

ORDINANCE NO. FCO 2017-9
ORDINANCE AMENDING THE ZONING
ORDINANCE AND MAP OF
FLOYD COUNTY, INDIANA
March 7, 2017

WHEREAS, an application (Docket #08-16-24) was properly filed with the Floyd County Plan Commission (Docket 08-16-23) by Didelot Properties, LLC (22 +/- acres) by their legal representative and by their attorneys, Young, Lind, Endres & Kraft, by John A. Kraft, for the rezoning from Park-Recreation (P-R) in the Highlander Point Gateway Overlay District to HS (Highway Service) in the Highlander Point Gateway Overlay District of certain real estate located in the County of Floyd, the legal description of which is more specifically described in Exhibit "A", attached hereto and becoming part of as if the same were set out herein (the "Real Estate"); and

WHEREAS, the time and place of the meeting of the Floyd County Plan Commission was properly noticed and advertised for a meeting to take place on December 19, 2016 at 6:00 p.m. at the Pineview Government Center in New Albany, Indiana; and

WHEREAS, the Plan Commission members present and voting on December 19, 2016 at the hour scheduled and noticed for said meeting, voted to send the matter to the Floyd County Commissioners with an unfavorable recommendation without any written commitments from the applicant; and

WHEREAS, the Real Estate is subject to the Development Standards of the Highway Service District and also the Highlander Pont Gateway District that require the approval of a Development Plan in accordance with Floyd County Zoning Ordinance (Article Nine, Section 9.02) and also the more stringent development standards of the Highlander Point Gateway Overlay District (Article 8, Section 8.05 *et seq.*); and

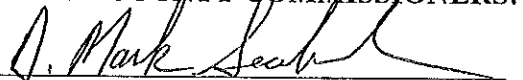
WHEREAS, since the meeting of the Floyd County Plan Commission on December 19, 2016, the applicant has agreed to a written commitments that any "Development Plan" presented to the Floyd County Plan Commission in accord with the Floyd County Zoning Ordinance would also include the Plan Commission's right to review the "motor vehicle circulation" plan (Section 8.06 (D)) not only within the bounds of the Real Estate but also review relating to access (both ingress and egress) to and from the above Real Estate to the public roads, including Highway 150, and improvements thereto in accord with the Indiana Department of Transportation ("InDOT").

WHEREAS, the Commissioners of Floyd County, Indiana hereby, after careful consideration and with the inclusions of the applicant agreeing to the written commitment concerning motor vehicle circulation being part of the Plan Commission review of the Development Plan as required under the Floyd County Zoning Ordinance in the Highlander Point Gateway Overlay District above, hereby amend the Zoning Ordinance of the County of Floyd, to provide for said rezoning from Park-Recreation (PR) to HS (Highway Service) of the Real Estate in the Highlander Point Gateway Overlay District.

BE IT THEREFORE ORDAINED by the Commissioners of Floyd County, Indiana, that the Zoning Ordinance of Floyd County, Indiana, be, and it is hereby amended and further that the Zoning Map of Floyd County, Indiana, shall hereafter indicate the Real Estate described herein, which is more particularly described in Exhibit "A", attached hereto is hereby rezoned from Park Recreation (PR) to HS (Highway Service), with the written commitment from the owners concerning motor vehicle circulation being part of the Plan Commission review of the Development Plan as required under the Floyd County Zoning Ordinance in the Highlander Point Gateway Overlay District not only within the bounds of the Real Estate but also review relating to access (both ingress and egress) to and from the above Real Estate to the public roads, including Highway 150, and improvements thereto in accord with the Indiana Department of Transportation ("InDOT").

Passed and adopted by the Commissioners of Floyd County, Indiana on the 7th day of March, 2017.

FLOYD COUNTY COMMISSIONERS:


D. MARK SEABROOK, President

JOHN SCHELLENBERGER



BILLY STEWART


ATTEST:


SCOTT CLARK, AUDITOR

7.47 +/- acres, in a Planned Unit Development-Neighborhood Commercial (PD-NC) zone. Georgetown Township, Section 1, Township 3 South, Range 5 East.

