Z-2714
M & C DEVELOPMENT, LLC
(AW to R1)

STAFF REPORT
January 11, 2018
REQUEST MADE, PROPOSED USE, LOCATION:
Petitioner with consent of the owner and represented by attorney Daniel Teder is requesting rezoning of 54.95 acres in a newly annexed part of the incorporated Town of Dayton, for a proposed, as-yet-unnamed subdivision of 110 single-family lots and three outlots, located on the east side of Dayton Road, between CR 375 S and the Dayton United Methodist Church property, in Dayton, Sheffield, fractional section 9 (W1/2) 22-3.

ZONING HISTORY AND AREA ZONING PATTERNS:
This area has always been rurally zoned; the original A zone was replaced with AW after the adoption of the transitional zoning maps in 1997. Property to the south and east is also zoned AW, while A zoning dominates the west side of Dayton Road. Undeveloped R1 zoning to the north and northwest was rezoned in 1999 after the petitioner amended the original R2 request (Z-1840). A large NB zone exists inside the Town’s corporate boundary on the west side of Dayton Road (Z-2127). The two most recent rezoning attempts on this property were ultimately failures: Z-2165, a rezone petition to R1B for a 184-lot single-family subdivision, was withdrawn after receiving a recommendation of denial by the Area Plan Commission on 2/18/2004 while Z-2187, a rezone petition to R1 and R1A zoning for a 169-lot single-family subdivision, was denied on 10/4/2004 by the Tippecanoe County Commissioners.

AREA LAND USE PATTERNS:
The subject property is currently in agricultural production as is land to the south, east, and west. Immediately north of the subject property, in the direction toward downtown Dayton, the land is improved by a church and numerous single-family homes. The predominant land use character of the vicinity is one of residential transitioning to agricultural as you exit the town’s corporate limits.

TRAFFIC AND TRANSPORTATION:
The site has just less than 1000’ of frontage along Dayton Road, which is classified as a rural secondary arterial in the Thoroughfare Plan. The submitted non-binding lot layout shows a single entrance onto Dayton Road from the proposed subdivision. The non-binding layout submitted with this request does not include details for acceleration and/or deceleration lanes so ultimately the Town of Dayton’s Street Department would ultimately decide if they are needed during the subdivision review process.
ENVIRONMENTAL AND UTILITY CONSIDERATIONS:
With the annexation of the subject property by the town on July 10, 2017 and its accompanying fiscal plan detailing the intent to serve the property with public water and sewer once the developer has extended them at their own expense, staff is satisfied the subject property will be served by public utilities. As for buffering, there is no bufferyard requirement between residential and agricultural zones. The site has natural buffering along the entire border on the north, east, and south sides and partial buffering along the western border.

STAFF COMMENTS:
Dayton’s residential growth most recently has largely centered on the northwest side of town. The newest phases of those developments were created in low and medium density residential zones such as R1 and R1A. The older, smaller parts of the subdivisions are zoned R1B and R2, creating higher density housing and opening a limited area for duplex development. The higher density residential zones were approved prior to the adoption of Dayton’s first land use plan in 1981. Other attempts at high-density residential zones were either denied or amended by petitioners to lower-density zoning.

With the adoption of a Second Amendment to the Adopted Land Use Plan for Dayton and Vicinity, adopted in July 1996, by the Dayton Town Council and the Tippecanoe County Commissioners, certain areas surrounding the town’s corporate boundaries (including the subject property) were planned for low-density residential expansion once public utilities became available. Relative to the area where the subject property is located, the Plan is specific in that it states that low-density housing corresponds to about 3.5 units per acre.

According to the Plan:

“East of Dayton Road and south of Haggerty Land, the Council proposes low density residential development (“1”) rather than the current designation of urban density residential development (“2”). Low density corresponds to about 3.5 units per acre, equivalent to the 10,000-sq. ft. sewered residential lots typical of R1 zoning.”

At 110 proposed lots with a proposed residential density of 2.0 units per acre, the proposed rezone petition is well under the 192-maximum number of lots supported by the Plan and is, thus, in conformance with the Plan.

In our 2004 staff report for Z-2187, we stated our recommendation of denial for that 169-lot rezone petition could only be changed to a recommendation of approval: “… with a written commitment of the Town of Dayton to serve this subdivision with sanity sewer and water…”. With annexation by the town and a firm commitment to provide public utilities, along with a development proposal coming in 82 lots under what the town’s own plan could support, staff is satisfied the time for residential expansion in this part of Dayton has arrived.

STAFF RECOMMENDATION:
Approval