

**WHITLEY COUNTY ADVISORY PLAN COMMISSION
STAFF REPORT**

22-W-REZ-9 ZONE MAP AMENDMENT
Aaron, Kanoshia, Allen Schwartz
7780 West 1000 South

DECEMBER 21, 2022
AGENDA ITEM: 7

SUMMARY OF PROPOSAL

Current zoning: AG, Agricultural
Proposed zoning: IN, Intensive Use
Property area: 10± acres (of total 33.21-acre site)

The petitioner, owners of the subject property at 7780 West 1000 South in Section 28 of Cleveland Township, is requesting a zone map amendment for 10± acres of the overall property. The property is currently improved with a dwelling and farm buildings. In 2020, the petitioner obtained a special exception for a meat processing (butchering only) operation. The requested zoning for the subject property is IN, Intensive Use.

The petitioner is requesting the zoning amendment to allow for the on-site slaughtering of animals on the site in addition to the existing processing use. Slaughterhouses (i.e., the commercial or industrial harvesting of animals) are only permissible as special exceptions in the IN, Intensive Use district.

Existing zoning classifications and land uses

Currently, the subject area is zoned AG, Agricultural, and has been a farm for many years.

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	Field, woods
<i>East</i>	AG	Field, residences, field
<i>South</i>	AG	[1000 South], residences, field
<i>West</i>	AG	Field, residence

Proposed land use

The petitioner desires to add slaughtering of animals on the developed portion of the property, approximately the southernmost 10 acres. This would be conducted in a new building and would be used in conjunction with their existing special exception for meat processing (20-W-SE-7). Currently, the petitioner uses a third party for the harvesting operation, the nearest of which is 10+ miles away, resulting in higher transportation costs.

If this rezoning to IN were approved, the special exception use of processing agricultural products would be a permitted use. However, it is suggested that the petitioner commit to retaining several of the conditions of approval in order to maintain compatibility of the site. These would also be suggested to be applied to any slaughterhouse special exception approval.

Sanitary sewer and public water are not currently available to this property. It was a condition of approval that the existing special exception have a septic system adequate for meat processing.

Zoning code criteria

As stated above, IN is the only district in which slaughtering of animals is permissible for anything more than private use, as “slaughterhouse” is explicitly listed as a special exception use. The IN district also permits uses that can be considered noxious, such as heavy manufacturing, liquid fertilizer distribution,

junkyards, rendering plants, etc., and so the district is intended to be used “sparingly”. As proposed, this slaughterhouse would be an enclosed commercial-scale operation, making it comparable to existing facilities in Columbia City (Krider) and Churubusco (Integrity Meats), rather than an industrial operation with multiple employees, external stock pens, larger truck volumes, etc.

It is suggested that zoning commitments be made to prohibit the more noxious uses permissible in the zoning district. Conditions of approval for a special exception should be expected for further limitations on the slaughterhouse use itself.

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. Recommendation 1.6 is to “support farming activities and evolving agricultural uses...and mitigate potentially incompatible effects” and Recommendation 4.3 is to “support the business of agriculture, including intense uses when developed in harmony with residential development.” So, generally agri-business is supportable, but only with appropriate measures taken to prevent incompatibilities.

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 some higher-intensity agricultural uses and/or small-scale commercial or retail can be appropriate as secondary use. The proposed use may be consistent with this character, and the zoning district should be restricted so match the proposal in order to avoid development of out-of-character uses.

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

The property is located among agricultural and 6-acre or larger residential properties. The proposed use of this site for a slaughterhouse may not have much effect on the surrounding uses if it is kept enclosed and a small scale. An industrial scale operation with exterior components would impact the current character of the surrounding area.

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

As the site is located in a mostly agricultural part of the county, agricultural-related uses should be expected, and some of which may be more intense. This particular property may be desirable due to its proximity to SR 105, though it lacks frontage on the highway, and the low density of residences. However, the nearest off-site home is only about 230’ from the proposed IN district, so limitations on more intensive uses should be made.

