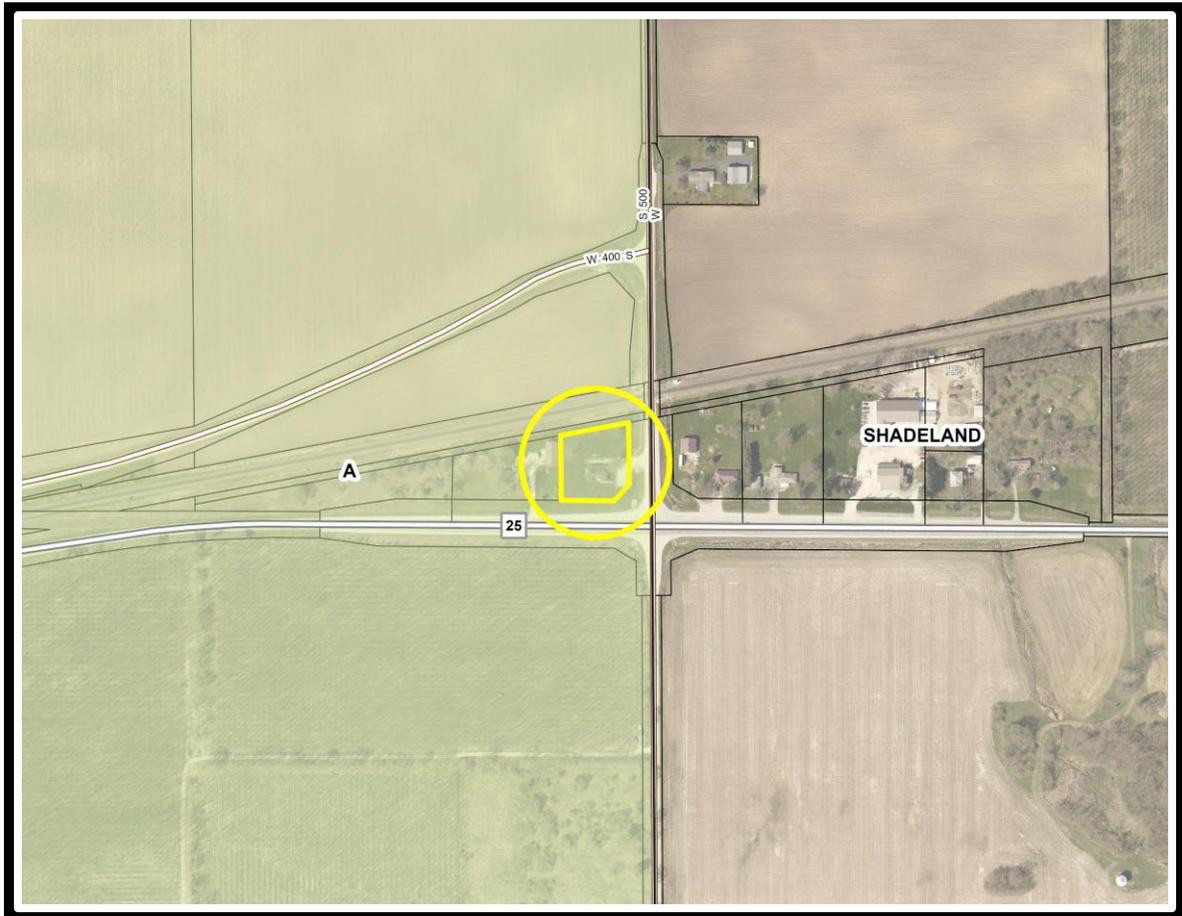

Z-2800
JOSHUA SHIVES
(A to GB)

STAFF REPORT
August 13, 2020



REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, who is also the owner, is requesting rezoning of Lot 2 of Oliver Subdivision, 0.917 acres in area, located at the northwest corner of SR 25 W and CR 500 W, more specifically 5000 SR 25 West, in Wayne, 22 (SE) 22-5. The petitioner plans to sell ATVs, UTVs and Jeeps at this location.

ZONING HISTORY AND AREA ZONING PATTERNS:

This property is currently zoned A, Agricultural. All property within a mile of this site to the north, west and south is also zoned A. Land to the east across CR 500 W is within the Town of Shadeland; the town is not a participating member of the Area Plan Commission.

AREA LAND USE PATTERNS:

This property was subdivided in 2008. Prior to the subdivision the house and a veterinarian clinic were located on one lot. The vet clinic, a use permitted by right in the A zone, is the building in this request. A landscaping business is located to the east in Shadeland. Most surrounding uses are agricultural or large lot single-family homes; there are houses to the east in Shadeland and a house next door to the west. Railroad tracks are adjacent to the north. South across SR 25 is a tree farm.

TRAFFIC AND TRANSPORTATION:

SR 25 West is classified as a rural secondary and CR 500 West is considered a local road by the adopted *Thoroughfare Plan*. The building on site meets the required setbacks based on the aerial and parcel data.

Paved parking and maneuvering aisles are a requirement of uses located in the GB zone. This site will need drainage approval from the county surveyor if there is additional land used for parking and maneuvering. Required parking for the proposed use is 1 space per 400 square foot of gross floor area.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

A 20' type B bufferyard is required when GB zoned property is redeveloped next to A zoned land. Sewer and water are not available at this location. According to the health department, the site has an onsite septic for a few employees.

STAFF COMMENTS:

The petitioner is proposing to run an ATV, UTV, and Jeep dealership at this location. According to the petitioner many people drive by this location on the way to the Badlands Off Road Park in Attica to drive off-road vehicles. The petitioner would like to locate a business at this location to capitalize on the passing traffic.

Staff is concerned about the potential uses that could locate in the GB zone on this lot. The GB zone would permit a gas station to operate by right. In addition, GB allows buildings to cover up to 60% of the lot and only requires 10% vegetative cover; this development pattern is fine in an urban area, but does not match the surrounding area. The proposed use is similar in nature to a car dealership. There are numerous potential uses that could be considered a nuisance to the adjacent single-family home. There is no noise ordinance in the county, so any business could in theory operate 24 hours a day becoming a larger issue for the neighbor. Sewer and water are not available to this site; the Comprehensive Plan does not recommend commercial zoning for any property unless it is served by sewer and water.

Potential commercial uses here should be limited to those uses permitted by right in the current Agricultural zone; those agricultural-related businesses would fit with the surrounding area and not be considered a detriment to nearby residences.

STAFF RECOMMENDATION:

Denial