

**WHITLEY COUNTY ADVISORY PLAN COMMISSION
STAFF REPORT**

20-W-REZ-2 ZONE MAP AMENDMENT
Cidermill Propane, LLC
4.6± acres, 3879 E. Cider Mill Road

**FEBRUARY 19, 2020
AGENDA ITEM: 5**

SUMMARY OF PROPOSAL

Current zoning: GC, General Commercial AG, Agricultural
Proposed zoning: AG, Agricultural IPM, Industrial Park/Manufacturing
Property area: 4.6± acres

The petitioner, operator of a bulk propane facility on the subject property area, is requesting a zone map amendment for an overall area of approximately 4.6 acres (out of an overall 31-acre parcel) in Smith Township, located on the north side of Cider Mill Road, 500' west of SR 205. The business address is 3879 East Cider Mill Road. Being proposed are two zoning changes for the same property: the existing GC, General Commercial zoning to AG, Agricultural, and a part of AG, Agricultural to IPM, Industrial Park/Manufacturing. By policy, a request for multiple zoning districts on a single property may be handled as one petition.

Existing zoning classifications and land uses

Currently, the subject area is zoned AG, Agricultural, GC, General Commercial, and IPM, Industrial Park/Manufacturing and is used for a residence and a bulk propane dealership.

AG, Agricultural is the zoning district surrounding the subject property, and the majority of the parcel on which this request is located is zoned AG. The residence and 2.5 outbuildings are located in AG.

The GC, General Commercial district was zoned B-2 in 1998 to permit the south half of a barn to be used as an automobile repair shop. The rezoning was finely tailored to fit the structure, being an 80'x81' area. The B-2 zoning was converted to GC with the 2006 zoning code. This use has since been discontinued.

The 2.7± acre portion zoned IPM, Industrial Park/Manufacturing was zoned such in 2011. Two special exception approvals in 2011 and 2015 permitted the initial operation and an expansion of the propane dealership.

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

	<i>Current zoning</i>	<i>Current land use</i>
<i>North</i>	AG	Agricultural (field)
<i>East</i>	AG	Agricultural (field), pond, [SR 205]
<i>South</i>	AG	[Cider Mill Road], residences, [SR 205]
<i>West</i>	AG	Agricultural (field)

Proposed land use

The petitioner is requesting the zone map amendment from AG to IPM to permit the usage of the existing barn as an office and work pace for the propane dealership. The proposed area of IPM would increase from 2.7± acres to 3.13± acres.

The request from GC to AG is to bring the zoning in alignment with the actual usage of the property since the auto repair shop closed.

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 Land Classification Map of the 2011 Comprehensive Plan “depicts the County’s land use and development form goals (land classification) in a conceptual manner. It should not be construed representing precise location of land classifications, but used as a foundation for support and influence with land use and development form decisions and zoning map changes.”

So, while the precise location of the classification areas is conceptual and open for interpretation, particularly around the fringes, the location of the subject property seems to place it within the “Transitional Agriculture” classification.

In its text, the Comprehensive Plan describes the purpose of the Transitional Agriculture classification as “to allow farmland and residential uses to coincide in appropriate rural areas.” The classification may apply to “areas where a portion of the agricultural land has been divided into tracts that are forty (40) acres or less...where there are more than fifteen (15) dwelling units per square mile, some demand for new dwelling sites, and low cost to provide basic services.” Uses would include small farms, farmsteads, single-family residences, and other uses. New residential lots would be 2-10 acres in area, while up to 50% of the acreage per square mile would *not* be used for agricultural production.

The original 2011 rezoning approval noted that while the newly adopted Comprehensive Plan did classify this area as Transitional Agriculture, “the industrial classification [was] listed as a conditional fit.” Being as that rezoning was favorably recommended and adopted by the legislative body, it seems that the appropriateness of this zoning district within the Comprehensive Plan has been established.

The rezoning from GC to AG would extend the AG district throughout the southern part of the property, and would allow the agricultural and residential uses discussed in the Plan.

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

The site is currently improved with a propane dealership, and the propose of the requested IPM rezoning is to permit the extension of the business into an existing barn. As shown above, the immediate vicinity is generally agricultural, however, there are a few non-farm residences in relative proximity to the site. Given the proposed continuation of the existing use, it is not likely that the current condition and character of the area would be changed by this rezoning.

