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STAFF REPORT

BARTHOLOMEW COUNTY PLAN COMMISSION (November 13, 2013 Meeting)

Docket No. / Project Title: Matt Donica Rezoning/Subdivision Discussion

Staff: Thom Weintraut

Applicant: Matthew Donica **Property Size:** 15.35 Acres

Current Zoning: AG (Agriculture: General Rural)

West side of County Road 650 West approximately 450 feet North of Location:

County Road 450 South in Ohio Township

Background Summary:

The applicant would like to discuss a proposal which would involve creating 10 residential lots. The property is a lot that was created as part of a minor subdivision (MIP-08-13 Amos Chestnut Minor Subdivision) and the lots could not be further subdivided without rezoning the property. In order to create 10 building lots Mr. Donica will need to rezone the property form AG (Agriculture: General Rural) to RR (Residential: Rural). In addition the petitioner has presented two concepts for subdividing the property and would like direction as to whether the proposed access to the property could be gained through a private access easement and be subdivided through the minor subdivision process or would a new road and improvements to the frontage of County Road 650 West be required, which would necessitate a major subdivision.

Key Issue Summary:

The following key issue(s) should be discussed:

- 1. Is this property viable for agriculture use or more appropriate for higher density residential development?
- 2. Are the roads in this area suitable for higher density residential development or should this development require improvements to County Road 650 West along the frontage of this property?
- 3. Should the access to the development be private access easement or dedicated public right-of-way?

Current Property Information (entire site):	
Land Use:	Undeveloped
Site Features:	The property has a fairly level meadow area in the center and is surrounded by woods along the perimeter. The property contains considerable slopes on the north property line (13 to 16%) and the south property line (10 TO 11%) The site also has an existing stone drive.
Flood Hazards:	None.
Special Circumstances: (Airport Hazard Area, Wellfield Protection Area, etc.)	None.

Vehicle Access: The property has access to County Road 650 West which is a local road.

Surrounding Zoning and Land Use (entire site):			
	Zoning:	Land Use:	
North:	PUD (Keeping Hill Planned Unit Development)	Single-family residential and common open space.	
South:	AG (Agriculture: General Rural)	Pasture and single-family residential	
East:	AG (Agriculture: General Rural)	Single-family residential	
West:	AG (Agriculture: General Rural)	Pasture and single-family residential	

Zoning District Summary (Existing / Proposed):		
	Existing Zoning: AG	Proposed Zoning: RR
Zoning District Intent:	The intent of the AG (Agriculture: General Rural) zoning district is to provide area for a mixture of agricultural and residential land uses. This mixture is intended to support the long-term viability of agriculture operations, while also allowing increased non-agricultural development in areas adjacent to developed infrastructure. This district should be used to provide unique, rural housing options and the future ability to extend urban infrastructure.	The RR (Residential: Rural) zoning district is specifically intended to (1) provide for the development of new residential neighborhoods on select properties in otherwise rural areas of the jurisdiction of Bartholomew County and (2) to provide an option for the regulation of lake communities and other existing rural developments in both Bartholomew County and Columbus jurisdictions. In the case of new development in Bartholomew County this zoning district is intended to be applied to properties upon the request of the property owner or developer in anticipation of a future subdivision. The RR district should only be applied in instances where it can be demonstrated that (1) the property is not prime agricultural ground and/or not suited to agricultural uses, (2) the property is adequately served by public streets or roads and (3) the property is either provided with public sewer and water or can adequately accommodate well and septic systems.

Zoning District Summary (Existing / Proposed):		
	Existing Zoning: AG	Proposed Zoning: RR
Permitted Uses:	 Farm (CFO/CAFO type 1) Farm (general) Dwelling, single-family Nature preserve/ conservation area 	Dwelling, single-family Nature preserve/conservation area
Water and Sewer Service:	Not required.	Not required
Lot and/or Density Requirements:	Minimum Lot Area: Septic System: 1 acre (43,560 sq. ft.) or as needed to provide two viable septic system sites, in the option of the Bartholomew County Health Department Whichever is less. Sewer Service: 22,000 sq. feet.	Minimum Lot Area: Septic System: 1 acre (43,560 sq. ft.) or as needed to provide two viable septic system sites, in the option of the Bartholomew County Health Department Whichever is less. Sewer Service: 22,000 sq. feet
Setbacks Required: Front setbacks are determined by the Thoroughfare Plan Classification of the adjacent street and are the same regardless of zoning.	Side Yard Setback: Primary Structure: 20 feet* Accessory Structure: 15 feet* * 5 feet on lots of 2 acres or less where the applicable side and rear lot line adjoins property of 2 acres or less. Rear Yard Setback: Primary Structures: 20 feet* Accessory Structures: 15 feet* * 5 feet on lots of 2 acres or less where the applicable side and rear lot line adjoins property of 2 acres or less. Front Yard Setback: 25 feet for a local road	Side Yard Setback: Primary Structure: 5 feet. Accessory Structure: 5 feet Rear Yard Setback: Primary Structure: 5 feet. Accessory Structure: 5 feet Front Yard Setback: 25 feet for a local road
Height Restrictions:	Primary Structure: 40 feet Accessory Structure: 35 feet	Primary Structure: 40 feet. Accessory Structure: 35 feet

