

**WHITLEY COUNTY ADVISORY PLAN COMMISSION
STAFF REPORT**

23-W-REZ-1 ZONE MAP AMENDMENT
Jarod & Lori Baker
964 E. 500 South/5410 S. State Road 9

MARCH 15, 2023
AGENDA ITEM: 2

SUMMARY OF PROPOSAL

Current zoning: IN, Intensive Use
Proposed zoning: AG, Agriculture and IPM industrial Park/ Manufacturing
Property area: 11± acres (of total 23.29-acre site)

The petitioners, owners of the subject property at 5410 S. State Road 9 in Section 2 of Washington Township, are requesting a zone map amendment for 11± acres of the overall property. The north half of the overall property is currently zoned AG, Agriculture and the south half is zoned IN, Intensive Use. The overall property is currently improved with their dwelling on the north half and their landscaping company on the south half.

As proposed, the requested rezoning would change the IN-zoned part of their parcel to IPM and AG. The area around the landscaping company, approximately 7.4 acres, would be changed to IPM. The remaining 4± acres of IN-zoned area, used as part of their residence, would be rezoned to AG to match the zoning of the rest of the parcel.

The petitioner is requesting the zoning amendment to permit the potential construction of mini-warehouse use on the landscaping business, as well as to reduce the intensity and area of the zoning districts.

Existing zoning classifications and land uses

Currently, the subject area is zoned IN, Intensive Use, and has been for many years. It is believed that this zoning designation originated from a former use of the business area as a slaughterhouse.

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	Residences, fields
<i>East</i>	IN, AG	[SR 9], fields
<i>South</i>	AG, IN	[Railroad], field, industrial, residence
<i>West</i>	IN, AG	Field, residences

Proposed land use

The petitioner desires to rezone to allow for the possibility to include mini-warehouses as part of their business. Mini-warehouses are permissible under IPM but not under the existing IN.

The rezoning will also bring the existing legal nonconforming landscaping business more into conformance with the zoning code, as IN does not explicitly permit the use while IPM does permit landscape contractor businesses. The outdoor storage of materials may be considered legal nonconforming without a special exception approval, but such could be permissible.

Rezoning the northern part of the existing IN to AG would align the zoning of the residentially-used area.

Zoning code criteria

Generally, the development standards of IPM, such as setbacks, would better align with the existing business structures than those of the IN district.

Of course, this proposal will perpetuate a split-zoned parcel. The zoning code does not prohibit split zoning, but such situations can make it difficult to properly, and fairly, apply zoning development standards.

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 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 uses. The existing landscaping use and proposed mini-warehouse use could both be consistent with this character. The proposed reduction of the intensity of the zoning district and its area will aid in preventing 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 larger lot residential properties, with nearby higher-intensity agri-industry uses. The proposed use of this site for mini-warehouses, along with the current use, may not have much effect on the surrounding uses if it is kept at a reasonable scale.

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 and buildings should be expected, and reducing the intensity of uses may be desirable.

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. Rezoning to less intense zoning could reduce these potential effects.

5. Responsible development and growth;

The proposed addition of mini-warehouse use to the existing landscaping business would be a minimal intensification of the uses on the site; most other uses of IPM would maintain a similar level of development as existing. The reduction of zoning intensity from IN and the alignment of the districts with the actual uses on the property would both seem to be responsible actions.

6. The public health, safety and welfare.

It seems unlikely that the public health and welfare would be affected by this proposal. An increase in customer traffic may be expected with the addition of the proposed mini-warehouses, which could affect the design of the access point onto SR 9. INDOT would be consulted as part of the Development Plan review for any new business structures on the property, so they could make necessary adjustments to ensure public safety at least at that time.

Date report completed: 3/9/23

PLAN COMMISSION RECORD OF ACTION

Motion:

By:

Second by:

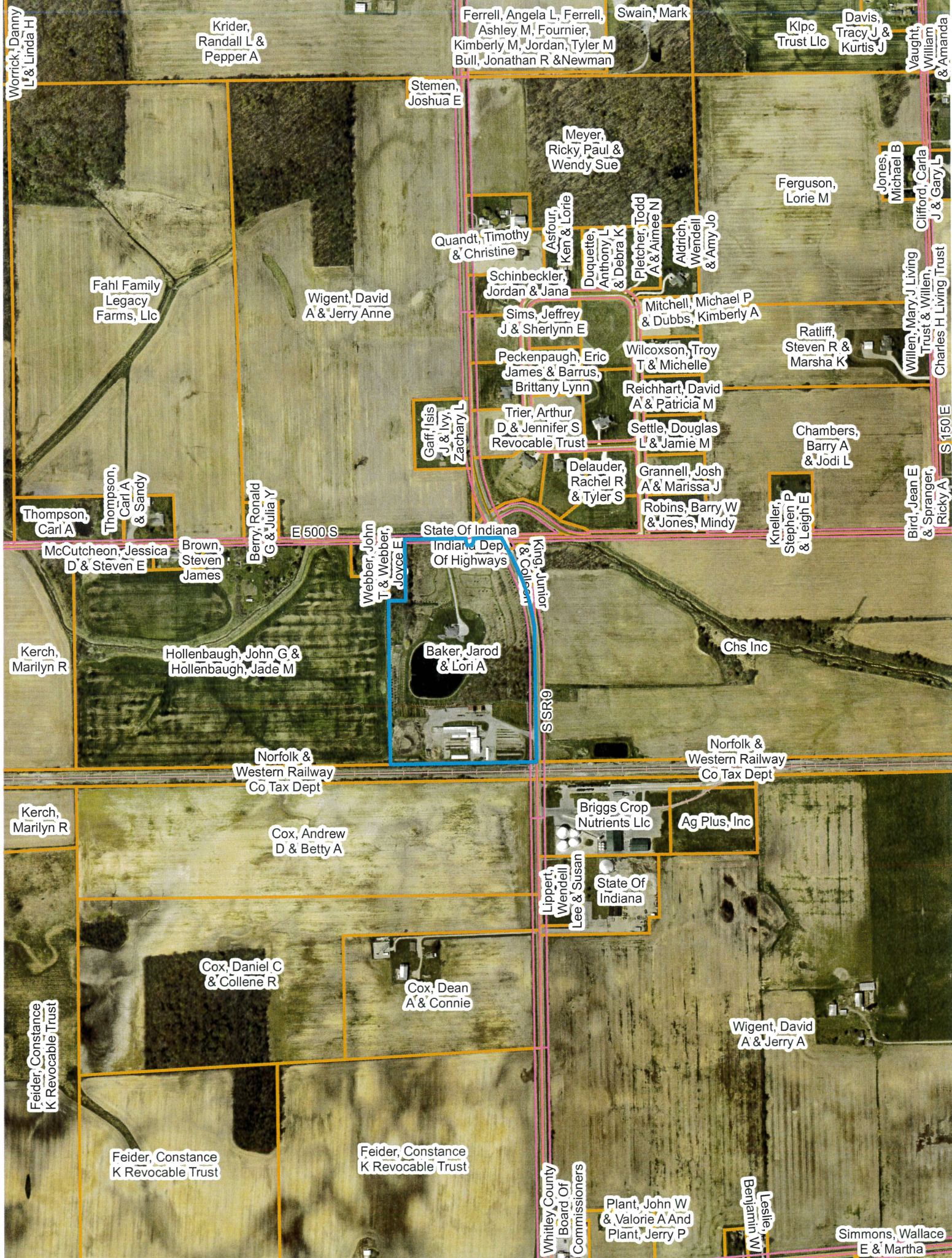
Favorable recommendation ____

Unfavorable recommendation ____

No recommendation ____

Conditions/Commitments? ____

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



Worrick, Danny L & Linda H

Krider, Randall L & Pepper A

Ferrell, Angela L, Ferrell, Ashley M, Fournier, Kimberly M, Jordan, Tyler M, Bull, Jonathan R & Newman

Swain, Mark

Klpc Trust Llc

Davis, Tracy J & Kurtis J

Vaught, William & Amanda

Stemen, Joshua E

Meyer, Ricky Paul & Wendy Sue

Ferguson, Lorie M

Jones, Michael B

Clifford, Carla J & Gary L

Fahl Family Legacy Farms, Llc

Wigent, David A & Jerry Anne

Quandt, Timothy & Christine

Schinbeckler, Jordan & Jana

Sims, Jeffrey J & Sherlynn E

Mitchell, Michael P & Dubbs, Kimberly A

Ratliff, Steven R & Marsha K

Willen, Mary J Living Trust & Willen, Charles H Living Trust

Gaff, Isis J & Ivy, Zachary L

Peckenpaugh, Eric James & Barrus, Brittany Lynn

Wilcoxson, Troy T & Michelle

Reichhart, David A & Patricia M

Settle, Douglas L & Jamie M

Chambers, Barry A & Jodi L

Trier, Arthur D & Jennifer S Revocable Trust

Delauder, Rachel R & Tyler S

Grannell, Josh A & Marissa J

Robins, Barry W & Jones, Mindy

Kneller, Stephen P & Leigh E

Bird, Jean E & Spranger, Ricky A

Thompson, Carl A

Thompson, Carl A & Sandy

McCutcheon, Jessica D & Steven E

Brown, Steven James

Berry, Ronald G & Julia Y

Webber, John T & Webber, Joyce E

State Of Indiana Indiana Dep Of Highways

Baker, Jarod & Lori A

Chs Inc

Kerch, Marilyn R

Hollenbaugh, John G & Hollenbaugh, Jade M

Norfolk & Western Railway Co Tax Dept

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Kerch, Marilyn R

Cox, Andrew D & Betty A

Briggs Crop Nutrients Llc

Ag Plus, Inc

Lippert, Wendell Lee & Susan

State Of Indiana

Cox, Daniel C & Collene R

Cox, Dean A & Connie

Wigent, David A & Jerry A

Feider, Constance K Revocable Trust

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Feider, Constance K Revocable Trust

Whitley County Board Of Commissioners

Plant, John W & Valorie A And Plant, Jerry P

Leslie, Benjamin W

Simmons, Wallace E & Martha