The AG zoning would remove the uses permitted in GC and align it with the majority of the zoning in the area. Again, since the uses are not proposed to change, nor would additional uses be permissible, this part of the request also would not likely change the condition and character of the area.

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

The subject property has been used for a propane dealership for more than eight years, so the desirability of such a use at this location could be deemed to be established. As stated in the 2011 rezoning staff report, and generally discussed in the Comprehensive Plan, some more intense development near state roads and other major roadways should be anticipated. As discussed by the

Commission at the 2011 hearing, the small area of the IPM zoning district would likely prevent larger, more intense industrial uses from occupying the site, keeping the uses to a scale more desirable given the area. The proposed additional acreage to IPM would still retain that small scale.

The AG request is desirable in that it makes a more cohesive and homogenous zone map, as well as reflecting the current usage of the property.

4. The conservation of property values throughout the jurisdiction;

As proposed, there would be no change in the use in the foreseeable future. The expansion of the existing use within the zoning boundaries would not be expected to have a major effect on property values.

The AG rezoning would have no effect on the property values, as it would only align the district with the existing usage.

At the broader level of the jurisdiction, it is likely that the rezoning request will conserve property values.

5. Responsible development and growth;

The expansion of the IPM district by 0.4 acre to allow an extension of the existing business would not be contrary to responsible development and growth since the use has already been established and there would not be an expected change in its scale or performance effects.

The AG rezoning could be seen as neutral with respect to development and growth, as the request would have no effect on existing land usage.

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 uses are not proposed to change from the existing. If development or expansion of the existing use occurs in the future, these factors would again be evaluated for compliance at the time the new development is proposed.

Date report completed: 2/13/20

PLAN COMMISSION ACTION

Motion:

By:

Second by:

<i>Vote:</i>	Hodges	Johnson	Mynhier	Western	J. Wolf	B. Wolfe	Woodmansee	Wright
<i>Yes</i>								
<i>No</i>								
<i>Abstain</i>								

