

**STAFF REPORT**

**Henry County Planning Commission**  
**(June 20th, 2019 Meeting)**

**Docket # / Project Title:** B: 2227 Gary Joslin rezone to GB for automotive, truck and farm equipment sales and service

**Staff:** Darrin Jacobs, Zoning Administrator

**Applicant:** Gary Joslin

**Property Size:** **(Lot 1)** 1 acre (003-01873-00) & **(Lot 2)** 3.578 acres (003-01917-00)

**Current Zoning:** Rural Residential (RR)

**Location:** 8542 W US Hwy 36, Middleton, IN 47356

**Parcel #:** **(Lot 1)** 003-01873-00 and **(Lot 2)** 003-01917-00

**Staff Recommendation:** To **Approve** the rezone request for both parcels.

**Background Summary:**

Gary Joslin has outgrown his current location (Lot 1) and would like to expand to the vacant lot across from his current business (Lot 2) and utilize both properties. Mr. Joslin began his business on this parcel in 1993 and he currently employs 4 full time people. Mr. Joslin would like to take on more product lines and needs additional large service bays and a showroom. Mr. Joslin's current location (Lot 1) does not have the proper zoning designation so he is taking the opportunity to bring both parcels into compliance.

**Key Issue Summary:**

The following key issue(s) should be resolved through the consideration of this application: Does the proposed zoning map change and use fit with the County Comprehensive plan. Will the proposed use of the property for events create conflicts with neighboring properties, become a burdened to public services and infrastructure, and can the proposed use of the property meet all other federal, state, and county regulation requirements.

**Decision Criteria for Amending the Zoning Map:**

1. Is the proposed amendment consistent with the goals, objectives and policies of the Comprehensive Plan,
2. Is the proposed amendment compatible with the current conditions and the overall character of existing development in the immediate vicinity of the subject property;
3. Is the proposed amendment the most desirable use for which the subject property is adapted;
4. Will the proposed amendment have an adverse effect on the value of properties throughout the jurisdiction;
5. Does the proposed amendment reflect responsible standards for growth and development.

## Planning Commission Action:

### Rezone Request

The Planning Commission shall recommend the approval, denial or approval with modifications of the proposed zoning change from Rural Residential (RR) to General Business (GB) and shall submit its written recommendation, together with the petition for the map change, to the Henry County Commissioners.

### Zoning Summary:

GB General Business Districts are established to provide areas that are appropriate for all kinds of businesses and services, particularly large space users such as department stores, specialty stores and the like. Shopping centers are good examples of uses in the GB District. It is necessary that GB Districts be located along major collectors.

