

**WHITLEY COUNTY ADVISORY PLAN COMMISSION
STAFF REPORT**

24-W-REZ-6 ZONE MAP AMENDMENT
Jason & Jennifer Esterline
8324 W. State Road 14

NOVEMBER 20, 2024
AGENDA ITEM: 4

SUMMARY OF PROPOSAL

Current zoning: AG, Agricultural
Proposed zoning: VC, Village Commercial
Property area: 3.256± acres

The petitioners, owners of the subject property, are requesting a zone map amendment for their property located at 8324 West State Road 14 in Section 5 of Cleveland Township. The requested zoning for the subject property is VC, Village Commercial. Overall, the rezone area is approximately 3.256 acres.

Existing zoning classifications and land uses

Currently, the subject area is zoned AG, Agricultural. The property is used for a single-family residence, crop cultivation and gardening, livestock raising, short-term rental (e.g., Airbnb), and a brewery with accessory taproom.

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

	<i>Current zoning</i>	<i>Current land use</i>
<i>North</i>	AG	Woods (former railroad), agricultural (field)
<i>East</i>	AG, A-1	Residence, agricultural (field), residence
<i>South</i>	AG	[State Road 14], residence, woods, agricultural (field), [Eel River]
<i>West</i>	AG	Residences, agricultural (field)

Proposed land use

Generally, the petitioner is requesting this zoning amendment to permit the expansion of the accessory taproom into a full restaurant and to host events, while maintaining the existing uses.

Zoning code criteria

The variety of uses on this property is rather extensive. This table lists the current and proposed land uses on the property, and the permissibility of each in the current AG, the proposed VC, and the GC districts:

Uses (current/proposed)	Current AG zoning	Proposed VC zoning	GC zoning
Livestock raising/crop cultivation/agriculture	Permitted	Permitted by right to farm law	Crops is permitted; others permitted by right to farm law
Single-family residence	Permitted	Special exception	Special exception
Short-term rental (Airbnb)*	Permitted by state law in conjunction with residence	Permitted by state law in conjunction with residence	Permitted by state law in conjunction with residence
Bed and breakfast*	Special exception	Permitted	Permitted
Secondary dwelling unit*	Special exception	Special exception	Not permitted
Brewing operation	Special exception	Special exception	Special exception (as light mfg.)
Taproom/restaurant	Special exception (only as an accessory use)	Permitted	Permitted
Event center/hosting (banquet hall)	Not permitted	Special exception	Permitted

*A special exception for a secondary dwelling unit was approved by the Board of Zoning Appeals several years ago; the residence was later remodeled as the current short-term rental (Airbnb). The bed and breakfast use definition overlaps with the STR definition and so the current STR might be considered a permitted use in the VC district. Both uses are shown on the table for reference. The petitioner has not indicated any plan to change the current STR to a traditional bed and breakfast operation.

In addition to the secondary dwelling unit special exception, the BZA granted a special exception for the current brewing operation (as “processing of agricultural products not produced on-site, not to include slaughterhouses”) with an accessory retail taproom in 2022. That approval had a number of conditions of approval, including limitations on hours of operation, noise levels, maximum area devoted to the taproom, and an expiration date of May 2025.

Earlier this year, staff received complaints that the operation was not in compliance with the hours of operation and noise levels. Staff determined that the floor area had been increased. In July, the petitioner requested to update the approval with new hours of operation, change the maximum floor area to reflect an increased seating area, and to remove the expiration deadline. This request was denied based primarily on the findings that the requested expansion of hours would not be appropriate for the particular location due to the traffic generated and the surrounding residential uses. The Board did state that the area of the business operation was less concerning and that only modifying the floor area might be reconsidered.

Since that time, the petitioner has held a number of events outside of the approved hours of operation, which has drawn additional complaints from neighbors. Staff notified the petitioner of the noncompliance with the conditions of approval. After reviewing their options, this rezoning request was filed, and enforcement action has been deferred pending the outcome.

As shown in the table, the petitioner’s current and desired land uses are all permissible in the VC district. The zoning district with the next nearest set of uses is GC, General Commercial, which would permit both restaurant and event uses, but the brewing operation would be considered a light manufacturing use instead of an agricultural product processing use.

