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Jana K Gray
Morgan County Recorder IN
Recorded as Presented

(8)

ORDINANCE NO. 2022-16

AN ORDINANCE REZONING LAND WITHIN
THE JURISDICTION OF MORGAN COUNTY, INDIANA

WHEREAS, the Morgan County Commissioners have adopted a Unified Development Ordinance (UDO) for the County that includes a map showing the zoning classifications assigned to land within the County's jurisdiction; and

WHEREAS, a petition has been filed by Scott Phillips, Dawn Phillips, Vernon Swigert, and Donald Swigert requesting the County to rezone certain real estate located in a part of the west half of the Southwest Quarter of Section 16, Township 13 North, Range 2 East, Morgan County, Indiana. This real estate is fully described in the attached legal description Exhibit A and illustrated in attached Exhibit B; and

WHEREAS, the petitioners requested approximately sixteen (16) acres to be rezoned from Agriculture (AG) to Residential (R-1) as part of a 6-lot minor plat; and

WHEREAS, the Morgan County Plan Commission conducted a public hearing on October 12, 2022 for the petitioners' proposed zone classification and the Plan Commission has certified the proposal with a **favorable recommendation** to the Morgan County Commissioners; and

WHEREAS, the Morgan County Commissioners have reviewed and considered the Plan Commission's recommendation.

NOW THEREFORE BE IT ORDAINED BY THE MORGAN COUNTY COMMISSIONERS
THAT: the real estate described in the attached legal description shall have the zoning classification of **Residential (R-1)**.

This ordinance is hereby passed and adopted this 17th day of October 2022 and shall be effective as of the execution of this ordinance.

MORGAN COUNTY COMMISSIONERS


Kenny Hale


Don Adams


Bryan Collier

ATTEST:


Dan Bastin, Morgan County Auditor

EXHIBIT A

Phillips/Swigert Petition Z-22-05

EXHIBIT "A" Legal Description

For APN/Parcel ID(s): SPLIT FROM 55-06-16-300-004.000-015

THE WEST HALF OF THE FOLLOWING DESCRIBED PROPERTY IN MORGAN COUNTY, INDIANA: A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION SIXTEEN (16), TOWNSHIP 13 NORTH, RANGE TWO EAST OF THE SECOND PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

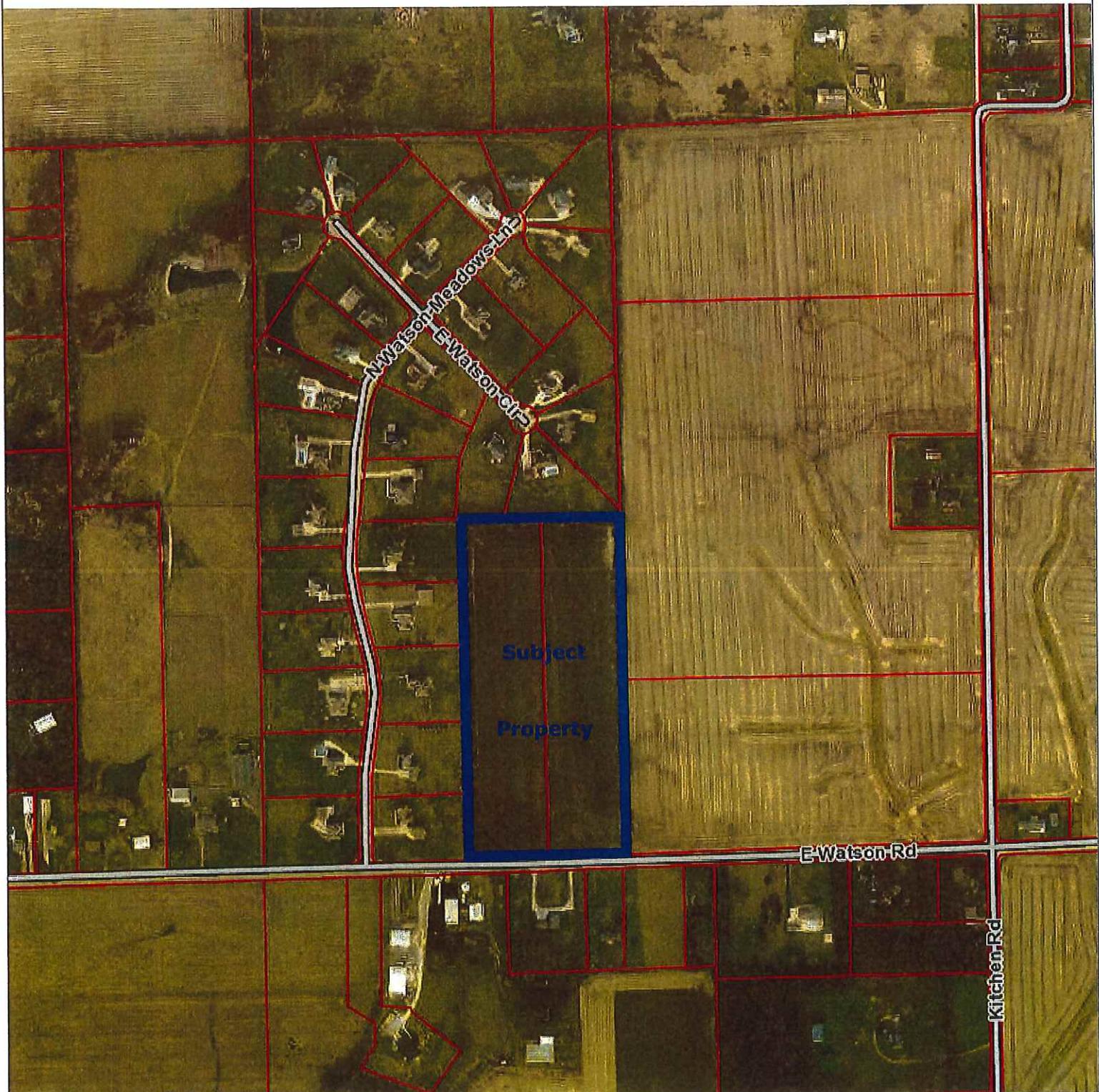
BEGINNING AT THE SOUTHEAST CORNER OF SAID WEST HALF; THENCE NORTH NINETEEN (19) CHAINS, THENCE WEST EIGHT (8) CHAINS AND SEVENTY-THREE AND TWO-THIRDS (73 2/3) LINKS; THENCE SOUTH NINETEEN (19) CHAINS; THENCE EAST EIGHT (8) CHAINS AND SEVENTY-THREE AND TWO-THIRDS (73 2/3) LINKS TO THE PLACE OF BEGINNING. CONTAINING EIGHT AND THIRTY HUNDREDTHS (8.30) ACRES, MORE OR LESS.

