

**WHITLEY COUNTY ADVISORY PLAN COMMISSION  
STAFF REPORT**

**24-W-PUD-1     ZONE MAP AMENDMENT**  
Joseph Decuis Wagyu Farm, LLC  
Northwest corner of 700 East and 900 South

**MAY 15, 2024**  
**AGENDA ITEM:    1**

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**SUMMARY OF PROPOSAL**

Current zoning:     PUD, Planned Unit Development  
Property area:     109 ± acres

The petitioner, owner and agent of the subject property area, is requesting review of a Detailed Planned Unit Development (PUD) plan for several parcels located in Section 23 of Jefferson Township, generally located near the northwest corner of 700 East and 900 South. The area was designated as the Joseph Decuis Wagyu Farm Planned Unit Development in 2022.

***PUD Process***

Indiana Code 36-7-4-1500 *et seq.* and Chapter 6 of the zoning code provide the general process for review and approvals of PUDs. Generally stated, this process is:

- Review and adoption of a preliminary PUD by Plan Commission and Commissioners
  - A rezoning action in conjunction with a preliminary plan for development
- Secondary review and approval of a Detailed PUD by Plan Commission
  - Refinement of the preliminary plan
  - Approved DPUD is recorded
  - Must be approved within two years of the preliminary PUD
- Subdivision/platting, permitting, etc.
  - As per usual processes, in conformance with the standards set in the PUD
  - Substantial development must begin within five years of the approval of the DPUD

This request is for the secondary review of the proposed Detailed PUD.

***Joseph Decuis Wagyu Farm PUD***

The “Joseph Decuis Wagyu Farm” PUD was adopted in 2022 and is intended to establish a unique mix of agricultural, commercial, residential, and conservation uses on the subject property. The PUD splits the property into five districts, each with their own uses and standards that would promote the planned development patterns. These districts are: Agritourism District 1; Agritourism District 2; Conservation District; Village District; and PUD Agricultural District.

Unlike PUDs for undeveloped sites, this particular PUD incorporates existing uses on the property as well as planned development and expansions. This somewhat complicates the application of the approval process stated in the code since the code assumes that construction activity would be occurring soon after preliminary approval. This PUD is, in effect, already partially developed, and the timeframe for the components of the plan involving new construction could be beyond the approval deadlines.

Thus, the petitioner has submitted this DPUD to establish the zoning and set details of the plan for eventually development of the property, but it must be noted that development activity will likely be less visible, lower intensity, and/or slower than might be expected for more conventional PUDs.

### ***Detailed PUD plan***

The submitted documents for this DPUD include a site plan, an Illustrative Master Plan, and Exhibit B. The infrastructure plan depicts the proposed buildings and sanitary sewer infrastructure on the site, along with text details. The illustrative master plan shows planned, but not finalized, lots, buildings, landscaping, and other elements of the development. Exhibit B is a text narrative. Together, these seem to satisfy the minimum requirements for Detailed PUD plans listed in §6.4(B)(2).

### **UTILITY AND REVIEW COMMENTS**

*Comment letters received (as of date of staff report)*

Electric	Health	X	Cable TV	Parcel Cmte.	X
Gas	Co. Engineer		Sanitary Sewer		
Telephone	SWCD	X	Water		

As the DPUD includes infrastructure plans, comments were solicited from utilities and reviewing agencies. Those comments received are noted above. Further review should be expected as may be necessary with future subdivision plats or building permits.

The Health Department noted that the Stables as soon as possible, and Manor House would need to be connected to sanitary sewer as it becomes available. Existing septic systems would then need to be abandoned. They also recommended that the developer consult with IDEM/IDOH to determine any additional requirements that may be necessary for an expanded drinking water system.

The Soil & Water Conservation District commented that stormwater pollution prevention plan(s) will be necessary since the disturbed area will exceed one acre. He also noted the presence of likely wetlands and the floodplain of Big Indian Creek. Finally, he commented on the discrepancy between the submitted Master Plan and site plan in depicting the primary parking area along 900 South and suggested using permeable paving methods to minimize stormwater runoff impacts.

