

RESOLUTION: 2019 – R – 4
ORDINANCE: UDO - 52
ZONE MAP AMENDMENT LOCATED AT:
THE NORTHEAST CORNER OF THE SOUTHEAST PARCEL AT THE
INTERSECTION OF STATE ROAD 1 & COUNTY ROAD 68,
SPENCERVILLE, INDIANA

WHEREAS, The General Assembly of the State of Indiana granted powers to the counties to adopt ordinances and zone maps for their jurisdiction according to IC 36-7-4-600 series; and

WHEREAS, DeKalb County has adopted the DeKalb County Unified Development Ordinance which became effective on January 1, 2009, and has had subsequent amendments to the DeKalb County Unified Development Ordinance; and

WHEREAS, The General Assembly of the State of Indiana granted powers to counties to amend the zone maps according to IC 36-7-4-608, and Section 9.06 of the DeKalb County Unified Development Ordinance allows for the amendment of said Ordinance; and

WHEREAS, The DeKalb County Plan Commission, in accordance with law, held a public hearing on January 16, 2019 to consider the Zone Map Amendment for approximately 1.16 acres on the property at the northeast corner of the southeast parcel at the intersection of State Road 1 & County Road 68, Spencerville, Indiana and voted to certify a favorable recommendation to the DeKalb County Board of Commissioners; and

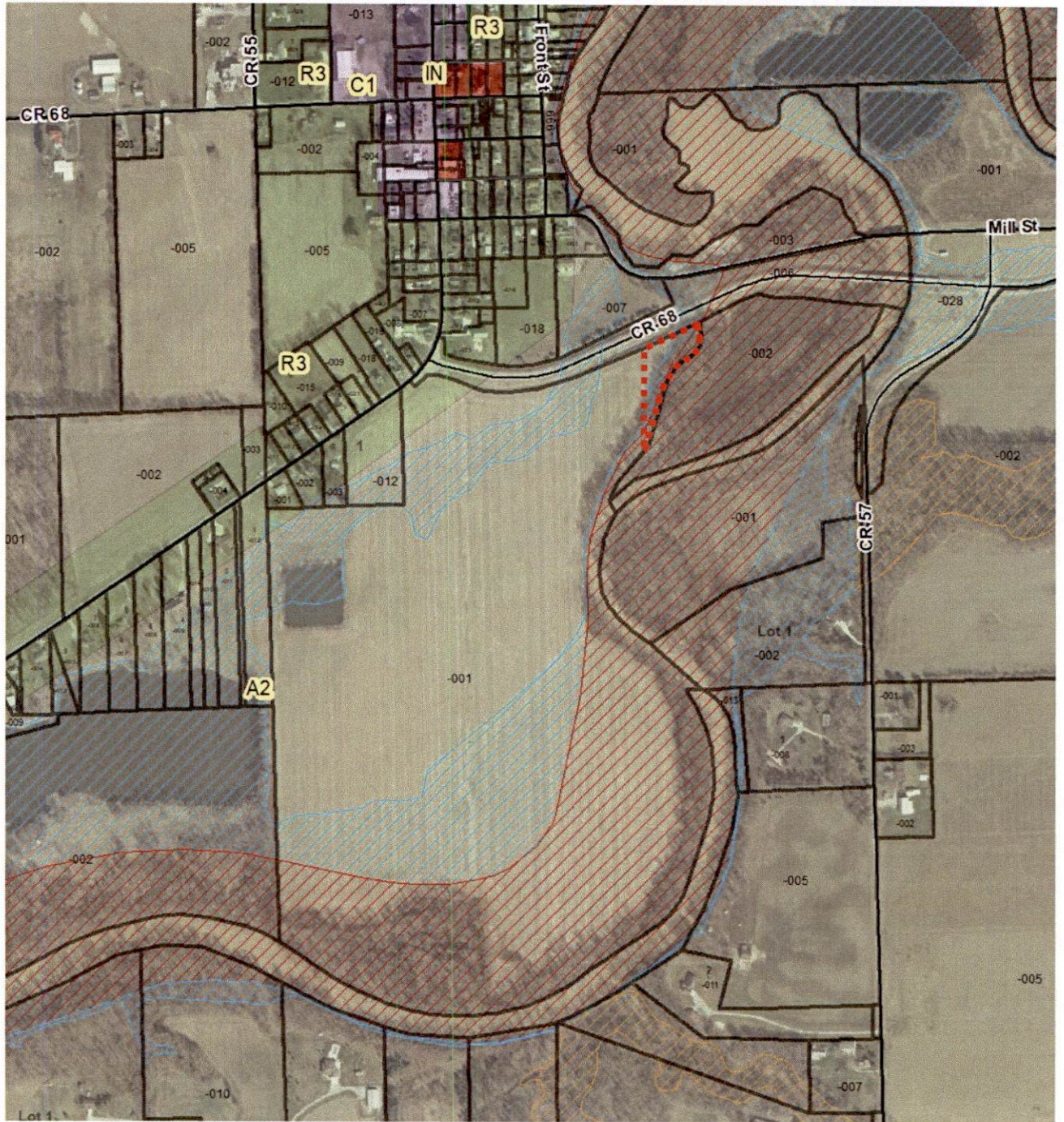
WHEREAS, The proposed zoning will be changed from A2, Agricultural to OP, Open Space & Parks; and