Tabled at the request of the applicant

 **Docket FC-08-16-22:** Request for a **Zoning Amendment** by **Didelot Family Members** to change the property zoning from Agricultural Residential (AR) to Highway Services (HS). The property is located immediately south of the crossover of I-64 and IN-150 on .73 +/- acres in Lafayette Township, Section 30, Township 2 South, Range 6 East.

 John Kraft represented the applicant and answered questions directed by the Board.

Mr. Kraft stated that DOCKET FC-08-16-22 is requested to be tabled until such time that Docket FC-08-16- 23 and Docket FC-08-16- 24 have been dealt with.

Docket FC-08-16- 23: Request for a **Zoning Amendment** by **Didelot Family Members** to change the zoning of the properties from Residential Suburban (RS) to Highway Services (HS). The properties are located at 4511 Old Vincennes Road 7.84 +/- acres in Lafayette Township, Section 30, Township 2 South, Range 6 East.

John Kraft represented the applicant and answered questions directed by the Board.

Mr. Kraft requested to table until the December 19th meeting.

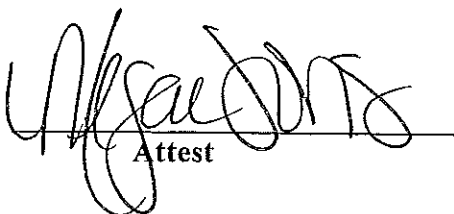
Docket FC-08-16- 24: Request for a **Zoning Amendment** by **Didelot Family Members** to change the zoning of the properties from Park/Recreation (PR) to Highway Services (HS). Properties are located near Old Vincennes Road and Highway 150 on 22 +/- acres in Lafayette Township, Section 30, Township 2 South, Range 6 East.

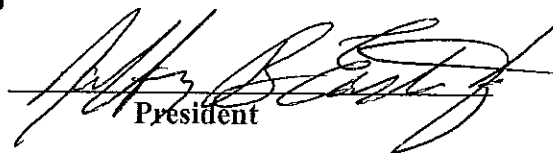
John Kraft represented the applicant and answered questions directed by the Board.

Mr. Kraft requested to table until the December 19th meeting.

Motion: 6:07 pm, **Action:** Adjourn, **Moved** by John Schellenberger, **Seconded** by Jeff Eastridge. Motion passed unanimously.

Adopted this 19th day of December, 2016


Attest


President

FLOYD COUNTY PLAN COMMISSION

ZONING AMENDMENT BALLOT

Docket No. FC-08-16-23

Petitioner's Name: John Kraft for The Didelot Family

STATUTORY AUTHORITY:

Indiana Code § 36-7-4-608

ORDINANCE AUTHORITY:

Floyd County Zoning Ordinance 2006

In reviewing the zoning amendment petition, the Plan Commission and County Commissioners shall pay reasonable regard to the following: (1) The Floyd County Comprehensive Plan and any other applicable, adopted planning studies or reports; (2) The current conditions and the character of current structures and uses in each district; (3) The most desirable use of which the land in each district is adapted; (4) The conservation of property values throughout Floyd County; and (5) Responsible growth and development.

DECISION:

After careful review, the Floyd County Plan Commission finds that:

- 1. The re-zoning of the subject property (IS / IS NOT) consistent with the Floyd County Comprehensive Plan because:

of location

- 2. The re-zoning of the subject property (IS / IS NOT) consistent with the current conditions and the character of current structures and uses in the area because:

the existing infrastructure will not support the change

- 3. The re-zoning of the subject property (IS / IS NOT) necessary for the most desirable use of the land because:

of the undesirable effects from the property to be developed.

- 4. The re-zoning of the subject property (WILL NOT / WILL) be injurious to the value of other properties in the area because:

of the buffered areas.

