



ADVISORY PLAN COMMISSION STAFF REPORT

Application No:	2022-APC-02
Meeting Date:	March 21, 2022
Subject:	Zoning Map Amendment (Rezone)
Summary:	Rezone of 172.6 acres to the I-2 Light Industrial District for the purpose of constructing a light industrial and warehouse business park.
Petitioner:	Jones Development (Petitioner) and Merritt Farms, LLC and Baldauf Family, LLC (Owners)
Location:	8180 Northside Dr, No Address (32-03-25-400-009.000-019), and part of No Address (32-03-25-400-008.000-019)
Parcel Size:	172.6 acres
Existing Zoning:	Agriculture District
Recommendation:	Approval
Prepared By:	Adam Peaper apeaper@reasite.com 317-263-0127

Procedure

Proposed zoning map amendments (rezones) are considered by the Plan Commission and ultimately approved or rejected by the Town Council. Before making a recommendation to the Town Council, the Plan Commission must hold a publicly advertised hearing. The public hearing is advertised in *The Republican* one time, at least 10 days before the hearing. Public notice must also be sent to surrounding property owners to a depth of 660 feet or two ownerships, whichever is less. After the Plan Commission conducts the hearing and makes a recommendation, the proposed zoning map amendment is placed on the agenda for the next Town Council meeting. If the Town Council approves the proposal, it immediately becomes effective. If the Town Council rejects the proposal, the proposal cannot be reconsidered within a period of one year from the date of such disapproval, unless the Commission finds that there is a substantial change in the petition or circumstances affecting the petition.

Indiana Code 36-7-4-603 requires that in the consideration of zoning map amendments, reasonable regard shall be paid to:

1. Whether the proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan, as adopted and amended from time to time by the Town Council;
2. Whether the proposed amendment is compatible with current conditions and the overall character of existing development in the immediate vicinity of the subject property;
3. Whether the proposed amendment is the most desirable use for which the land in the subject property is adapted;
4. Whether the proposed amendment will have an adverse effect on the value of properties throughout the jurisdiction; and
5. Whether the proposed amendment reflects responsible standards for development and growth.

Background

The petitioner approached the Town earlier this year regarding a potential industrial park project on the subject property as well as additional lands not currently within Pittsboro's town limits. After additional discussions and a better understanding of the potential project, the Town identified the multiple petitions and timelines that would be required to proceed. This included a minor subdivision (petition 2022-APC-01), this rezone petition (2022-APC-02) and a voluntary annexation request. The zoning recommendation to accompany the annexation request is petition 2022-APC-03.

The applicant filed the rezone application on February 23, 2022. Notice of the public hearing was published in *The Republican* on March 10, 2022 and mailed to nearby property owners on March 8, 2022. A technical advisory committee meeting was not held for the Zoning Map Amendment petition, but will be held as part of the Site Development Plan Approval that will be necessary before any construction activity can commence.

Correspondence

As of writing this report, staff hasn't received any comments from the public.

Standards for Evaluating Zoning Amendments

1. The proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan, as adopted and amended from time to time by the Town Council:

The Town of Pittsboro Comprehensive Plan, most recently amended in late 2021, recommends "Office & Industrial Flex" development for the subject property. This land use classification is described as:

The Office & Industrial Flex district is intended to provide for a range of office, research and development, light industry, and small-scale warehousing uses that will create employment centers for Pittsboro. These areas could include a combination of both high intensity users with multi-story buildings on large parcels and groups of smaller structures in a campus setting. All operations shall be completely contained within enclosed structures. This district is intended to function as a "gateway" land use, with easy access and high visibility from primary transportation routes. Many light industrial operations resemble office buildings from the exterior and as such are compatible in flex areas. The district can also be used as a transitional use or buffer between heavy industrial or outdoor commercial development and lower intensity residential or commercial land uses. Some commercial support uses may be included as a secondary element.

A smaller portion of the subject property is identified for commercial use on the future land use map. This area of commercial development around the interchange should be considered flexible in overall extent.

2. The proposed amendment is compatible with current conditions and the overall character of existing development in the immediate vicinity of the subject property:

Current conditions surrounding the subject property are defined by agriculture use and character. The area immediately south of the subject property, across Interstate 74, is currently agriculture in use, but is zoned to the Highway Business District and has been planned for commercial uses along Jeff Gordon Blvd with office and industrial uses on the remaining property. Immediately west of the subject property is again agriculture in use; the next property west is Fleece Performance, an industrial use. Given adjacency to the interstate, the proposed amendment is compatible to current conditions.

