

ORDINANCE NO. 2022-15

CINDY MURRAY

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

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE, INDIANA:

Section I: The Unified Zoning Ordinance of Tippecanoe County, Indiana being a separate ordinance and part of the Municipal Code of Lafayette, Indiana is hereby amended to rezone the following described real estate situated in FAIRFIELD Township, Tippecanoe County, Indiana, to-wit:

See Attachment Exhibit A

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

Section III: This Ordinance shall be in full force and effect from and after its adoption.

**PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE,
INDIANA, THIS _____ DAY OF _____, 2022.**

Perry E. Brown, Presiding Officer

ATTEST:

Cindy Murray, City Clerk

Presented by me to the Mayor of the City of Lafayette, Indiana, on the _____ day
of _____, 2022.

Cindy Murray, City Clerk

This Ordinance approved and signed by me on the _____ day of _____, 2022.

Tony Roswarski, Mayor

Attest:

Cindy Murray, City Clerk



Area Plan Commission of Tippecanoe County, Indiana

April 21, 2022
Ref. No.: 2022-073

Lafayette City Council
20 North 6th Street
Lafayette, Indiana 47901

CERTIFICATION

RE: Z-2855 AMY GAETA (NB to GB):

Petitioner is requesting rezoning of a lot located on the southwest corner of Schuyler and N. 19th Street, specifically 1827 Schuyler Avenue, in Lafayette, Fairfield, Longlois Reserve (S1/2) 23-4.

Dear Lafayette City Council:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on April 20, 2022 the Area Plan Commission of Tippecanoe County voted 4 yes – 11 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 Lafayette City Council 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 Lafayette City Council at its May 2, 2022 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