- 5. The re-zoning of the subject property (WILL / WILL NOT) support responsible growth and development in the area because:

of the safety issues of the public

Upon careful review, the Floyd County Plan Commission hereby makes:

- A Favorable Recommendation
- An Unfavorable Recommendation
- No Recommendation

to the County Commissioners concerning the Petitioner's Zoning Amendment Application at the meeting held on the 19 day of December, 2010.

A favorable recommendation is made based on the following written commitments:

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____

Floyd County Plan Commission
Resolution Pertaining to Amendment to the Floyd County Zoning Map

WHEREAS, the Floyd County Plan Commission met on December 19, 2016 and conducted a public hearing on this matter, Docket FC-08-16-23 pursuant to I.C. 36-7-4-608; and

WHEREAS, the Plan Commission heard from both proponents and opponents of the zoning map amendment and voted to forward a/an:

Favorable Recommendation

Unfavorable Recommendation

No Recommendation

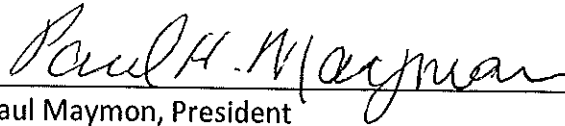
For the project known as *Didelot Family Members by John Kraft* by a vote of 6 - 2.

NOW THEREFORE,

1 Abstained

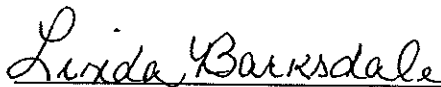
BE IT FURTHER RESOLVED that the staff of the Floyd County Plan Commission shall forward a certified copy of this resolution to the Floyd County Commissioners for any further action which they may desire.

SO RESOLVED this 19 day of December, 2016.



Paul Maymon, President
Floyd County Plan Commission

Attest:



Linda Barksdale, Executive Plan Director
Floyd County Plan Commission

Delivered to Teresa
11/31/17 9:13 AM

Commission Members in Favor: *of the motion,*

Commission Members Opposed:

Wm B. Gelsa
Chad A. Eyer
[Signature]
Paul H. Mayman
John Scheeler
[Signature]

~~*[Signature]*~~
~~*[Signature]*~~
Paul [Signature]

December 3, 2013

Authority: Floyd County Zoning Ordinance 2006

*no vote
but ok*

CERTIFICATION OF ACTION

Comes now the Floyd County Plan Commission pursuant to I.C. 36-7-4-608, and hereby certifies that the attached Recommendation on Zoning Amendment is a true and accurate copy of the Recommendation as made at its regularly scheduled meeting on the 19 day of December, 2016. The Ballot accurately reflects the vote of the Floyd County Plan Commission on the Recommendation.

Date: 12/19/2016

Linda Barksdale
Linda Barksdale, Executive Plan Director
Floyd County Plan Commission

*Delivered to
Teresa 1/3/17
9:13 AM*



Floyd County Government
Floyd County, Indiana



FLOYD COUNTY PLAN COMMISSION

Linda Barksdale, Executive Plan Director

Pine View Government Center • 2524 Corydon Pike, Suite 203 • New Albany, IN 47150
Phone: (812) 948-5441 • Fax: (812) 941-4571 • lbarksdale@floydcounty.in.gov

December 27, 2016

John Kraft
126 W. Spring Street
New Albany, IN 47150

RE: Docket FC-08-16-23
FC-08-16-24

Mr. Kraft,

On December 19, 2016 the Floyd County Plan Commission provided an unfavorable recommendation for your project being sent to the Commissioners.

For additional information regarding the Commissioners meeting please contact their office, 812-948-5466.

Should you have any questions, please feel free to contact the office.

