

**Floyd County Board of Commissioners
Ordinance Pertaining to Map Amendments to the Floyd County Zoning Ordinance**

Whereas, the Floyd County Board of Commissioners met on December 20th, 2022, on this matter pursuant to IC 36-7-4-608; and

Whereas, the Board received from the Floyd County Plan Commission a favorable recommendation of the proposed zoning map amendment from Neighborhood Commercial (NC) to Multi-family Residential (MF) (Exhibit A – Location & Legal Description; Exhibit B – Plan Commission Ballots & Certification).

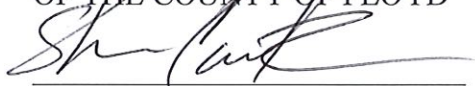
Whereas, the Plan Commission heard from both proponents and opponents of the map amendments to the zoning ordinance in accordance with IC 36-7-4-604

NOW, THEREFORE,

BE IT ORDAINED that Floyd County Zoning Ordinance Map is amended as indicated on attached exhibits.

SO RESOLVED this 20th day of December 2022.


BOARD OF COMMISSIONERS
OF THE COUNTY OF FLOYD



Shawn Carruthers, President



John Schellenberger, Commissioner



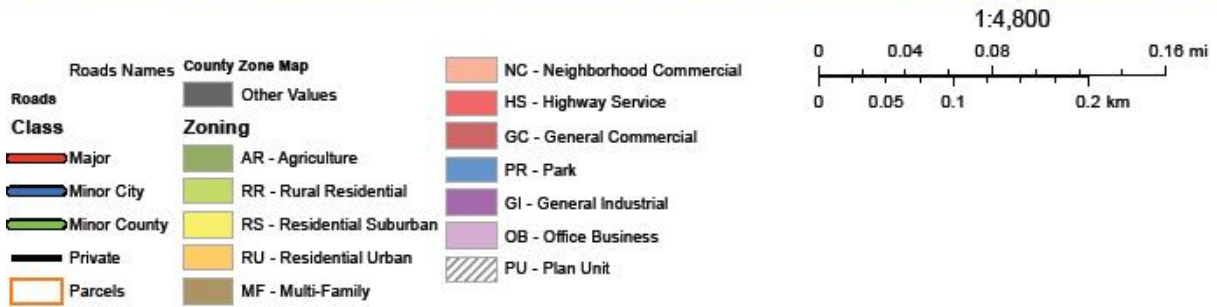
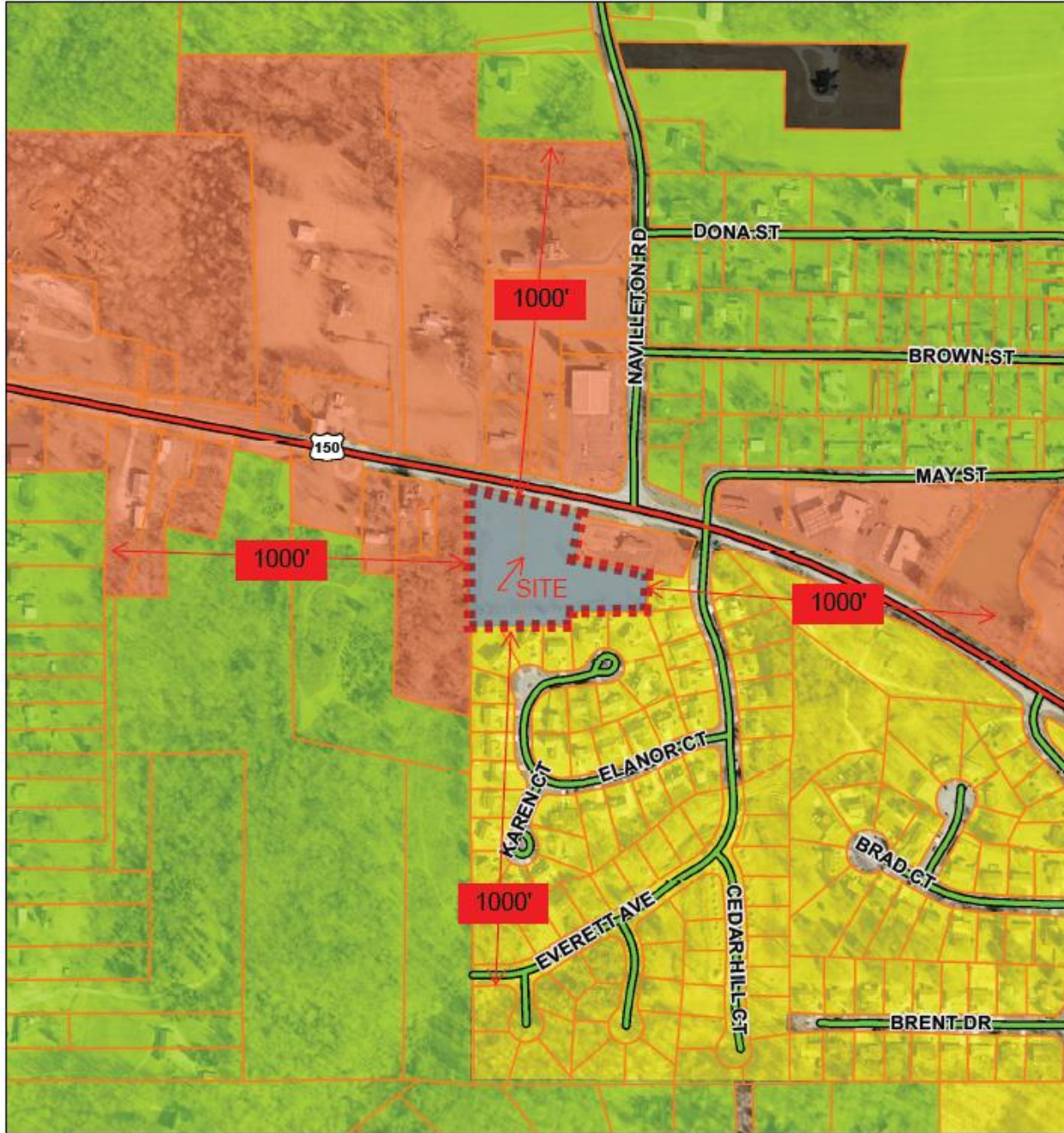
Tim Kamer, Commissioner