4. The conservation of property values throughout the jurisdiction;

While the density of the area is low, which makes impacts on property values less significant, there are several uses in the IN district that could, if left unchecked, have significant impacts even on the more distanced properties. The slaughterhouse use as proposed probably would not have a major impact, but again, it should be limited to account to prevent unexpected effects.

5. Responsible development and growth;

As discussed in the Comprehensive Plan, agri-businesses and even small commercial uses can be appropriate in the rural areas of the county. Being as this request would create a 10-acre area of IN among thousands of acres of AG, there may be concern about “spot zoning.” If this rezoning is

beneficial only to this particular property owner and if it seems that another similar property with similar conditions would not be rezoned, then yes, this could be seen as a negative case of spot zoning. However, as the county has had a long history of encouraging small businesses to succeed, this might be replicable somewhere else, if it were ever to be requested.

That said, the Commission should take action to restrict and limit uses that may be incompatible with surrounding properties and uses.

6. The public health, safety and welfare.

It seems unlikely that the public safety, and welfare would be affected by this proposal, if it is kept at a small scale. Public health could be affected if a septic system properly constructed for the proposed use is not installed.

SUGGESTED CONDITIONS/COMMITMENTS

If the Commission forwards a favorable recommendation of the requested rezoning, the following are suggested conditions that would be recorded as zoning commitments running with the land:

1. The conditions of Special Exception 20-W-SE-7 are to be committed to be in force, even though the use would be permitted in the IN district.
2. The incompatible uses of the IN district would be prohibited. These may include the following:
 - a. Asphalt and ready-mix plants
 - b. Heavy manufacturing
 - c. Liquid fertilizer storage
 - d. Confined feeding operations
 - e. Junkyard, scrap metal yards
 - f. Recycling collection points (with outside storage)
 - g. Incinerators
 - h. Rendering plants
 - i. Landfills
 - j. Above ground hazardous chemical/material storage

Date report completed: 12/14/22

PLAN COMMISSION RECORD OF ACTION

Motion: _____ By: _____ Second by: _____

Favorable recommendation _____

Unfavorable recommendation _____

No recommendation _____

Conditions/Commitments? _____

Vote:	Drew	Emerick	Green	Hodges	Johnson	Kurtz-Seslar	Schrumpf	Wolf	Wright
Yes									
No									
Abstain									