WHEREAS, Said certification has been duly considered by the DeKalb County Board of Commissioners and the Zone Map Amendment is deemed to be in the public interest; now therefore, be it

ORDAINED by the Board of Commissioners of DeKalb County, Indiana that the District Zone Map adopted as a part of the DeKalb County Unified Development Ordinance, as amended, is hereby amended to include:

SECTION 1: To change the zoning classifications of approximately 1.16 acres on the property at the northeast corner of the southeast parcel at the intersection of State Road 1 & County Road 68, Spencerville, Indiana from A2, Agricultural to OP, Open Space & Parks; and

EXISTING ZONING MAP:



- Dk. Green: R3, Village Residential
- Light Green: A2, Agricultural
- Grey: C1, Village Commercial
- Red: IN, Institutional
- Red Outline: Subject Site: Existing Zoning A2
- Red Hatch: Floodzone 'A'
- Blue Hatch: Floodzone 'AE'

This Staff Report is prepared by the DeKalb County Department of Development Services to provide information to the Plan Commission to assist them in making a decision on this Application. It may also be useful to members of the public interested in this Application.

SUMMARY FACTS:

- APPLICANT:** Lynn A. Reinhart
- SUBJECT SITE:** Northeast corner of the Southeast parcel at the intersection of State Road 1 & County Road 68
- REQUEST:** Zone Map Amendment
- EXISTING ZONING:** Agricultural – A2
- PROPOSED ZONING:** Open Space & Parks – OP
- SURROUNDING LAND USES AND ZONING:** North: Single Family Homes (A2)
South: Agricultural Crop Production & Woodlands (A2)
East: Woodlands (A2)
West: Agricultural Crop Production (A2)

ANALYSIS:

The information provided in this Staff Report has been included for the purpose of reviewing the proposed Zone Map Amendment (rezoning). Since the rezoning process does not require a site plan, there may be additional requirements placed on the property through the Subdivision, Development Plan or Improvement Location Permit, Board of Zoning Appeals and/or Technical Review processes to address development regulations, if required.

The request is to rezone approximately 1.16 acres from Agricultural (A2) to Open Space & Parks (OP). The area to be rezoned is located at the northeast corner of the southeast parcel at the intersection of State Road 1 & County Road 68. This rezone is requested by the Petitioner to “work with the St. Joe River Greenway and/or other non-profits on the preservation and reconstruction of the old mill site and mill race for the sake of historical preservation and the enjoyment of the public”.

Is this “Spot Zoning”?

