



ADVISORY PLAN COMMISSION STAFF REPORT

Application No:	2024-APC-02
Meeting Date:	February 27, 2024
Subject:	Rezone
Summary:	Petitioner requests a rezone of approximately 2.30 acres of property located at 33 E Main Street, Pittsboro, IN 46167. The purpose of the rezone is to change the zoning from General Business to Pittsboro Public Works as the Town owns the property.
Petitioner:	Town of Pittsboro / Jason Love, Town Manager
Location:	33 E Main Street, Pittsboro, In 46167 (32-07-06-220-025.000-019)
Parcel Size:	2.30 acres
Existing Zoning:	General Business (GB)
Recommendation:	Approve
Prepared By:	Cynthia Bowen, FAICP cbowen@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 Town owns 2.30 acres of land at 33 E Main Street. There are two buildings that currently exist on the parcel, the Town Administration building and a garage.

The petitioner submitted the rezone on February 8, 2024. Notice of public hearing was published in The Republican on February 15, 2024 and mailed to nearby property owners on February 12, 2024. A technical advisory committee meeting was not held for the Zoning Map 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 the writing of this staff 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 rezoning is changing the Town's land from general business to Pittsboro Public Works which is a government use. This is what the property is being used for now and in the future. By changing the use to the limited PPW it will remain consistent with the character of the comprehensive plan which is residential.

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

The character of the area around the parcel is general business including a bank, dollar general, restaurants, etc. and residential around the south side. By changing the zoning of the property it will continue to be a buffer between adjacent residential and the downtown.

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

It is a government use which serves as a buffer between the adjacent commercial and residential uses. Additionally, the government use does not need road frontage which makes this parcel the perfect use for government.

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

The government buildings are existing buildings on the property. The Town will continue to maintain the buildings and the property thereby ensuring that it doesn't affect neighboring property values.

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

The zoning amendment would facilitate responsible growth as the property is unusually shaped and does not have street frontage. Additional development review will also be required in the form of Site Development Plan approval by the Plan Commission.

Summary

Technical Advisory Committee: Not Applicable

Waivers: None.

Secondary Plat Standards: Plans comply.

Zoning District Standards: Plans comply.

Attachments

1. Rezone Application
2. Map of Property

Recommendation

Staff recommends that the Plan Commission forward a favorable recommendation to the Town Council for the rezone of 2.30 acres from the General Business District (GB) to the Pittsboro Public Works (PPW) District.

Motions

1. Motion to forward a favorable recommendation to the Pittsboro Town Council for the proposed rezone of 2.30 acres from the General Business District (GB) to the Pittsboro Public Works (PPW) District.
2. Motion to forward an unfavorable recommendation to the Pittsboro Town Council for the proposed rezone of 2.30 acres from the General Business District (GB) to the Pittsboro Public Works (PPW) District.
3. Motion to continue Application 2024-APC-02 to the March 26, 2024 Advisory Plan Commission Meeting.

Town of Pittsboro Administration Building

33 E Main Street, Pittsboro, IN 46167

2.30 acres



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Zoning Amendment

Town of Pittsboro, Indiana Advisory Plan Commission

This application is to be used when changing the zoning of a parcel (or parcels) of land.

Attachments Required: A, B, G, H, K (Note: Not all forms may be applicable to each application)

STEP ONE: PRE-APPLICATION

Before filing an application, it is recommended that the applicant meet with the Administrator at least one week prior to the anticipated application submission to discuss the proposed request, and to become more familiar with the applicable requirements. The anticipated agenda date will be used in all public notice requirements. Call (317) 892 - 3326 to schedule a meeting. Applicants will be responsible for all fees associated with the review of the application by the Town's Consultants.

STEP TWO: APPLICATION

Applications must be received at least 28 days before the desired hearing of the Plan Commission. Staff will notify the petitioner when an application is considered complete and is accepted. Any deficiencies will be explained to the applicant. Applications submitted or completed after the posted deadline date will be placed on the next month's application cycle.

Applications, fees, and all required documentation must be submitted by 4:00 pm on the deadline date. These documents are to be submitted to the Town Administration Building, 33 East Main Street, Pittsboro, Indiana 46167.

The items below are required to complete your application and shall be submitted when your application is filed.

Application Form

- All items must be completed fully and either typewritten or printed in ink.
- The application must be signed by the applicants and notarized.

Application Fee

- Please refer to the fee schedule.

- Checks are to be made payable to the Town of Pittsboro and submitted to the Clerk-Treasurer.

