

**WHITLEY COUNTY ADVISORY PLAN COMMISSION  
STAFF REPORT**

**18-W-REZ-1      ZONE MAP AMENDMENT**  
Brian and Sonya Emerick  
Northeast corner of CR 500E and SR 14

**OCTOBER 17, 2018  
AGENDA ITEM: 2**

**SUMMARY OF PROPOSAL**

Current zoning:    AG, Agricultural  
Proposed zoning:  AGP, Agricultural Production  
Property area:     74.73 acres

The Emericks, owners of the subject property, are requesting a zone map amendment for the property located on the east side of CR 500 East, between SR 14 and the railroad. The requested zoning for the subject parcel is AGP, Agricultural Production.

Note that while the AGP district does have proposed changes pending with the County Commissioners, this petition was filed under the code currently in place. Even so, some standards applying to AGP may change in the near future.

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

Currently, the subject area is improved with a farm, including a dwelling, barns, and outbuildings. A veal confined feeding operation (CFO) is currently operating on the property. The existing manure lagoon has been closed since the hog CFO under construction will share enclosed manure storage with the veal operation. The majority of the subject area is agricultural field.

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

	<i>Current zoning</i>	<i>Current land use</i>
<i>North</i>	AG	[Railroad], agricultural (fields), residences, woods
<i>East</i>	AG	Agricultural (fields)
<i>South</i>	AG	[SR 14], agricultural (fields), residences, business
<i>West</i>	AG	[CR 500E], residence, agricultural (fields)

***Proposed land use***

The petitioner is requesting the zoning amendment to make use of the AGP district for agricultural operations. The petitioner has not indicated any change in the current land use.

The provisions of the AGP district would permit the construction of CFOs up to 3,000 animal units without need for a Special Exception approval. Currently, the IDEM permit for both the veal and hog CFOs permits up to 420 calves and 2,200 finishing hogs, for a total of 1,090 animal units.

It should be noted that the minimum parcel size under the AGP zoning is 80 acres to establish a new confined feeding operation. The parcel proposed to be rezoned is 74.73 acres.

**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 Land Use Map of the 2011 Comprehensive Plan indicates that the subject site should be*

*planned for “Agricultural”, as well as the immediately surrounding areas. The nearest area of non-agriculture classification is in the vicinity of a 1950s unplatted subdivision approximately 2,000’ south on CR 500E. The next nearest is an area of industrial and commercial classifications at SR 14 and 600E, presumably around Micropulse. The Comprehensive Plan describes the Agricultural classification as general agricultural operations, including CFOs.*

*The Plan text does recommend to “support well-managed and properly located industrialized farms.” At a zoning district level, “well-managed” may not be possible for the Commission to consider. However, the Commission should pay reasonable regard to whether this site is “properly located” for this zoning. Both the AG and AGP districts permit CFOs and general agriculture; the primary differences are the size of the CFO permitted by-right and the scope of non-agricultural uses permissible within the district. The Commission should determine whether this property should be considered as “prime” agricultural land and preserved for productive agriculture, or whether the property is better expected as agricultural with possible allowances for other uses.*

2. The current conditions and the character of current structures and uses in each district;  
*There is a 10-lot residential subdivision about 1000’ north of the site along CR 500S. The immediately surrounding properties are used primarily for agricultural, with residences and a business on the south side of SR 14. Being primarily agricultural uses, AGP zoning would likely be compatible with the current uses on the site and in the immediately surrounding area.*

3. The most desirable use for which the land in each district is adapted;  
*This property is within relatively close proximity to sanitary sewer infrastructure (less than one mile away) and is located on a primary arterial highway. These factors suggest that the property may be more desirable for land development than other properties.*

*However, the Commission could consider agriculture production as an ultimate use in itself, rather than a placeholder for other types of development. If so considering, large tracts of land preserved for agriculture may be desirable. Being at just below 80 acres, the area of this rezoning may or may not be large enough to consider for adequate agricultural preservation.*

4. The conservation of property values throughout the jurisdiction;  
*The proposed AGP zoning of this site permits by-right larger CFOs than under the current AG zoning. Such uses may have negative effects on property values in the area if the site is not well-managed and if any adverse performance effects are not mitigated. However, since AGP permits a smaller overall palette of uses than the existing AG district, the concern about certain uses (such as kennels or auto repair shops) affecting surrounding land values could be lessened.*

5. Responsible development and growth;  
*The Commission should determine if the AGP district is an enhancement or preservation of the existing agricultural uses in line with the recommendations of the Comprehensive Plan or whether it may stifle recommended and desirable development and growth.*

6. The public health, safety and welfare.  
*Being that the uses permitted in the AGP district differ little from AG district, there would not likely be much change in effect on the public health, safety, and welfare. The notable difference in size of permitted CFOs could be argued to have a different impact on public health, although regulations and permitting requirements are in place through IDEM that could be expected to mitigate such impacts.*

Date report completed: 10/12/18

**PLAN COMMISSION ACTION**

Motion By:

Second By:

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<b><i>Vote:</i></b>	<b>Deckard</b>	<b>Hodges</b>	<b>Johnson</b>	<b>Kerch</b>	<b>Mynhier</b>	<b>Western</b>	<b>Wolfe</b>	<b>Woodmansee</b>	<b>Wright</b>
<i>Yes</i>									
<i>No</i>									
<i>Abstain</i>									