

RESOLUTION: 2019 – R – 3
ORDINANCE: UDO - 51
ZONE MAP AMENDMENT LOCATED AT:
5417 COUNTY ROAD 17, GARRETT, 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 3.09 acres on the property at 5417 County Road 17, Garrett, Indiana and voted to certify a favorable recommendation to the DeKalb County Board of Commissioners; and

WHEREAS, The proposed zoning will be changed from C4 – Highway Commercial to R1 – Low Density Residential; 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 3.09 acres on the property at 5417 County Road 17, Garrett, Indiana from C4 – Highway Commercial to R1 – Low Density Residential; and

EXISTING ZONING MAP:



Light Green: A2, Agricultural
Light Grey: R1, Low Density Residential
Orange: C4, Highway Commercial
Brown: ETJ – Auburn Extra Territorial Jurisdiction
Red Outline: Subject Site: Existing Zoning C4

PROPOSED ZONING MAP:



Light Green: A2, Agricultural
Light Grey: R1, Low Density Residential
Orange: C4, Highway Commercial
Brown: ETJ – Auburn Extra Territorial Jurisdiction
Red Outline: Subject Site: Proposed Zoning R1

SECTION 2: That this amendment shall be in full force and effect upon its approval by the County Commissioners of DeKalb County, Indiana.

DULY PASSED, ORDAINED AND ADOPTED on this _____ day of _____ 2019,
by the County Commissioners of DeKalb County, Indiana
by a vote of _____ in favor and _____ opposed.

Donald D. Grogg, President

Jacqueline R. Rowan, Vice President

William L. Hartman, Vice President

Attest, Jan Bauman, Auditor

Prepared by: Chris Gäumer "I affirm under the penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law."

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: Patricia Yvonne Kinsey
SUBJECT SITE: 5417 County Road 17, Garrett
REQUEST: Zone Map Amendment
EXISTING ZONING: Highway Commercial – C4
PROPOSED ZONING: Low Density Residential – R1
SURROUNDING LAND USES AND ZONING: North: Agricultural (ETJ – Auburn)
South: SF Residential (C4)
East: Woodlands (ETJ – Auburn)
West: Agricultural (R1)

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 3.09 acres from Highway Commercial (C4) to Low Density Residential (R1). The area to be rezoned is located at 5417 County Road 17, Garrett. This rezone is requested so the applicant can build a single-family home. The Plan Commission should note that this is the first step toward an approved Plat.

LOCATION MAP:



