



STAFF REPORT

BARTHOLOMEW COUNTY PLAN COMMISSION (May 14, 2014 Meeting)

Docket No. / Project Title: B/RZ-14-02 (Charles Whittington)
Staff: Leanne Wells
Applicant: Charles Whittington
Property Size: 2.71 Combined Acres
Current Zoning: AP (Agriculture Preferred)
I-2 (Industrial: General)
RE (Residential: Established)
Proposed Zoning: CN (Commercial: Neighborhood Center)
Location: 8 parcels near the intersection of 1000 East and 350 South and 1010 E and 345 S, Town of Grammer, Rock Creek Township

Background Summary:

The applicant has indicated that the proposed rezoning is for the purpose of utilizing commercial infill development in the form of office space, and to provide a buffer from existing industrial sites. There are two distinct areas where the applicant is making this request: Area #1 includes lots totaling 2.05 acres currently zoned RE (Residential: Established). These lots are surrounded primarily by either RE (Residential: Established) lots and AP (Agriculture: Preferred). Area #2 includes lots totaling .66 acres zoned both AP (Agriculture: Preferred) and I-2 (Industrial: Medium), that are surrounded primarily by RE (Residential: Established) and I-2 (Industrial: Medium).

Key Issue Summary:

The following key issue(s) should be resolved through the consideration of this application:

1. Are the lots in Area #1, currently zoned RE (Residential: Established) zoning districts appropriate for the CN zoning district?
2. Are the lots in Area #2, currently zoned AP (Agriculture: Preferred) and I-2 (Industrial: Medium) zoning districts appropriate for the CN zoning district?

Preliminary Staff Recommendation:

Favorable recommendation to the County Commissioners, subject to the exclusion from this request of the partial lot furthest to the west at the intersection of 990 E and 350 S. This partial lot sits in the middle of 350 S, at the intersection of 990 E and is most likely part of the an old railroad line.

Plan Commission Options:

In reviewing a request for rezoning the Plan Commission may (1) forward a favorable recommendation to the County Commissioners, (2) forward an unfavorable recommendation to the County Commissioners, (3) forward the application to the County Commissioners with no recommendation, or (4) continue the review to the next Plan Commission meeting. The Plan Commission may recommend that conditions or commitments be attached to the rezoning request. The County Commissioners make all final decisions regarding rezoning applications.

Decision Criteria:

Indiana law and the Bartholomew County Zoning Ordinance require that the Plan Commission and County Commissioners pay reasonable regard to the following when considering a rezoning:

The Comprehensive Plan.

Preliminary Staff Comments: The Land Use Element of the Comprehensive Plan recognizes the subject properties as Agriculture Preferred. The context of the surrounding area or the town of Grammer is Agriculture Preferred. The goals and policies of the Comprehensive Plan require development to take place in a manner that allows for preservation and conservation of farm and open land, encourages infill development to take place in and around existing towns and villages, requires development to be in scale with its surroundings, encourages revitalization of villages and small towns, promotes infill development in existing industrial areas, and encourages flexibility so that the county can respond to changing economic situations.

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

Preliminary Staff Comments: The subject lots are a mix of open green space and single family housing in the RE (Residential Established), and office space in the I-2 (Industrial: Medium) and AP (Agriculture Preferred) zoning districts.

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

Preliminary Staff Comments: The locations of the lots are in the heart of the town of Grammer. The Area #1 lots are zoned RE (Residential: Established). They are surrounded by other RE (Residential: Established) lots as well as AP (Agriculture: Preferred). These lots front on 1000 E, a collector road. The lots in Area #2 are zoned AP (Agriculture: Preferred) and I-2 (Industrial: Medium) and surrounded by primarily Industrial and therefore their use would best be served as CN (Commercial: Neighborhood Center) to act as a buffer from the industrial zoned lots. Of the roads in the subject area, there is only one collector, 1000 E. The other streets 990 E, 350 S, 345 S, and 1010 E are all Subdivision Streets.

The conservation of property values throughout the jurisdiction of Bartholomew County.

Preliminary Staff Comments: The proposed rezoning will not negatively affect the property values of lots within close proximity to the subject properties or other properties within Bartholomew County. If approved, the CN (Commercial: Neighborhood Center) lots adjacent to residential zoned properties would require a Type B Landscape Buffer. This would entail a minimum of 65 landscape points for every linear 50 foot increment of buffer yard. At least 50% of the required points must be met with evergreen trees and shrubs.

Responsible growth and development.

