

**WHITLEY COUNTY ADVISORY PLAN COMMISSION
STAFF REPORT**

24-W-REZ-3 ZONE MAP AMENDMENT
Kjell & Susan Rosenberg
North side of 400 North, about 2,800' east of 350 East

**JUNE 19, 2024
AGENDA ITEM: 5**

SUMMARY OF PROPOSAL

Current zoning: AG, Agricultural
Proposed zoning: PR, Parks and Recreation
Property area: 8± acres (out of 21.5± total acres)

The petitioner, owner of the subject property area, is requesting a zone map amendment for an approximately 8-acre portion of their property located on the north side of 400 North, approximately 2,800' east of 350 East in Section 18 of Smith Township. The requested zoning for the subject property is PR, Parks and Recreation. Overall, the rezone area is approximately 250'x1,407'.

Existing zoning classifications and land uses

Currently, the subject area is zoned AG, Agricultural. The property is used for crop cultivation, woods, and a shooting range.

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

	<i>Current zoning</i>	<i>Current land use</i>
<i>North</i>	AG	Woods, agricultural (field)
<i>East</i>	AG	Agricultural (field), residence
<i>South</i>	AG	Residence, [400 North], agricultural (field)
<i>West</i>	AG	Agricultural (field)

Proposed land use

The petitioner is requesting the zoning amendment to permit operation of a standalone shooting range on the property. This use started in 2023, but the need for zoning review came to light earlier in 2024. The area requested to be rezoned, the western 250' of the parcel, is sized to match the area needed for the range.

Zoning code criteria

Standalone commercial shooting ranges are not explicitly stated as a use in the zoning code. After discussing the nature of the use with the Board of Zoning Appeals in April, staff made the administrative determination that the use would be most similar to those listed as special exceptions in the PR, Parks and Recreation District. Many of these uses are similar in that they are outdoor open uses that have at least some more intense noise generation, such as go-carts, amusement park, outdoor theater, public swimming pool.

The PR district has so far been applied only on one other property in the county, for a new campground and hunting lodge in Richland Township. In that case, 16-W-REZ-1, PR zoning was applied for the camping use. Coincidentally, that use also included a shooting area for test firing and sighting guns. Being accessory to the primary use, it was not considered independently of the proposed camping use. This operation differs from that one and other existing ranges as it is commercial and not related to another use, such as a campground, school, government facility, residence, retail store, etc. Thus the need for an interpretation and rezoning request.

While this shooting range use is for-profit, the petitioner describes it as being essentially non-profit, with services being provided at a loss. For land use purposes, any non-governmental standalone range would require the same process, whether it be for-profit or non-profit.

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 PR zoning, as a zoning district with few permitted uses, is typically a very low intensity, which could be in character with the recommendation. Even for those permissible uses of higher intensity, such as the amusement park, go-carts, or the proposed shooting range, the special exception review process would uphold compatibility with the surrounding area. And as a small-scale commercial operation, the proposed shooting range use could be deemed an expected secondary use.

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

The area surrounding the subject parcel is primarily agricultural, with some residences. Approximately 19 dwellings are located within ½ mile of the site; the nearest two being immediately adjacent to the site along 400 North. The next nearest dwellings are 1,800-2000’ away along 450 East.

Generally, the surrounding area could be described as fairly flat, with broad dales. Notably, there is a 7± acre wooded area on the north end of the subject parcel that is connected to adjacent woods to create a contiguous woods of about 45 acres. The National Wetland Inventory suggests that there may be wetlands within some of that wooded area.

Being comprised of mostly low intensity uses, the proposed PR zoning district would likely not affect the current conditions and character of the area. The shooting range use could have some effects on surrounding area, particularly noise, but these effects may be mitigated as part of the special exception review.

As with any rezoning request, the Commission should examine the subject property as to whether district would complement the existing area or if it would create an unwarranted disruption.

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

As suggested by the comprehensive plan, some appropriate small-scale commercial activity in the

rural-agricultural areas may be expected or encouraged. The rezoning to PR would shift the use of a part of the property from agricultural to open recreational uses that could encourage some limited commercial activity while being compatible with AG uses.

4. The conservation of property values throughout the jurisdiction;

Since the PR district is intended to be comparable to the AG district, with a different but more limited number of permissible uses, it is unlikely that a rezoning would have substantial impact on property values throughout the jurisdiction. Specific performance and environmental standards would be reviewed as part of the special exception process.

5. Responsible development and growth;

It seems that rezoning the requested 8-acre area to PR would not be contrary to the principles of responsible development and growth, as the district's permitted uses would be effectively similar to or compatible with the existing AG district uses. That said, larger areas of PR zoning of multiple or more intense uses could have impacts on development and growth, so simply having compatible uses may not always be the only factor to consider here.

6. The public health, safety and welfare.

The proposed PR district would permit limited uses that would not likely affect the public health, safety, and welfare. The proposed use of a shooting range could have some health effects related to long-term soil contamination from lead ammunition, but the degree to which such contamination may affect the public versus just the property owner may be indeterminate. Impacts of the specific use on public safety should be expected to be mitigated through special exception process.

Date report completed: 6/12/2024

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