Cottrell, Douglas
Kent & Wolf,
Catherine Kay

Schwartz,
Daniel &
Mary E

Schwartz,
Christy S &
Rose Marie

Sickafoose, Steven
L & Sickafoose,
Beth Ann

Schmucker,
Victor &
Susann

Schmucker, Victor &
Schmucker, Susann

Haupt, Dale L
Revocable Trust

Browning, Leroy E
Beiswanger, Braydan
B & Bailly L

Sickafoose, Steven
L & Sickafoose,
Beth Ann

Hilty,
William E

Sickafoose,
Steven &
Beth Ann

Yoder, Amos J
& Arlene Rose

Schwartz, Aaron
& Schwartz, Kanoshia
D

Christman,
Gary, F. &
Patricia M

Sickafoose, Steven
L & Sickafoose,
Beth Ann

Sickafoose, Steven
L & Sickafoose,
Beth Ann

S SR 105

State of
Indiana

State of
Indiana

Cornerstone Grace
Church Of South
Whitley, Inc

Stouder,
David W &
Brenda S

Hilty, William
E & Susanna

Hilty,
William E
& Susanna

Hilty, William
E & Susanna

Hersha, Cory Joseph
& Reiff-Hersha,
Claire Ann Marie

Thomas, Bryan C
& Karst Anita

Reiff, Doug
J & Terri

Reiff, Doug
& Terri

Sickafoose, Steven
L & Sickafoose,
Beth Ann

Yoder, Amos Jay
& Arlene Rose

Schwartz,
Timothy

Schwartz,
Steven W &
Margaret

Schwartz,
Samuel &
Amelia

Reiff, Doug
& Terri
Revocable Trust

Reiff, Doug &
Terri Revocable
Trust

Indiana Department of Natural Resources, Division of Water

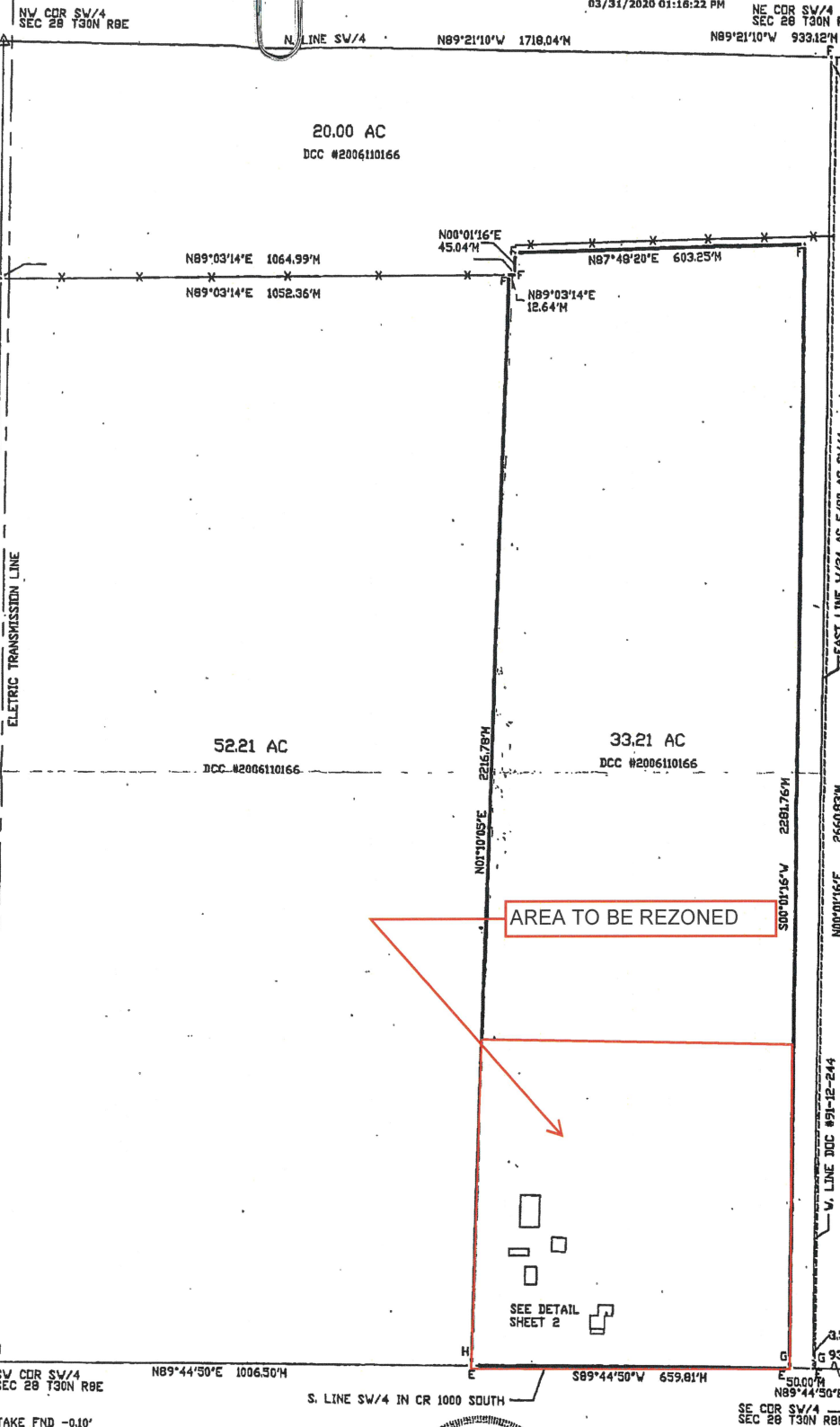
2020030555
ROSEMARY BROWN
WHITLEY COUNTY RECORDER
COLUMBIA CITY, IN
\$ 25.00 TX: 4018127
03/31/2020 01:18:22 PM