Zoning District Summary (Existing / Proposed):		
	Existing Zoning: AG	Proposed Zoning: RR
Floor Area Requirements:	Minimum ground floor Living Area 40%	Minimum ground floor Living Area 40%
Signs:	Permitted as a conditional use 50 sq. ft. free standing 6 foot in height	Permitted as a conditional use 50 sq. ft. free standing 6 foot in height

Interdepartmental Review:	
County Highway Department	 County Road 650 West should be widened to the County Standards for a local road which would be an 11 foot wide travel lane. A curb and gutter design could be used in lieu of a shoulder for the top of the hill. The access/drive location is fine. One cul-de-sac alignment is preferable.

History of this Location:

The relevant history of this property includes the following: This property is Lot 2 of 3 of the Amos Chestnut Minor Subdivision (MIP-08-13) approved by the Plat Committee on November 26, 2008

Comprehensive Plan Consideration(s):

The Future Land Use Map indicates the future use of this property as General Rural District.

The following Comprehensive Plan goal(s) and/or policy(ies) apply to this application:

- Policy 1-B: When land is proposed for subdivision or rezoning, require at the applicant's expense, a
 technical impact study by a qualified person or firm. Require Plan Commission and/or County
 Commissioners to consider the effect on adjoining and nearby agricultural land in making decisions.
 Impacts to be studied include but are not limited to drainage, crop and livestock operation
 procedures, and traffic.
- 2. **Policy 1-C:** Require Plan Commission and County Commissioners to consider the additional costs of providing public services for land being rezoned from agriculture use.
- 3. **Policy 1-J:** Require development to take place in a manner that allows for preservation and conservation of farmland, open land, and significant natural features.
- 4. **Goal 2:** Protect open space such as woodlands, floodplains, and wetlands for environmental, recreational, scenic, and lifestyle benefits.
- 5. **Policy 2-E:** Utilize information about soil and water resources to make wise land use decisions and to prevent damage to the environment.
- 6. **Goal 6:** Ensure wise and efficient use of limited and non-renewable resources including but not limited to capital and land.
- 7. **Policy 6-J** Require Plan Commission and County Commissioners to consider the availability of schools, fire protection, security, roads, snow removal, sewerage, water supply, drainage and other physical, economic, and social necessities.
- 8. **Policy 7-D:** Require new large subdivision to be served by public water and sewage or an equivalent system
- 9. **Policy 17-C:** Ensure that subdividers participate in a fair and equitable manner in the cost of road improvement necessitated by new development.

This property is located in the General Rural land use district. The following Planning Principle(s) apply to this application:

- Make decisions that will direct growth to areas that are suitable for growth. Element 1 of the plan included many policies that are intended to direct growth to appropriate areas. Improvements relating to utilities, roads, and other infrastructure should be made if necessary for public health and safety, in areas where growth is desired, and to revitalize existing towns and villages. Extensive development may not be appropriate in prime farmland district, significant natural areas, and significant historic areas.
- 2. Make land use decisions that protect and improve community resources and the environment. Land use decisions and construction planning should consider impacts on county resources including, but not limited to, drainage systems, environmentally sensitive areas, surface and ground water resources, significant forested areas, natural habitats, and historic resources.

