

**WHITLEY COUNTY ADVISORY PLAN COMMISSION  
STAFF REPORT**

**19-W-REZ-6      ZONE MAP AMENDMENT**  
Cardinal Creek Development, LLC  
60 acres, northwest corner 700S/800E

**JUNE 19, 2019**  
**AGENDA ITEM: 5**

**SUMMARY OF PROPOSAL**

Current zoning:    AG, Agricultural  
Proposed zoning:  RR, Rural Residential  
Property area:     60± acres

The petitioner, a subsidiary of applicant Granite Ridge Builders, is the contract purchaser of the subject property located on the northwest corner of CR 700 South and CR 800 East. The requested zoning for the subject parcel is RR, Rural Residential.

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

Currently, there are no improvements on the subject property. Two wooded areas exist on the site. Historically, a farm was located on the northeast corner of the property until the 1980s.

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), residence (farm)
<i>East</i>	A1, R1 (Allen Co.)	[CR 800 East], residence (tree farm), residences (subdivisions)
<i>South</i>	AG	[CR 700 South], agricultural (field), residences, woods
<i>West</i>	AG	Agricultural (field), residences

***Proposed land use***

The zone map amendment is requested to permit development of the property as a subdivision for single-family dwellings, the plat of which is being considered under another petition. The site has access to public water and sewer utilities.

**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 following is staff’s commentary on what appears to be the most relevant recommendations of the Comprehensive Plan.

Objective 1.1 of the 2011 Comprehensive Plan states the following:

1.1 Encourage growth in municipalities, adjacent to municipalities, near municipalities, or in areas served by public utilities.

Looking at this Objective, the subject property, while not in or near a municipality, does have reasonable access to both public water and sanitary sewer. However, given the repetitive wording in the objective, it could be interpreted that growth is more strongly encouraged in municipal areas, which this property is not “in,” “adjacent to,” nor “near.” This being the first rezoning in recent memory that proposes to extend nearby public utilities onto a property not already being

immediately served, the Commission should make an interpretation of the “in areas served by public utilities.” Further, regard should be paid to the implications of extension of utilities on other recommendations of the Comprehensive Plan.

Objective 1.2 of the Comprehensive Plan states:

1.2 Utilize Part 3: Land Classification Plan and the Land Classification Plan Map as a basis for zoning decisions.

Using the Land Classification Map as suggested in Objective 1.2, it indicates that the subject site should be planned for “transitional agriculture.” The Land Classification Plan’s description of “transitional agriculture” is to be located in areas where agricultural land has already been divided into tracts of less than 40 acres, more than 15 dwellings per square mile, some demand for new dwellings, low cost to provide basic services, and near major roads. Further, transitional agriculture classifications should be located in areas with changing topography or lower agricultural value. Expected land uses include small farms, crop cultivation, and single-family residential, with new residential lots being 2-10 acres in area and on land with “low agricultural value.”

It seems that the existing conditions of the subject property do not align with the Plan’s classification, particularly when considering the agricultural conditions, so it is assumed that the classification is a recommendation of the Plan rather than a reflection of the existing situation. It should be further noted that several land classifications lie within a half-mile of the subject site. The lands to the south of CR 700S are classified as “rural residential”, which recommends additional residential development, generally on parcels 2-10 acres in size. The land just to the north of the subject property is classified as “agricultural,” which is described as intended for productive agriculture. A little farther north, nearer the SR 14/CR 800E intersection, is an area of “residential” classification, which is intended for “suburban-style residential subdivisions.” Since Comprehensive Plans are subject to some interpretation, especially in definition of classification boundaries, the Commission may give consideration to the nearby classifications if they seem to better fit the individual site.

Applying the description to the subject property may yield some insights for the Commission in that interpretation. The subject property is in agricultural use, though the property does have a wooded wetland located on the northwest corner and some areas of frequently standing water through the middle of the property. The vicinity is comprised generally of larger agricultural tracts, most of which are over 40 acres in area, including the subject property. Basic services are not on-site, but are available in the immediate area to the east, making the cost to provide basic utilities relatively low. Demand for new dwellings in the area is indeterminate, but one may presume that the petitioner’s request is in response to a market demand. Generally, when looking at the existing conditions, the use and size of the subject property and surrounding properties seem to align with the description of the “agricultural” classification, while the availability of services and apparent demand may be more in line with “rural residential.” The petitioner’s intended development of the site for single-family residences would closely follow the “residential” classification.

As the Commission has discussed in recent meetings, the Rural Residential zoning district is one of only two residential zoning districts currently available for general use in the zoning code and allows lots of 10,000 sq. ft. in area with public utilities. As such, the Commission should assume that development would occur at the code minimum and compare that type of development with its interpretation of the Comprehensive Plan classifications. If there is discrepancy between the

interpretation of the Plan and the requested RR district, then either the district is not appropriate for the site or may be modified by use of recorded commitments (for example, a commitment that lots would be of a certain minimum area that would meet the recommendations of the Plan).

