Staff Report
Zoning Amendment
September 5, 2007
Area Plan Commission
Public Hearing

BOONE COUNTY
AREA PLAN COMMISSION

A. Petition Number: 07UN-16-515

B. Applicant: Greenhouse Development, LLC

C. Location: The location of this petition is east of U.S. 421 (Michigan Road) and directly north of County Road 300 South.

D. Parcel Size: The parcel size for the request zoning amendment is 12.5 acres.

E. Land Use and Zoning:

Present Zoning of Property;
The current zoning classification of this property is (AG) General Agriculture.

Boone County Comprehensive Plan Designation:
The Boone County Comprehensive Plan designation for this property is Residential with No Services.

F. Action Requested: Amend the zoning classification of this parcel from (AG) General Agriculture to a (PB) Professional Business and (LB) Local Business zoning classification.

G. History of Petition

Review of Application Submittal
A new application was submitted to the Area Plan Commission office which revised the request from Agricultural to General Business. The applicant has modified the zoning amendment request to Agricultural to a mixture of (PB) Professional Business and (LB) Local Business.

H. Transportation System:

1999 Boone County Thoroughfare Plan

U.S. 421
This road is classified as a minor arterial which produces an ADT of 4,000. It is anticipated the ADT for this road will increase over 9,000 in 2008.

County Road 300 South
This road is classified as a major collector which produces an ADT of 4,000. It is anticipated the ADT for this road will increase to be over 4,000 in 2008.

Preliminary Traffic Study/ U.S. 421 and County Road 300 South
Prepared by: American Structurepoint, Incorporated

Description
American Structurepoint Incorporated has completed a preliminary traffic study for a potential development on the northeast corner of US 421 and County Road 300 South. There are two possible entrances to the site; one along County Road 300 South and one along U.S. 421.

It is anticipated that the development will contain an array of commercial business such as: a pharmacy, a large medical office building, a specialty retail strip, a quality restaurant, a drive-thru bank, and a coffee shop.

The traffic study has taken into account all documented traffic patterns for the respective businesses at the peak hour in the morning and evening. Per the Trip Generation Manual, 7th Edition published by the Institute of Transportation Engineers, Trip generation tables were utilized for the calculations done to create this report. These charts can be found in Appendix A.

Analysis
The intersection of County Road 300 South and U.S. 421 is located in rural Boone County. The roads are two lane roads with dedicated turn lanes at the intersection. While calculating the amount of traffic that would be entering and exiting the property, the traffic was weighted according to surrounding area population in each direction. It was determined that the majority of the traffic that would enter the site would be from the east, traveling westbound on County Road 300 South from the Carmel area (approx. 60 percent). Traffic would also come from the south, traveling northbound on U.S. 421 from the town of Zionsville (approx. 25 percent). The town of Whitestown is located west of the intersection and residents would be traveling eastbound on County Road 300 South to reach the development (approx. 10 percent). There are no major neighborhoods or towns directly north of the site, thus it is anticipated the approximately five percent of the total traffic entering and exiting the site were calculated for the southbound traffic on U.S. 421.

Further, it was also assumed that the traffic traveling westbound on County Road 300 South and southbound on US 421 would all completely turn into the site from the entrance on their respective street.

Conclusions
The traffic volume anticipated at this site in this study supports the proposed driveways shown on U.S. 421 and County Road 300 South. Further, it is not anticipated that the proposed driveways will adversely affect the traffic flow on either U.S. 421 or County Road 300 South.

I. Utilities:

Clay Regional Waste District
April 9, 2007, Mr. Kent Frandsen appeared before the Boone County Commissions to request an invitation to extend sewer service to this property by Clay Regional Waste. The Boone County Commissioners invited Clay Regional Waste to serve the subject property, however, this action does not grant approval for any zoning amendment.

J. Technical Advisory Committee Comments: This item was reviewed by the (TAC) Technical Advisory Committee on August 8, 2007 and had the following comments:

Boone County Surveyor's Office
This property will need to conduct a drainage plan which conforms to the Stormwater Management Ordinance.

Boone County Highway Department
The Boone County Highway Department is not supportive of the initially proposed right in-right out located on County Road 300 South; due to the fact, this road has been designed and approved to produce conducive and fluid traffic patterns. The most current site plan has removed this entrance and has left only one entrance on CR 300 South.

(INDOT) Indiana Department of Transportation

Proximity to County Road 300 South
Since this is a rezoning petition, a preliminary review of the proposed development, including the roadway cut on U.S. 421 was completed. Some of the highlighted comments from the preliminary review include the following:

1) The road frontage along U.S. 421 of the subject property represents an infrastructure transition area. Although initially seen as a future four-lane highway, present plans for U.S. 421 along the subject property are planned for two single lanes, starting north of County Road 300 South.

2) At the time a permit application is submitted to (INDOT), it will be highly recommended that the proposed entrance shown on the conceptual plan be relocated further north on this site.

Boone County Soil and Erosion Control
This project will need to conduct a soil and erosion control plan for the property.

Boone County Health Department
Due to the fact that this property is proposing public utilities, the Boone County Health Department has no comments.

Boone County Area Plan Commission

U.S. 421 Overlay Requirements
In the event this property is rezoned to a professional business and local business classification, the applicant will be required to file a development plan to be approved by the Area Plan Commission.