Sincerely,

Linda Barksdale
Executive Director

LSB/mj

OVERVIEW OF NORTH SITE



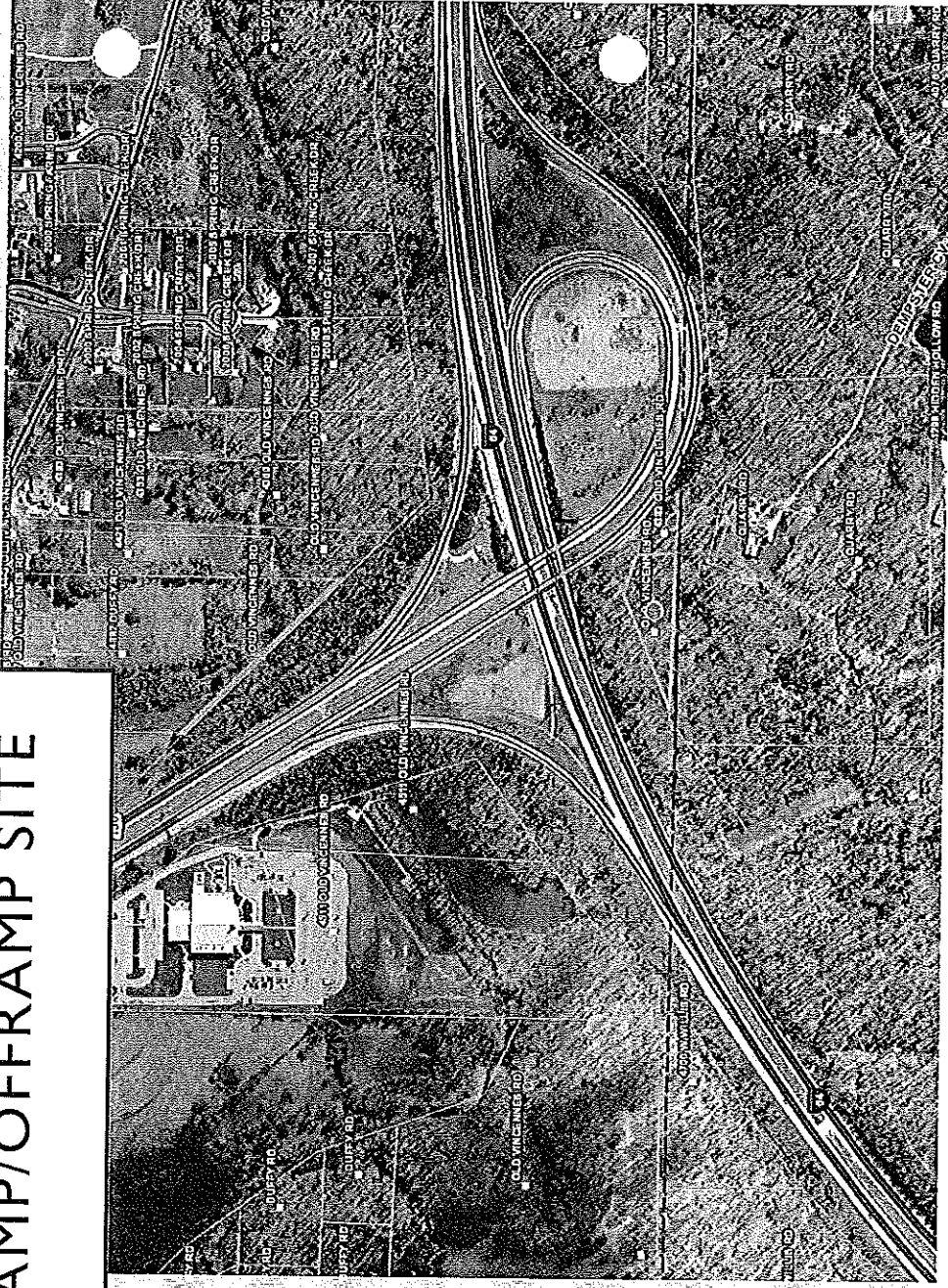
- North Parcel
- 22 Acres
- Fronts: Hwy 150 & Old Vincennes Road
- Elevations: 748 to 800'
- Current Zoning: PR (Park)
- Proposed Zoning: HS (Highway Service)