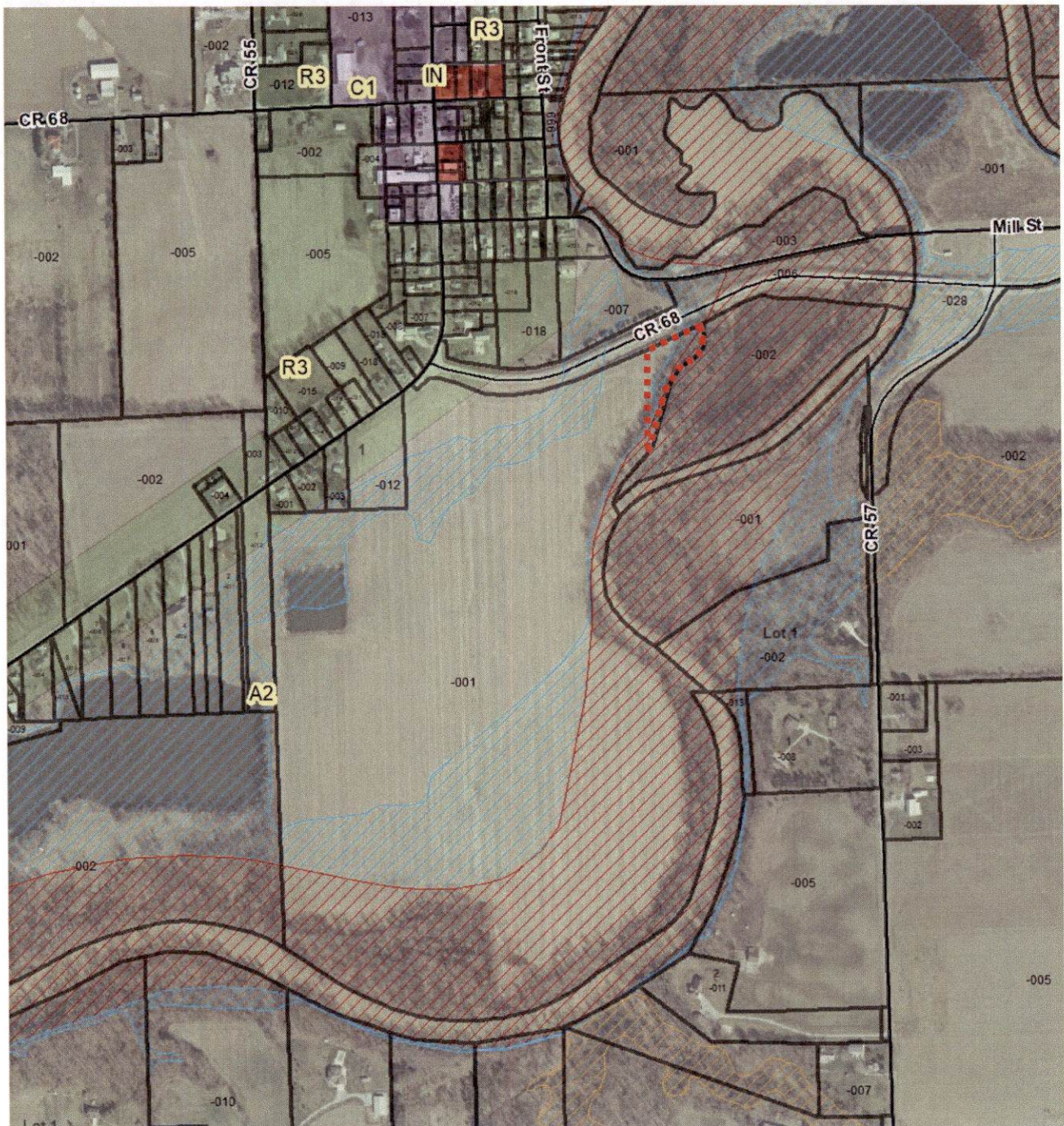
Spot Zoning can be defined as the introduction of a new Zoning District that may be contradictory to the Future Land Use Map and surrounding zoning districts and existing land uses. This Application could be considered spot zoning, which is not illegal and typically not good planning practice. There are examples where Spot Zoning is needed for positive for economic growth – for example – allowing a Zoning District within a residential area where the differing land uses may be mutually compatible and supportive. Is there a need for this new Zoning District to be introduced in this area? Are there areas in the vicinity with the appropriate existing District where this use can go? The Commission, when reviewing this Application and making their decision, shall pay reasonable regard the UDO (see Section 9.06 G(3) of the UDO or on page 7 of this Staff Report).