3. The proposed amendment is the most desirable use for which the land in the subject property is adapted because:

The Town annexed north of the interstate specifically to extend services and attract commercial and industrial development. The proposed zoning amendment is in alignment with this vision and desired use and goals included in the comprehensive plan. Proximity to the interstate provides key access and development in the I-2 Light Industrial District would contribute to the Town's tax base and help support services for existing residents and businesses.

4. The proposed amendment will not have an adverse effect on the value of properties throughout the jurisdiction because:

Surrounding agriculture uses will not be adversely affected. The proposed industrial park will serve as an economic and employment center for Pittsboro, bringing investment and potentially supporting commercial development the Town hopes to attract.

5. The proposed amendment reflects responsible standards for development and growth:

The zoning amendment would facilitate responsible growth as the property is benefitted by nearby interstate access and proximity to the Town's new water plant. This area has been planned for industrial and commercial uses and elevated design standards have been incorporated into the Unified Development Ordinance with the Interstate and Jeff Gordon Blvd overlay districts. Additional development review will also be required in the form of Site Development Plan approval by the Plan Commission.

Attachments

1. Application
2. Legal Description
3. Concept Layout Plan
4. Context Map

Recommendation

Staff recommends that the Plan Commission forward a favorable recommendation to the Town Council for the rezone of 172.6 acres from the Agriculture District to the I-2 Light Industrial District pursuant to the following conditions and commitments:

Motions

1. Motion to forward a favorable recommendation to the Pittsboro Town Council for the proposed rezone of 172.6 acres from the Agriculture District to the I-2 Light Industrial District.
2. Motion to forward an unfavorable recommendation to the Pittsboro Town Council for the proposed rezone of 172.6 acres from the Agriculture District to the I-2 Light Industrial District.
3. Motion to continue Application 2022-APC-02 to the April 26, 2022 Advisory Plan Commission Meeting.

Pittsboro Plan Commission

ZONING AMENDMENT

1. Applicant(s)

Check One: <input type="checkbox"/> Owner <input type="checkbox"/> Agent <input type="checkbox"/> Lessee <input checked="" type="checkbox"/> Contract Purchaser <input type="checkbox"/> Other: _____		
Name: Jones Development, by: Cameron Cooper, PE, CCIM, Development Manager		
Address: 4520 Madison Ave #100, Kansas City, MO 64111		
Phone: 816-389-5712	Fax:	Email: ccooper@jones-development.com

2. Property Owner(s)

If Applicant is not the Owner, attach completed Attachment A: Affidavit of Ownership

<input type="checkbox"/> Check if owner and applicant are same party.		
Name: MERRITT FARMS, LLC		
Address: 1792 E. County Road 1025 N, Pittsboro, IN 46167		
Phone: c/o Michael Horrigan (317) 439-3452	Fax:	Email: mhorrigan@bradleyco.com

<input type="checkbox"/> Check if owner and applicant are same party.		
Name: BALDAUF FAMILY, LLC		
Address: 235 East Main Street, Pittsboro, IN 46167		
Phone: c/o Michael Horrigan (317) 439-3452	Fax:	Email: mhorrigan@bradleyco.com

3. Applicant’s Contact Person, Attorney, and/or Project Engineer/Surveyor (if any)

Any persons identified within this section are authorized to act on behalf of the petitioner.

Check One: <input checked="" type="checkbox"/> Attorney <input type="checkbox"/> Agent <input type="checkbox"/> Engineer <input type="checkbox"/> Surveyor <input type="checkbox"/> Other: _____		
Name: Andi M. Metzler, TAFT STETTINIUS & HOLLISTER LLP		
Address: One Indiana Square, Suite 3500, Indianapolis, IN 46204		
Phone: 317-713-9484	Fax: 317-713-3699	Email: ametzel@taftlaw.com

Check One: <input type="checkbox"/> Attorney <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Engineer <input type="checkbox"/> Surveyor <input type="checkbox"/> Other: _____		
Name: Ross Nixon, PE at Structurepoint		
Address: 9025 River Road, Suite 200, Indianapolis, IN 46240		
Phone: 317-547-5580	Fax:	Email: rnixon@structurepoint.com

4. Site Information

If only part of a parcel is requested for the Zoning Amendment, then write “PART” after the Tax Parcel Identification Number(s).