N ↑

Riley HB

AG

IPM

3879

Smith

Agricultural to
Industrial Park/Manufacturing →

AG

General Commercial
to Agricultural →

AG

3877

GC

3875

E CIDER MILL RD

3880

AG

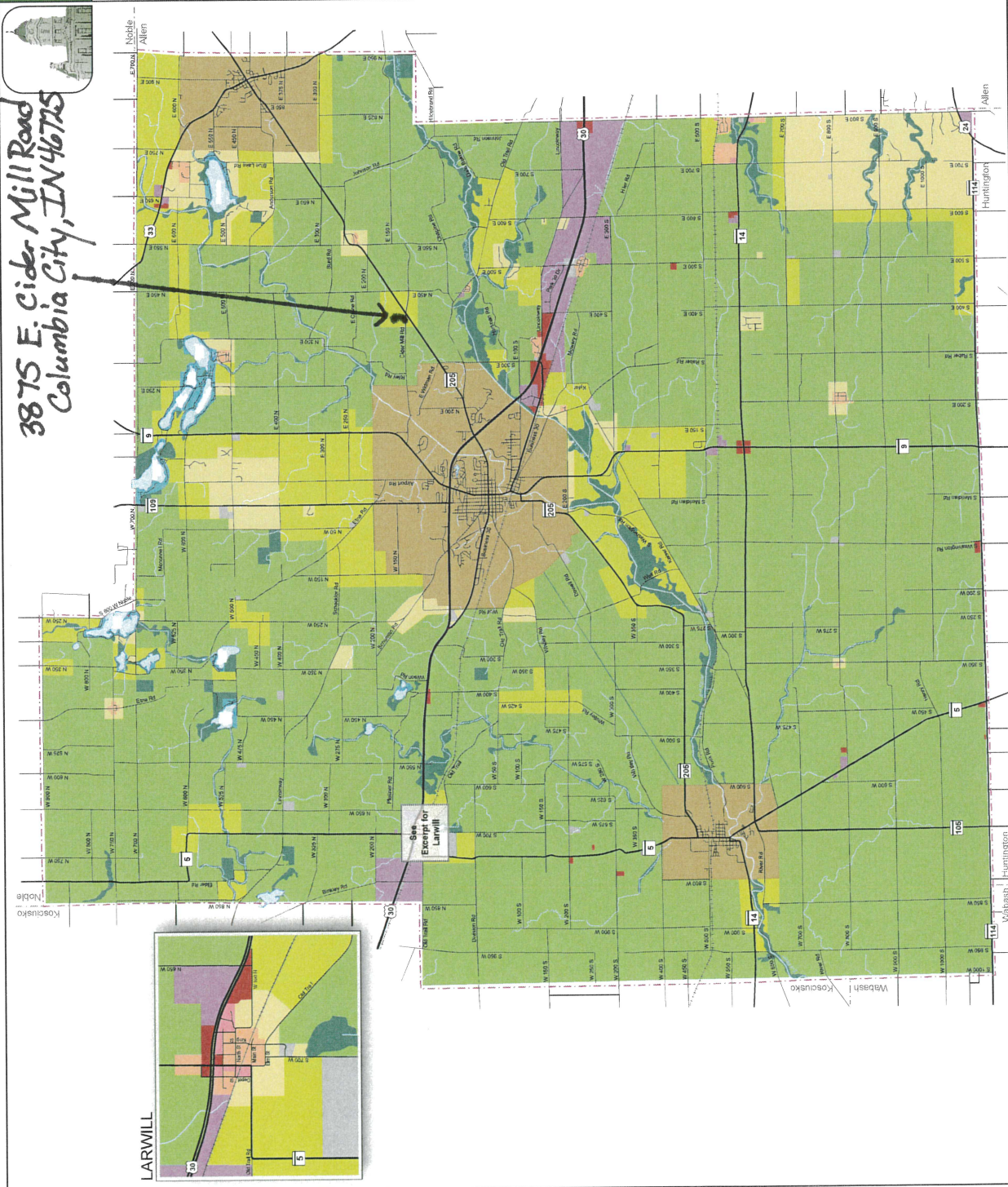
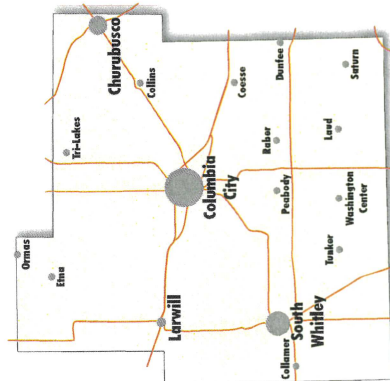


Land Classification Map Whitley County, Indiana

MAP LEGEND

- Conservation and Open Space
- Agricultural
- Transitional Agriculture
- Rural Residential
- Residential
- Lake Residential
- Government and Institutional
- Village Commercial
- General Commercial
- Industrial
- Extra-Territorial Jurisdiction
- County Boundary