In either district, the existing brewing operation special exception could continue under the existing approval and conditions until a new special exception is granted under the new district. The residence would also be legal nonconforming until a special exception was granted. Farming is protected by the state right-to-farm law, and so both raising of livestock and crop cultivation could continue.

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 2022 Comprehensive Plan describes the Future Character and Land Use plan as “the overall look and feel of a place—the impression it makes on residents and visitors and the qualities of buildings and spaces that make it different from other places.” The plan describes community character “to help guide growth and change to support places that are attractive, draw people to want to spend time there and are compatible with adjacent areas, without being overly specific to every parcel’s individual land use.” So, the Plan emphasizes that the overall character of an area, while making allowances for some deviations that would not be detrimental to the overall area.

For the subject property, the Future Character is designated as Mixed Rural or possibly Rural-Agricultural. For both character types, the primary character of the area should be expected to be “recognizably rural” or agricultural over the planning timeframe. However, the Mixed Rural character is somewhat higher intensity, with some existing developed areas and more context-sensitive residential development to be anticipated. Given the number of existing residences in proximity to this property, it seems Mixed Rural may be the more representative character.

Specific to commercial uses, in both character types, some commercial/retail uses are to be expected as secondary uses. In Mixed Rural, such commercial is suggested as “local scale” that meets immediate local needs, while in Rural-Agricultural it would be “small-scale”. Staff suggests examples of “local scale” commercial may be a convenience store, restaurant, bank, small retail, medical office, or personal services. “Small-scale” could be represented by specialty retail stores, contractor offices, home occupations, or welding and tool and die shops.

Comparing these character types with zoning districts, it may be considered that the commercial uses listed in the AG district are generally in character for the Rural-Agricultural type, while the Mixed Rural character could have some more intense commercial uses, such as those in the VC district or possibly the GC district. In any case, the location of commercial uses should be scrutinized during rezoning or special exception proceedings to ensure that the expected future character of the area will be maintained.

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

The area surrounding the subject parcel is primarily agricultural, with some residences in close proximity to the site. There are four residences within 500’ of the property, of which two are located within 75’ of the property line. These residences are located on properties varying in size from 1.9 to 9 acres.

Looking farther out, a cluster of residences, farm, and church is located about ½ mile to the west, followed by the town of Collamer. To the east, there are five farms and residences along SR 14 in the 4,000’ before the South Whitley town limit. To the north and south, aside from the properties on SR 14, the area is generally agricultural and unimproved.

The VC district is intended to be used in developed areas, such as unincorporated small towns, and so the permissible uses are likely more compatible with residential areas than the GC district. However, the Commission should consider whether any local commercial uses would be appropriate given the surrounding area, even if they are lower in intensity.

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

As suggested by the comprehensive plan, some appropriate local commercial activity in the Mixed Rural areas may be expected or encouraged. The rezoning to VC could permit some commercial activity. The accessibility to SR 14 and location between Collamer and South Whitley may make this more desirable for commercial uses. However, as discussed above, potential conflict with the existing residential uses may make this site less desirable for additional commercial uses.

4. The conservation of property values throughout the jurisdiction;

The impact on immediately surrounding properties of permitting more commercial uses at this site could be negative or positive, depending on the nature of the specific use and the surrounding property owners’ impression of the potential commercial uses. That is, some uses that are allowed in VC would likely have no adverse performance effects (e.g., traffic, noise, lighting, etc.) on the surrounding properties, while others could have more extensive effects. The Commission should review the permitted uses of VC and weigh the effects of each on the immediate area and the jurisdiction as a whole to evaluate whether property values will be conserved. The Commission may also consider requiring a zoning commitment to limit the permitted uses only to those most appropriate for this site.

5. Responsible development and growth;

At 3.2 acres, this property is of sufficient area to allow reasonable development of VC commercial uses, even on well and septic. With the Regional Sewer District's tentative extension of sanitary sewer from South Whitley to Collamer, this property may be more suitable for development, be it commercial or residential.