ATTEST:



Jaqueline Wenning, County Auditor

Exhibit A: Location & Legal Description



Parcels: 22-03-01-100-259.000-004 & 22-13-01-100-213.000-004

Exhibit A: Location & Legal Description

Legal Description



PRIMAVERA & ASSOCIATES

ENGINEERING & LAND SURVEYING

Jason M. Copperwaite,
PE, PS, FAA-UAS
President

David A. Sanders,
PE
Vice President

William McDonough,
EIT
Project Manager

J. Michael Rich,
PE, CPESC,
Project Manager

Daniel Hartman,
PE
Project Manager

Chase Blakeman,
FAA-UAS
Project Manager

Paul Foster,
Project Draftsman

Kevin Wagner,
Project Draftsman

Paul Primavera,
PE, PS
President Emeritus

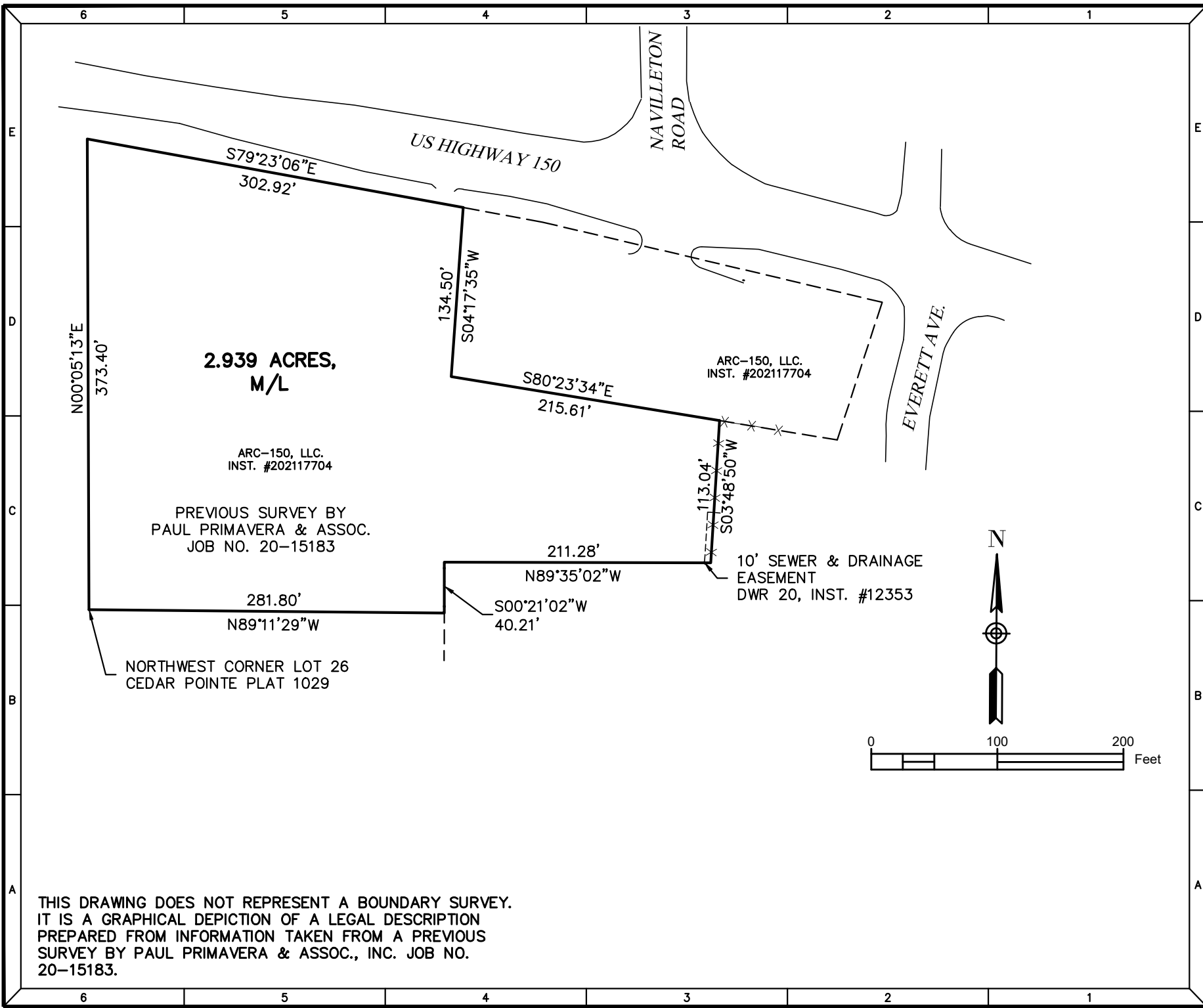
The following is a legal description prepared on this 22nd day of November 2022 of real property, being part of Southwest quarter, Section #11, Township 2 South, Range 5 East, Greenville Township, Floyd County, Indiana, being depicted on a description plat by Paul Primavera & Associates Job No. 20-15183, prepared by Jason M. Copperwaite, RLS #20200046, more particularly described as follows:

Beginning at the Northwest corner of Lot #26 of Cedar Pointe Plat #1029; thence North 00° 05' 13" East 373.40 feet to the South right-of-way of US Highway 150; thence along said right-of-way South 79° 23' 06" East 302.92 feet; thence leaving said right-of-way South 04° 17' 35" West 134.50 feet; thence South 80° 23' 34" East 215.61 feet; thence South 03° 48' 50" West 113.04 feet; thence North 89° 35' 02" West 211.28 feet; thence South 00° 21' 02" West 40.21 feet; thence North 89° 11' 29" West 281.80 feet to the point of beginning containing 2.939 Acres, more or less.

Being part of that property conveyed to ARC-150, LLC. in Instrument #202117704 as recorded in the Office of the Recorder of Floyd County, Indiana.

Included a 10.00 foot sewer and drainage easement as recorded in deed drawer #20, Inst #12353.

Being subject to all easements, restrictions, and rights-of-way of record.



