

**WHITLEY COUNTY ADVISORY PLAN COMMISSION  
STAFF REPORT**

**22-W-REZ-8      ZONE MAP AMENDMENT**  
Lehman Real Estate Holdings, LLC  
65 East Morsches Road

**DECEMBER 21, 2022**  
**AGENDA ITEM: 6**

**SUMMARY OF PROPOSAL**

Current zoning: RR, Rural Residential  
Proposed zoning: VC, Village Commercial  
Property area: 0.932± acres

The petitioner, owner of the subject property area, is requesting a zone map amendment for approximately 0.932 acres located at 65 East Morsches Road in Section 4 of Thorncreek Township. The requested zoning for the subject property is VC, Village Commercial.

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

Currently, the subject area is zoned RR, Rural Residential, and was used for a golf course club house by the previous property owner. That use was considered as a legal nonconforming use of the parcel due to the golf course operating since 1927.

The following table lists current surrounding zoning classifications and land uses:

	<i>Current zoning</i>	<i>Current land use</i>
<i>North</i>	RR, HI (Noble Co. High Impact)	Woods/vacant, cell tower
<i>East</i>	RR, LR	Woods/vacant lots, residences
<i>South</i>	RR	[Morsches Road], former golf course (proposed 5-lot subdivision)
<i>West</i>	RR, AG	Vacant, [State Road 109], church, residences, field

***Proposed land use***

The petitioner is requesting the zoning amendment to use the property for retail sales of garage door parts. The plan is to construct a 40'x102' pole barn where the parking area is currently. This structure would be to store product for their parts sales business. Extension of public sewer to this site is expected, although it may not be necessary in conjunction with this building.

***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. It is stated that the VC district is compatible with RR, MR, and LR districts. This site is not in or near a town, although it is surrounded by RR zoning and near LR-zoned lake development.

The VC district has apparently been inconsistently applied historically. For example, Laud has only one VC property, which is vacant, while the town's commercial buildings are zoned AG or RR. Additionally, despite VC being suggested as compatible with LR, even though GC is not so designated, virtually all commercial properties in the Tri-Lakes area are zoned GC, for example Center St. north, east, and south of Shriner Lake. However, business properties at Goose Lake and Blue Lake are zoned VC. It is suspected that 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. The VC zoning district permits many commercial uses, mostly of relatively light intensity.

As stated above, the requested is to operate a garage door supply business. Building material sales is a permitted use in VC, but not in the current RR zoning.

### **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 Mixed Rural, with Rural-Agricultural to the west of SR 109 and Lake Village on the fringe of the lake. Mixed Rural is expected to be primarily a mix of agricultural uses and increasing residential uses, with “local scale commercial/retail” as anticipated secondary uses. Similarly, the Lake Village and Rural-Agricultural character types suggest that local scale or small-scale commercial could be in character as minor components of those areas.

The proposed VC district should be consistent with the “local scale commercial” recommendation.

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

The property is located among mostly undeveloped and proposed large-lot residential properties, although it fronts on the only road serving at least two dozen residential properties. The proposed use of this site for small-scale commercial may not have much different effect than the golf course use that has been there in the past, if the traffic generation is similar. More intense commercial uses, 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 has not been so established. However, conversion to a residential or agricultural use may also be desirable.

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

The change of zoning of this site to commercial could have impact on the value of adjacent residential properties if the use is not kept to a smaller scale. The VC district permits smaller-scale commercial, but some of its more intense uses could have more impact on values, especially if it causes traffic congestion along Morsches Road.

**5. Responsible development and growth;**

As discussed in the Comprehensive Plan, some small commercial and retail uses can be appropriate secondary or supporting uses in rural and residential areas. As this property already has been established for a commercial use, this site may also be appropriate for a smaller commercial use, with appropriate checks to ensure that the uses are kept small-scale.

In this case, the 0.932-acre parcel size inherently limits the practicality of several more intense uses permissible in VC, especially those that might require large amounts of parking. However, consideration of zoning commitments to limit some of the less compatible uses could still be

appropriate as means to ensure that scale is kept in character and to provide reassurance to existing property owners in the area.

The Commission also 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 health, safety, and welfare would be affected by this proposal since the future use of the site would be, as proposed, equal or less impactful than the prior usage.

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>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>								

## Brent Bockelman

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**From:** Avery Lehman <doordirectllc@gmail.com>  
**Sent:** Monday, November 21, 2022 8:54 PM  
**To:** Brent Bockelman  
**Subject:** [External] 65 E Morsches Rd

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Brent,

I wanted to reach out regarding the property of 65 E Morsches Rd formerly known as the Crooked Lake Golf Course. My family and I acquired the property when it came up for sale and I wanted to fill you in a little on how the property is going to be used moving forward as we attempt to rezone the plot under "village zoning".

As it sits currently we have thoroughly cleaned up the exterior of the property and torn down and removed an old rusted green shed that stood front and center of the property. We have also put a great deal of time and effort cleaning, trimming and mowing the overgrown weeds and shrubs around the building and parking area. We paid for a dumpster to come in so we could properly dispose of the extra trash and leftovers from the clubhouse.

Our vision now looks at the west side of the property where we are working with "Pacemaker Buildings" to erect a 40'x102' pole barn to stand where the parking area now sits. There will be proper road and property offsets so meet regulations. For this building when complete we will be using it as mainly storage for our online parts company. The company is expanding and we simply need some extra storage space to house some extra boxes and parts we have. Day to day we don't expect much "business" to be done on the property. Mainly as storage, there may be a person or two swinging in a few times a day to take inventory and organize. Occasionally, we predict once a month we will accept a delivery via LTL freight which may contain a few pallets of product we need stored at the time. We plan for the truck to be able to, if not pull into the building, pull off using the easement from the road so not to impede traffic whatsoever. Offloads generally take 10-15mins depending if the truck driver is chatty that day and we'll send him on his way.

As a whole we hope to bring new light to this property as a breath of fresh air to the community. We want to keep the property maintained and pleasant so it doesn't stick out but if one looks at it, they find pleasure in the commitment we put into the property. And, it's something we are proud of.

If you need any additional information or have any questions about moving forward with the new zoning, please don't hesitate to ask!

Happy Holidays,  
Avery Lehman  
260-715-7399





Vincent, Debby A  
Chalet Ree LLC  
Cornyn, Michael R & April L

Acres, Inc

Hoyt, Gregory A

Lehman Real Estate Holdings LLC

Cornyn, Michael R & April L

Fisher, Paula J & Miller, Billie Jo

Reid, David W.  
Reid, Hannah M.G. & Reid, Heather L

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Slate Of Indiana Dept Of Natural Resources

Bishop, James Benjamin & Meredith Elaine

Hurley, David L & Julia E

Big Lake Church Of God Inc

Albertson, Peter E & Theresa E

Big Lake Church Of God Inc

NSR 109

W 700 N

EMORSCHE RD

Hurley, David L & Julia E

Indiana Department of Natural Resources, Division of Water

Swick Living Trust

Knispel, Marlene

Dinkel, Roger J & Sharon L Revocable Living Trust

Decker, Clinton E

Frye, Kathy

Reid, David W.  
Reid, Hannah M.G. & Reid, Heather L

Fisher, Paula J & Miller, Billie Jo

Cornyn, Michael R & April L

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