

**WHITLEY COUNTY ADVISORY PLAN COMMISSION
STAFF REPORT**

24-W-REZ-1 ZONE MAP AMENDMENT
Lucas Wright
East side of 500 East between 400 and 500 South

APRIL 17, 2024
AGENDA ITEM: 3

SUMMARY OF PROPOSAL

Current zoning: AG, Agricultural
Proposed zoning: AGP, Agricultural Production
Property area: 196.5± acres

The petitioner, owner and agent of the subject property area, is requesting a zone map amendment for three parcels comprising approximately 196.5 acres located in Union Township, generally located on the east side of County Roads 500 East, between 400 South and 500 South. The requested zoning for the subject property is AGP, Agricultural Production.

Existing zoning classifications and land uses

Currently, the subject area is zoned AG, Agricultural, and is primarily used for crop cultivation. About 5 acres is wooded, and two legal drain tiles are located on one of the parcels.

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

	<i>Current zoning</i>	<i>Current land use</i>
<i>North</i>	AG	Farm, agricultural (field), [400 South], farm, field
<i>East</i>	AG	Agricultural (field), farm
<i>South</i>	AG	Agricultural (field), residence, [500 South], residences
<i>West</i>	AG	[500 East], farm, agricultural (field), residence, field

Proposed land use

The petitioner is requesting the zoning amendment to make use of the AGP district for agricultural operations. The petitioner obtained AGP zoning for their farm and surrounding field on the west side of 500 East in 2019, and this rezoning would add contiguous property to that area. The previous rezoning did include a stated intention to expand the Confined Feeding Operation (CFO), which has since occurred. However, for this request, there are no plans for CFOs, and they are seeking a zoning change for the property so that the zoning map reflects the long-term desirability of this land and vicinity for use in agriculture.

Zoning code criteria

For reference, AGP permits a far smaller list of uses than AG; however, it does allow for both Class 1 and Class 2 CFOs without need for a Special Exception approval. A Class 3 CFO would be permissible with a Special Exception.

The minimum contiguous area for rezoning to AGP is 40 acres; an area of at least 80 acres is required to be zoned AGP if a Class 3 CFO were to be proposed. In combination with the existing AGP property, the total contiguous zoning area would be approximately 311 acres.

The zoning code requires a minimum 20-acre parcel size if created under AGP. The property is to be comprised of parcels that exceed 20 acres.

There are no residences on the subject property. If any were to be proposed, they would need to be occupied by the property owner(s), family, or employees.

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 2022 Comprehensive Plan describes the Future Character and Land Use plan as “the overall look and feel of a place—the impression it makes on residents and visitors and the qualities of buildings and spaces that make it different from other places.” The plan describes community character “to help guide growth and change to support places that are attractive, draw people to want to spend time there and are compatible with adjacent areas, without being overly specific to every parcel’s individual land use.” So, the Plan emphasizes that the overall character of an area, while making allowances for some deviations that would not be detrimental to the overall area.

For the subject property, the Future Character is designated as Rural-Agricultural. While the primary character of the area is to be agricultural or rural, and the character intensity is recommended to be 2 (very low intensity), some higher-intensity agricultural uses and/or small-scale commercial or retail can be appropriate as secondary uses. The AGP zoning, as a restrictive agricultural district, would follow this character. If any higher-intensity agricultural uses are to be proposed, they would need to be reviewed judiciously for compatibility with the surrounding area.

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

Generally described, this area of Union Township and nearby Jefferson Township has relatively few tracts split for non-farmstead residences, save for roadside subdivisions about a quarter-mile away from the subject property. The majority of the properties surrounding the subject property are used for agriculture and farmsteads (current and historic), with many parcels in the area over 40 acres in area.

The intent of the AGP zoning district is to “provide a land use category for intensive agricultural uses and to recognize certain needs of the agricultural community.” Further, the Plan Commission “should strive to protect this district from conflicting land uses...and any use that may inflict significant environmental impacts or be injurious to neighbors.” The intent further states that the district is to protect an AGP-zoned property from development that may object to or conflict with agricultural operations. When considering the current conditions and character of current uses in the area, it seems that placement of AGP should be only in areas that are not already fractionalized with smaller residential tracts. Otherwise, the district may actually be creating the conflict that the district strives to avoid. So, the Commission should examine the subject property as to whether AGP zoning regulations would complement the existing area or if the zoning would be an insertion into an area of incongruous uses.

3. The most desirable use for which the land in each district is adapted;

The subject property has long-been used for agriculture; there has been little significant non-agricultural development in the vicinity; and no public utilities are in reasonable proximity. All of these factors seem to reinforce agriculture as being a desirable use here. The question then is whether AG or AGP is most desirable for this property. AG is a district that permits agriculture as well as many other uses, and often can be viewed as a placeholder for more intense development in the future (be it 5 or 25 years). The AGP district intent shifts the perspective of agriculture to being the ultimate use in itself, with the goal of preserving large tracts of land for agricultural uses well

into the future. Finally, previous rezoning of the adjacent 115 acres to AGP in 2019 suggests that AGP may be appropriate for this area.