Attachment A: Ownership

Attachment E: Neighbor Notice (*Plan Commission*)

Attachment G: Use Variance (*if applicable*)

Attachment H: Development Standards Variance (*if applicable*)

Attachment K: Waiver Request (*if applicable*)

Written Commitments (*if required by the Town*)

Memorandum of Understanding (*if required by the Town*)

Application Fee

Aerial Location Map

- Aerial maps can be obtained from the Hendricks County Surveyor's Office, 355 South Washington Street, Danville, Indiana, 46122. (317) 745-9237 or an internet mapping source.
- Draw property lines of the site plan on the map.

Legal Description

Electronic Files

- The above documentation should be submitted in hard copy as well as electronically (as both PDF and DWG) for the Town's files. If electronic copies are not possible, Town Staff can scan paper copies.

Plan Sets

- If this application is part of a larger development plan, include those documents (e.g. plat plan, site plan review) so these can be reviewed as an entire application package. Documents are to be submitted in accordance with the requirements established by the Town of Pittsboro Zoning Ordinance.

STEP THREE: STATUTORY GUIDELINES FOR ZONING AMENDMENTS

In accordance with IC 36-7-4-603 and with Section 11.4 of the Town of Pittsboro Unified Development Ordinance, when considering a proposal for rezoning, the Plan Commission must pay reasonable regard to the following:

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.

STEP FOUR: TECHNICAL REVIEW COMMITTEE

The Technical Review Committee (TRC) has the review authority; if necessary, for the technical aspects of the application submittal. The TRC or Plan Commission staff will meet to discuss your proposal in the Town Hall approximately three (3) weeks before the desired hearing date. Plan Commission Staff will contact you with an appointment time. The TRC generally includes Plan Commission Staff; Engineer; Public Utility; Town Manager; Street Department, applicable School Superintendent; and applicable Safety Services. You or a designated representative with technical information regarding your submittal should attend. In some instances, additional information may be required by the TRC in order to complete a technical review of your application. This information must be submitted by the last day to submit information for the Staff Report.

STEP FIVE: STAFF REPORT AND AGENDA

After a thorough examination of information in the public record and findings from additional research, staff shall release the Staff Report and Agenda providing an analysis of each agenda item. Such report shall be released along with the agenda a minimum of seven (7) days prior to the hearing. All documents, including revisions, to be studied and considered by staff for use in the Staff Report should be submitted no less than ten (10) days prior to the hearing. Any interested party may provide support documentation to be delivered to the Plan Commission members along with the Staff Report. To do so, the party must provide ten (10) copies of each document, which should be submitted no less than ten (10) days prior to the hearing.

STEP SIX: PUBLIC NOTICE PROCEDURES

Notice of public hearing is to be published in the newspaper and sent to surrounding property owners in accordance with the Plan Commission's Rules of Procedure. This is done by the Town.

STEP SEVEN: BOARD OF ZONING APPEALS HEARING FOR VARIANCE *(if applicable)*

The BZA shall follow their adopted Rules of Procedure for the hearing, a copy of which is available at the Administration Building. Public hearings of the BZA are held at the Administration Building as needed. Always check with the Administration Building to verify the exact meeting date, place, and time should a conflict occur.

When your request comes up on the agenda, the following procedure is followed:

You are asked to present your request to the Board. You may employ an attorney for this purpose or do it yourself. You may use any maps or graphics that will assist you in the presentation. You are encouraged to address the statutory guidelines presented in step three of this application in your presentation. If the Board members need additional information, they will ask questions regarding your request.

Per the Pittsboro Zoning Ordinance and Indiana Code 36-7-4-921(a)(5), the BZA may require the owner of the parcel to make written commitments concerning the use or development of that parcel. These commitments must be recorded with the Town of Pittsboro Recorder prior to the issuance of a building permit.

Per Indiana Code 36-7-4-912, the BZA shall make written Findings of Fact, which is the BZA's decision based upon their interpretation of the Conditions for Evaluating Variances listed in your Application. Within 10 business days of the BZA hearing, Staff will send you a copy of the written Findings of Fact.

STEP EIGHT: PLAN COMMISSION HEARING

The Plan Commission shall follow their adopted Rules of Procedure for the hearing, a copy of which is available at the Administration Building. Public hearings of the Plan Commission are generally held the fourth Tuesday of each month at 7:00 p.m. at the Pittsboro Administration Building. Always check with the Administration Building or Town Staff to verify the exact meeting date, place, and time should a conflict occur.

When your request comes up on the agenda, you will be asked to present your request to the Commission. You may employ a representative for this purpose or do it yourself. You may use any maps or graphics that will assist in the presentation. If the Commission members need additional information, they will ask questions regarding your request. Following any questions, the Commission will take action on your application. They may recommend to approve, approve with conditions, or deny the application. The recommendation of the Plan Commission is then sent to the Town Council for a final hearing.