Tax Parcel Identification Number(s): 32-03-25-400-009.000-019 32-03-25-400-008.000-019 (PART) 32-03-30-300-003.000-019
Address: (Number and Street): Agricultural Vacant Land – none identified.

Address: (City, Zip Code, State): Agricultural Vacant Land	
If no address, please provide a general street location from the closest street intersection: North of Interstate 74, East of Jeff Gordon Blvd. and West of Northside Drive	
Current Use of Property: <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Other: _____	
Current Zoning District: Agricultural	Comprehensive Plan Designation: Office & Industrial Flex
Project Area (acres): 172.64 acres	Overlay District (if applicable): Interstate 74

5. Descriptions of Proposed Use

Briefly describe type of use(s): Petitioner, Jones Development, is a second-generation industrial developer, having more than 40 years of experience in complex industrial development. Petitioner seeks to rezone the agricultural properties to the I-2 Light Industrial Zoning District to transform and build from the ground up a phased, quality, modern, Light Industrial Campus attractive to e-commerce, logistics, and advanced manufacturing and transportation users.	
The Industrial Campus will include other contiguous parcels totaling 256+- acres. A Project Boundary Plan and Conceptual Site Plan for the overall development of the Light Industrial Campus is provided along with this Petition.	
Is road serving paved?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Other: Roads will be developed as part of the Light Industrial Campus
Number of Entrances / Exits?	Entrances To be determined. Exits To be determined.
Will site have sewer and water utilities?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other: _____
Hours of Operation (if other than residential): To be determined.	

Briefly describe area traffic impact, if any: Roadways, entrances and exits will be developed to accommodate traffic to/from the Light Industrial Campus.
Types of vehicles utilizing site: Vehicle and truck traffic with easy access to Interstate 74.
Is property annexed into Town: Yes.
How Many Lots: The number of lots within the overall 256.64 acre Light Industrial Campus are to be determined.

6. Standards for Evaluating Zoning Amendments

<p>1. The proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan, as adopted and amended from time to time by the Town Council because...</p> <p>Future land use for this district is intended to provide for a range of office, research and development, light industry and warehousing, including a combination of both high intensity users with multistory buildings on large parcels and groups of smaller structures in a campus setting.</p>
<p>2. The proposed amendment is compatible with current conditions and the overall character of existing development in the immediate vicinity of the subject property because...</p> <p>The I-2 Light Industrial District is consistent with Highway Business and the nearby I-3 and I-2 zoned properties along the Interstate 74 corridor.</p>
<p>3. The proposed amendment is the most desirable use for which the land in the subject property is adapted because...</p> <p>The properties are visible from and in close proximity to the Interstate 74 corridor, enabling future users to access key portions of the U.S and Canada within a 1-day drive. A Light Industrial Campus at this location is also the most desirable use, because it aligns with Comprehensive Plan objectives to promote light industrial and supporting commercial development north of Interstate 74.</p>
<p>4. The proposed amendment will not have an adverse effect on the value of properties throughout the jurisdiction because...</p> <p>The proposed development of an I-2 zoned Light Industrial Campus will serve as an economic and employment center and will bring additional investment into the undeveloped area that can support both the existing and anticipated Town population.</p>

5. The proposed amendment reflects responsible standards for development and growth because...

It will utilize currently zoned agricultural areas along the Interstate 74 corridor more effectively. Additionally, the Plan Commission will have oversight of site development and the Interstate Overlay District standards will be applied to assure that design principles for building, site planning, landscaping and signage will promote high quality, innovate site design development for this Light Industrial Campus.

The undersigned states the above information is true and correct as (s)he is informed and believes.

Signature(s) of Applicant(s):

Date:

Andi M. Merzel, Atty for Jones Development

2/22/22

ANDI M. MERZEL, ATTY FOR JONES DEVELOPMENT

FEBRUARY 22, 2022

Notary Statement

Sworn to and subscribed before me the

22 day of February, 20 22

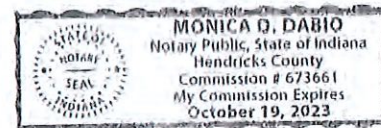
Notary Public in and for the State of Indiana.

Monica D. Dabio

Notary Public / Printed **MONICA D. DABIO**

Seal

My Commission expires: 10/19/2023



For Office Use Only			
Date Filed;	Public Notice:	Newspaper Ad:	
Date of PC Hearing:			
Decision of PC	<input type="checkbox"/> Unfavorable	<input type="checkbox"/> Favorable	<input type="checkbox"/> Favorable with Conditions
Conditions:			

LEGAL DESCRIPTION ZONING AMENDMENT

PARCEL ID: 32-03-30-300-003.000-019

THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 17 NORTH, RANGE 1 EAST, HENDRICKS COUNTY, INDIANA, CONTAINING 157.68 ACRES, MORE OR LESS.