Preliminary Staff Comments: The proposed rezoning represents responsible growth and development as the subject properties are located in an area close to residential, commercial and industrial uses.

Current Property Information:		
	AREA #1	AREA #2
Land Use:	Single-family Residential (3 vacant lots, one single-family dwelling)	Vacant lot, Industrial (Grammer Industries)
Site Features:	Vacant lots and single-family dwelling	Open green space and Grammer Industries
Flood Hazards:	No flood hazards present	No flood hazards present
Special Circumstances: (Airport Hazard Area, Wellfield Protection Area, etc.)	No special circumstances	No special circumstances

Current Property Information:		
	AREA #1	AREA #2
Vehicle Access:	350 S (Subdivision Street) 1000 E (Collector) 990 E (Subdivision Street)	345 S (Subdivision Street) 1010 E (Subdivision Street) 1005 E (Subdivision Street)

Surrounding Zoning and Land Use:		
AREA #1	Zoning:	Land Use:
North:	RE (Residential: Established)	Single-Family Residential
South:	RE (Residential: Established)	Single-Family Residential
East:	CN (Commercial: Neighborhood Center)	Grammer Industries, Office space
West:	AP (Agriculture: Preferred)	Agriculture

Surrounding Zoning and Land Use:		
AREA #2	Zoning:	Land Use:
North:	RE (Residential: Established)	Single-Family Residential
South:	I-2 (Industrial: Medium)	Grammer Industries
East:	I-2 (Industrial: Medium)	Grammer Industries
West:	RE (Residential: Established) CN (Commercial: Neighborhood)	Single-Family Residential Grammer Industries, Office space

Zoning District Summary (Existing / Proposed):		
AREA #1	Existing Zoning: RE (Residential Established)	Proposed Zoning: CN (Commercial : Neighborhood Center)
Zoning District Intent:	This district is intended to ensure the continued viability of neighborhoods established at the time of the 2008 zoning ordinance. This district should be used to maintain traditional, contextually appropriate setbacks, uses, and other standards in a manner consistent with the Comprehensive Plan. This district should not be applied to any new development.	This district is intended to provide convenience goods, services, and amenities within close proximity to residential areas. This district is also intended to enable the development of small-scale, mixed-use neighborhood centers. The commercial centers are generally to be located at major intersections, should be pedestrian oriented, and should provide ample buffering from adjacent residential uses. Further, this district should be protected from non-neighborhood serving land uses and businesses.
Permitted Uses:	<p>Residential Uses</p> <ul style="list-style-type: none"> • dwelling, single-family <p>Park Uses</p> <ul style="list-style-type: none"> • nature preserve / conservation area 	<p>Residential Uses</p> <ul style="list-style-type: none"> • bed and breakfast facility • dwelling, secondary (on upper floors of other uses) <p>Public / Semi-Public Uses</p> <ul style="list-style-type: none"> • clinic • day-care center (adult or child) • police, fire, or rescue station <p>Park Uses</p> <ul style="list-style-type: none"> • nature preserve / conservation area • park / playground <p>Commercial Uses</p> <ul style="list-style-type: none"> • office uses • personal service uses • recreation uses (small scale) • restaurant • retail uses (small scale)
Water and Sewer Service:	Not Required	Not Required

Zoning District Summary (Existing / Proposed):		
AREA #1	Existing Zoning: RE (Residential Established)	Proposed Zoning: CN (Commercial : Neighborhood Center)
Lot and/or Density Requirements:	<p>Minimum Lot Area</p> <ul style="list-style-type: none"> equal to the smallest area of any legal lot of record within 300 feet of the subject property, or (where sewer service is not available) as required to provide two viable septic system sites, in the opinion of the Bartholomew County Health Department, whichever is greater. <p>Maximum Lot Coverage</p> <ul style="list-style-type: none"> equal to the highest percent coverage of any legal lot of record within 200 feet of the subject property or 75%, whichever is greater. 	<p>Minimum Lot Size: 5,000 sq. ft.</p> <p>Maximum Lot Size: 5 acres</p>
<p>Setbacks Required:</p> <p>Front setbacks are determined by the Thoroughfare Plan Classification of the adjacent street and are the same regardless of zoning.</p>	<p>Side Yard Setback:</p> <ul style="list-style-type: none"> Primary Structure: 5 feet Accessory Structure: 3 feet <p>Rear Yard Setback:</p> <ul style="list-style-type: none"> Primary Structure: 10 feet Accessory Structure: 3 feet <p>Front Yard Setback:</p> <ul style="list-style-type: none"> equal to the average setback provided by all other primary structures on the same side of the street on legal lots of record within 300 feet of the subject property, however all garage vehicle entrances facing a public street shall have a minimum front setback of 25 feet 	<p>Side Yard Setback:</p> <ul style="list-style-type: none"> Primary Structure: 5 feet Accessory Structure: 5 feet <p>Rear Yard Setback:</p> <ul style="list-style-type: none"> Primary Structure: 5 feet Accessory Structure: 5 feet <p>Front Yard Setback:</p> <ul style="list-style-type: none"> Local Street: 10 feet Collector Street: 10 feet* *25 feet for any auto service bay, auto fuel pump canopy, or other similar vehicle access points to structures
Height Restrictions:	<p>Primary Structure: 45 feet</p> <p>Accessory Structure: 35 feet (or the height of the primary structure on the property, whichever is less)</p>	<p>Primary Structure: 35 feet</p> <p>Accessory Structure: 25 feet</p>

