

**WHITLEY COUNTY ADVISORY PLAN COMMISSION  
STAFF REPORT**

**19-W-REZ-3      ZONE MAP AMENDMENT**  
Zuehsow Dekalb, LLC  
8880 East 300 North

**FEBRUARY 20, 2019**  
**AGENDA ITEM: 4**

**SUMMARY OF PROPOSAL**

Current zoning:    AG, Agricultural  
Proposed zoning:  RR, Rural Residential  
Property area:     5.71

Zuehsow Dekalb, LLC, the contractor purchaser of the subject site at 8880 East CR 300 North, located on the south side of 300N about 3,500’ west of US 33. The requested zoning for the subject parcel is RR, Rural Residential.

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

Currently, the subject property is improved with an approximately 5,000 sq. ft. dwelling constructed in 2001. The dwelling has been used as a bed and breakfast for several years. Until the recent decision of the landowner to sell the dwelling, the subject parcel was incorporated into the surrounding and adjacent 110+ acre field parcel.

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

	<i>Current zoning</i>	<i>Current land use</i>
<i>North</i>	A-1	[CR 300 North], agricultural (field)
<i>East</i>	AG	Agricultural (field), residence
<i>South</i>	AG	Agricultural (field)
<i>West</i>	AG	Agricultural (field), residences

***Proposed land use***

The petitioner is requesting the zoning amendment to be able to request approval for use of the property as an addiction treatment facility. The use is proposed to be more of a “resort” atmosphere than a medical facility, and so the rural nature of the property has been stated to be an asset for the petitioner.

Such a facility is not permitted under AG, but would be a Special Exception in the requested RR district.

**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 indicates that the subject site should be planned for “agricultural.” The proposed use does not seem to be incompatible with agriculture. However, there is no apparent discussion in the Plan about health service needs and their place in the County. Objective 4.8 does discuss the need to enhance quality of life for economic development purposes. An addiction treatment facility may arguably provide an enhanced quality of life for at least their patients, which would have a spillover effect to the rest of the community.*

*As a district, the RR zoning would reflect the use of the existing single-family residence, though the zoning could be viewed as a kernel of development within a planned agricultural area. Practically, the size of the subject parcel would preclude the development of the property into a subdivision. Further acreage would have to be rezoned if a subdivision development were to be proposed at some time in the future.*

2. The current conditions and the character of current structures and uses in each district;  
*The properties immediately surrounding the subject site are fields, and the overall character of the area will likely remain agricultural for some time into the future. The proposed use may produce a small amount of traffic not already existing for the current use, and such difference could be noticed by surrounding properties. The impact though would not likely be different than many of the other special exception uses already available in the AG zoning (e.g. retail uses). As a district, the placement of an RR district amidst AG districts must be highly considered, as the district may have an effect on the agricultural uses, especially as the Commission is looking to review and revise the residential districts in the near future.*
3. The most desirable use for which the land in each district is adapted;  
*As this property has been used for residential for 18 years, the desirability for the site as residential is established. Either the AG or RR districts would be appropriate for such use as a residence, or for the bed and breakfast use, so the Commission needs to look at the proposed use as well as the extra uses permissible in RR versus AG. Because of the size of the parcel and the improvements upon it, it is not likely that the agricultural uses permitted in AG (and not in RR) would be utilized in the future. So it seems that the AG and RR district for this parcel may effectively be interchangeable. Since the proposed use is only permissible in the RR district, that district is more desirable.*
4. The conservation of property values throughout the jurisdiction;  
*The proposed RR district and the use of this property as a treatment facility (assuming the special exception would be granted) would not likely have an effect on property values throughout the jurisdiction. The RR district permits the activities already being done for 18 years, while the proposed use would likely be of a scale that it would have no impact on over property values. Individual property values in close proximity to the subject property may change, but accounting for individual changes is not predictable.*
5. Responsible development and growth;  
*This request would have little impact directly on development and growth. However, if the Commission and Commissioners amend the zoning code in the future to revise how the RR district works in relation to the AG district, such changes may cause impacts to the surrounding AG properties that would not apply where residences are still zoned AG. Additionally, if the proposed use looks to expand its area in the future, or a similar use looks to be established nearby, a precedent may be set that could see additional uses be developed in an area planned for and expected to be agricultural. If that happens, such expansion of special exception uses would not likely be responsible development.*
6. The public health, safety and welfare.  
*The rezoning request by itself is unlikely to have adverse impact on the public health, safety, or welfare as it permits generally low intensity and broadly compatible set of permitted uses. However, as is the nature with special exception uses, depending on the specific performance effects of the proposed use, impacts on these factors may be possible. So if the zoning change is granted, the BZA must adequately address these effects during review of the special exception request.*

Date report completed: 2/14/19

**PLAN COMMISSION ACTION**

Motion By:

Second By:

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***Vote:* Deckard Hodges Johnson Mynhier Western Wolf Wolfe Woodmansee Wright**

<i>Yes</i>									
<i>No</i>									
<i>Abstain</i>									