That said, the petitioner's proposed mix of uses may be bigger than what the site and existing arrangement of structures will allow for while maintaining compliance with development standards. For example, creating enough parking necessary for a restaurant or event center could be difficult to achieve without disturbing the existing residence, farm buildings, and septic fields. As such, establishing a commercial district here may distort what uses are actually possible on the site.

As mentioned above, there are complaints and documentation about the taproom and event hosting operations on this site being in excess of the special exception conditions. So, rezoning the property to permit more commercial uses may be viewed as a responsible action, as doing so would establish commercial uses by-right and alter the expectations for the property. Alternatively, rezoning could be viewed as irresponsible by legitimizing what are existing code nonconformities.

Again, the Commission may request or require reasonable commitments as part of the rezoning if doing so would help to ensure responsible development.

6. The public health, safety and welfare.

Adding more commercial uses on this property may have impact on the safety of SR 14 by increasing traffic. However, the change to a dedicated commercial use will prompt INDOT review, which should safeguard road safety. Public health would not likely be affected given the uses permissible in VC and the adequate size of the property for many of those uses. The effects on public welfare may be both positive and negative, and so the Commission will need to judge the appropriateness of the request both at the site level and the community as a whole.

Date report completed: 11/14/2024

PLAN COMMISSION ACTION

Motion:

By:

Second by:

Favorable recommendation ____

Unfavorable recommendation ____

No recommendation ____

Conditions/Commitments? ____

<i>Vote:</i>	Baker	Banks	Drew	Emerick	Green	Hodges	Johnson	Kurtz-Seslar	Wolf
<i>Yes</i>									
<i>No</i>									
<i>Abstain</i>									



Hauptert, Dale L
Revocable Trust
Agreement &
Sickatoose,
Steven L

Bowers, Doyle
E & Patricia A

Mya & Charles
Homestead, Llc

Esterline,
Jason L &
Jennifer D

Walpole, R
Steven &
Brenda J

Moclure,
Joel Jacob

Keim,
Preston D

Terhaar, Robert
A & Charlotte D

Terhaar, Robert
A & Charlotte D

Miller, Charles
M & Patricia A

Miller,
Charles M &
Patricia A

Miller,
Charles M &
Patricia A

Lancaster,
Justin Lane

Priebenga,
Vicki

Priebenga,
Vicki

Miller,
Ethan A
& Sydney L

Miller, Charles
M & Patricia A

Singrey,
Barry M &
Hilary A

Schipper, Chad S
& Schipper, Rex A

Schipper, Cinda L
& Schipper, Rex A
Co-Trustees Of The
Schipper Revocable
Trust 11/30/07

Hubble,
Roger A

Hubble,
Roger A

Hubble, Roger A

Smith,
Thomas Alan

Smith,
Thomas Alan

Auker
Family Farms,
Llc

Dilling-Barnett, Wendi
& Dilling-Barnett,
Wendi Lin

Dilling-Barnett, Wendi
& Dilling-Barnett,
Wendi Lin

Dilling-Barnett, Wendi
& Dilling-Barnett,
Wendi Lin

Auker Family
Farms, Llc

211 East Jackson Street,
Columbia City, IN 46725

November 13th, 2024

To whom it may concern,

I am reaching out in support of E Brewing and its proposal for a zoning change to allow it to continue to grow, flourish, and bring commerce to South Whitley and Whitley County as a whole. As a 24-year-old professional and a recent graduate of Grace College, I believe I may bring a unique take in support of this zoning change. Whitley County, as it stands, is an incredible place to live as a child, as well as it is when raising a family. Our low cost of living and high levels of safety are extremely attractive to those who are beginning families of their own.

Having grown up here myself, I see an obvious trend of many of my high school friends returning to the community upon marriage and/or having children of their own. Yet, there is a gaping hole in our community in that many college-educated young professionals, which comprise my list of friends, oftentimes move to areas with more attractive amenities that befit individuals of my age group, the foremost being bars, cafes, and other locations that could be referred to as a "third spaces". These young people who have high ambitions, high standards for living, high levels of intelligence, and education, are taking their money, their fresh ideas, and their future to different communities and local economies when we don't have what they are looking for.