Zoning District Summary (Existing / Proposed):		
AREA #1	Existing Zoning: RE (Residential Established)	Proposed Zoning: CN (Commercial : Neighborhood Center)
Signs:	<u>None.</u>	<p><u>Permanent:</u></p> <p>Wall signs</p> <ul style="list-style-type: none"> • 3 wall signs per street frontage, 200 sq. ft. maximum. <p>Freestanding signs</p> <ul style="list-style-type: none"> • 1 per road frontage per lot, 50 sq. ft., 6 feet in height. <p>Window</p> <ul style="list-style-type: none"> • 25% of all window area or 20 sq. ft. whichever is less. <p><u>Temporary:</u></p> <p>Banner</p> <ul style="list-style-type: none"> • 1 @ 32 sq.ft. for 90 days per calendar year. <p>Inflatable</p> <ul style="list-style-type: none"> • 1 @ 25 feet tall for 25 days per calendar year. <p>Beacon</p> <ul style="list-style-type: none"> • 1 for 12 days per calendar year.

Zoning District Summary (Existing / Proposed):

AREA #2	Existing Zoning: I-2 (Industrial : Medium)	Existing Zoning: AP (Agriculture: Preferred)	Proposed Zoning: CN (Commercial : Neighborhood Center)
<p>Zoning District Intent:</p>	<p>This district is intended to provide locations for general production, assembly, warehousing, research & development facilities, and similar land uses. It is also intended to accommodate most modern industrial production facilities and should be considered as appropriate for most general industrial developments and uses.</p>	<p>This district intended to provide an area suitable for agriculture and agriculture-related uses. This district is further intended to preserve the viability of agricultural operations, and limit nonagricultural development in areas with minimal, incompatible infrastructure.</p>	<p>This district is intended to provide convenience goods, services, and amenities within close proximity to residential areas. This district is also intended to enable the development of small-scale, mixed-use neighborhood centers. The commercial centers are generally to be located at major intersections, should be pedestrian oriented, and should provide ample buffering from adjacent residential uses. Further, this district should be protected from non-neighborhood serving land uses and businesses.</p>
<p>Permitted Uses:</p>	<p>Agriculture Uses</p> <ul style="list-style-type: none"> • farm (CFO/CAFO type I) - County & Joint District Jurisdictions • farm (general) <p>Communications / Utilities Uses</p> <ul style="list-style-type: none"> • communication service exchange • sewage treatment plant • utility substation • water tower <p>Public / Semi-Public Uses</p> <ul style="list-style-type: none"> • government facility (non-office) • parking lot / garage (as a primary use) • police, fire, or rescue station <p>Park Uses</p> <ul style="list-style-type: none"> • nature preserve / conservation area 	<p>Agriculture Uses</p> <ul style="list-style-type: none"> • farm (CFO/CAFO type I) - County & Joint District Jurisdictions • farm (general) <p>Residential Uses</p> <ul style="list-style-type: none"> • dwelling, single-family <p>Park Uses</p> <p>nature preserve / conservation area</p>	<p>Residential Uses</p> <ul style="list-style-type: none"> • bed and breakfast facility • dwelling, secondary (on upper floors of other uses) <p>Public / Semi-Public Uses</p> <ul style="list-style-type: none"> • clinic • day-care center (adult or child) • police, fire, or rescue station <p>Park Uses</p> <ul style="list-style-type: none"> • nature preserve / conservation area • park / playground <p>Commercial Uses</p> <ul style="list-style-type: none"> • office uses • personal service uses • recreation uses (small scale) • restaurant • retail uses (small scale)