### Examples of Permitted (“by right”) Uses in General Business (GB):

Accounting, Auditing and Bookkeeping Service; Advertising Structure; Agricultural Credit Institution; Antique and/or Secondhand Store; Apparel Shop; Appliance Store, Household; Attorney’s Office; Automobile Parts Store; Automobile Rental and/or Leasing Agency; **Automobile Sales, New and/or Used**; Bait Sales, Live; Bakery, Retail, Baking and Selling; Bakery, Retail, Selling Only; Bank or Financial Institution; Barber Shop; Beauty Shop; Bicycle Shop; Bond and/or Mortgage Company; Book and/or Stationery Store; Bowling Alley; Bus Passenger Station; Business Service and/or Office, Professional; Cafeteria; Camera and/or Photo Supply Store; Candy, Nut and/or Confectionery Shop; Car Wash, Automatic; China, Glassware and/or Metalware Shop; Church; Cigar and/or Tobacco Store; Clinic; Clothing Store, Rental; Clothing Store, Family; Computer Sales and/or Service Stores; Credit Adjustment and/or Collection Agency, Consumer; Dairy Product Store; Dance Hall, Studio and/or School; Delicatessen; Department Store; Detective and/or Protective Agency; Diaper Service; Direct Mail and/or Stenographic Service; Drapery, Curtain and/or Upholstery Shop; Dressmaking Shop; Driving School; Drug and/or Proprietary Store; Electrical Repair Shop; Employment Agency, Private Exterminating Service; Farm and Garden Supply Store; **Farm Equipment Sales and/or Service Store**; Finance Company, Installment Sales; Floor Covering Store; Florist Shop; Formal Wear Rental Shop; Fraternal Organization; Fruit and/or Vegetable Market; Funeral Home or Mortuary; Furniture Sales, Service and/or Repair Store; Furrier and/or Fur Sales Store; Garage, Parking; Garage, Public; Gift, Novelty and/or Souvenir Shop; Golf Course, Miniature; Golf Driving Range; Greenhouse, Commercial; Grocery Store; Hardware Store; Health and Fitness Center; Health Foods Store; Hobby, Toy and/or Game Store; Hospital; Hotel or Motel; Ice Cream Parlor or Store; Insurance Agent, Broker and/or Service Office; Jewelry Store; Laboratory, Medical or Dental; Laboratory, Testing, Commercial; Laundry and/or Dry Cleaning Center, Coin-Operated; Laundry and/or Dry Cleaning Center, Commercial; Lodge or Private Club; Lunch Room; Marina; Marine Sales Dealership; Meat and/or Fish Shop; Medical or Dental Office; Monument Sales Dealership; **Motorcycle and/or Motor Scooter Sales and/or Service Shop**; Municipal or Government Building; Museum and/or Art Gallery; Music and/or Recordings Store; News Dealer; News Service Office with Publishing; News Service Office without Publishing; Night Club; Optometrist’s Office; Paint, Glass and/or Wallpaper Store; Parking Lot; Pet Shop; Pharmacy; Photocopying and/or Duplicating Service; Photo Store, Drive-In; Photographic Studio; Plumbing, Heating and/or Air-Conditioning Dealer; Police or Fire Station; Radio and/or Television Shop; Radio and/or Television Station or Studio; Railroad Right-of-Way and Necessary Uses; Railway or Bus Station; Real Estate Service; Recreational Enterprise, Outdoor Commercial; Restaurant; Restaurant, Carry-Out; Restaurant, Drive-In; Savings and Loan Association or Credit Union; School; School, Trade or Business; Shoe Service and Repair Shop; Sign (See Section 11.0.); Skating Rink; Specialty Food Shop; Sporting Goods Store; Stock Broker and/or Dealer; Studio Business; Supermarket; Tavern; Theater, Dinner; Theater, Indoor; Theater, Outdoor; Truck Rental and/or Leasing; University, College or Other Institution of Higher Education, Public or Private; Watch, Clock and/or Jewelry Repair Shop; Welfare and/or Charitable Services Agency

<b>Current Property Information:</b>	
<b>Zoning and Land Use:</b>	<b>Lot 1</b> Rural Residential (RR), current use is a single family dwelling with commercial repair shop and sales. <b>Lot 2</b> Rural Residential (RR), current use is an open field
<b>Site Features:</b>	<b>Lot 1</b> is approximately 1 acre. Property has a single family home, a repair shop and 2 out buildings, a gravel sales lot <b>Lot 2</b> is vacant pasture ground
<b>Flood Hazards or County Tiles/Open Drains:</b>	No floodplain or county drainage structures. Possible state highway ditches along US Highway 36
<b>Special Circumstances:</b> (Airport Hazard Area, Wellhead Protection Area, etc.)	N/A
<b>Vehicle Access:</b>	<b>Lot 1:</b> two gravel entrances off of N 850 W and one off of Hwy 36 <b>Lot 2:</b> N/A
<b>Septic or Sewer:</b>	<b>Lot 1</b> is on a septic system. <b>Lot 2</b> will need a state approved commercial septic system
<b>Subdivision Restrictions:</b>	N/A

<b>Surrounding Zoning and Land Use:</b>		
	<b>Zoning:</b>	<b>Land Use:</b>
<b>North:</b>	Rural Residential (RR)	Agriculture/row crop/pasture Kemerly property
<b>South:</b>	Agricultural (A1)	Agriculture/row crop Watkins property
<b>East:</b>	Agricultural (A1)	Agriculture/row crop Watkins and Pittsford properties
<b>West:</b>	Rural Residential (RR)	Single family home/pasture Sizelove, Kilian, Drysdale properties

## Property Development Standards

	General Business (GB)
<b>Minimum Lot Area:</b>	2,178 sf. (.05 acres)
<b>Minimum Lot Width:</b>	80 ft.
<b>Maximum Building Height:</b>	45 ft.
<b>Minimum Front Yard Setback:</b>	55 ft - abutting a Major Collector Road or Street 30 ft - abutting a Minor Collector Road or Street 30 ft - abutting a Local Road or Street
<b>Minimum Side Yard Setback:</b>	10 ft.
<b>Minimum Rear Yard Setback:</b>	40 ft.
<b>Accessory Structure Setback:</b>	10 ft.

