

## **Findings of fact as incorporated Into the May 3, 2007 Planning Commission Minutes**

### **A-2 to C-1**

**Findings of fact relative to the recommendation to rezone the East ½ of the North 497 feet of the Northeast ½ of Section 23, T.4N, R.13W, of Salem Township, from A-2 to C-1**

**1. Consistency with the Master Plan.**

On May 3, 2007, the Planning Commission formally recommended adoption of the 2007 Master Plan. The proposed Master Plan identifies the subject property for commercial use. The previous Master Plan also identifies the subject property for commercial use. The Planning Commission finds that the proposed rezoning is consistent with the Master Plan on the basis that the subject parcel has been long identified for commercial use and is easily accessible and is located at an important intersection on a key local arterial street (142<sup>nd</sup> vs. 26<sup>th</sup> Street). The Commission finds that commercial development at this location and in its proposed configuration will allow for a concentration of commercial development in this key intersection area and will facilitate the avoidance of commercial strip development in unplanned areas elsewhere along the 142<sup>nd</sup> Avenue corridor.

**2. Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area.**

The Planning Commission has reviewed the range of potential uses that may be allowed in the C-1 District and notes that on face value, activities generated by several potential commercial uses could be considered incompatible with nearby residential uses. The Planning Commission also recognizes that there are 8 to 10 existing single family homes in close proximity to the proposed C-1 site and that more residential development is possible under current planning and zoning. The Planning Commission finds, however that none of the existing homes are directly adjacent, and all would be separated from the proposed C-1 District by at least the width of the public street. The Commission also finds that within the zoning ordinance are zoning standards and safeguards that commercial uses must adhere to in order to protect nearby uses. The Planning Commission has concluded that the locations of existing structures, the physical separation between the proposed C-1 and existing structures and the additional setbacks and buffer requirements of zoning, and other performance requirements of zoning will minimize or eliminate the adverse impacts resulting from commercial activity on nearby existing and future low density home sites. It is also a stated objective of the Master Plan to enhance those standards and protections. The Planning Commission also notes that agricultural activity is a planned and permitted principal use that is expected to continue on adjoining lands to the south and lands to the north and northeast. Business and agricultural operations are not considered incompatible and the Commission finds business use to be less incompatible with farming than residential development.

**3. Whether any public services and facilities would be significantly adversely impacted by a development or use allowed under the requested rezoning.**

The Planning Commission finds that the proposed commercial location is well positioned for easy and quick access for emergency responders based in Burnips (2 miles) and Dorr (4 miles) and for regular police patrols. In the absence of quantitative objectives being raised by the Fire Department the Commission concludes that the additional development facilitated by the new zoning district will not over capacitate the fire services. The Planning Commission finds that public sanitary sewer and public water are not available to the proposed site. It also finds that it is the policy of the Township to allow low density/low intensity development without such utilities when there are reasonable assurances that environmental safeguards pertaining to on-site water supplies and wastewater management will be adequate to protect surface and groundwater. The Planning Commission finds that given the proposed developed site, the proposed uses, and the environmental standards imposed by the Township, County and State, development under the C-1 designation will be appropriately structured and scaled to minimize environmental impacts.

**4. Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than the uses allowed under the current zoning.**

The Planning Commission finds that the site is located at the intersection of a paved county primary road and a paved county local road. Both streets provide direct routing to the interstate highway /expressway system. The Commission finds that the current and expected passenger vehicle and commercial traffic volumes associated with the adjacent streets makes and will make this intersection less desirable for new residential development than on streets designed specifically for residential purposes and most desirable for business development. The Commission also finds that agricultural activity is expected to continue on adjacent properties, and that such activity, which may include intensive irrigation from groundwater sources, application of fertilizers and pesticides, periods of excessive noise and dust generation from cultivation and harvesting, among other activities, can be highly incompatible with intensive residential use.

The Commission finds that given the specific location of the site relative to the street system, the allowable range of uses permitted in the A-2 District, the proposed C-2 District uses are at least as well suited for the site as the current A-2 Zoning.

Based on the above findings, the Planning Commission recommends approval of the subject C-2 Zoning request.