COMMUNITY IDENTIFICATION



Survey Notes

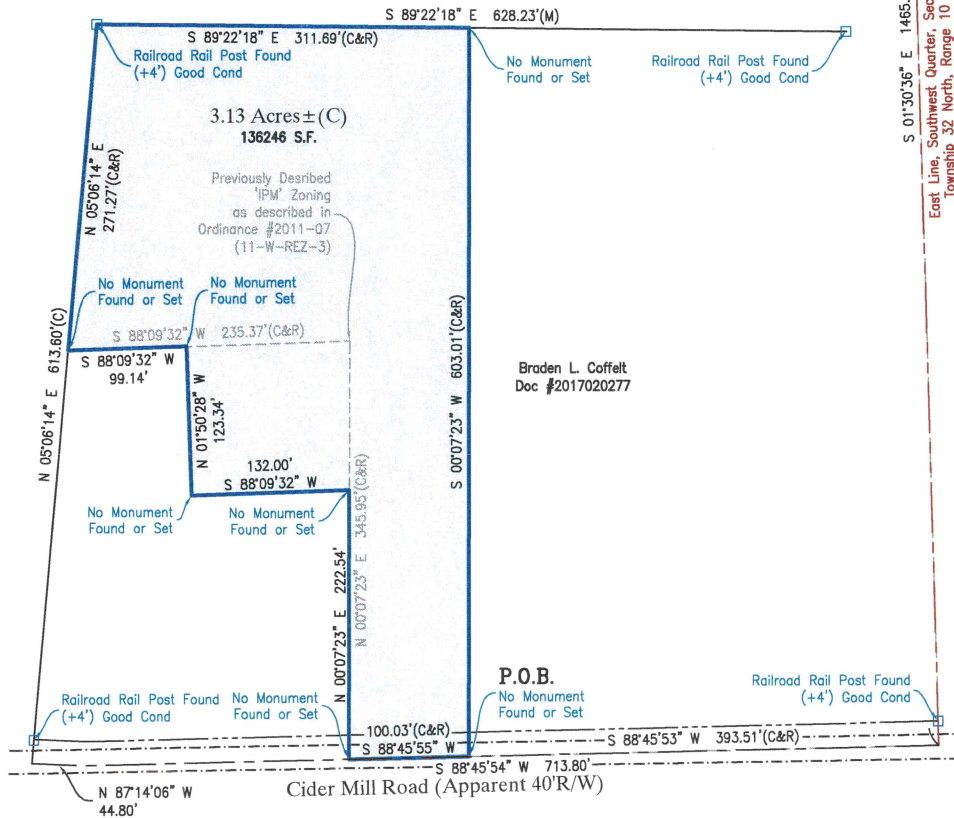
This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a Surveyor Location Report.

P.O.C.
Center Center
Section 31, Township 32
North, Range 10 East,
Smith Township,
Whitley County, Indiana

Legal Description

A tract of land described for the purpose of rezoning and being a part of a tract of land conveyed to Braden L. Coffelt in Document #2017020277 as found in the Office of the Recorder of Whitley County, Columbia City, Indiana, located in the Southwest Quarter of Section 31, Township 32 North, Range 10 East, Smith Township, Whitley County, Indiana, being certified on a Legal Description Map, dated February 6, 2020 and prepared by Ryan C. Weber (LS20800107) of Lakewood Surveying, LLC (Job Name: Coffelt Rezoning 2-6-2020) more particularly described, as follows:

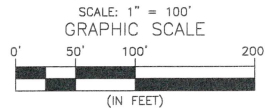
Commencing at the Center Corner of Section 31, Township 32 North, Range 10 East, Smith Township, Whitley County, Indiana; thence South 01 degrees 30 minutes 36 seconds East (Assumed Bearing and Basis for this Description being the Indiana East State Plane Coordinate System), on the East line of the Southwest Quarter of said Section 31, a distance of 1465.5 feet to the point of intersection with the Centerline of Cider Mill Road; thence South 88 degrees 45 minutes 53 seconds West, on said centerline, a distance of 393.51 feet to the POINT OF BEGINNING for this description; thence continuing South 88 degrees 45 minutes 53 seconds West, on said centerline, a distance of 100.03 feet; thence North 00 degrees 07 minutes 23 seconds East, a distance of 222.54 feet; thence South 88 degrees 09 minutes 32 seconds West, a distance of 132.00 feet; thence North 01 degrees 50 minutes 28 seconds West, a distance of 123.34 feet; thence South 88 degrees 09 minutes 32 seconds West, a distance of 99.14 feet to a point on the West line of a tract of land conveyed to Braden L. Coffelt in Document #2017020277; thence North 05 degrees 06 minutes 14 seconds West, on said East line of said Coffelt tract, a distance of 271.27 feet to a Railroad Rail Post Found monumenting the Northwest Corner of said Coffelt tract; thence South 89 degrees 22 minutes 18 seconds East, on the North line of said Coffelt tract, a distance of 311.69 feet; thence South 00 degrees 07 minutes 23 seconds West, a distance of 603.01 feet to the Point of Beginning, containing 3.13 acres, more or less.



Certification

I, Ryan C. Weber, certify that I am a Land Surveyor licensed in compliance with the laws of the State of Indiana; that to the best of my knowledge, and belief all information shown hereon is true and accurate.