Objective 1.5 of the Comprehensive Plan states:

1.5 Require new development to connect to public utilities when within reasonable proximity to water and/or sewer mains with sufficient capacity.

It is the intent of the petitioner to connect to utilities available to the east of the site. The availability would be reviewed in the subdivision process, with capacity verified in the technical review.

Object 1.6 of the Comprehensive Plan states:

1.6 Protect rural character and prime agricultural land from development that has a suburban or urban character, or that erodes farmers rights to farm.

*Additional information: Residential subdivisions should not be permitted by right in the agricultural classification. Recognize that there is capacity to conservatively add over 35,000 new homes in the extraterritorial jurisdiction of municipalities. Additionally, areas within the County's jurisdiction classified as transitional agriculture, rural residential, and residential provide even more capacity for residential development.*

The petitioner's proposed development would have a suburban character; the requested RR district would more generally allow for various styles of subdivisions, from quasi-rural to suburban. The Commission must consider whether this zoning request would injure the rural character or interfere with the usage of prime agricultural lands.

Finally, Objectives 2.2 and 2.3 deal with requiring dedication of rights-of-way when new developments are proposed. Objective 2.12 recommends requiring linkages between adjacent developments. These objectives should be addressed in the subdivision approval process.

- 2. The current conditions and the character of current structures and uses in each district;**  
The subject property and surrounding properties west of 800E are currently undeveloped and used primarily for agriculture and larger-lot residences. Properties to the east are largely developed with suburban subdivisions. As discussed in the commentary of Objective 1.6 above, the Commission must consider the impact of developing this site on the surrounding agricultural area, both at the present time and into the future.
- 3. The most desirable use for which the land in each district is adapted;**  
The subject property is flat, which can be good for both agriculture and convenient suburban development. The site also has significant drainage issues to be addressed, including a legal drain tile and the provision of stormwater detention for the Harrison Fields development to the east. Development of this site must incorporate this drainage situation into its design, which likely results in a steeper development cost by requiring additional earthwork, storm structures, etc. That additional cost is likely to preclude larger lot development on the site, whereas more dense development could more easily bear the cost of the drainage improvements.

The existing agricultural uses naturally deal with the drainage without structural costs, although the occasional loss of crops due to flooding may make this particular property somewhat less desirable for agriculture than those in the surrounding area.

The proximity of public utilities makes this property more desirable for any type of development, including the requested residential, than it would be without utility access. However, the availability of utilities by itself should not be thought to open the door to any development in any location.

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

The rezoning request would allow for the development of this property for residential uses. Generally, residential development does not have an immediate impact on property values of a jurisdiction since residences are more or less compatible with most other uses. Over time, continued development would change the character of the area, which could adversely affect the property values of certain properties, such as “farmsteads” on larger lots, but generally would have no effect or a positive effect throughout the jurisdiction.

**5. Responsible development and growth;**

As discussed in the Comprehensive Plan, responsible development and growth generally guides residential development toward a municipal setting, or at least locations with public utilities, which this site does have available. Unincorporated growth creates need for services from County government that it may not be as well-equipped to handle as municipalities, such as additional police and fire protection and adequate and responsive governance. However, there are some existing instances of such development in the county, such as Lincoln Pointe and Donatello’s Village, so it is possible to provide services at some level. The question to be addressed is at what level development demand for services would exceed the ability to adequately provide them.

Further, the requested RR zoning district could be considered a continuation of the suburban sprawl from Aboite Township. Sprawl is a discouraged development type in most planning principles, although it can be acceptable when there are other positive factors of a development. The Commission has discussed sprawl and development patterns in recent meetings and has been working toward code amendments in the next few months. This proposal requires the Commission to evaluate the benefits of residential growth—such as increasing the population base, additional workforce, property tax increases, etc.—versus the drawbacks of sprawl development—such traffic, changes to the rural character, cost of services, etc.

**6. The public health, safety and welfare.**

It is a purpose of the zoning ordinance to protect the public health, safety, and general welfare. Therefore, residential uses developed in accordance with the zoning ordinance and subdivision code are not likely to adversely impact those items directly.

However, there are effects of development that can cumulatively affect the public health, safety, and welfare, for example, increased automobile traffic, which leads to air pollution, widening of roadways, increased cost of road maintenance, and so forth. It is not reasonable to have zero development in order to avoid all negative effects, so the Plan Commission should take a judicious approach in evaluating this and every rezoning request so as to control and mitigate any potential cumulative effects.

Date report completed: 6/12/19

**PLAN COMMISSION ACTION**

Motion By:

Second By:

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