David Hittle
Executive Director

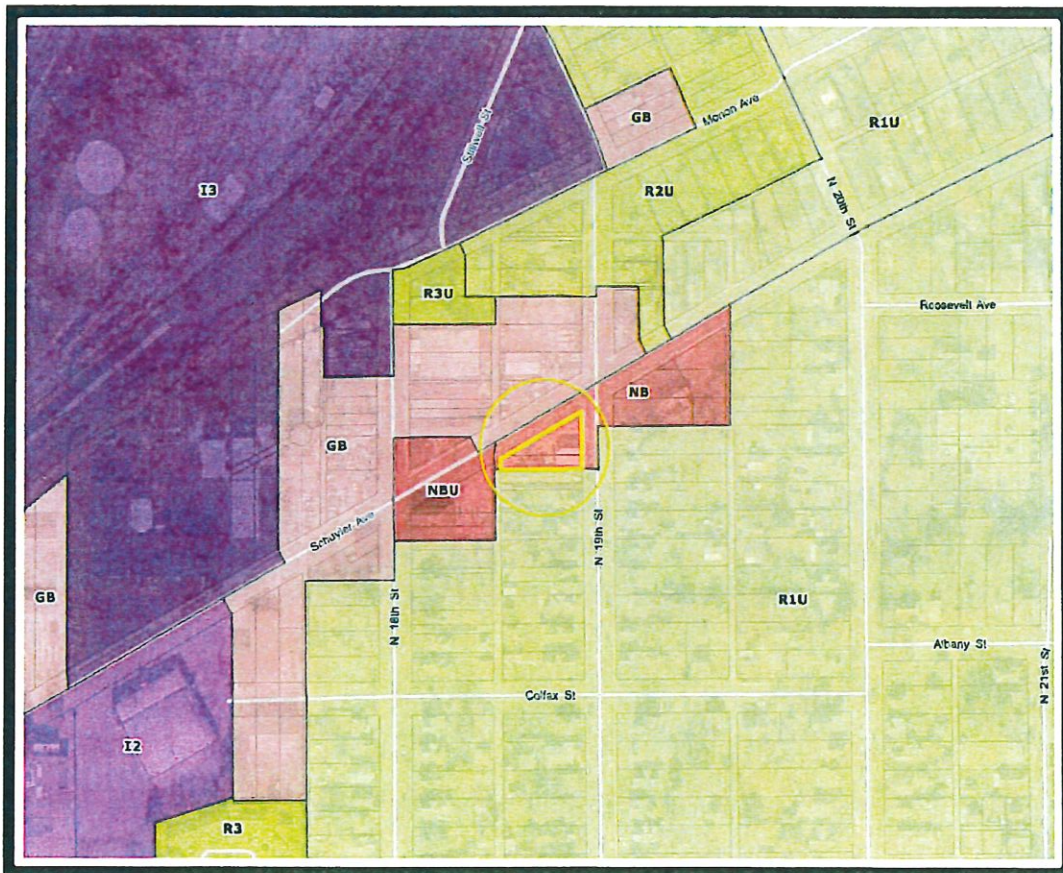
DH/jae

Enclosures: Staff Report & Ordinances

cc: Amy Gaeta, Petitioner
Javier & Eva Gaeta, Gaeta Rentals

**Z-2855
AMY GAETA
(NB to GB)**

**STAFF REPORT
April 14, 2022**



Z-2855
AMY GAETA
NB to GB

Staff Report
April 14, 2022

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, who represents the owner, Gaeta Rentals, Inc., is requesting a rezone from NB to GB. There is no proposed use at this time; however, the owner would like to rent the property to a business that will likely require GB zoning. Some of the potential uses are a tire shop, car detailing, or automobile sales and repair- all of which require GB zoning. The site is triangular-shaped and is located at the southwest corner of North 19th Street and Schuyler Avenue, Lafayette, Longlois Reserve (S1/2) 23-4, commonly known as 1827 Schuyler Avenue.

ZONING HISTORY AND AREA ZONING PATTERNS:

In 2005 and 2006, staff worked with the St. Lawrence/MacAllister neighborhood to create a new land use map and subsequent new zoning map. This effort resulted in a change to the zoning of the subject property from GB to NB (Z-2288). Since the neighborhood's border is Schuyler Avenue, the neighborhood's zoning proposal did not extend to the north side of the road. The adopted neighborhood plan recommended the GB zoned land along its edges be changed to NB or NBU due to the proximity several of these commercial uses had to adjoining residences.

There have been two rezones in the immediate area since 2015. Land to the west and north across Schuyler was rezoned in 2015 from GB to NBU (Z-2628) and land four lots north of Schuyler was rezoned in 2018 from R2U to GB (Z-2713).

AREA LAND USE PATTERNS:

The site contains a 1-story commercial building built in 1958 per the County Assessor's records. Residential uses are adjacent to the south as well as to the east across 19th Street. Commercial uses line most of Schuyler Avenue except to the northeast where single-family homes are located along the north side of Schuyler.

TRAFFIC AND TRANSPORTATION:

Traffic counts taken in 2020 along Schuyler Avenue indicate that 4,678 vehicles pass this site daily. The site is served by two driveways, one on Schuyler and the other on 19th.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

If this lot is rezoned, the ordinance requires a "type c" bufferyard 30 feet in width where GB zoned land abuts R1U land to the south. However, bufferyards are not required where the continued use of existing buildings and/or parking areas would occupy the space

otherwise reserved for the bufferyard (UZO 4-9-2(a)(2)). It is unknown how the site will be used but the City Engineer's office will review the development for zoning compliance.

STAFF COMMENTS:

Petitioner is requesting a rezone from NB to GB to allow for easier marketing of the property. The owners have been contacted by an operator of businesses that include tire sales/repair, auto detailing and auto sales/repair- all of which require GB zoning. This small triangular-shaped lot is located on the portion of Schuyler Avenue that is home to many commercial and light industrial businesses. The subject property's southern property line has long been the dividing line for residential uses to the south in the St. Lawrence/MacAllister neighborhood and non-residential uses to the north.

APC staff worked with the neighborhood in 2005 and 2006 to develop a land use map that was adopted as part of *The Comprehensive Plan*. The neighborhood plan includes the goal to preserve the commercial area lining US 52 and Schuyler Avenue. The plan further states "While the neighborhood welcomes new jobs, which can increase the tax base, businesses should not be permitted to intrude into existing residential areas. Neighborhood support for any future commercial rezoning will be determined on a case-by-case basis." (Z-2288, 4/2016)

The lots on the south side of Schuyler were rezoned from GB to either NB or NBU with this plan helping to protect the nearby residences. Additionally, the 5' no-parking setback requirement and lack of maneuverability on-site due to its small triangular size are limitations specific to this site. For these reasons, and with guidance from the adopted *Plan*, staff cannot support this request.

STAFF RECOMMENDATION:

Denial