

**BROWN COUNTY AREA PLAN COMMISSION
STAFF REPORT HARMONY COVE REZONE**

Docket No.: 22-RZ-02

Hearing Date: October 25, 2022

Request: To rezone 44.5 acres from Primary Residential (R1) to General Business (GB).

Petitioners: Christopher Tompkins for Lucinda Kingston and John Munro

Owners: James Ryan Ruckman and Kristin Nichole Roche

Location: 5752 State Road 46 East in Washington Township. The properties front on State Road 46 East approximately 285 feet west of the intersection with Camp Moneto Road.

Zoning and Current Use: The property is currently zoned Primary Residential (R1) and are mostly located outside of the 1% Annual Chance Flood Area per the effective FARA, except for the frontage on Camp Moneto Road.

Currently the property consists of a home and a lake. A Special Exception, granted in 1974, to allow a travel trailer park was approved but saw very little development after the Board of Zoning Appeal approval.

General Findings:

1. The petitioners wish to divide the property to create a housing development with 51 lots. The lot sizes would range from $\frac{1}{4}$ acre to over 1 acre.
2. The minimum lot size for a Primary Residential (R1) zoning district is 1 acre with major subdivision approval, as stated in chapter 4.4 in the Brown County Zoning Ordinance.
3. The petitioners wish to divide some lots at $\frac{1}{4}$ acre. General Business (GB) zoning would allow residential lots, using a community sewage disposal system, to be a minimum of 0.16 acre.
4. The 34-acre parcel to the east of Camp Moneto Road was rezoned to General Business (GB) in 2012. In 2007, 5.5 acres near Hoosier Propane was also rezoned. Directly across the highway to the south, the Away A Day Campground property is

zoned General Business (GB). Located 262' to the west The Old Tyme Flea Market is zoned (GB.) Just over ½ mile west is the intersection of State Road 46 East and Old State Road 46, in between the two roads, all properties are zoned General Business (GB.)

5. General Business Districts according to the County Zoning Ordinance, are established to include areas that are appropriate to all kinds of business and services.
6. A change to GB zoning would allow additional uses at the location including residential, agricultural, light industrial and a variety of other business uses with and without the necessity of a special exception.
7. The Petitioners have provided a signed document authorizing their application for rezoning from the current owner.
8. Duke Energy will provide electricity to the property.
9. Water service will be provided by Brown County Water Utility.
10. The petitioners have been working with Dave Hess of the Gnaw Bone Sewer District and the sewer service provider Airvac to ensure the lots would have access to sewer.
11. INDOT indicated that a driveway permit was unable to be located as the driveway is believed to have been installed prior to 1998. The petitioner is aware that a commercial driveway permit from INDOT will be necessary for the planned subdivision.
12. The County Comprehensive Plan under Goals provides:
"6. To encourage a variety of housing opportunities to meet the various needs of county residents.
13. Also, under Development (Commercial Uses) Policies states:
4. Commercial development areas should be located only in areas where both public water supply and sanitary sewer service can be provided.
14. Under Development (Residential Uses) *7. Future residential development should be encouraged in already developing rural areas and near existing communities to provide for more economical infrastructure.*

I.C. 36-7-4-603 describes the criteria to be used for review of zoning requests by the Plan Commission and the legislative body. Both shall pay reasonable regard to:

- a. the comprehensive plan;
- b. the current conditions and the character of current structures and uses in each district;

- c. the most desirable use for which the land in each district is adapted;
- d. the conservation of property values throughout the jurisdiction and
- e. responsible development and growth.

Staff Recommendation: Because State Road 46 East is a State Highway and because there are many examples of General Business zoning and uses in the same vicinity, staff recommends the Plan Commission send a positive recommendation to the Brown County Commissioners for the rezoning request.