Revision	Date	By
4:		
3:		
2:		
1:		

DESCRIPTION PLAT
 ARC - JASON SAMS
 PART SW QUARTER, SEC #11,
 T2E, R5E, GREENVILLE
 TOWNSHIP, FLOYD COUNTY, IN

**ENGINEERS
&
LAND SURVEYORS**

PAUL PRIMAVERA
& ASSOCIATES

301 E. CHESTNUT ST.
 CORYDON, IN 47112
 TEL: (812) 738-4124
 FAX: (812) 738-6740

Date: 11/22/22
Drafted By: KMW
Checked By: PWF
Directory: T: \2020\15183
File: 20-15183 DES
Job No.: 20-15183
Drawing No. 1 OF 1

THIS DRAWING DOES NOT REPRESENT A BOUNDARY SURVEY.
 IT IS A GRAPHICAL DEPICTION OF A LEGAL DESCRIPTION
 PREPARED FROM INFORMATION TAKEN FROM A PREVIOUS
 SURVEY BY PAUL PRIMAVERA & ASSOC., INC. JOB NO.
 20-15183.

Exhibit B: Plan Commission Ballots & Certification
FLOYD COUNTY PLAN COMMISSION

ZONING MAP AMENDMENT BALLOT

Docket No. FC-10-22-46

Petitioner's Name: Jason Sams, ARC

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: the proposed change is consistent with the smart growth principals in the Comprehensive Plan specifically mixed land uses, compact building design, creating a range of housing opportunities, directing development towards existing communities and preserving open space, farmland, natural beauty and critical environmental areas as this is an infill development.
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: commercial uses at the front of the lot are consistent with the original neighborhood commercial zoning. Nearby structures include: a coffee shop, a church, gas station, a car wash, undeveloped lots, and the Cedar Point Subdivision to the rear of the development. A mix of commercial and residential uses is appropriate for the area.
3. The re-zoning of the subject property (IS / IS NOT) necessary for the most desirable use of the land because: the rezoning follows the smart growth principals noted above. It also provides additional housing identified as needed in the Purdue Housing Report the County completed in 2020.
4. The re-zoning of the subject property (WILL NOT / WILL) be injurious to the value of other properties in the area because: the addition of a multi-family component will support local business customer base. The development will increase the value of the lot itself and is expected to have positive impacts on neighboring commercial lots.
5. The re-zoning of the subject property (WILL / WILL NOT) support responsible growth and development in the area because: the rezoning follows the objectives of Smart Growth outlined in the Floyd County Comprehensive Plan. Higher density development is directed towards existing infrastructure. The development is an in-fill development.

Upon careful review, the Floyd County Plan Commission hereby makes a(n) FAVORABLE / UNFAVORABLE recommendation on the Petitioner's Zoning Amendment Application at the meeting held on the 14 day of November, 2022.

This favorable recommendation is contingent upon primary approval of the Planned Unit Development FC/10-22-48

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

1. Drainage will not be harmful or detrimental to downstream neighbors and must be approved by the County Stormwater board.

2. Developer will provide a deceleration lane on Highway 150 to be extended as approved by INDOT and the County Engineer.

3. The development will follow the Galena Commons Planned Unit Development plan as approved by the Floyd County Planning Commission.

4. _____

5. _____

6. _____

7. _____


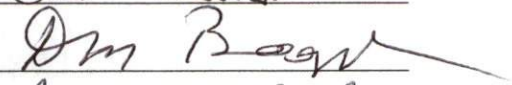
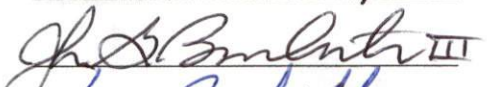



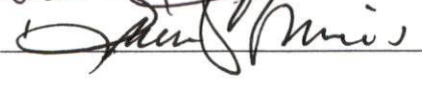
8. _____

9. _____

10. _____

Commission Members in Favor:

Commission Members Opposed:

July 22, 2013

Authority: Floyd County Zoning Ordinance 2006

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 14 day of November, 2022. The Ballot accurately reflects the vote of the Floyd County Plan Commission on the Recommendation.