STEP NINE: LEGISLATIVE BODY HEARING

After the Plan Commission Hearing, the petitioner must contact the President of the Town Council to place their petition on the agenda of the appropriate Legislative Body. The applicant or a representative is required to attend the hearing of the Legislative Body.

The Town Council shall either adopt or reject the recommendation of the Plan Commission or adopt some modification of the recommendation of the Plan Commission. Failure of the legislative body to pass the proposed amendment within ninety (90) days after its rejection by the Plan Commission constitutes rejection of the proposed amendment; and the proposed amendment may not be reconsidered by the Plan Commission or legislative body until the expiration of one (1) year after the date of its original rejection by the Plan Commission.

TOWN OF PITTSBORO

Town of Pittsboro, Indiana Advisory Plan Commission

PLAN COMMISSION FORM

PERMIT# _____

DATE: _____

Name of Petitioner: _____

Address: _____

Phone Number: _____

Email _____

Which form are you using?

Site Plan _____

Plot Plan _____

Primary Plat _____

Secondary Plat _____

Rezoning _____

Subdivision _____

BZA _____

Other _____

PLEASE EMAIL FORM TO:

inspections@townofpittsboro.org or

drop it off at 33 East Main Street, Pittsboro

ADMINISTRATIVE FEE:

Will vary depending on the process/form.

RECEIPT INFORMATION:

Cash _____ Check # _____ Pay Gov: _____

Date _____

Form 108-23

Pittsboro Plan Commission

ZONING AMENDMENT

1. Applicant(s)

Check One: <input type="checkbox"/> Owner <input type="checkbox"/> Agent <input type="checkbox"/> Lessee <input type="checkbox"/> Contract Purchaser <input type="checkbox"/> Other: _____		
Name:		
Address:		
Phone:	Fax:	Email:

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:		
Address:		
Phone:	Fax:	Email:

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 type="checkbox"/> Attorney <input type="checkbox"/> Agent <input type="checkbox"/> Engineer <input type="checkbox"/> Surveyor <input type="checkbox"/> Other: _____		
Name:		

Address:		
Phone:	Fax:	Email:

Check One: <input type="checkbox"/> Attorney <input type="checkbox"/> Agent <input type="checkbox"/> Engineer <input type="checkbox"/> Surveyor <input type="checkbox"/> Other: _____		
Name:		
Address:		
Phone:	Fax:	Email:

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):
Address: (Number and Street):
Address: (City, Zip Code, State):
If no address, please provide a general street location from the closest street intersection:

Current Use of Property: <input type="checkbox"/> Agriculture <input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Other: _____	
Current Zoning District:	Comprehensive Plan Designation:
Project Area (acres):	Overlay District (if applicable): _____

5. Descriptions of Proposed Use

Briefly describe type of use(s):			
Is road serving paved?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Other: _____
Number of Entrances / Exits?	Entrances _____	Exits _____	
Will site have sewer and water utilities?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Other: _____
Hours of Operation (if other than residential):			
Briefly describe area traffic impact, if any:			
Types of vehicles utilizing site:			
Is property annexed into Town:			
How Many Lots:			

6. 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 because...

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...

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

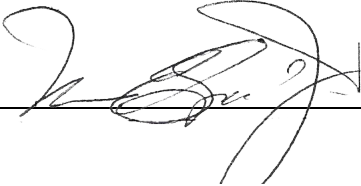
4. The proposed amendment will not have an adverse effect on the value of properties throughout the jurisdiction because...

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

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

Signature(s) of Applicant(s):

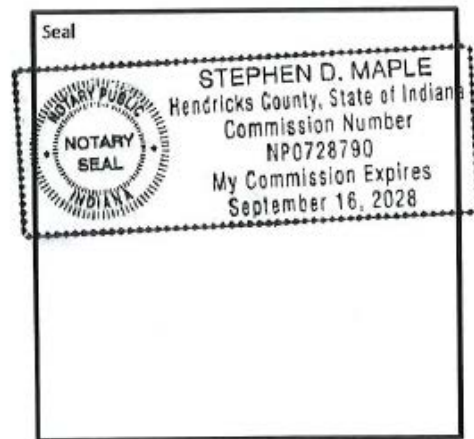
Date:



NOTARY STATEMENT

Sworn and subscribed before me the
9th day of Feb, 2024
Notary Public in and for the State of Indiana


Notary Public / Printed
STEPHEN D. MAPLE
My Commission expires: 4/14/2025



For Office Use Only		
Date Filed:	Public Notice: 2/6/2024	Newspaper Ad: 2/15/2024
Date of PC Hearing: 2/27/2024		
Decision of PC	<input type="checkbox"/> Unfavorable	<input type="checkbox"/> Favorable <input type="checkbox"/> Favorable with Conditions
Conditions:		