LOCATION MAP:



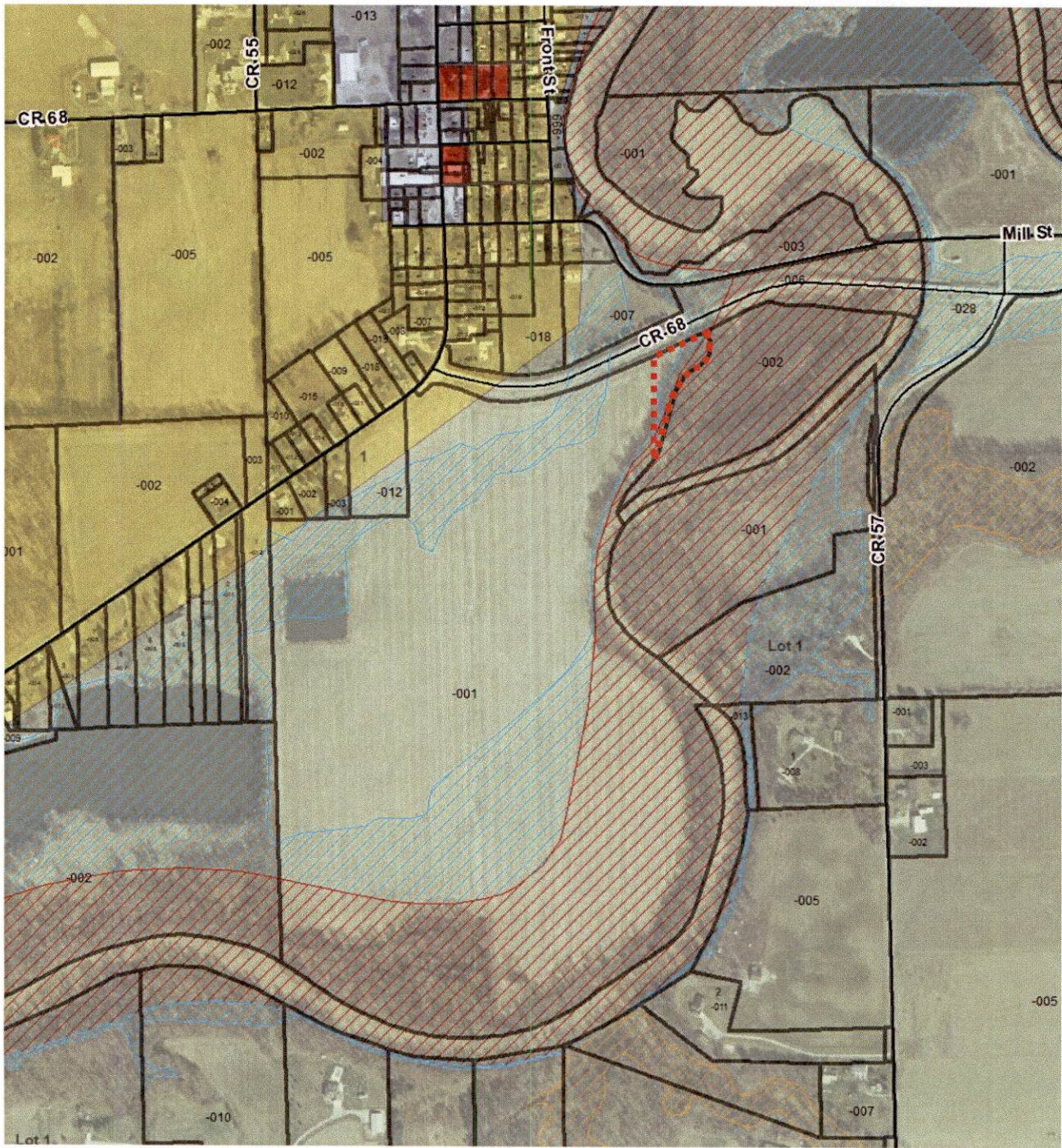
Red Outline: Subject Site: 1.16 AC +/-
Red Hatch: Floodzone 'A'
Blue Hatch: Floodzone 'AE'

EXISTING ZONING MAP:



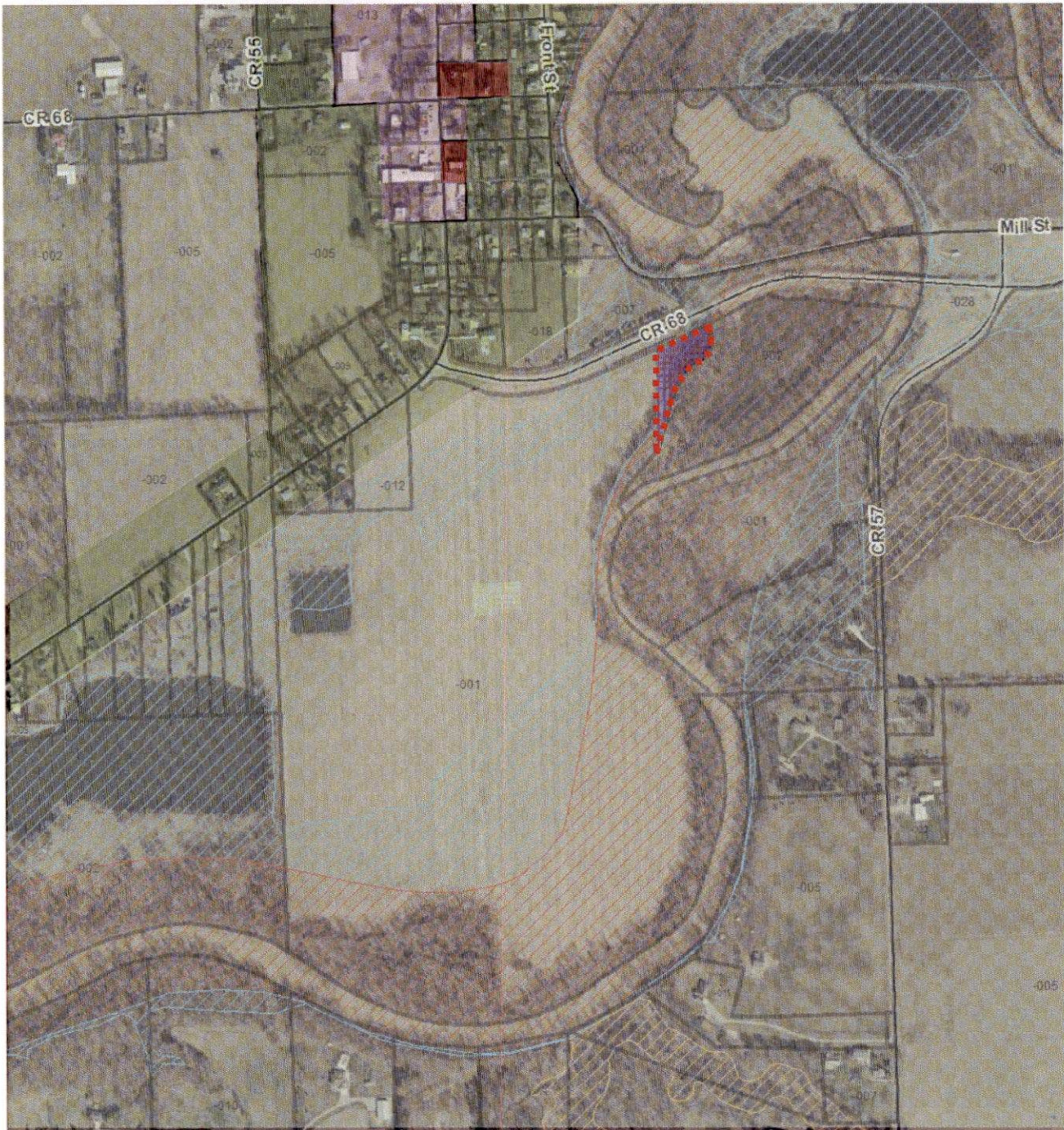
Dk. Green: R3, Village Residential
Light Green: A2, Agricultural
Grey: C1, Village Commercial
Red: IN, Institutional
Red Outline: Subject Site: Existing Zoning A2
Red Hatch: Floodzone 'A'
Blue Hatch: Floodzone 'AE'

FUTURE LAND USE MAP:



- Green: Agricultural/Rural Residential
- Yellow: Residential
- Grey: Commercial
- Red: Institutional Use, Church or Cemetery
- Red Outline: Subject Site – FLU Designation Agricultural/Rural Residential & Residential
- Red Hatch: Floodzone 'A'
- Blue Hatch: Floodzone 'AE'

PROPOSED ZONING MAP:



- Dk. Green: R3, Village Residential
- Light Green: A2, Agricultural
- Grey: C1, Village Commercial
- Red: IN, Institutional
- Yellow: C2, Neighborhood Commercial
- Red Outline: Subject Site – Proposed Zoning OP – Open Space & Parks
- Red Hatch: Floodzone 'A'
- Blue Hatch: Floodzone 'AE'

Differences between & A2 – Agricultural (Existing) and OP – Open Space & Parks (Proposed) Zoning Districts:

A2 – Agricultural: The district is established for agricultural areas and building associated with agricultural production; also allows for some small infusion of non-agricultural single-family detached home in areas where impact on agriculture and rural character is minimal (page 1-5 of UDO).

