

**WHITLEY COUNTY ADVISORY PLAN COMMISSION  
STAFF REPORT**

**22-W-REZ-7      ZONE MAP AMENDMENT**  
Chris Santor, Rail City Enterprises LLC  
4490 W. 200 South

**DECEMBER 21, 2022  
AGENDA ITEM: 5**

**SUMMARY OF PROPOSAL**

Current zoning:    AG, Agricultural  
Proposed zoning:  VC, Village Commercial  
Property area:     3.375± acres

The petitioner, owner of the subject property area, is requesting a zone map amendment for 3.375± acres located on the north side of 200 South, about 1,200' west of 425 West in Section 13 of Richland Township, with an address of 4490 West 200 South. The property is currently improved with a church building, which was recently vacated by the Oak Grove United Methodist Church. The requested zoning for the subject property is VC, Village Commercial.

The petitioner is requesting the zoning amendment to allow for a mix of commercial uses on the site. This triggers the need for rezoning out of AG, as explained in more detail below.

***Existing zoning classifications and land uses***

Currently, the subject area is zoned AG, Agricultural, and has been a church site since at least 1935.

The following table lists current zoning classifications and land uses in the surrounding ¼ mile (approx.):

	<i>Current zoning</i>	<i>Current land use</i>
<i>North</i>	AG	Woods, residences (Valhalla Estates), field
<i>East</i>	AG	Residences, [425 West], field
<i>South</i>	AG	[200 South], cemetery, residences, field
<i>West</i>	AG	Field, residence

***Proposed land use***

The petitioner has indicated that the property is to be used as a multifunctional facility with uses to include office for their auction company, area for staging and pickup for online auctions, retail boutique that will specialize in quality antiques, collectibles, furniture, and other merchandise (variety store), and a seasonal outdoor farmers market for artisans to sell their wares. While these uses are permissible individually as special exceptions in the existing AG district, the conglomeration of them makes a commercial zoning more appropriate. Additionally, the petitioner has suggested that they might convert the former church for use as a banquet hall in the future, which is a special exception under VC but not AG.

Sanitary sewer and public water are not currently available to this property.

***Zoning code criteria***

The stated intention of Village Commercial district is for use in the unincorporated small towns, and the Plan Commission is to strive to apply it only in in downtown areas and immediate surroundings. This site is not in or near a town. This has apparently been inconsistently applied. For example, Laud has only one VC property, which is vacant, while the town's commercial buildings are zoned AG or RR, and Etna's core is zoned GC. Additionally, individual properties throughout the county have been zoned VC, for example a property near the southeast corner of 425 West and Old Trail (about 1.5 miles away from this site) or one at the southwest corner of 200 South and SR 5 (about 3 miles west). This may have been done as a "light

commercial” designation to avoid usage of the General Commercial district, which permits slightly more uses than VC.

Because the site is already improved, the development standards of VC and GC could be met.

### **REVIEW CRITERIA**

Indiana Code §36-7-4-603 and Section 12.2(F) of the zoning ordinance state the criteria listed below to which the Commission must pay “reasonable regard” when considering amendments to the zoning ordinance. Staff’s comments are under each criterion.

**1. The most recently adopted Comprehensive Plan;**

The most recently adopted Comprehensive Plan is the 2022 Plan. Generally, economic development in appropriate locations is encouraged by the Plan.

The Future Character and Land Use Plan designates this property as Rural-Agricultural. While the primary character of the area is to be agricultural or rural, the character does suggest that small-scale commercial or retail can be appropriate as a secondary use. The proposed VC district should be consistent with the “small-scale commercial” recommendation.

**2. The current conditions and the character of current structures and uses in each district;**

The property is located among unimproved, agricultural, and large-lot residential properties. The proposed use of this site for small-scale commercial may not have much different effect than the church use that has been there for 90± years. More intense commercial, such as some uses allowable in the GC district or some as VC special exceptions, may not be compatible.

