

**WHITLEY COUNTY ADVISORY PLAN COMMISSION
STAFF REPORT**

22-W-REZ-2 ZONE MAP AMENDMENT
Jeff Shelton
7195 E. SR 14

**JUNE 15, 2022
AGENDA ITEM:**

SUMMARY OF PROPOSAL

Current zoning: RR, Rural Residential
Proposed zoning: VC, Village Commercial
Property area: 1.5± acres

The petitioner, purchaser of the subject property area, is requesting a zone map amendment for approximately 1.5 acres located at 7195 East State Road 14 in Section 1 of Jefferson Township. The requested zoning for the subject property is VC, Village Commercial.

Existing zoning classifications and land uses

Currently, the subject area is zoned RR, Rural Residential, and has been used for as a residence by the current property owner. The property was rezoned from VC to RR in 2011 (11-W-REZ-4) when the property owner sought the zoning change to permit them to live in and restore the historic residence that had previously been part of the surrounding business.

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

	<i>Current zoning</i>	<i>Current land use</i>
<i>North</i>	VC	Business, field
<i>East</i>	VC	Business, residences (Legacy Preserve)
<i>South</i>	AG	[SR 14], farm, agricultural (field)
<i>West</i>	VC	Business, field, [700 East]

Proposed land use

The petitioner is requesting the zoning amendment to use the dwelling as part of a banquet hall business that would be located on the surrounding VC property. As planned, the structure would be used for offices and meeting/reception preparation spaces. In May, the petitioner obtained a Special Exception (22-W-SE-8) for that use, including this property, subject to several conditions.

Zoning code criteria

The VC zoning district permits many commercial uses, mostly of relatively light intensity. As stated above, the requested banquet hall use was already approved by the BZA. Residences are permissible in VC, but only if located on the “upper floor” of a business use, so the single-family residential use, if it does happen to continue, would be a legal nonconforming use in VC.

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 “Village Commercial” classification.

In its text, the Comprehensive Plan describes the purpose of the Village Commercial classification as “to maintain areas used for low-intensity commercial and institutional uses serving clusters of residential development and small communities in the County.” The location of this classification is described as “within small towns or unincorporated villages.” Recommended land uses include small-scale retail, restaurant, service, and office, churches, and museums. Dunfee is listed as an example of this classification, although the photo on the same page depicts the commercial structures on 800 East, not this site.

Since the Land Classification Map’s intent is to show the development goals for an area, the current conditions of the mapped classifications do not necessarily align with the textual descriptions. This is an instance of such a contradiction, as the mapped classification is not within a small town. However, when looking only at the recommended land uses, the proposed VC district matches the Plan’s recommendations.

For reference, the pending Comprehensive Plan update also shows this site as being “Town Enhancement”, which is described as “traditional activity centers with a mix of smaller-scale commercial, residential, and institutional or public uses that form a cohesive area.” It would be located “usually [in] the core of incorporated and unincorporated towns.” The recommended character is described as “commercial development should serve residents in surrounding neighborhoods and supply day-to-day goods and services, although specialty businesses and low-intensity manufacturing may also be compatible” and suggested land uses include commercial, retail, residential, civic uses, and cottage industries.

Similar to the current Comprehensive Plan, the mapped character does not exactly align with the textual description, being outside of the core of a town. However, the proposed VC district again appears to match the recommended land uses for the recommended character.

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

The site is currently surrounded by business structures and zoning. The request would integrate the site with the surrounding area. So the change of this site from residential use to commercial use would not likely affect the current 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 in the past for residential and for business use, and either use is potentially desirable. The proximity to the major road and surrounding business usage suggests business is desirable, but the historic nature of the dwelling suggests maintaining the residential use as desirable as well.

4. The conservation of property values throughout the jurisdiction;

As proposed, the property would change from a residential use to a light commercial use. The difference in uses on the subject property would not likely have effect on surrounding properties nor the broader jurisdiction.

5. Responsible development and growth;

The Commission must determine if the VC district request is an expansion of the approved surrounding commercial use that is in line with the recommendations of the Comprehensive Plan. The change in zoning could allow for the loss of a potentially historically significant residential property by becoming commercial, although as proposed the structure would remain standing.