Date: November 14, 2022



 Nicholas Creevy, Executive Plan Director
 Floyd County Plan Commission

PLANNED UNIT DEVELOPMENT (PUD) BALLOT

Floyd County Plan Commission
Pine View Government Center
2524 Corydon Pike, Suite 203
New Albany, IN 47150
Phone: 812-948-5440; Fax: 812-941-4571

ORDINANCE AUTHORITY: Floyd County Zoning Ordinance

Name of Development: Galena Commons

Docket No.: FC-10-22-48

Petitioner/Owner Name: Jason Sams, ARC

ADVISORY CONCEPTUAL SKETCH PLAN PHASE

1. Petitioner (HAS / HAS NOT) provided all required information needed for review of the conceptual sketch plan.
2. A conceptual sketch plan conference (HAS / HAS NOT) been conducted with the petitioner. 8/25/2022 w/ Jason Sams, Dow Loop, & Nick Creevy
3. Recommendations by the Plan Commission / Planning Director on the conceptual sketch plan:
 - Provide verification on sewer capacity. Must have sewer capacity with out expansion.
 - Will need approval from INDOT for Highway 150 access.

Signature: 
Planning Director or Representative

Date: 11/9/2022

DETAILED DEVELOPMENT PLAN PHASE

STAFF REVIEW:

1. Petitioner has met all the following requirements:

(strike out any of the following that do not apply)

- ✓ A. Conceptual Sketch Plan submitted for review by the Planning Director
- ✓ B. Conceptual Sketch Plan conference with the Planning Director or Representative - 8/25/22
- ✓ C. Site Plan drawn to scale, meeting requirements of Section 7.06 (c)
- ✓ D. Affidavit of Ownership (if applicable)
- ✓ E. Letter verifying proper waste disposal will be available to the property - Agua INDIANA
- ✓ F. Identification of existing and proposed easements and their purpose -
- ✓ G. Detailed plans for handling water supply, sanitary sewers, storm water drainage system, traffic circulation, pedestrian connectivity, parking, loading, lighting, signage, and landscaping - lighting, signage & landscaping detail plans needed prior to secondary
- ✓ H. Copy of proposed covenants, conditions, and restrictions - none
- ✓ I. Written approvals for roads and storm water drainage from the County Engineer and County Surveyor - Email from Co Engineer & Storm Water
- ✓ J. Letter describing any written commitments being made by the Petitioner(s) - L01
- ~~K.~~ Agreement between multiple owners to not develop the parcels separately, but in accordance with a single, unified plan N/A
- ✓ L. Statement addressing compliance with Conceptual Sketch Plan recommendations - rec. - written commitment
- ✓ M. Zoning Amendment Petition Approved - TBD

2. Petitioner has met the following development standards for a Planned Unit Development District:

(Strike out any of the following that do not apply)

- ✓ A. Minimum land area of:
 - ✓ (1) two (2) acres to qualify for any residential base zone; or
 - ~~✓~~ (2) two (2) acres to qualify for any commercial/industrial base zone
- ✓ B. Minimum Road Frontage for PUD of one hundred (100) feet
- ✓ C. Square footage of all primary structures, accessory structures, and impervious surfaces does not exceed seventy percent (70%) of lot coverage
- ✓ D. Minimum open space of fifteen percent (15%)
- ✓ E. If PUD is planned in a base residential and/or multi-family zone, no more than twenty-five percent (25%) of the total proposed development gross square footage for commercial uses
- ~~✓~~ If PUD is planned in a base commercial zone, no more than thirty percent (30%) of the total proposed development gross square footage for residential development
- ~~✓~~ If PUD is planned in a base industrial zone, no more than forty percent (40%) of the total proposed development gross square footage for commercial development

Signature: 
Planning Director or Representative

Date: 11/9/2022

FLOYD COUNTY PLAN COMMISSION REVIEW:

1. Proposed PUD (**DOES NOT** / **DOES**) vary significantly from the zoning and subdivision control regulations concerning: design

Specifically 5.09 Buffer Yard and 5.50 Pedestrian Amenities. The location of the rear buffer yard screening an existing berm is more than 10' from the property line and the existing berm is less than 6' in height. The proposed development does not provide a perimeter sidewalk along the right of way and internal sidewalks connecting parking and open space/common areas are missing.

2. Proposed land uses in the PUD (**ARE NOT** / **ARE**) in conflict with the spirit and intent of the Comprehensive Plan, surrounding land uses, and zoning districts.

The area is a commercial growth area. The proposed project has direct access to Hwy 150, it can be served by all utility providers. The proposed project is in a currently zoned Neighborhood Commercial district with residential suburban (Cedar Point) adjacent to the proposed development. Duplexes are located in the Galena Commercial Growth Area currently. Commercial frontage use and residential multi-family is similar to nearby uses.