Permitted uses within the A2 zoning district include the following (page 2-18 of the UDO).

Accessory Permitted Uses

- Home Based Business

Agricultural Permitted Uses

- Agricultural Crop Production
- Confined Feeding Operation – up to two (2)

times IDEM CAFO numbers

- Orchard
- Raising Farm Animals
- Storage Buildings: Agricultural
- Storage of Agricultural Product
- Tree Farm

Institutional Permitted Uses

- Police, Fire or Rescue Station

Residential Permitted Uses

- Child Care Home
- Dwelling, Manufactured Home
- Dwelling, Single-Family
- Fair Housing Facility – small
- Farmstead
- Storage Building: Private, non-accessory

OP – Open Space & Parks: The District is established for open space, parks, trails and recreational areas. (page 1-5 of UDO).

Permitted uses within the OP zoning district include the following (page 2-2 of the UDO). The Commission should note that while the petitioner may only be proposing one use for the property – you must consider the impact that all the permitted uses could have on the area:

Agricultural Permitted Uses

- Agricultural Crop Production

Commercial Permitted Uses

- Driving Range
- Golf Course
- Skate Park
- Sports Field
- Swimming Pool

Institutional Permitted Uses

- Community Center
- Public Park
- Public Parking Lot
- Public Pool

Unified Development Ordinance Requirements

When considering a Zone Map Amendment the DeKalb County Plan Commission is obligated — under Section 9.06 G(3) of the DeKalb County Unified Development Ordinance — to pay reasonable regard (this does not mean there is a yes or no answer) to the following:

- a. The Comprehensive Plan;
- b. Current conditions and the character of current structures and uses in each District;
- c. The most desirable use for which the land in each District is adapted;
- d. The conservation of property values throughout the jurisdiction; and
- e. Responsible development and growth.

JURISDICTIONAL FINDINGS:

1. The Petitioner has complied with the rules and regulations of the Plan Commission in filing appropriate forms and reports.
 - a. Application completed and filed on **December 17, 2018**
 - b. Legal notice published in The Star on **January 4, 2019**
 - c. Certified mail notices sent to the adjoining landowners
 - d. Report from the County Board of Health, dated **January 4, 2019**
 - e. Report from the County Highway Department, dated **December 19, 2018**
 - f. Report from the DeKalb County Soil & Water Conservation District, dated **December 17, 2018**
 - g. Report from the County Surveyor, dated **December 18, 2018**
 - h. Report from the DeKalb County Airport Authority, if applicable – **not applicable**.

UDO & STATUTORY MATTERS TO CONSIDER:

1. Is the change in zoning in harmony with the Comprehensive Plan?
The subject site has a Future Land Use (FLU) designation of Residential & Agricultural/Rural Residential. While the proposed Zoning District may not be compatible with this FLU designation, changing the FLU designation would be promoting additional development in an area where it may or may not be needed. Further investigation by Staff and the Plan Commission is needed to review and change the FLU Map.
2. Do the current conditions and the character of current structures and uses in each District adapt to the proposed zoning?
The existing development in the area is residential and agricultural crop production in nature. The proposed Zoning District is supported by the current conditions and character of the uses in the existing Zoning Districts.
3. Is the change in zoning consistent with the most desirable use for which the land in each Zoning District is adapted?
The proposed Zoning District is supported and may be desired by the current conditions and character of the uses in the existing Zoning Districts. The most desirable use for this property may in fact be Open Space & Parks if supported and desired by the current conditions.
4. Will the change in zoning help with the conservation of property values throughout the jurisdiction?
The property values of the area should not be disturbed negatively.
5. Does the change in zoning promote responsible development and growth?
In changing the zoning of these properties to OP, Open Space and Parks, the Plan Commission may be promoting development in the area that may be supported and desired by the current conditions and character of the uses in the existing zoning districts. Also, the Plan Commission should look at the potential negative impacts, if any.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

Staff is recommending that the Plan Commission give a favorable recommendation to the DeKalb County Commissioners for approval on the requested Zone Map Amendment. Staff is not recommending any conditions and/or commitments at this time. Should the Plan Commission attach conditions and/or commitments and they be approved by the County Commissioners, they shall be recorded in the Office of the DeKalb County Recorder as such.