Entrances and Access to Individual Tracts
APC Staff affirms the Highway Department recommendation for removal of right-in/ right-out on County Road 300 South (as shown on current plan). As part of Section M. of the Overlay requirements, it is stated "The APC shall encourage maximum distances between curb cuts to U.S. Highway 421 in cooperation with the Indiana Department of Transportation."

Excluded Uses
In review of the concept plan, the following land use is not permitted in U.S. 421 Overlay and will need to apply for a variance before the Board of Zoning Appeals.

Drive-through facilities (staff has determined that this includes pharmacies, banks, restaurants, etc.)

K. Statutory Guidelines for Zoning Amendment:

In accordance with Indiana Code Sections 36-7-4-603, in considering a proposal for rezoning, the plan commission must "pay reasonable regard" to the following:

Criteria 1. The Comprehensive Plan:

1. Map Designation:
The Boone County Comprehensive Plan designation for the entire property is Residential with No Services. The general business rezoning is contrary to this map designation.

2. Boone County Goals and Objectives:
Staff has listed one set of goals and objectives found on page 57 of the Comprehensive Plan that is pertinent to this request as follows:

Goal 3:
Ensure that all development, including residential and commercial, occurs in a manner compatible with surrounding land uses.

Objective 3.1
Facilitate good transitions and buffering between land uses of differing densities and type.

Objective 3.3
Control potential negative aspects of commercial and industrial development by the use of development standards (landscaping buffers, parking, signs, entries, lighting, overlay zones and ordinances, etc.)

The proposed zoning classifications are inconsistent to the Boone County Comprehensive Map Designation.

Criteria 2. Current Conditions and the character of the current structures and uses in each district:

The current zoning and land use of the adjacent properties are the following:

North of the property:	R-2 Zoning District Countrywood Subdivision
East of the property:	R-2 Zoning District Brookhaven Subdivision

South of the property:	Agricultural Zoning District Vacant Land
West of the property:	Agricultural Zoning District Individual Residences

This property is located in an area of land use transition. In recent years the land located on the north and south side of County Road 300 South, has changed from an established rural environment to developing a medium density residential area.

The following residential subdivisions have been approved to the east of the subject rezoning property:

The Willows Subdivision	=	242	Lots
Brookhaven Subdivision	=	263	Lots
Cimmaron Subdivision	=	86	Lots
Fieldstone Subdivision	=	90	Lots
Total Residential Lots		**681**	**Lots**

Since the area is evolving into an area predominately residential, the amount of homes in the area will produce a demand for a small component of limited neighborhood medical/ commercial services.

The proposed zoning amendment to professional business and local business are intending to host a limited amount of medical and commercial land uses for the property. This change in zoning classification to professional business and local business is a compatible change to this evolving area as long as the design strongly considers the neighborhood character of the area at the development plan stage. Although rezoning is recommended, APC staff does not support a development plan that is not neighborhood compatible.

Criteria 3. The most desirable use for which the land in each district is adapted:

Current Zoning Designation
General Agricultural- This district allows the opportunity for further residential development beyond the constraints of the AP District, however, residential development in this district remains limited.

Requested Zoning Designations

(PB)-Professional Business
This district is established as a buffer generally between commercial and residential districts permitting selected business and professional uses having limited contact with the public.

(LB)-Local Business
This district is designed and located in neighborhoods to accommodate the primary needs of that locality. This district would place convenience and necessity facilities close to consumers in limited areas close to residences.

Limitation on Uses:
The following uses are permitted by the Boone County Zoning Ordinance, either as a matter of right or by special exception or with other special approvals. Area Plan staff has recommended the following exclusions, found in Table 3 of the Ordinance:

Area Plan Staff has been working jointly with the applicant to devise an appropriate list of the following excluded land uses:

Kennel, Small
Roadside, Produce Stand
Mineral Extraction
Public Camp Ground or Recreational Vehicle Park
Dwelling-Multi Family
Dwelling-Single Family
Dwelling-Two Family
Major Residential Subdivision
Drive-In Restaurant (Fast Food)
Tavern (100% sale of alcohol)
Liquor Store
Tobacco Stores
Mortuary
Composting Facility
Long Term Permitted Clean Fill Disposal Site
Long Term Permitted Clean Fill Processing Site
Restricted Waste Site
Temporary Permitted Clean Fill Disposal Site
Temporary Permitted Clean Fill Land Reclamation Site
Temporary Permitted Clean Fill Processing Site
Airport or Heliport
Public Wells
Telephone Exchange, Public Utility Station
Mass-Transit Station
Automatic Car Wash
Parking Lot (Not Association with other permitted uses)
Automobile Repair, Service Station
Tire Battery & Accessory Structures

Criteria 4. The Conservation of Property Values through the Jurisdiction:

Area Plan Staff has received fiscal information on this property. (Please see binder for full economic report)

Criteria 5. Responsible Development and Growth
Area Plan Staff finds this petition represents responsible development and growth, serious consideration was given to this site location, in terms of the future impacts of the residential growth and cohesive for the established area. The design should adhere to the U.S. 421 Overlay Requirements which ensures the development will not adversely impact the area. This site location is conducive to a zoning change to professional business and local business for the reason that it can provide a limited amount of supportive general medical and commercial services in the area.

L. Staff Recommendation: Area Plan Staff recommends a favorable recommendation, based on the ability to meet zoning amendment criteria 2, 3, and 5.