Zoning District Summary (Existing / Proposed):			
AREA #2	Existing Zoning: I-2 (Industrial : Medium)	Existing Zoning: AP (Agriculture: Preferred)	Proposed Zoning: CN (Commercial : Neighborhood Center)
	<p>Commercial Uses</p> <ul style="list-style-type: none"> • auto-oriented uses (medium scale) • builder's supply store • conference center • data processing / call center <p>Industrial Uses</p> <ul style="list-style-type: none"> • contractor's office / workshop • dry cleaners (commercial) • food & beverage production • general industrial production • light industrial assembly & distribution • light industrial processing & distribution • mini-warehouse self-storage facility • research & development facility • truck freight terminal • warehouse & distribution facility 		
Water and Sewer Service:	Not Required	Not Required	Not Required
Lot and/or Density Requirements:	<p>Minimum Lot Area</p> <p>1 acre (43,560 square feet)</p>	<p>Minimum Lot Area</p> <ul style="list-style-type: none"> • 1 acre (43,560 sq. ft.), or as required to provide two viable septic system sites, in the opinion of the Bartholomew County Health Department, whichever is greater. <p>Maximum Lot Coverage</p> <ul style="list-style-type: none"> • Agricultural Structures: None • Non-Agricultural Structures: 35% 	<p>Minimum Lot Size:</p> <p>5,000 sq. ft.</p> <p>Maximum Lot Size:</p> <p>5 acres</p>

Zoning District Summary (Existing / Proposed):			
AREA #2	Existing Zoning: I-2 (Industrial : Medium)	Existing Zoning: AP (Agriculture: Preferred)	Proposed Zoning: CN (Commercial : Neighborhood Center)
<p>Setbacks Required:</p> <p>Front setbacks are determined by the Thoroughfare Plan Classification of the adjacent street and are the same regardless of zoning.</p>	<p>Side Yard Setback:</p> <ul style="list-style-type: none"> • Primary Structure: 20 feet • Accessory Structure: 20 feet <p>Rear Yard Setback:</p> <ul style="list-style-type: none"> • Primary Structure: 20 feet • Accessory Structure: 20 feet <p>Front Yard Setback:</p> <ul style="list-style-type: none"> • Local Street: 25 feet 	<p>Side & Rear Yard Setback:</p> <ul style="list-style-type: none"> • Agricultural Structure: 30 feet • Primary Structure: 30 feet* • Accessory Structure: 15 feet* * 5 feet on lots of 2 acres or less where the applicable side or rear lot line adjoins a property of 2 acres or less. <p>Front Yard Setback:</p> <ul style="list-style-type: none"> • Local Street: 10 feet* * 25 feet for any garage with a vehicle entrance facing the Street 	<p>Side Yard Setback:</p> <ul style="list-style-type: none"> • Primary Structure: 5 feet • Accessory Structure: 5 feet <p>Rear Yard Setback:</p> <ul style="list-style-type: none"> • Primary Structure: 5 feet • Accessory Structure: 5 feet <p>Front Yard Setback:</p> <ul style="list-style-type: none"> • Local Street: 10 feet* * 25 feet for any auto service bay, auto fuel pump canopy, or other similar vehicle access points to structures
<p>Height Restrictions:</p>	<p>Primary Structure:</p> <p>50 feet</p> <p>Accessory Structure:</p> <p>40 feet</p>	<p>Primary Structure:</p> <p>40 feet</p> <p>Agricultural Structure:</p> <p>None</p> <p>Accessory Structure:</p> <p>35 feet</p>	<p>Primary Structure:</p> <p>35 feet</p> <p>Accessory Structure:</p> <p>25 feet</p>