**3. The most desirable use for which the land in each district is adapted;**

This site has been established with a non-residential and non-agricultural use, so it may be desirable to continue such at this site as opposed to another location that was not so established. However, conversion of a former church to a residential or agricultural use may be desirable instead, and there are examples of conversions in the county and elsewhere.

**4. The conservation of property values throughout the jurisdiction;**

The change of zoning of this site to commercial could have some impact on the value of adjacent residential properties if the uses are not kept to a smaller scale. The VC district permits smaller-scale commercial, many of which are also permissible in AG as special exceptions. This interchangeability suggests that either district could be appropriate for most of the immediate proposed uses, but more intense uses could have more impact on values.

**5. Responsible development and growth;**

As discussed in the Comprehensive Plan, some small commercial and retail uses can be appropriate even in the more rural areas of the county. As this property already has been established for an institutional use, this site may also be appropriate for a smaller commercial use, with appropriate checks to ensure that the uses are kept small-scale. Consideration of zoning commitments to limit some of the more intense or less compatible uses could be appropriate to ensure that scale is kept in line with expectations.

The Commission should consider if there are longer-term implications of this rezoning request, such as whether this rezoning would lead to “commercial creep” that encourages rezoning of surrounding properties, the effects of traffic if any larger or popular uses are located on the site, or other effects.

**6. The public health, safety and welfare.**

It seems unlikely that the public safety, and welfare would be affected by this proposal since the proposed uses would be largely similar to the previous church use, though spread throughout the week. Public health could be affected if a septic system properly sized for commercial usage is not installed. This is especially important for any uses that include more public on-site, such as a banquet hall.

Date report completed: 12/14/22

**PLAN COMMISSION RECORD OF ACTION**

Motion:

By:

Second by:

Favorable recommendation \_\_\_

Unfavorable recommendation \_\_\_

No recommendation \_\_\_

Conditions/Commitments? \_\_\_

<b>Vote:</b>	<b>Drew</b>	<b>Emerick</b>	<b>Green</b>	<b>Hodges</b>	<b>Johnson</b>	<b>Kurtz-Seslar</b>	<b>Schrumpf</b>	<b>Wolf</b>	<b>Wright</b>
<i>Yes</i>									
<i>No</i>									
<i>Abstain</i>									



Studebaker Family Farms LLC

Schwartz, Samuel & Elizabeth Ann

Pafford, David G & Schuchman, Debra

Williamson, Alan L Jr & Laura R

Becker, Brian & Cynthia K

Walker, David L & Linda S.

Thompson, Robert E Jr & Sharon Kay

Walker, Logan D

S 425 W

W WHITLEY RD

S WHITLEY RD

Gaff, James L & Debra S

Leo, Richard J

Parker, Stephen C & Debra L

Lake, Joseph L & Alyssa R

Hoffman, Marcus D & Carrie L

Harness, Ronal L & Victoria J

Fosnaugh, Andrew S

Cochran, Mike D & Smith, Dena M

Rail City Enterprises LLC

Richland Civil twp

Myers, Steven B & Vickie P

Fosnaugh, Andrew S

W 200 S

Martin, Terry A & Mary G

Moore, Stephen A & Monta G

Perry, Leta M Irrevocable Trust

Markins, John L & Jenny K

Perry, Leta M Irrevocable Trust

Martin, Terry A & Mary G

Smith, Ashley & Stephen

Clann Luachanna, Llc

S 475 W

To Whom It May Concern,

Rail City Enterprises, LLC. Has purchased Oak Grove Methodist Church property located at 4490 W 200 S, Columbia City, IN. We are requesting to have the property rezoned from AG-Agricultural District to VC-Village Commercial District for the purpose of operating a multifunctional facility with uses to include: office for our auction company, area for staging and pickup for online auctions, retail boutique that will specialize in quality antiques, collectibles, furniture, and other merchandise (variety store), and a seasonal outdoor farmers market for artisans to sell their wares.

Our Intent is to keep the architecture of the facility as is and to enhance its exterior by adding to and upgrading the landscaping. We hope to make a positive contribution to local community.

Thank you for your time and consideration,

Christopher Santor