EXCEPTING THEREFROM:

BEGINNING AT THE SOUTHWEST CORNER OF SECTION 30, TOWNSHIP 17 NORTH, RANGE 1 EAST; THENCE NORTH 210.2 FEET ALONG THE WEST LINE OF SAID SECTION TO THE POINT OF BEGINNING OF THIS TRACT; THENCE NORTH 88 DEGREES 40 MINUTES EAST 2609.1 FEET TO A POINT; THENCE SOUTH 210 FEET TO A POINT; THENCE SOUTH 88 DEGREES 40 MINUTES WEST 2609.1 FEET TO A POINT; THENCE NORTH 200 FEET TO THE POINT OF BEGINNING AND CONTAINING 11.979 ACRES, MORE OR LESS.

ALSO EXCEPTING THEREFROM:

BEGINNING AT THE SOUTHWEST CORNER OF SECTION 30, TOWNSHIP 17 NORTH, RANGE 1 EAST, MIDDLE TOWNSHIP, HENDRICKS COUNTY, INDIANA; THENCE NORTH 210 FEET ALONG THE WEST LINE OF SAID SECTION TO THE POINT OF BEGINNING OF THIS TRACT; THENCE NORTH 50 FEET ALONG THE PROPERTY LINE ON THE WEST SIDE OF THIS TRACT TO A POINT; THENCE NORTH 88 DEGREES 40 MINUTES EAST 2344.1 FEET TO A POINT; THENCE NORTH 87 DEGREES 35 MINUTES EAST 9.5 FEET TO A POINT; THENCE NORTH 84 DEGREES 00 MINUTES EAST 22.2 FEET TO A POINT; THENCE NORTH 79 DEGREES 00 MINUTES EAST 22.2 FEET TO A POINT; THENCE NORTH 74 DEGREES 00 MINUTES EAST 22.2 FEET TO A POINT; THENCE NORTH 69 DEGREES 00 MINUTES EAST 22.2 FEET TO A POINT; THENCE NORTH 64 DEGREES 00 MINUTES EAST 22.2 FEET TO A POINT; THENCE NORTH 59 DEGREES 00 MINUTES EAST 22.2 FEET TO A POINT; THENCE NORTH 54 DEGREES 00 MINUTES EAST 22.2 FEET TO A POINT; THENCE NORTH 49 DEGREES 00 MINUTES EAST 22.2 FEET TO A POINT; THENCE NORTH 44 DEGREES 00 MINUTES EAST 22.2 FEET TO A POINT; THENCE NORTH 39 DEGREES 00 MINUTES EAST 22.2 FEET TO A POINT; THENCE NORTH 34 DEGREES 00 MINUTES EAST 22.2 FEET TO A POINT; THENCE NORTH 29 DEGREES 00 MINUTES EAST 22.2 FEET TO A POINT; THENCE NORTH 24 DEGREES 00 MINUTES EAST 22.2 FEET TO A POINT; THENCE NORTH 19 DEGREES 00 MINUTES EAST 22.2 FEET TO A POINT; THENCE NORTH 14 DEGREES 00 MINUTES EAST 22.2 FEET TO A POINT; THENCE NORTH 09 DEGREES 00 MINUTES EAST 22.2 FEET TO A POINT; THENCE NORTH 04 DEGREES 00 MINUTES EAST 22.2 FEET TO A POINT; THENCE NORTH 00 DEGREES 39 MINUTES EAST 7.5 FEET TO A POINT; THENCE NORTH 89 DEGREES 49 MINUTES EAST 14.5 FEET TO THE JUNCTION OF THE PROPERTY LINE ON THE WESTERN BOUNDARY OF A COUNTY ROAD; THENCE SOUTH 00 DEGREES 22 MINUTES EAST 298.9 FEET ALONG SAID BOUNDARY TO A POINT; THENCE SOUTH 88 DEGREES 40 MINUTES WEST 2609.1 FEET TO THE POINT OF BEGINNING AND CONTAINING 3.383 ACRES, MORE OR LESS.