The Parcel Committee had no substantive comments at this time. The County Engineer did suggest that a drainage maintenance agreement may need to be revisited with the Drainage Board as the PUD is developed; however, he was not able to submit a formal comment letter as of this writing.

### ***General review comments***

Sanitary sewer is proposed to be extended to the Stables building in Phase 1, the first remodeling and building expansion in the PUD. Further extensions of sanitary sewer would occur with building and usage needs.

No public water system is nearby, so individual wells are proposed. This being a low-density development, having individual wells would not be expected to be problematic. As noted by the Health Department, these may still be subject to additional requirements beyond that currently being done.

Stormwater detention is proposed to be handled using the existing stormwater facilities, which are stated in the site plan notes as being sufficient. However, as components of this PUD are developed, drainage calculations and infrastructure may be necessary. This is especially important if a drainage ordinance is adopted by the time of development.

The existing primary drive is proposed to be relocated to the east to align with the bed and breakfast entrance. This would be done as need for access into the property increases. It is not clearly stated, but it appears that the intention is to maintain this drive as a private road. Even private roads must meet public specifications, so this will need to be addressed with the County Engineer.

Parking for Agritourism District 1, primarily the event center, is proposed to be located on gravel and grass lots on each side of the entrance drive, similar to the current configuration.

Trails are noted on the illustrative plan in the Conservation District. No pedestrian accommodations are shown in the other districts. This is not a requirement, and being that the drives are intended to be low-speed and low-volume, having separated pedestrian facilities is likely not needed. However, providing at least some form of pedestrian connection between Agritourism District 2, the bed and breakfast, with Agritourism District 1, a likely destination for the guests of the bed and breakfast, should be planned.

Locations of buildings, existing and proposed, are shown on both plans. Notable new buildings include a chapel, culinary academy building, four cottages surrounding the village pond, and a caretaker’s house. These would be longer-term developments. Building activity to happen sooner would include restroom building expansion, kitchen expansion, and remodeling the stable barn.

Landscaping is shown on the illustrative plan, with the most notable new landscaping being a buffer along the parking lot of Agritourism District 1. Existing vegetation and landscaping would be retained for consistency as an agricultural area.

Signage locations and types are discussed in Exhibit B, but generally signage would fall back on the requirements of the sign code.

**REVIEW CRITERIA**

Planned Unit Developments (“PUDs”) are regulated in Indiana Code 36-7-4-1500 *et seq* and Chapter Six of the zoning code. §6.4(B)(3) states that Detailed PUD plans are reviewed for compliance with the approved preliminary PUD plan.

Staff finds that the proposed Detailed PUD plan appears consistent with the preliminary PUD plan and the requirements of Chapter Six, with the following condition(s):

1. Address the requirements of the legal drain maintenance agreement with the Drainage Board prior to subdivision of the property.
2. Install the sanitary sewer designated as “Phase 1” within three (3) years, including connection of the Stables building and abandonment of its septic system.
3. Add a pedestrian crossing on 900 South between Agritourism District 1 and 2, with details to be determined with the County Engineer.
4. Development details to be finalized as part of subdivision, development plan, and/or permitting processes.

Date report completed: 5/10/24

**PLAN COMMISSION RECORD OF ACTION**

Motion:	By:	Second by:
Approve	_____	_____
Approve w/conditions	_____	_____
Deny	_____	_____

<b><i>Vote:</i></b>	<b>Baker</b>	<b>Banks</b>	<b>Drew</b>	<b>Emerick</b>	<b>Green</b>	<b>Hodges</b>	<b>Johnson</b>	<b>Kurtz-Seslar</b>	<b>Wolf</b>
<i>Yes</i>									
<i>No</i>									
<i>Abstain</i>									