



PLAN COMMISSION STAFF REPORT

ITEM NO: 5 **APPLICATION NO.** 0121-2023

MEETING DATE: October 23, 2023

SUBJECT: Amended Development Plan and Ordinance

PETITIONER(S): Agape Therapeutic Riding Resources, Inc. (Applicants)

SUMMARY: Amended development plan and ordinance

LOCATION: 11366 E. State Road No. 38

WAIVERS REQUESTED: NA

RECOMMENDATION: Approval

PREPARED BY: Joyceann Yelton, Development Services Manager
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Planning Terms

Amend or Amendment – Any repeal, modification, or addition to a regulation; any new regulation; any change in the number, shape, boundary, or area of a district, or any repeal or abolition of any map, part thereof, or addition thereto.

Development Plan - A scale drawing, including a legal or site description, of the real estate involved which shows the location and size of the following, both existing and proposed: all buildings, structures, and yards; topographic map; location and dimension of building lines and easements; widths and lengths of all entrances and exits to and from said real estate; location of all adjacent or adjoining streets, service facilities; and other improvements such as planting areas.

Stony Creek Estates – Area south of State Road No. 38, and east of Stony Lane containing approximately +/- 100 acres. This planned development includes included residential, recreational, and commercial uses. It was established in 1999. The property was zoned M-PD which noted it was Mixed Planned Development. The area has the following zoning districts with a planned development overlay including R1, R2, R4, PD/I1, and FH.

Procedure

The application was filed on the August deadline for a public hearing at the October 23, 2023 Plan Commission meeting. The proposed amendment is discussed at a Plan Commission Meeting where a public hearing is held. The Plan Commission hears the evidence presented by Staff, applicant/owner, and any individuals in the audience wishing to speak for or against the proposed amendment. The Plan Commission then makes a recommendation to the Common Council for either adoption, denial, or amends the applicants' proposal. The Plan Commission has the authority to modify the proposal and/or attach conditions to the recommendation. The Council then hears the proposal, including the Plan Commission's recommendation at two separate Council meetings. At the final Council meeting the amendment is adopted, denied, or modified by the Council. Prior to the public hearing before the Commission, a published legal notice is advertised in the newspaper and public hearing notices are sent to the surrounding property owners by certificate of mailing. Notices were sent to the surrounding property owners as required.

Correspondence

As of the time of writing, Staff has not received any inquiries regarding the application.

Summary

As staff began reviewing the possibility of Agape Therapeutic Riding being located at this site (Stony Creek Estates/Stony Creek Farms Planned Development), (Exhibit 1 – Aerial Photograph) we discovered that the adopted 1999 ordinance has conflicting information, so Staff is bringing this item before the Plan Commission to address these outstanding issues. As an example, the ordinance states

that the property is zoned M-PD but then proceeds to note individual zonings for specific areas with the commercial area noted as being zoned two different zoning classifications. Staff is not changing any of the requirements in the existing ordinance but only clarifying the areas that are conflicting. At this time since Agape has acquired the site and is currently in a capital campaign to raise monies for this area to expand their services, it was Staff's recommendation that we include their proposed development plan (**Exhibit 2 – Preliminary Development Plan**) so that later, it would be an administrative process to prior to obtaining a building permit.

As you may recall, Stony Creek Farms operated from the site many years prior to the planned development for Stony Creek Estates. The farm portion sold pumpkins, conducted special events that attracted hundreds of people to the area, had a garden center, conducted school tours of the site, had horses on the farm

Agape serves those individuals who may have physical, emotional, cognitive, and/or social disabilities through equine-assisted programs. They provide learning experiences with the help of the equine partners. Lessons are facilitated by Professional Association of Therapeutic Horsemanship (PATH) with Certified Therapeutic Riding Instructors and PATH Equine Specialists in Mental Health and Learning. These instructors help to inspire emotional, cognitive, social, and physical growth through interactive and engaging activities with horses. Horses for the most part social creatures and interact dynamically with each other as well as people.

Based on the updated preliminary development plan it includes trails, horse stables, arenas, a care takers residence, a community building, pastures, administrative offices, and an equipment storage building. This undertaking of raising money and construction will span over several years.

History

- 1999 Adopted Ordinance

Adopted the original ordinance in 1999Item	Description	Analysis
<i>Surrounding Land Uses</i>	North – Undeveloped “Crossroads PD” residential and commercial South – Stoney Creek Golf Club East – Highlands at Stony Creek West – Single-Family 1+ acre parcels	<i>The surrounding land uses are commercial and residential in nature</i>
<i>Comprehensive Master Plan and Future Land Use</i>	<i>Residential, Commercial and Preservation/Conservation</i>	<i>The original adopted planned development adheres to the current master plan.</i>
<i>Traffic Circulations and Thoroughfare Plan</i>	<i>State Road No. 38 (State Highway)</i>	State Highway is a type of road that is under the jurisdiction of the State of Indiana Department of Transportation and is considered an arterial for functional classification purposes.
<i>TAC Comments</i>		NA

Attachments

Exhibit 1

Overall Stony Creek Estates Aerial Photograph

Exhibit 2

Amended Preliminary Development Plan

Recommendation

Staff recommends approval of the amended development plan and the clarification to the ordinance.

Motions

1. Motion to approve the amended development plan as submitted and the update to the original ordinance to clarify the intent per the presentation for Application No. 0121-2023.
2. Motion to deny the amended development plan and update to the existing ordinance for Application No. 0121-2023 **(LIST REASONS)**
3. Motion to continue Application No. 0121-2023 until the November 20, 2023 meeting.