FURTHER EXCEPTING THEREFROM:

A PART OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 17 NORTH, RANGE 1 EAST, HENDRICKS COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTOR'S LAND LYING WITHIN THE RIGHT-OF-WAY LINES DEPICTED ON THE ATTACHED RIGHT-OF-WAY PARCEL PLAT, MARKED EXHIBIT "B", DESCRIBED AS FOLLOWS: BEGINNING ON THE EAST LINE OF SAID QUARTER SECTION SOUTH 1 DEGREE 04 MINUTES 40 SECONDS EAST 834.58 FEET FROM THE NORTHEAST CORNER OF SAID QUARTER SECTION, DESIGNATED AS POINT "2" ON THE LOCATION CONTROL ROUTE SURVEY PLAT RECORDED AS INSTRUMENT 201408333 IN THE OFFICE OF THE RECORDER OF SAID COUNTY; THENCE SOUTH 1 DEGREE 04 MINUTES 40 SECONDS EAST 605.00 FEET ALONG SAID EAST LINE; THENCE SOUTH 88 DEGREES 55 MINUTES 20 SECONDS WEST 30.00 FEET TO THE POINT DESIGNATED "601" ON SAID PARCEL PLAT; THENCE NORTH 10 DEGREES 10 MINUTES 05 SECONDS WEST 126.59 FEET TO THE POINT DESIGNATED "602" ON SAID PARCEL PLAT; THENCE NORTH 1 DEGREE 04 MINUTES 40 SECONDS WEST 225.00 FEET TO THE POINT DESIGNATED "603" ON SAID PARCEL PLAT; THENCE NORTH 3 DEGREES 24 MINUTES 25 SECONDS EAST 255.79 FEET TO THE POINT DESIGNATED "604" ON SAID PARCEL PLAT; THENCE NORTH 88 DEGREES 55 MINUTES 20 SECONDS EAST 30.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.607 ACRES, MORE OR LESS, INCLUSIVE OF THE PRESENTLY EXISTING RIGHT-OF-WAY WHICH CONTAINS 0.278 ACRES, MORE OR LESS.

PARCEL ID: 32-03-25-400-009.000-019

A PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 17 NORTH, RANGE 1 WEST, HENDRICKS COUNTY, INDIANA, BOUNDED AND DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHEAST CORNER OF SAID QUARTER QUARTER SECTION AND RUNNING THENCE NORTH ON THE EAST LINE OF SAID QUARTER QUARTER A DISTANCE OF 40 RODS; THENCE WEST ON A LINE PARALLEL WITH THE SOUTH LINE OF SAID QUARTER 80 RODS OF THE WEST LINE THEREOF, THENCE SOUTH ON SAID WEST LINE 40 RODS TO THE SOUTH LINE OF SAID QUARTER QUARTER; THENCE EAST ON SAID LINE TO THE PLACE OF BEGINNING, CONTAINING IN SAID DESCRIBED TRACT 20 ACRES, MORE OR LESS. SUBJECT TO ALL HIGHWAYS, RIGHTS OF WAY AND EASEMENTS.

REMAINDER OF PARCEL ID: 32-03-25-400-008.000-019***Subdivision Petition Filed/Pending**

A part of the Southeast Quarter of the Southeast Quarter of Section 25, Township 17 North, Range 1 West, 2nd Principal Meridian, Middle Township, Hendricks County, Indiana, described as follows:

Beginning at the northwest corner of said quarter – quarter section; thence North 89 degrees 28 minutes 52 seconds East 1,312.14 feet along the north line of said quarter – quarter section to the northeast corner thereof; thence South 0 degrees 26 minutes 51 seconds East 1,018.10 feet along the east line of said quarter – quarter section to the northerly right-of-way line of Commerce Way Road; thence along said northerly right-of-way the following two (2) courses: 1) South 88 degrees 29 minutes 12 seconds West 206.77 feet; 2) Westerly 258.12 feet along an arc to the right having a radius of 1,403.82 feet and subtended by a long chord having a bearing of North 86 degrees 14 minutes 45 seconds West and a length of 257.76 feet; thence North 0 degrees 17 minutes 6 seconds West 958.81 feet; thence South 89 degrees 42 minutes 54 seconds West 823.21 feet to the easterly right-of-way line of Jeff Gordon Boulevard; thence North 13 degrees 49 minutes 35 seconds West 33.97 feet along said easterly right-of-way line; thence South 89 degrees 42 minutes 54 seconds West 20.00 feet to the west line of the aforementioned quarter – quarter section; thence North 0 degrees 17 minutes 6 seconds West 7.18 feet along said west line to the point of beginning and containing 11.605 acres, more or less.