3. Proposed PUD (**DOES** / **DOES NOT**) provide for adequate public services, light, air, traffic control, open and/or common space, and recreation.

The proposal does include adequate public services as demonstrated by the service providers letters. The proposal includes reasonable traffic circulation plan and has direct access to a high-volume state highway. The proposal provides the required open space but a large portion of it is used for the detention basin. Additional common space/recreational amenities are recommended such as picnic area/tables, benches, playground etc.

4. Proposed PUD (**IS** / **IS NOT**) compatible with adjacent properties and surrounding neighborhood.

Commercial frontage use is consistent with neighborhood commercial uses and the existing neighborhood commercial zoning. Multi-family residential is appropriate with mixed uses .

5. Proposed PUD (**WILL NOT** / **WILL**) interfere with the use or diminish the value of adjacent properties and surrounding neighborhood.

The improvements proposed on the vacant site is expected to have positive impacts on neighboring property values. Mixed retail commercial and multi-family will not diminish the use of neighboring properties. Appropriate buffering is required along the boundary of adjoining residential properties. Stormwater detention will require approval from Floyd County Stormwater board to assure no negative impacts.

6. Proposed PUD (**WILL NOT** / WILL) diminish the level of service for roadway system in the vicinity.

The site has direct access to Hwy 150 and secondary access to the traffic light intersection at Navileton Road. A permit form INDOT will be required to ensure service and extending the deceleration lane is recommended.

7. Proposed PUD (**CAN** / CANNOT) be immediately and adequately served by existing public facilities and services.

Letters have been provided by service providers to support this development.

8. Proposed PUD (**DOES** / DOES NOT) preserve natural and historic resources to the extent possible.

The existing site is substantially cleared and vacant. The proposed development will provide additional plantings. There are no known historic resources.

9. Proposed PUD (**WILL NOT** / WILL) be injurious to the public health, safety, and general welfare.

The proposed PUD is consistent with the planning documents for this area. Adequate public infrastructure is available for the development as are public services. Drainage will require approval from the Floyd County Stormwater Board.

10. Written commitments (**WILL** / **WILL NOT**) be required. Please specify those required written commitments:

- A. Drainage will not be harmful or detrimental to downstream neighbors and will be approved by Floyd County Stormwater Board.
- B. Developer will provide a deceleration lane on Highway 150 to be extended as approved by INDOT and the County Engineer.
- C. Provide a joint use agreement for shared parking and access drive with the adjoining property (Coffee Crossing).

11. Petitioner (WILL / WILL NOT) be required to meet conditions. Please specify those required conditions:

- A. Stormwater detention approvals are required prior to secondary approval
- B. An INDOT permit for the Highway 150 entrance is required prior to secondary approval.
- C. Extend the deceleration lane as approved by INDOT and the County Engineer. *for the new entrance*
- D. The landscaping, lighting and signage plans are required prior to secondary approval and must be consistent with Multi-Family Standards or as approved by the Planning Commission.
- E. The buffer yard will utilize the existing berm (as is) with additional plantings and a six-foot fence within ten feet of the property line. Where there is no existing berm (east side of property) a six-foot fence is required within ten feet of the property line with plantings. Plantings will be consistent with the buffer yard 2 density.
- F. Provide additional outdoor recreational amenities for multi-family, such as walking path, playground, benches/picnic area, etc.
- G. Internal sidewalks are required to provide access to parking lots and open space (east and west parking spaces).
- H. Project will meet the fire protection conditions stipulated by Lafayette Township Fire department letter dated 10/18/2022.

DECISION:

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 Planned Unit Development Application

at the meeting held on the 14 day of November, 2022.

Commission Members in Favor:

Gene Anderson
Don Beers
Jack Brubaker III
Larry Burkham
Steve Cant
W. S. [Signature]
Ben Harris

Commission Members Opposed:

CERTIFICATION OF ACTION

Comes now the Floyd County Plan Commission and hereby certifies that the attached Recommendation on PUD is a true and accurate copy of the Recommendation as made at it's regularly scheduled meeting on the 14 day of November, 2022. The Ballot accurately reflects the vote of the Floyd County Plan Commission on the Recommendation.

Date: November 14, 2022

Nicholas Creevy
Nicholas Creevy, Executive Plan Director
Floyd County Plan Commission