it sits at the bottom of a large hill, just outside of the banks of the creek. Although this portion of the site is not zoned Flood Plain, leaving the AW zoning in place would prevent future development of the site which would allow the stream to flood without potential loss.

STAFF RECOMMENDATION:

Denial