OVERVIEW OF SOUTH SITE

- South Parcel
- 8 Acres
- Fronts: Hwy 150 & Old Vincennes Road
- Elevations: 800 to 820'
- Current Zoning: RR (Residential)
- Proposed Zoning: HS (Highway Service)



OVERVIEW OF ONRAMP/OFFRAMP SITE



- South Parcel along Onramp/Offramp
- 1.2 Acres (1 Acre Split)
- Fronts: I-64 & Highway 150 Onramp
- Elevations: 850'
- Current Zoning: AR (Agriculture)
- Proposed Zoning: HS (Highway Service)

AREA INFORMATION

- Area Highway Interchange Overview
- Exit 123 – New Albany
- Exit 120 – Greenville (subject)
- Exit 118 – Georgetown
- Exit 113 – Lanesville
- Exit 105 – Corydon

6

Floyd County Recorder
Carolyn Eves
CFE Date 12/16/1999 Time 12:09:09 3P
I 990019208 Page 1 of 3

Tax Statement Address:
5151 Old Vincennes Road
Floyds Knobs, IN 47119

Parcel No.: 004-22500-82
004-22500-07

WARRANTY DEED

THIS INDENTURE WITNESSETH that **JAMES E. DIDELOT**, of Floyd County, Indiana, **ROBERT C. DIDELOT**, of Milan, Ohio, **MARY ELLEN KOOPMAN**, of Floyd County, Indiana, **DOROTHY A. KRUER**, of Clark County, Indiana, and **EDWARD L. DIDELOT**, of Floyd County, Indiana, as tenants in common, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, do hereby

CONVEY AND WARRANT

unto **DIDELOT PROPERTIES, L.L.C.**, an Indiana Limited Liability Company, the real estate located in the County of Floyd, State of Indiana, described as follows, to-wit:

Part of the West half of Section 30, Township 2 South, Range 6 East, described as follows:

Beginning at the Southeast corner of Plat 988, which point is the center of Little Indian Creek and on the half section line 1544.92 feet South of the Northeast corner of the Northwest Quarter of Section 30, Township 2 South, Range 6 East;

Thence South along the half section line and continuing along the West boundary line of Plat 957 and continuing along the half section line to Old Vincennes Road and U.S. 150 to the center line of Little Indian Creek; thence Northeasterly along the center line of Little Indiana Creek to the South line of Plat 988; thence Northeasterly along the center line of Little Indian Creek and the south line of Plat 988, 863.21 feet to the place of beginning. Containing 22 acres, more or less.

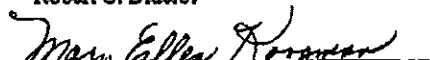
Subject to any and all easements and/or restrictions of public record that may apply to said real estate.


Grantee, by the acceptance of this deed, assumes and agrees to pay the 1999 taxes due and payable in 2000 and all subsequent taxes.


IN WITNESS WHEREOF, the Grantor has caused this Deed to be executed this 15th day of December, 1999.


James E. Didelot


Robert C. Didelot


Mary Ellen Koopman


Dorothy A. Krueger


Edward L. Didelot

STATE OF INDIANA)
) :SS
COUNTY OF FLOYD)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared James E. Didelot, Robert C. Didelot, Mary Ellen Koopman, Dorothy A. Kruter, and Edward L. Didelot and acknowledged their voluntary execution of the above and foregoing Warranty Deed.

WITNESS my hand and Notarial Seal this 15 day of December, 1999.

My Commission Expires:

5/24/07

Glenn G. Hancock
Notary Public

GLENN G. HANCOCK
Printed Name

County of residence: Floyd



Duly Entered For Taxation
Subject To Final Acceptance
For Transfer

DEC 16 1999

Barbara J. Sellings
AUDITOR FLOYD CO. IND.

This instrument prepared by
Glenn G. Hancock
Attorney at Law
421 West 1st Street
New Albany, IN 47150
(812) 949-4000

417788xy2.6ed