INFORMAL LEGAL DESCRIPTION

THE SOUTH 10 ACRES OF THE
FOLLOWING DESCRIBED TRACT:

PART OF THE SOUTHWEST QUARTER
OF SECTION 28, TOWNSHIP 30 NORTH,
RANGE 8 EAST, CLEVELAND
TOWNSHIP, WHITLEY COUNTY,
INDIANA, BEING AN ORIGINAL SURVEY
OUT OF DOCUMENT NUMBER
2006110166 AS SURVEYED BY JOEL A.
HOEHN, INDIANA PROFESSIONAL
SURVEYOR #87-0002 AND SHOWN ON
PLAT OF SURVEY CERTIFIED ON
JANUARY 17, 2020, AS THE STOODY
ASSOCIATES JOB NUMBER AL-11686
(ALL MONUMENTS REFERENCED
HEREIN ARE SET OR FOUND ON THE
AFORESAID HOEHN SURVEY),
DESCRIBED AS FOLLOWS:

STARTING AT THE SOUTHWEST
CORNER OF SAID SOUTHWEST
QUARTER; THENCE NORTH 89 DEGREES
44 MINUTES 50 SECOND EAST
(ASSUMED AND THE BASIS FOR THESE
BEARINGS), 1006.50 FEET ALONG THE
SOUTH LINE OF SAID SOUTHWEST
QUARTER TO A MAG NAIL W/"HOEHN"
I.D. WASHER WHICH SHALL BE THE
PLACE OF BEGINNING; THENCE NORTH
01 DEGREES 10 MINUTES 05 SECONDS
EAST, 2216.78 FEET TO A STANDARD
CORNER MARKER (5/8" X 24" REBAR
STAKE W/"HOEHN" I.D. CAP); THENCE
NORTH 89 DEGREES 03 MINUTES 14
SECONDS EAST, 12.64 FEET TO A
STANDARD CORNER MARKER; THENCE
NORTH 00 DEGREES 01 MINUTES 16
SECONDS EAST, 45.04 FEET TO A
STANDARD CORNER MARKER; THENCE
NORTH 87 DEGREES 48 MINUTES 20
SECONDS EAST, 603.25 FEET TO A
STANDARD CORNER MARKER; THENCE
SOUTH 00 DEGREES 01 MINUTES 16
SECONDS WEST, 2281.76 FEET TO A MAG
NAIL W/"HOEHN" I.D. WASHER ON THE
SOUTH LINE OF SAID SOUTHWEST
QUARTER; THENCE SOUTH 89 DEGREES
44 MINUTES 50 SECONDS WEST, 659.81
FEET ALONG SAID SOUTH LINE TO THE
PLACE OF BEGINNING. CONTAINING
33.21 ACRES MORE OR LESS.



LEGEND
A = 1/2" REBAR STAKE FND -0.10'
B = 6" WOOD POST FND
C = RAILROAD RAIL POST FND
D = 5/8" REBAR STAKE, FND -0.20'
E = MAG NAIL W/"HOEHN" I.D. WASHER SET FLUSH
F = 5/8" X 24" REBAR STAKE W/"HOEHN" I.D. CAP SET +0.50'
G = 5/8" X 24" REBAR STAKE W/"HOEHN" I.D. CAP SET @ 16'
H = 5/8" X 24" REBAR STAKE W/"HOEHN" I.D. CAP SET @ 22'

ULA BELLE REIFF TRUST NUMBER ONE -
ARON SCHWARTZ

SHEET 4 OF 4



PLAT OF SURVEY NO. AL-11686