### History of this Location:

The relevant history of this property includes the following:

- 05-23-1968 Charles Sutton appeared before the Planning Commission on Case B:574 requesting a replat of "Creason's Acres" The matter was tabled until the next meeting **(neither of these two lots were ever a part of the subdivision)**
- 06-26-1968 Charles Sutton reappeared before the Planning Commission on Case B:574. "Creason's Acres" was approved. **(neither of these two lots were ever a part of the subdivision)**
- 1993 Gary Joslin and Jeff Boone began operations of their equipment and vehicle sales business.
- 05-22-2019 The Gary Joslin filed a petition with the Henry County Planning Commission requesting a rezone to GB on his two parcels.

### Comprehensive Plan Consideration(s):

The Future Land Use Map indicates the future use of land in this area to be Agricultural.

- Page 13; Be driven by the need to improve upon existing conditions, rather than to succumb to the scarcities that are inherent in any society;
- Page 33; (3.) Access career opportunities with employers that pay self-sustaining wages and (9.) Find a greater variety of shopping, dining and entertainment options.
- Page 50; As more and more businesses withdraw, the prices of the goods and services offered by the market (e.g., banking and grocery stores) will increase
- Page 63; Regional – regional commercial areas are almost always located directly adjacent to a major (or minor) arterial thoroughfare because their trade area radius can be 15-miles or more. They cater to the masses and, as a result, have very large building (and parking lot) footprints.

- E. Page 90; existing businesses often account for more than 90 percent of new job creation. By improving business relations, establishing and maintaining strong lines of communication, and reducing or mitigating the challenges that existing businesses face from time to time, the County can further accelerate job growth.
- F. Page 108; Work with local businesses to increase the visibility of the opportunities to buy local.
- G. Page 122; Diverse Economic Base, Increase the number, type (e.g., commercial and industrial, but also skilled laborers and office professionals), and sizes (e.g., large corporations and start-up companies) of businesses that pay a self-sustaining wage.

**Planning Consideration(s):**

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

- 1. The proposed use is located off of US Highway 36, which is designed to accommodate such land uses and has adequate capacity for any additional traffic generated by the proposed use, however customers and large delivery trucks entering and existing **Lot 2** will create an area for potential traffic conflicts.
- 2. Additional driveway entrances and the septic system will need to be approved by the State and County before Improvement Location Permits can be issued.
- 3. The largest potential aesthetic impacts will be to 8600 and 8554 W US Hwy 36 who will face the proposed building. Landscaping standards should be adhered to help offset the impact.
- 4. Noise and light pollution concerns can be mitigated with reasonable hours of operation and down facing minimal security lighting used.

**Preliminary Staff Recommendation & Comments:**

Staff recommendation is to **APPROVE** the request for the following reasons:

- 1. The proposed change is consistent with the Comprehensive Plan.
  - a. The comprehensive plan advocates for use of our arterial roads for Regional Commercial development such as this proposal.
  - b. The plan advocates for the retention and expansion of existing local business, especially small businesses.
  - c. The plan advocates for the supporting of diversity in shopping options and the county’s overall economic base.
- 2. The proposed change is compatible with the neighboring properties and the character of the US 36 corridor.
  - a. The current business has been in operation since 1993.
  - b. Other large lot regional commercial business are located along Highway 36 through out Henry County.
- 3. The proposed use is a desirable use for the property.
  - a. Lot 2 does not appear to be used as productive farm ground and will not interfere with those recommendations in the comprehensive plan that limit development on agricultural parcels.
  - b. With the Lot 2 being a narrow lot with extensive road frontage along a major collector road the parcel serves well as narrow band of commercial development without encroaching on agricultural uses.

4. The proposed change will not adversely affect the value of the neighboring properties.
  - a. With the current business having been in operation for 25 years with little impact it is unlikely that the proposed expansion will affect the adjacent property values.
  - b. Efforts should be made to ensure that compliance with landscaping, signage, drainage, and sewage disposal are carefully adhered to help prevent any possible negative effects to property values.
5. The proposed development will reflect responsible development standards.
  - a. The proposal is the expansion of an existing use rather than the siting of business that might be better served somewhere else.
  - b. The proposed use would not create conflicts with future growth or land uses.
6. The final action on whether to rezone the parcel to General Business (GB) will be made by the Henry County Commissioners.

*This report was compiled by the staff with the best available data at the time. Any errors or omissions are unintended. If errors are discovered please inform staff as soon as possible.*