**A-2 to I-1**

**Findings of fact relative to the recommendation to rezone the west ½ of the north 497 feet of the northeast ½ of Section 23, T.4N, R.13W, or Salem Township, from A-2 to I-1.**

**1. Consistency with the Master Plan.**

On May 3, 2007, the Planning Commission formally recommended adoption of the 2007 Master Plan. The proposed Master Plan identifies the subject property for future industrial use. The Planning Commission finds that the proposed rezoning is consistent with the Master Plan on the basis that the subject parcel has is easily accessible and is located at an important intersection on a key local arterial street (142<sup>nd</sup> vs. 26<sup>th</sup> Street). The Commission finds that commercial development at this location and in its proposed configuration will allow for a small concentration of industrial development in association with nearby commercial development at key intersection area. It is felt that this will facilitate the avoidance of extensive business strip development in unplanned areas elsewhere along the 142<sup>nd</sup> Avenue corridor. The Planning Commission also finds that this rezoning request is consistent with an identified need to provide an appropriate location for small industrial businesses to locate in the Salem Township.

**2. Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area.**

The Planning Commission has reviewed the range of potential uses that may be allowed in the I-1 District and notes that there are some activities that could be considered incompatible with nearby residential uses if they were to locate here and if allowed to locate and operate in an unregulated fashion. The Planning Commission also recognizes that there are several existing single family homes adjacent to and in relatively close proximity to the proposed I-1 site. The Planning Commission finds, however, that most of the existing homes would be separated from the proposed I-1 District by at least the width of the public street.

The Commission also finds that within the zoning ordinance are zoning standards and safeguards that industrial uses must adhere to in order to protect nearby uses. The Planning Commission has concluded that physical separation between the proposed I-1 and most existing structures is substantial and the additional setbacks and buffer requirements of zoning, and other performance requirements of zoning will minimize or eliminate the adverse impacts on remaining existing and future low density home sites resulting from business activity. It is also a stated objective of the Master Plan to enhance those standards and protections.

The Planning Commission also notes that agricultural activity is a planned and permitted principal use that is expected to continue on adjoining lands to the south and lands to the north and northeast. Business and agricultural operations are not considered incompatible and the Commission finds business use to generally be less more compatible with farming than residential development.

The Planning Commission also finds that the proposed industrial zone will be generally compatible with the adjacent commercial area planned and requested to the east and that when coupled with the commercial zone will afford an opportunity to effectively manage driveway and access between the two districts.

**3. Whether any public services and facilities would be significantly adversely impacted by a development or use allowed under the requested rezoning.**

The Planning Commission finds that the proposed industrial zone is well positioned for easy and quick access for emergency responders based in Burnips (2 miles) and Dorr (4 miles) and for regular police patrols. In the absence of quantitative objectives being raised by the Fire Department the Commission concludes that the additional development facilitated by the new zoning district will not over capacitate the fire services. The Planning Commission finds that public sanitary sewer and public water are not available to the proposed site. It also finds that it is the policy of the Township to allow low density/low intensity development without such utilities where surface waters are not likely to be directly impacted and where there are reasonable assurances that environmental safeguards pertaining to on-site water supplies and wastewater management will be adequate to protect the deeper groundwater aquifers that are relied upon for domestic uses. The Planning Commission finds that given the proposed developed site, the range of potential uses, and the environmental standards imposed by the Township, County and State, development under the I-1 designation will be appropriately designed, engineered and scaled to avoid adverse environmental impacts.

**4. Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than the uses allowed under the current zoning.**

The Planning Commission finds that the site is located near the intersection of a paved county primary road and a paved county local road. Both streets provide direct routing to the interstate highway /expressway system. The Commission finds that the current and expected passenger vehicle and commercial traffic volumes associated with the adjacent streets will make this intersection increasingly less desirable for new residential development than on streets designed specifically for residential purposes and most desirable for business development. The Commission also finds that agricultural activity is expected to continue on adjacent properties, and that such activity, which may include intensive irrigation from groundwater sources, application of fertilizers and pesticides, periods of excessive noise and dust generation from cultivation and harvesting, among other activities, can be highly incompatible with intensive residential use.

The Commission finds that given the specific location of the site relative to the street system, the allowable range of uses permitted in the A-2 District, the proposed I-1 District uses are at least as well suited for the site as the current A-2 Zoning.

Based on the above findings, the Planning Commission recommends approval of the subject I-1 Zoning request.