

**WHITLEY COUNTY ADVISORY PLAN COMMISSION
STAFF REPORT**

19-W-REZ-4 ZONE MAP AMENDMENT
Robert and Linda Hoffman et al
52 acres, southeast corner of 700E/800S

APRIL 17, 2019
AGENDA ITEM: 1

Petition continued from March due to an ownership issue. After doing research on the proper owner of record, the required consent was obtained by the petitioner and filed.

SUMMARY OF PROPOSAL

Current zoning: AG, Agricultural
Proposed zoning: RR, Rural Residential
Property area: 50± acres

The petitioners, Robert and Linda Hoffman et al, are 18 owners of the subject property, located in the vicinity of the southeast corner of CR 700E and CR 800S. The subject property includes the subdivisions of Westfield Passage (recorded 1998), Burris Estates (recorded 2004), and Burris Estates replat (recorded 2009), and two adjacent metes-and-bounded parcels. In total, the property area is approximately 50 acres. The requested zoning for the subject parcel is RR, Rural Residential.

Existing zoning classifications and land uses

Currently, the subject property is improved with 16 single-family dwellings, a “pole building with living quarters” (as described in the 2009 building permit), and assorted outbuildings and accessory structures. Westfield Trail is a private road, and its right-of-way is also included as a parcel.

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

| | <i>Current zoning</i> | <i>Current land use</i> |
|--------------|-----------------------|--|
| <i>North</i> | AG | [CR 800 South], agricultural (field), residences |
| <i>East</i> | AG | Residence (farm), agricultural (field) |
| <i>South</i> | AG | Agricultural (field) |
| <i>West</i> | AG | [CR 700 East], agricultural (field), residences |

Proposed land use

No change in land uses is proposed. The petitioner is requesting the zoning amendment to align the zoning district with the current usage of the properties involved.

There do not appear to be any special exception approvals in the subject property area. Special exception uses can be affected by changes in zoning.

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;

Objectives 1.1 and 1.2 of the 2011 Comprehensive Plan state the following:

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

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

Looking at Objective 1.1, the subject property, while not in or near a municipality, is already served by sanitary sewer, which is typically the largest cost public utility. There may be a question of whether this rezoning would “encourage growth” in the area, or whether the rezoning would simply reflect growth that has already occurred over the last 20 or so years. So the Commission should examine whether putting a Rural Residential district on the zoning map would prompt subsequent developments in the surrounding area that would not be near a municipality, or if the district would not be an enticement for additional growth.

Using the Land Classification Map as suggested in Objective 1.2, it indicates that the subject site should be planned for “rural residential.” The Land Classification Plan’s description of “rural residential” is to be located in areas not suitable for productive agriculture, areas in moderate proximity to municipalities or major roadways, areas where there is a demand for new dwellings and low cost of services, clustered near other residential uses, and outside of predominantly agricultural or prime agricultural areas. Southeast Jefferson Township is listed as an example location.

It can be presumed that the areas shown on the Classification Map were formulated based on the descriptions in the Classification Plan, but applying the description to the subject property may yield some insights for the Commission. The subject property is not suitable for productive agricultural as it has already been developed with residences on 1- to 6-acre lots, largely over the past 20 years. The area already has sanitary sewer service, typically the highest cost service infrastructure. There are no other residential clusters within roughly a mile of the subject property, but there are developed subdivisions just over a mile away to the south. To the east, there are developments along the county line, roughly ¾-mile away. There is low demand for new dwellings on the property as it has already been developed and to have more dwellings would require resubdivision; as discussed above, there may be a question of whether development begets development. The surrounding area is currently agricultural, but the subject property is not.

While it is tempting to assume that the “rural residential” classification and the “Rural Residential” zoning district are one in the same, one should compare the classification’s recommended uses to the district’s permissible uses to determine the applicability of the district. Without going into a point-by-point comparison, the classification recommends single-family residences on 2- to 10-acre lots, “hobby farms”, crops, pasture, and forestry, while the zoning district permits single-family residences on 0.35-acre (with public sewer only) lots, hobby farming, and crop production. So it does appear that the RR district is, for the most part, in alignment with the classification recommendations.

2. **The current conditions and the character of current structures and uses in each district;**
The subject property is currently developed with single-family residences and accessory structures, and the requested zoning district is expected to have minimal effect on the existing structures and uses. As no new uses or structures are proposed, nor are any remarkably different uses or structures allowable by the request, the requested zoning would also likely be compatible with the surrounding properties.
3. **The most desirable use for which the land in each district is adapted;**
As the majority of this property has been subdivided and used for residential uses for at least 20

years, the desirability for the site as residential is established. Given this establishment of uses and location, there is a fairly low likelihood that another category of use (e.g. commercial, industrial) would be seen as a desirable replacement for residential in the foreseeable future. If that desirability does change, then another rezoning request would be expected at that time.

4. The conservation of property values throughout the jurisdiction;

The rezoning request is not intended to permit any change in uses, but to align with existing uses. Changing the subject property to RR from the existing AG would remove numerous potential uses (e.g. confined feeding operations, retail uses, kennels, etc.) that are essentially extraneous to the developed residential uses, which would reduce the opportunity for an objectionable use to be conducted on the property. However, such uses are already not permitted by the covenants in place for the majority of the subject property. These factors suggest that the rezoning would have minimal effect on property values throughout the area, but if there were any effects, they would likely be positive.

5. Responsible development and growth;

The impacts of residential growth in this case have already been evaluated as part of the original approval of the subdivision and have been considered in planning efforts since. Given the location, the longstanding recorded plats, and existing uses, the requested rezoning is perhaps more responsible than to maintain the AG district for the subject property.

6. The public health, safety and welfare.

It is unlikely this request would adversely impact the public health, safety, or welfare since there are no use or structure changes proposed nor any changes that are particularly feasible.

Date report completed: ~~3/12/19~~ 4/1/19

PLAN COMMISSION ACTION

Motion By:

Second By:

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