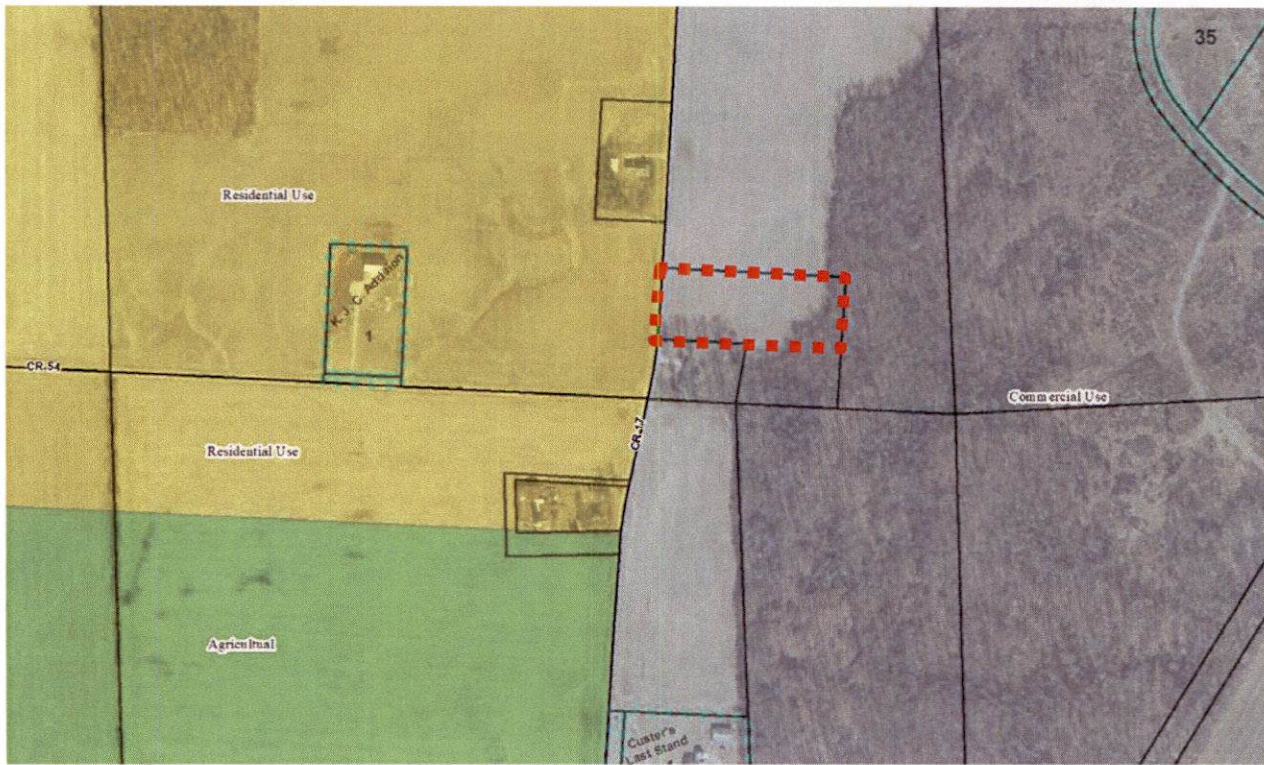
Red Outline: Subject Site: 3.08 AC +/-

EXISTING ZONING MAP:



Light Green: A2, Agricultural
Light Grey: R1, Low Density Residential
Orange: C4, Highway Commercial
Brown: ETJ – Auburn Extra Territorial Jurisdiction
Red Outline: Subject Site: Existing Zoning C4

FUTURE LAND USE MAP:



Green: Agricultural/Rural Residential

Yellow: Residential

Grey: Commercial

Red Outline: Subject Site: FLU Designation Commercial

PROPOSED ZONING MAP:



Light Green: A2, Agricultural
Light Grey: R1, Low Density Residential
Orange: C4, Highway Commercial
Brown: ETJ – Auburn Extra Territorial Jurisdiction
Red Outline: Subject Site: Proposed Zoning R1

Differences between C4 – Highway Commercial (Existing) and R1 – Low Density Residential (Proposed) Zoning Districts:

C4 – Highway Commercial: The District is established for Commercial Uses that are closely related to the special needs of the traveling public, interstate commerce, trucking, and in general, vehicular traffic along interstates and major state highways (page 1-5 of UDO).

Permitted uses within the C4 zoning district include the following (page 2-34 of the UDO).

Agricultural Permitted Uses

- Agricultural Crop Production

Commercial Permitted Uses

- Automobile Gas Station
- Automobile Repair/Service Station
- Bank Machine/ATM
- Convenience Store
- Delicatessen
- Hotel/Motel
- Sexually Oriented Accessory Retail

Business

- Truck Stop
- Vehicle Sales

Industrial Permitted Uses

- Telecommunication Facility

Industrial Permitted Uses

- Hospital
- Post Office

R1 – Low Density Residential: The district is established for Single Family detached homes with medium to large size lots (page 1-5 of UDO).

Permitted uses within the R1 zoning district include the following (page 2-14 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:

Accessory Permitted Uses

- Home Occupation

Agricultural Permitted Uses

- Agricultural Crop Production

Institutional Permitted Uses

- Public Park
- Public Pool

Residential Permitted Uses

- Child Care Home
- Dwelling, Manufactured Home
- Dwelling, Single Family
- Fair Housing Facility (small)
- Storage Buildings: Private, non-accessory

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 **November 14, 2018**
 - b. Legal Notice published in The Star on **December 28, 2018**
 - c. Certified Mail notices sent to the adjoining landowners
 - d. Report from the County Board of Health, dated **November 26, 2018**
 - e. Report from the County Highway Department, dated **November 19, 2018**
 - f. Report from the DeKalb County Soil & Water Conservation District, dated **November 15, 2018**
 - g. Report from the County Surveyor, dated **November 15, 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 Commercial. The proposed Zoning District is not necessarily compatible with the FLU designation but doesn't limit the Zoning Districts that can be located within it.

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 agricultural crop production & residential. 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 desired by the current conditions and character of the uses in the existing Zoning Districts.
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 the property to R1, Low Density Residential, the Plan Commission will be promoting development in the area that is supported and desired by the current conditions and character of the uses in the existing Zoning Districts.

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.