Zoning District Summary (Existing / Proposed):			
AREA #2	Existing Zoning: I-2 (Industrial : Medium)	Existing Zoning: AP (Agriculture: Preferred)	Proposed Zoning: CN (Commercial : Neighborhood Center)
Signs:	<p><u>Permanent:</u></p> <p>Wall signs</p> <ul style="list-style-type: none"> • 1 wall sign per street frontage, 150 sq. ft. maximum. <p>Freestanding signs</p> <ul style="list-style-type: none"> • 1 per road frontage per lot, 50 sq. ft., 15 feet in height. <p>Window</p> <ul style="list-style-type: none"> • 25% of all window area or 20 sq. ft. whichever is less. <p><u>Temporary:</u></p> <p>Banner</p> <ul style="list-style-type: none"> • 1 @ 32 sq.ft. for 90 days per calendar year. <p>Inflatable</p> <ul style="list-style-type: none"> • 1 @ 25 feet tall for 25 days per calendar year. <p>Beacon</p> <p>1 for 12 days per calendar year.</p>	None.	<p><u>Permanent:</u></p> <p>Wall signs</p> <ul style="list-style-type: none"> • 3 wall signs per street frontage, 200 sq. ft. maximum. <p>Freestanding signs</p> <ul style="list-style-type: none"> • 1 per road frontage per lot, 50 sq. ft., 6 feet in height. <p>Window</p> <ul style="list-style-type: none"> • 25% of all window area or 20 sq. ft. whichever is less. <p><u>Temporary:</u></p> <p>Banner</p> <ul style="list-style-type: none"> • 1 @ 32 sq.ft. for 90 days per calendar year. <p>Inflatable</p> <ul style="list-style-type: none"> • 1 @ 25 feet tall for 25 days per calendar year. <p>Beacon</p> <ul style="list-style-type: none"> • 1 for 12 days per calendar year.

Interdepartmental Review:	
County Highway Department:	No comments at this time.
County Health Department:	The County Health Department does not have any questions regarding this issue. However, it should be noted that any commercial structure producing wastewater would need to be approved through the Indiana State Department of Health, since sewer is not available in that area.
MPO:	No comments at this time.

Comprehensive Plan Consideration(s):

The Future Land Use Map indicates the future use of this property as Agriculture Preferred. The Land Use Element of the Comprehensive Plan recognizes the subject properties as Agriculture Preferred. The context of the surrounding area or the town of Grammer is Agriculture Preferred.

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

1. **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 the 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-J:** Require development to take place in a manner that allows for preservation and conservation of farmland, open land and significant natural features.
3. **Policy 3-C:** Encourage new development to take place in and around existing cities, towns and villages.
4. **Policy 3-D:** Encourage infill development and redevelopment in existing towns and villages.
5. **Policy 3-IH:** Require new development to be in scale with its surroundings.
6. **Policy 6-A:** Encourage revitalization of existing villages and small towns.
7. **Policy 6-N:** Ensure that new development does not lower the level of service nor place an excessive burden on current residents.
8. **Policy 13-B:** Require new businesses and industries to add landscaping around their building and parking lots to enhance their appearance, and encourage existing businesses and industries to do so.
9. **Policy 6-F:** Encourage development in areas adjacent to already developed areas.
10. **Policy 18-F:** Promote infill development in existing industrial areas, including brownfields redevelopment.
11. **Policy 18-1:** Encourage flexibility so that the county can respond to changing economic situations or needs.

Planning Consideration(s):

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

1. Five of the eight subject lots are currently undeveloped. Of the two lots that are developed, only one of these lots is being utilized as office space.
2. The lot furthest to the west at the intersection of 990 E and 350 S is divided into two parts separated by 990 E. The part to the west of 990 E is .0652 acres or 2,840 sq. ft. This partial lot also sits in the middle of 350 S, and is most likely part of an old railroad right-of-way.
3. The applicant states that the proposed use is for development of office space for Grammer Industries. The applicant has indicated that they intend to place pre-manufactured structures on the property. In the event that Grammer Industries is no longer located in the town of Grammer, the long term goal of the applicant is to convert the proposed lots from office space to residential use. The CN (Commercial: Neighborhood Center) zoning district that the applicant is proposing the lots be rezoned to does not allow for single family dwellings. Either a Use Variance or Rezoning application would need to be filed at the time the structures are to be converted to residential use.
4. The Zoning Ordinance requires a landscaped buffer for most commercial districts when they are adjacent to a residential district. If approved, the CN (Commercial: Neighborhood Center) lots adjacent to the RE (Residential: Established) zoned properties would require a Type B Landscape Buffer. This would entail a minimum of 65 landscape points for every linear 50 foot increment of buffer yard. At least 50% of the required points must be met with evergreen trees and shrubs. Area #1 would require approximately 21 large deciduous trees and 21 evergreen trees. Area # 2 would require approximately 9 large deciduous trees and 9 evergreen trees. This is just one example of many plant combinations that could be used.
5. The Bartholomew County Health Department stated they do not have any questions regarding the rezoning of the subject properties to commercial. However, it should be noted that any commercial structure producing wastewater would need to be approved through the Indiana State Department of Health, since sewer is not available in that area.