Planning Consideration(s):

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

Rezoning:

- 1. The RR (Residential: Rural) district should only be applied in instances where it be demonstrated that:
 - 1) The property is not prime agricultural ground and/or not suited to agriculture uses: The soil types indicate that generally the property is not overall highly productive cropland; however it does have forage and pasture capabilities.
 - 2) The property is adequately served by public streets or roads: County Road 650 West provides a direct connection to County Roads 300 and 450 South both of which are collector roads. These two roads connect to a network of other collectors to provide a link to the City of Columbus.
 - 3) The property is either provided with public sewer and water or can adequately accommodate well and septic systems: The soil types for this property show the suitability for septic systems to be limited by the severity of slope, permeability, or seasonal high water tables.
- 2. Other Soils Survey Considerations: Some of the soils types have shrink-swell potentials and a susceptibility to frost heave, a consideration for construction of both structures and roads.
- 3. The character of surrounding development is generally larger lot residential. Out of the 96 parcels within 0.5 miles of the site, approximately 16 are parcels of less than 2 acres.
- 4. The development is located at a high point on the property. The perimeter of the property generally slopes downward to adjacent properties. Stormwater runoff could be an issue with the number of structures and the added impervious area.
- 5. The nearest school to this property is Mt. Healthy Elementary school approximately 5.5 miles south of this location.
- 6. This property is one of few that is not extensively covered with woods in the area.
- 7. The Keeping Hill development located adjacent to the north of this property contains 8 residential lots. The Keeping Hill property was subdivided from a 73.28 acre parent tract that would have allowed a total of 12 new lots to be created. Keeping Hill was granted 8 of those lots and the parent tract retained the other 4 permitted lots.

Roads:

- 1. In Bartholomew County a standard Local Road has a 22 foot pavement width and a 4 foot gravel shoulder on each side, within its 50 foot right-of-way.
- 2. County Road 650 West does not meet the minimum pavement width for a local county road and the additional traffic could warrant increased need for maintenance and/or improvements.

Access to property:

 Section 8-34(c)(3)(b) requires the Plan Commission to review access for any subdivision where more than 4 lots have been created cumulatively since 1986. This property is one lot of a 3 lot minor subdivision that was created in 2008. The creation of more than 1 new lot requires Plan Commission determination as to whether road improvement should be made to the existing road frontage and whether the construction of a new street is necessary for access. 2. Section 8-60 of the Subdivision Control Ordinance allows the use of private access easement to serve up to 10 lots. The use of private access easements for large number of lots can create problems because of maintenance issues. 10 lots would be a high number of user's for private access easements and as the pavement deteriorates over time, property owner's put pressure on the County to provide repairs and maintenance to the private easement.

Subdivision Control Ordinance Consideration(s):

The following provisions of the Subdivision Control Ordinance apply to the key issues of this application:

- 1. Section 8-34 of the Subdivision Control Ordinance provides the conditions of eligibility for a Minor Subdivision. Section 8-34(c)(3)(b) states that any subdivision that involves the cumulative creation of more than 4 new buildable lots, excluding any that are permitted though an administrative process, shall not be approved by the Plat Committee but shall instead be forwarded to the Plan Commission. The Plan Commission shall consider the Thoroughfare Plan and the specification of this Ordinance for new roads in determining adequate ingress and egress, any needed road improvements, and whether or not better access can be provided through the construction of a new street. If the Plan Commission determines that a new street is requires and/or that road improvements are required and they are substantial the application shall be considered a Major Subdivision and shall be refilled as such
- 2. Section 8-34(c)(3)(c) of the Subdivision Control Ordinance states the 4 buildable lots (referred to in Section 8-34(c)(3)(b)) shall be calculated from the effective date if this Ordinance, October 21, 1986.
- 3. Section 8-60 of the Subdivision Control Ordinance provides conditions for access to properties through the use of a private access easement. Section 8-60 Table 8-1 provided minimum design standards for Access Corridors for lots serving up to 10 lots. The corridors are required to be designed to meet the standards for a public street and certified construction plans shall be submitted to the County Highway Engineer for approval.
- 4. Section 8-61(1) requires drainage systems to be design to limit and increase in the rate of runoff leaving the property involved in the subdivision after development.

Preliminary Staff Recommendation:

Negative feedback on the potential development for the following reasons:

- 1. The property does not have public sewer available to the site. The Soil Survey for Bartholomew County shows the soils on this site have severe limitations for septic systems due to high seasonal water tables, slow permeability, and severe slopes.
- 2. County Road 650 West does not meet the minimum width for a Local County Road. Increased traffic can create additional maintenance and improvement needs.
- 3. The property is not highly productive cropland, but according to the Soil Survey for Bartholomew County the property has forage and grazing capabilities.
- 4. The development is not in character with the surrounding area. There are approximately 100 separate parcels within a 0.5 mile radius of this site and the greater majorities, approximately 80%, are greater than 2 acres in size.

If proposal moved forward Staff would recommend:

- 1. County Road 650 West to have improvement along the frontage of this property meeting the minimum standards of Bartholomew County for a local road.
- 2. The development should be served by a public road and not an private access easement.