6. The public health, safety and welfare.

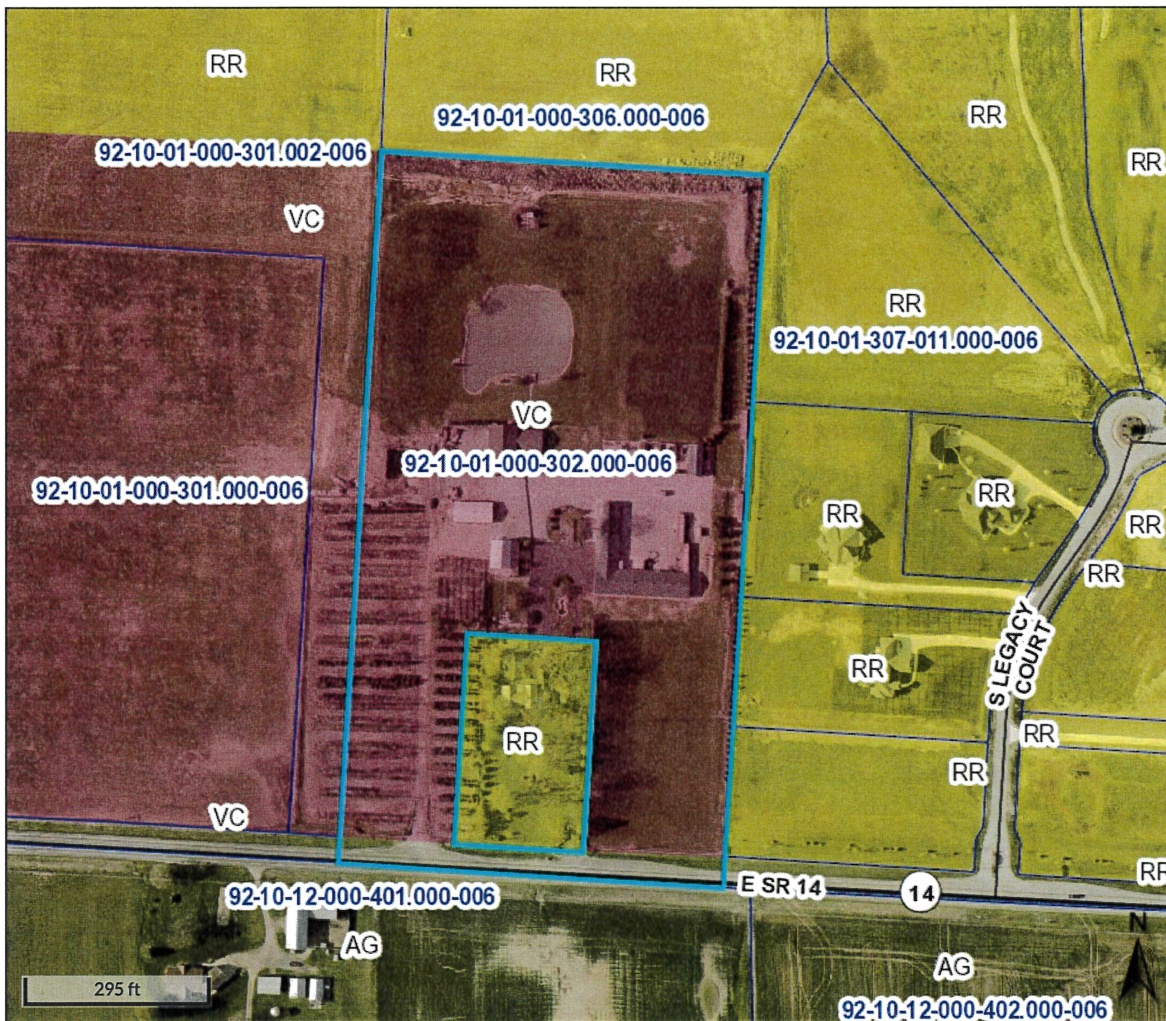
It seems unlikely that the public health, safety, and welfare would be affected by this proposal since the use of the site would be incorporated into the overall usage of the surrounding approved business use.

Date report completed: 6/8/22

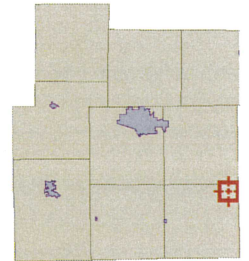
PLAN COMMISSION RECORD OF ACTION

Motion: _____ By: _____ Second by: _____
Favorable recommendation _____
Unfavorable recommendation _____
No recommendation _____
Conditions/Commitments? _____

<i>Vote:</i>	Drew	Emerick	Hodges	Johnson	Kurtz-Seslar	Schrumpf	Wolf	Wright
<i>Yes</i>								
<i>No</i>								
<i>Abstain</i>								



Overview



Legend

- Corporate Limits
- Parcels
- State Highways
- Road Centerlines
- Lakes
- County Zoning**
- Agricultural
- General Commercial
- Intensive Use
- Industrial
- Park/Manufacturing
- Lake Residential
- Manufactured Home Park
- Rural Residential
- Village Commercial

Parcel ID	92-10-01-000-302.000-006	Alternate ID	92-10-01-000-302.000-006	Owner Address	Stanford, Michael H
Sec/Twp/Rng	01-30-10	Class	RESIDENTIAL OTHER STRUCTURES		7195 E State Road 14
Property Address	7195 E State Rd 14	Acreage	13.5		Columbia City, IN 46725
	Columbia City				
District	Jefferson Township				
Brief Tax Description	PT SW4 EX 1.5A S1 T30 R10 13.5A				
	(Note: Not to be used on legal documents)				

Date created: 5/2/2022
Last Data Uploaded: 5/2/2022 1:39:06 AM

Developed by **Schneider**
GEOSPATIAL

Triple R Development Llc

Straley, Cary & Wendy
Robinson, Keith D & Linda K

Straley, Cary & Wendy

Nicodemus, Sarah K & Hunter E
Hitzeman, Pamela P Living Trust

Bubb, Eugene Linda
Bubb, Eugene Linda

EHHERITAGE TRAIL

Sauers, Douglas & Sauters Katherine S
Shaver, Mark A & Shaver, Hope M Living Trust

