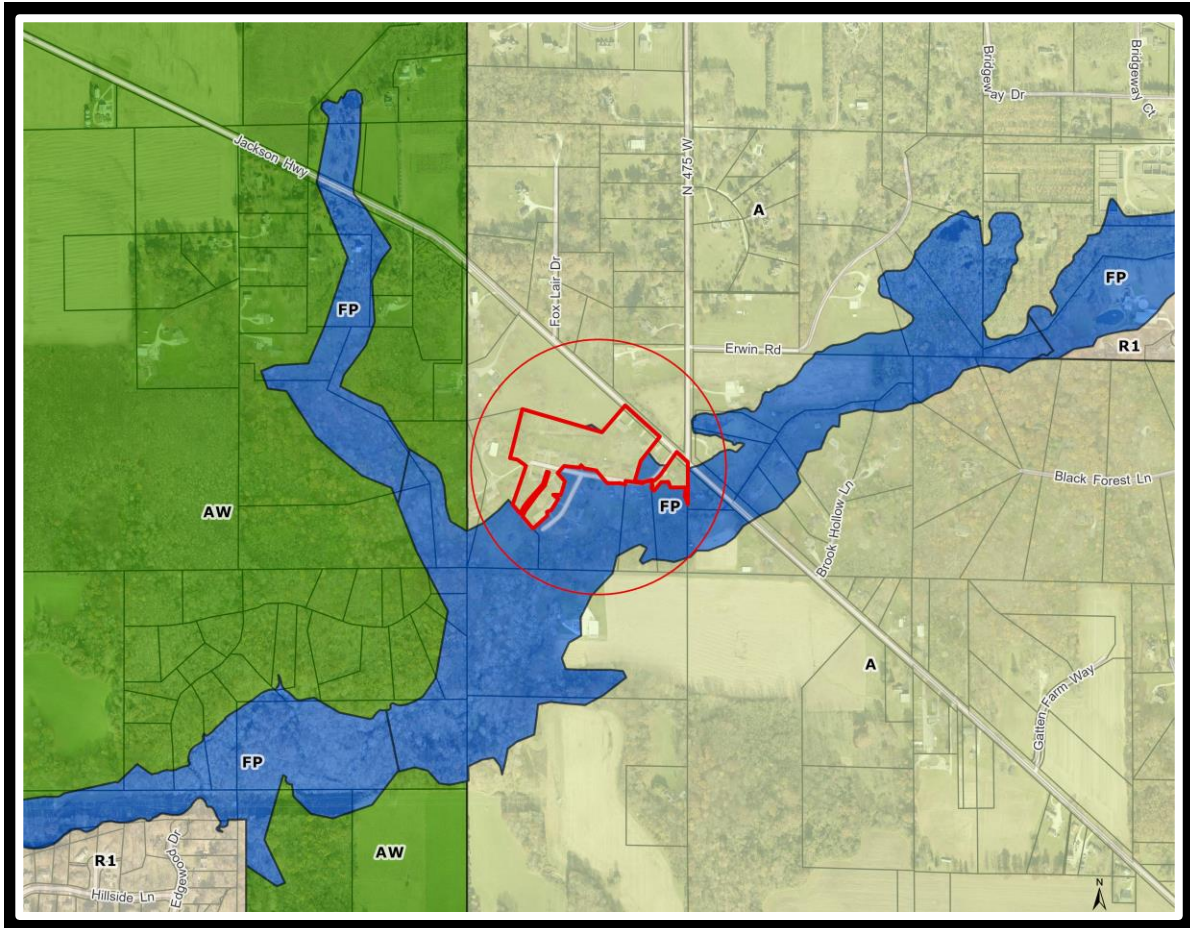

Z-2867
CJ INVESTMENT GROUP, LLC
(A to R2)

STAFF REPORT
October 13, 2022



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Staff Report
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REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner and owner CJ Investment Group, LLC and represented by attorney Chris Shelmon, is requesting the rezoning of 8.43 acres from A to R2. This is the first step of a process to bring the property, consisting of several legally nonconforming duplexes on a single lot, into conformity. If this rezone is approved, the petitioner would then be allowed to subdivide the property. It is located on Jackson Highway and Pleasant Valley Drive, Wabash 9 (NE) 23-5.

ZONING HISTORY AND AREA ZONING PATTERNS:

The site is zoned A, Agricultural, and has been since zoning began in the County. Land to the north, south, and east is also zoned A, as is land adjacent to the west. Farther west, the land is zoned AW, Agricultural Wooded. The southeast section of this property is zoned FP, Flood Plain, from the nearby Indian Creek.

The nearest R2 zoning to this property would be over a mile away, either to the north across US 52 W or to the east along CR W 250 N.

The immediate area has not seen any recent rezone or BZA cases.

AREA LAND USE PATTERNS:

The property currently houses several existing duplexes, which were constructed prior to the adopted zoning ordinance. Land in all directions is used for single family residences or for row crop production.

TRAFFIC AND TRANSPORTATION:

The property is located on a private road, Pleasant Valley Drive, which has access from Jackson Highway, classified as a rural secondary per the adopted *County Thoroughfare Plan*. The most recent traffic counts taken in 2021 indicate 1,482 vehicles pass this site daily.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

Public utilities are not available for this property. All the existing dwellings rely on private wells and septic systems. According to the County Health Department, repair permit records for septic systems only exist for four of the existing sixteen structures located on the property. The soils vary from well drained to poorly drained due to seasonal water tables, ponding and poor filter. Each duplex shares an individual water well.

No buffering would be necessary if this land is rezoned.

STAFF COMMENTS:

Historically, a rezone from A to R2 would have included a site plan for the proposed development. In this case, however, the development is already there; the petitioner wishes to bring it into conformity to make improvements to the property. With the current zoning in place, as well as the single tract of land, any additional dwellings or replacement of dwellings would not be permitted. The dwellings which exist on this single property have been there since before the zoning ordinance was adopted, so they are considered legally nonconforming. This same type of development would not be given a building permit today. If the petitioner is successful with this rezone request, the next step in bringing the property into conformity would be to subdivide it. They could either place each dwelling on its own platted lot or file a single lot multi-family subdivision.

A floodplain certification and Letter of Map Amendment (LOMA) have already been completed on this property. Any future development would need to follow the floodplain setback and elevation requirements, just like any property with FP zoning. The dwellings not part of this rezone, which exist within the FP zone, are legally nonconforming, and may continue as such, until they are razed or otherwise destroyed.

The future land use plan for this area shows the property in this request as being agricultural, largely due to the lack of public utilities. Further development would not normally be recommended; density of this scale would likely be discouraged in other, similar areas. Sometimes, however, we must look at what exists or what is happening in an area to make our recommendation. Since these dwellings have existed here for several decades, and the current owner is wishing to improve the property, we believe that it is in the best interest of the County to support the petitioner's efforts and approve this rezone request.

STAFF RECOMMENDATION:

Approval