4. The conservation of property values throughout the jurisdiction;

While not proposed, the change of zoning to AGP would permit, by-right, larger CFOs than those permitted under the current AG zoning. Such uses may have negative effects on property values in throughout the jurisdiction if a CFO is poorly located, not well-managed, and if any adverse performance effects are not mitigated. If the Commission finds that the location is well-suited for CFOs and other uses permitted in AGP, the management and mitigation of effects would likely be secondary and also have minimal effects on property values.

Further, since AGP permits a smaller overall palette of uses than the existing AG district, concerns about certain uses already permissible in AG (such as kennels, auto repair shops, machine shops, hair salons, etc.) affecting surrounding land values could be lessened. AGP, by its minimal permitted uses, serves as a check on residential development, which some property owners may find more injurious to adjacent property values than the perpetuation of agricultural uses.

So, while the effect of rezoning to AGP or keeping the existing AG zoning on property values throughout the jurisdiction is somewhat indeterminate given the subjectivity of location and property values, it seems that in this case, there likely would be minimal effect.

5. Responsible development and growth;

The Commission must determine if the AGP district request is an enhancement to or preservation of the existing agricultural uses in line with the recommendations of the Comprehensive Plan or whether it may stifle desirable land uses that are allowable under AG. Given the location, surrounding uses, and availability of utilities, this property, and the immediate vicinity, seem to be unlikely to be suitable for large-scale non-agricultural development within the planning horizon, and the conditions around the property generally seem to be compatible with agricultural production uses.

6. The public health, safety and welfare.

Being that the uses permitted in the requested AGP zoning are already mostly permitted the existing AG district, there would not likely be much change in effect on the public health, safety, and welfare. The difference in size of permitted CFOs in AGP versus AG could be argued by some to have a different impact on public health, although regulations and permitting requirements are in place through IDEM that could be expected to mitigate health impacts.

Date report completed: 4/10/2024

PLAN COMMISSION ACTION

Motion:

By:

Second by:

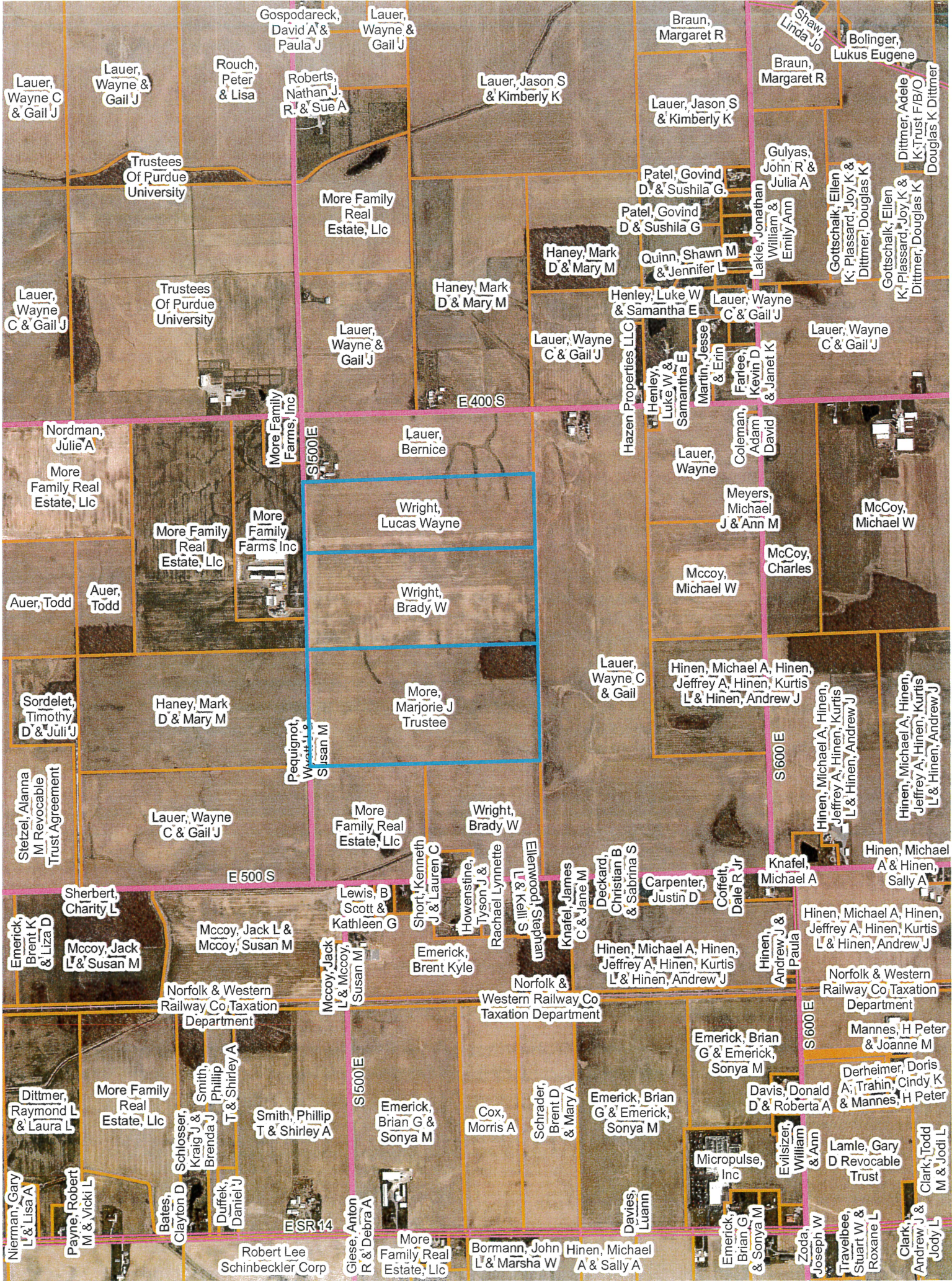
Favorable recommendation

Unfavorable recommendation

No recommendation

Conditions/Commitments?

Vote:	Baker	Banks	Drew	Emerick	Green	Hodges	Johnson	Kurtz-Seslar	Wolf
Yes									
No									
Abstain									



Lauer, Wayne C & Gail J

Lauer, Wayne & Gail J

Rouch, Peter & Lisa

Gospodareck, David A & Paula J

Lauer, Wayne & Gail J

Roberts, Nathan J. R. & Sue A

Lauer, Jason S & Kimberly K

Braun, Margaret R

Shaw, Linda Jo

Bolinger, Lukus Eugene

Braun, Margaret R

Lauer, Jason S & Kimberly K

Trustees Of Purdue University

More Family Real Estate, Llc

Patel, Govind D. & Sushila G.

Gulyas, John R & Julia A

Patel, Govind D & Sushila G

Quinn, Shawn M & Jennifer L

Lakie, Jonathan William & Emily Ann

Gottschalk, Ellen K; Plassard, Joy K & Dittmer, Douglas K

Gottschalk, Ellen K; Plassard, Joy K & Dittmer, Douglas K

Lauer, Wayne C & Gail J

Trustees Of Purdue University

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Henley, Luke W & Samantha E

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Lauer, Wayne C & Gail J

Nordman, Julie A

More Family Real Estate, Llc

More Family Real Estate, Llc

More Family Farms Inc

Wright, Lucas Wayne

Wright, Brady W

More, Marjorie J Trustee

Auer, Todd

Auer, Todd

Sordelet, Timothy D & Juli J

Haney, Mark D & Mary M

Pequignot, Whitt L

Susan M

More, Marjorie J Trustee

Lauer, Wayne C & Gail

Hinen, Michael A, Hinen, Jeffrey A, Hinen, Kurtis L & Hinen, Andrew J

McCoy, Charles

McCoy, Michael W

Stetzel, Alanna M Revocable Trust Agreement

Lauer, Wayne C & Gail J

More Family Real Estate, Llc

Wright, Brady W

Lewis, B Scott & Kathleen G

Short, Kenneth J & Lauren C

Howenstine, Tyson J & Rachael Lynnette

Ellenwood, Stephen L & Kelli S

Knafel, James C & Jane M

Deckard, Christian B & Sabrina S

Carpenter, Justin D

Coffelt, Dale R, Jr

Knafel, Michael A

Hinen, Michael A & Hinen, Sally A

Sherbert, Charity L

Mccoy, Jack L & Mccoy, Susan M

Mccoy, Jack L & Mccoy, Susan M

Emerick, Brent Kyle

Norfolk & Western Railway Co Taxation Department

Hinen, Michael A, Hinen, Jeffrey A, Hinen, Kurtis L & Hinen, Andrew J

Hinen, Michael A, Hinen, Jeffrey A, Hinen, Kurtis L & Hinen, Andrew J

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Emerick, Brent K & Liza D

Mccoy, Jack L & Susan M

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Hinen, Michael A, Hinen, Jeffrey A, Hinen, Kurtis L & Hinen, Andrew J

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Dittmer, Raymond L & Laura L

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Schlosser, Craig J & Brenda J

Smith, Phillip T & Shirley A

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Emerick, Brian G & Sonya M

Cox, Morris A

Schrader, Brent D & Mary A

Emerick, Brian G & Emerick, Sonya M

Davis, Donald D & Roberta A

Derheimer, Doris A; Trahin, Cindy K & Mannes, H Peter

Nierman, Gary L & Lisa A

Payne, Robert M & Vicki L

Bates, Clayton D

Duffek, Daniel J

Schlosser, Craig J & Brenda J

Robert Lee Schinbeckler Corp

Gielse, Anton R & Debra A

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Bormann, John L & Marsha W

Hinen, Michael A & Sally A

Emerick, Brian G & Sonya M

Nierman, Gary L & Lisa A

Payne, Robert M & Vicki L

Bates, Clayton D

Duffek, Daniel J

Schlosser, Craig J & Brenda J

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