CLIENT: Braden Coffelt
FILE # SEC 31, T-32-N, R-10-E ~ Smith Township ~ Whitley County
FIELD CREW: BDM, AJS
DRAWN BY: BDM
PROJECT # SURVEYS\WHILEY\32-10 SMITH\SECTION 31\Braden Coffelt (Cider Mill Property)\CAD
DOCUMENT # Coffelt Rezoning 2-6-2020.dwg



Date of Field Work: February 6, 2020
Certification Date: February 6, 2020

Ryan C. Weber, IN. Reg. L.S.# 20800107

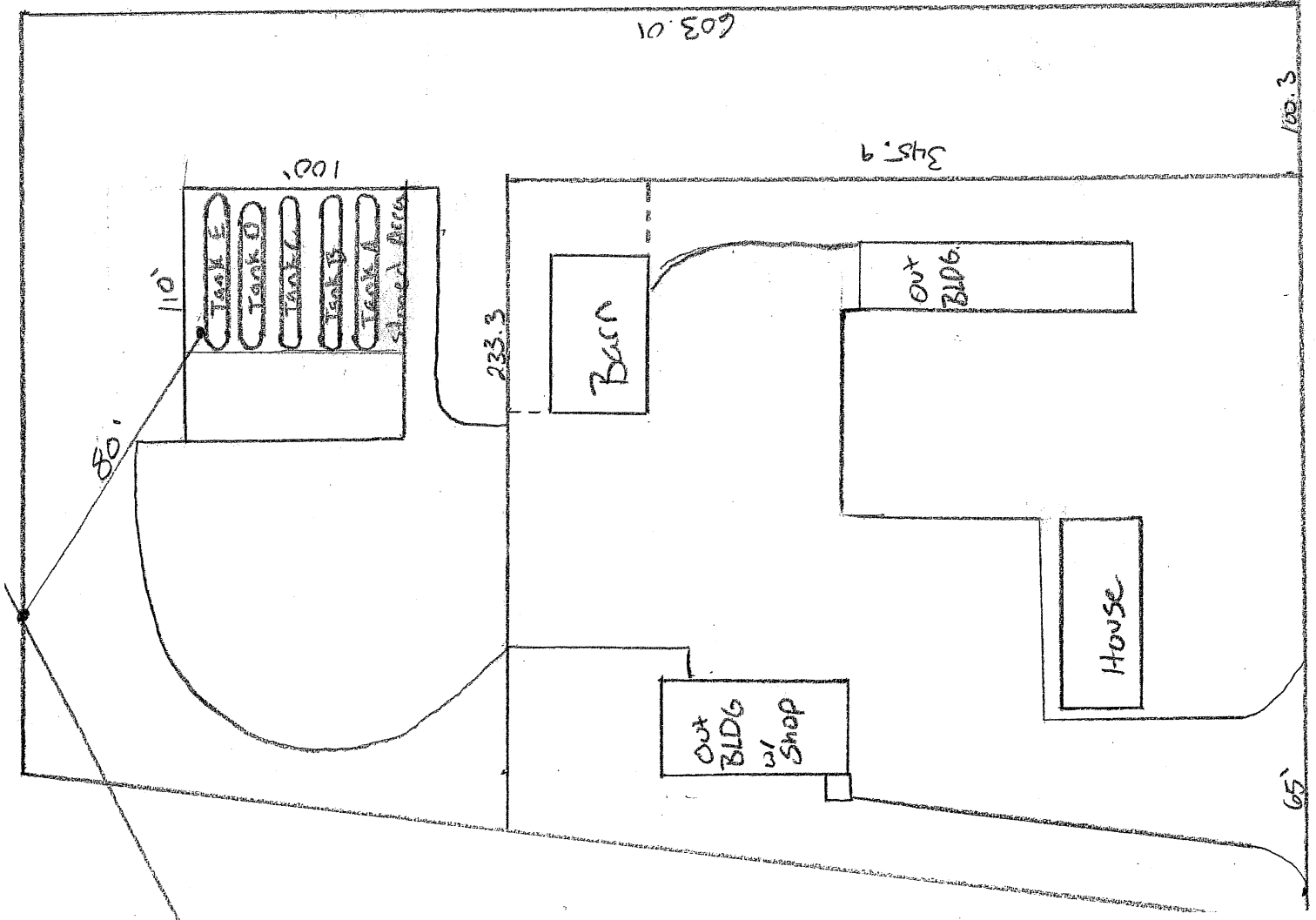
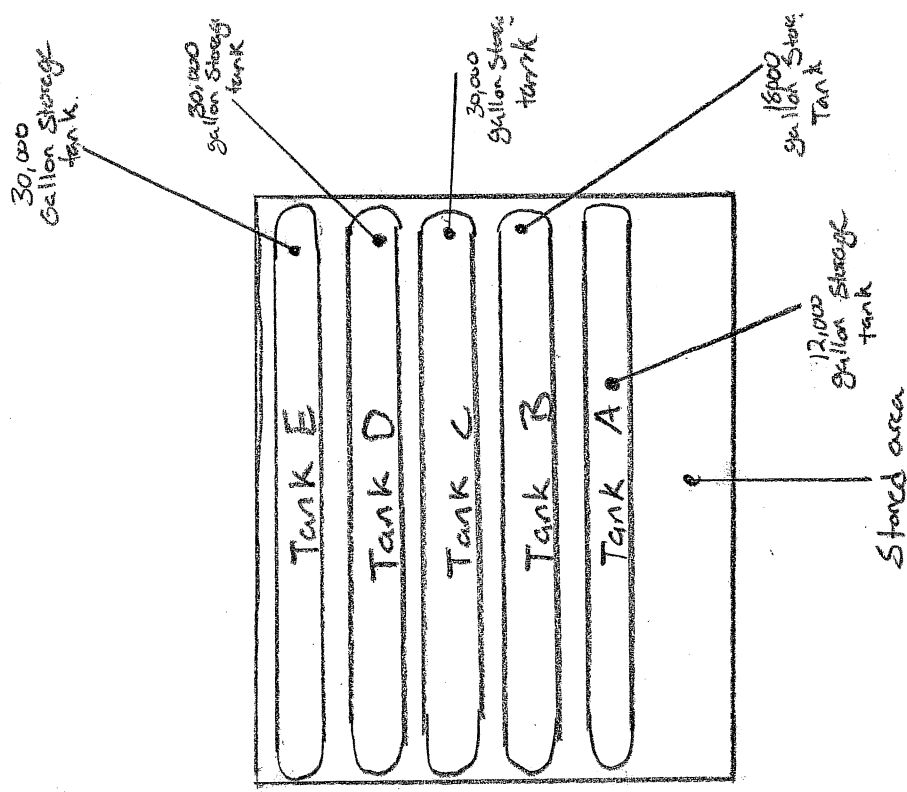
- REBAR FOUND
- REBAR SET
- PIPE FOUND
- FENCE POST
- HARRISON MARKER
- CONC. R/W MARKER
- RAIL POST
- PIVOT/VALVE FOUND
- R.R. SPIKE FOUND
- SPIKE NAIL/R.R. SODEN
- LATH SET
- CHISELED 'X'
- WATER TAP/ WELL
- WATER VALVE
- FIRE HYDRANT
- SEPTIC TANK
- CLEANOUT
- MANHOLE
- SEWER TAP
- SOIL BORING
- STORM INLET
- PIPE INVERT
- GAS VALVE
- GAS METER
- CABLE RISER
- TELE RISER
- FIBER OPTIC RISER
- ELECTRIC RISER
- ELECTRIC METER
- TRANSFORMER
- UTILITY VAULT
- LP LIGHT POLE
- PP UTILITY POLE TRANS.
- UTILITY POLE
- GRAY WIRE ANCHOR
- ROAD SIGN
- MAIL BOX
- SPOT ELEVATION

Plot Notes:
All Corners that are found are flush and in Good Condition unless noted.
The Basis of Bearings is Indiana East State Plane Coordinates (NAD 83) unless noted.
All Distances and Bearings on this Plot are assumed to be measured unless noted as follows:
(R) = Recorded
(M) = Measured
(C) = Calculated
No Data is Intentionally Excluded

NOTE:
ALL MONUMENTS SET THIS SURVEY AND NOTED PPS ARE 3/4" REBAR 24 INCHES LONG SET FLUSH WITH YELLOW PLASTIC CAPS MARKER.
ALL MONUMENTS SET THIS SURVEY AND NOTED WAS ARE PIVOT/VALVE SET WITH BRASS WISCONSIN MARKER.



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SURVEYING, LLC



Cidermill Road