Marks, Stephen J & Claire J Revocable Living Trust

Hall, Douglas E & Bastrass, Cynthia K

Joerger, Regis Edward & Christine Louise

Marks, Jimmie T & Luz M

Frye, Robert J & Marietta W

Knoblauch, John & Tamara

Crawford, Mark E & Rebecca A

Burke, Jeffrey A & Burke, Susan U

Weiss, Joseph F & Martha A

LEGACY COURT

Stanford, Michael H

Stanford, Michael H

Stanford, Michael H

Tfhc Llc

S7001E

Northern Indiana Public Service Co

Derheimer, Thomas & Martha Irrevocable Trust

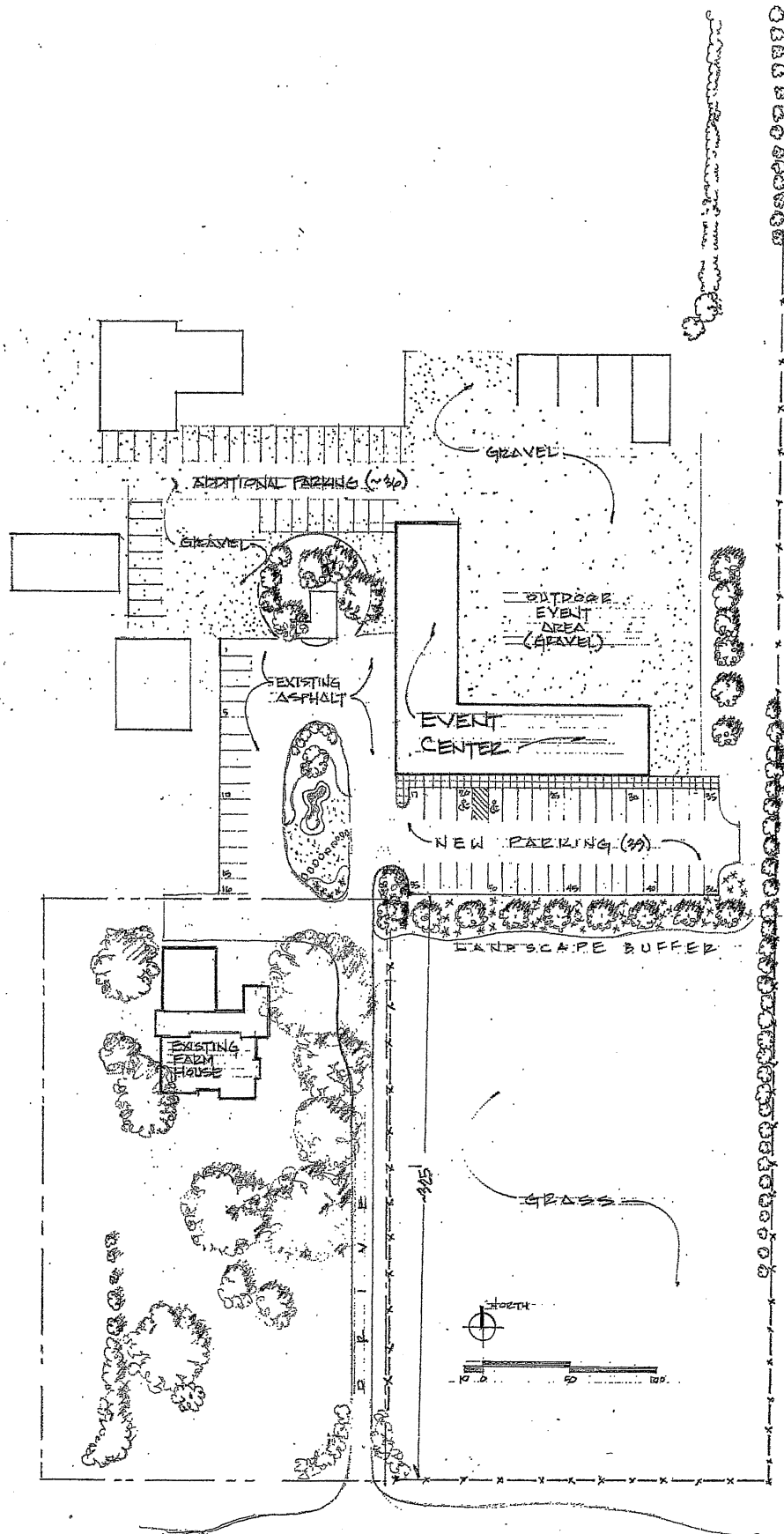
Weemes, Joe L & Lynn R

Jennings, Maxella & Ballard, Cinda

Lamle, Gary D Revocable Trust

Stanford, Michael H
Stanford, Marilyn R
Stanford, Michael H
Stanford, Michael H
Stanford, Michael H

ESR 14



1195 EAST STATE ROAD 14