A personal anecdote of mine that took place less than a week ago; a friend and I were interested in going somewhere walkable in downtown Columbia City at 9 PM on a Friday night, but there was nowhere to go. After Chapman's closed, the single outlet for people my age disappeared from our community. For us who live in Columbia City, E Brewing is now the closest location where we can go on a Friday night.

Please consider the massive commercial success of Winona Lake, which was once a residential focus district. Taking a chance and allowing businesses to thrive along the lake allowed for a massive increase in home value and desirability in the surrounding area.

E brewing is currently thriving naturally, a feat that Chapman's Brewing, which was accessible and located in downtown Columbia City, was not able to accomplish. I think we can also recognize that our community has a poor track record of supporting local businesses. I can hardly count the

different signs that I've seen on certain buildings within downtown Columbia City as they are erected and dismantled on a regular basis.

You have an opportunity here to allow a new standard into our community and issue a new era of local businesses. As E Brewing continues to grow, interest in our county will develop, and people like my friends will want to find a reason to work, live, and play here due to the improving amenities and idealistic lifestyle. You have a duty to promote and fuel business in our community to be the best and most efficient it can be. I strongly urge you to grant this re-zoning request to make it as easy for E Brewing to continue thriving as possible and start the upward trend of allowing South Whitley to become even more of a destination. If you do not give me a reason to visit, my friends and I will, unfortunately, be forced to take our money to a different community that offers what we are looking for.

Sincerely,

Telly Varga

Whitley County Resident

To Whom It May Concern,

I am coming to you today in support of E Brewing Company. I am a life-long Hoosier and resident of Fort Wayne. Fort Wayne is saturated with breweries and there are plenty of options that are right down the road, yet we choose E Brewing over and over. The sense of community they have built there is unmatched. The quality of drinks, food & service are like nothing we have available near where we live. That is just one of the many reasons we choose to bring our business to Whitley County.

Aside from choosing to be a patron of E Brewing I also come to you as the Vice President of an animal rescue, Wags & Wiggles Rescue. E Brewing is one of our biggest supporters. They have worked with us to fundraise solely for the betterment of our organization & the potential adoptions for giving us exposure to their clientele. With their support of our rescue we have garnered community support, volunteers & multiple adoptions. And because of that amazing support we, in turn, ensure to mention E Brewing to everyone adopting from us.

E Brewing is a highly sought out destination in Indiana. My husband and I travel all over Indiana, Michigan & Ohio trying new breweries and the amount of places that have not only heard of E Brewing but have made the trip to try them is astounding. E Brewing is quickly becoming a "need to go try" place and driving even more business to Whitley County from non-residents.

I implore you to support E Brewing the way so many of us do. By rezoning E Brewing as a VC District you will continue to grow Whitley County's growth and business. Supporting E Brewing, and their growth, is supporting your own interests and community.

I look forward to being able to go to E Brewing for years and years to come.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Werling', with a stylized, cursive script.

Suzanne L Werling
Vice President & Adoption Coordinator
Wags & Wiggles Rescue
Fort Wayne, IN
wagsandwigglesfw.com



**WHITLEY COUNTY
BOARD OF COMMISSIONERS**

Whitley County Government Center
220 West Van Buren Street
Columbia City, IN 46725
(260) 248-3130

6/6/2023

To Whitley County Plan Commission Members:

I support Esterline Farms request for their property to be rezoned. They are a gem in Whitley County and I want to do whatever is necessary to help their business remain in Whitley County and flourish. We need attractions for locals in Whitley County. This business also helps bring people to the community that otherwise would not. E Brewing provides recreation activities for adults and children. This business is much more than a brewery. This business allows folks to enjoy animals and outdoor activities. In addition to that they are always trying to help the community. They allow Easterseal Passages to bring clients at no charge. As well as allow families throughout the community to bring their children with sensory issues to explore their farm and property. The list goes on. Lastly, but should be mentioned they pay taxes to help for much needed services like road repairs and law enforcement for Whitley County residents. Thank you for your consideration. Have a blessed day!

Sincerely,

Theresa Baysinger

Whitley County Commissioner