SUBJECT TO AND TOGETHER WITH AN EASEMENT BEING TWENTY-FIVE (25) FEET IN EVEN WIDTH ALONG THE ENTIRE EAST SIDE OF THE WEST HALF OF THE FOLLOWING DESCRIBED PROPERTY IN MORGAN COUNTY, INDIANA: A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION SIXTEEN (16), TOWNSHIP 13 NORTH, RANGE TWO EAST OF THE SECOND PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID WEST HALF; THENCE NORTH NINETEEN (19) CHAINS, THENCE WEST EIGHT (8) CHAINS AND SEVENTY-THREE AND TWO-THIRDS (73 2/3) LINKS; THENCE SOUTH NINETEEN (19) CHAINS; THENCE EAST EIGHT (8) CHAINS AND SEVENTY-THREE AND TWO-THIRDS (73 2/3) LINKS TO THE PLACE OF BEGINNING.

EXHIBIT B

Phillips/Swigert Petition Z-22-05





MORGAN COUNTY PLAN COMMISSION
180 South Main Street
Martinsville, IN 46151
765.342.1060

PLAN DIRECTOR
Laura Parker

PLAN COMMISSION

Terry Brock
Melanie DePoy
Dustin Frye
Kenny Hale
Michele Jones
Jason Maxwell
Brian Patrick
Fred Roberts
Bill Rumbaugh

BOARD OF ZONING
APPEALS

John Chappelow
Gordon Crone
Gerard McGrath
Fred Roberts
Bill Rumbaugh

CERTIFICATION OF ZONING PROPOSAL

To: Morgan County Commissioners
From: Morgan County Plan Commission
Date: October 13, 2022
Re: Rezoning Recommendation

On October 12, 2022, the Morgan County Plan Commission conducted a public hearing on Petition Z-22-05, submitted by Scott Phillips, Dawn Phillips, Vernon Swigert, and Donald Swigert, to rezone 16 acres from Agriculture (AG) to Residential 1 (R-1). The property is generally located on the north side of Watson Road approximately $\frac{1}{4}$ mile west of the in the Kitchen Road intersection in Madison Township, Morgan County, Indiana.

After the public hearing, the Plan Commission voted to forward a unanimous **favorable recommendation** to the Morgan County Commissioners to rezone the above-referenced property from Agriculture to Residential 1.

Having complied with the applicable statutory requirements, the Plan Commission hereby certifies this proposal and its recommendation to the Morgan County Commissioners.

Dustin Frye, Plan Commission Secretary



MORGAN COUNTY PLAN COMMISSION
180 South Main Street
Martinsville, IN 46151
765.342.1060

MORGAN COUNTY PLAN COMMISSION

Staff Report

October 12, 2022

Rezone Request: Z-22-05

GENERAL INFORMATION

Petitioners/Owners: Scott & Dawn Phillips
9041 N Watson Meadows Lane
Mooresville IN 46158

Vernon Swigert and Donald Swigert
9120 N Watson Meadows Lane
Mooresville IN 46158

Tax ID / Parcel #: 55-06-16-300-004.000-015
55-06-16-300-004.001-015

Request: Rezone property from AG to R-1

SITE INFORMATION

Location: 0 E Watson Road in Madison Township

Acreage: 16.593 acres

Existing Land Use: Undeveloped/agricultural

Current Zoning District: AG (Agriculture)

Surrounding Zoning: The surrounding zoning is AG except R-1 to the west.

Related Petitions: Minor Plat Petition MIP-22-03

DESCRIPTION OF THE PETITION

The petitioners are seeking to rezone this property to Residential 1 (R-1) in connection with their minor plat request.

CHARACTER OF THE SITE AND SURROUNDING AREA

The immediate area would be characterized as a combination of agriculture and rural residential.

BACKGROUND AND HISTORY

This property was originally purchased by the petitioners in September 2022. They then used an exemption to split the property so each would get half. To further subdivide the property, they are minor platting the two parcels into six lots and requesting to rezone it to R-1 which is consistent with the adjacent Watson Meadows subdivision where both petitioners currently reside. However, it should be noted that rezoning is not a requirement of the UDO if the minor plat meets AG development standards. In this case, each lot must be at least 2 acres. Each of the six lots in this minor plat exceeds the 2-acre minimum.

STAFF RECOMMENDATION

Rezoning to R-1 is not a requirement for minor platting. The petitioners can leave the property zoned AG and still meet the requirements for a 6-lot minor plat. Even though staff would prefer higher density in this area, the minor platting requirements have been satisfied, so the minor plat will have to be approved even if the rezone request fails. Because the R-1 zoning is preferable to leaving it zoned AG, staff supports a *favorable* recommendation of this rezoning request.

Plan Commission Action:

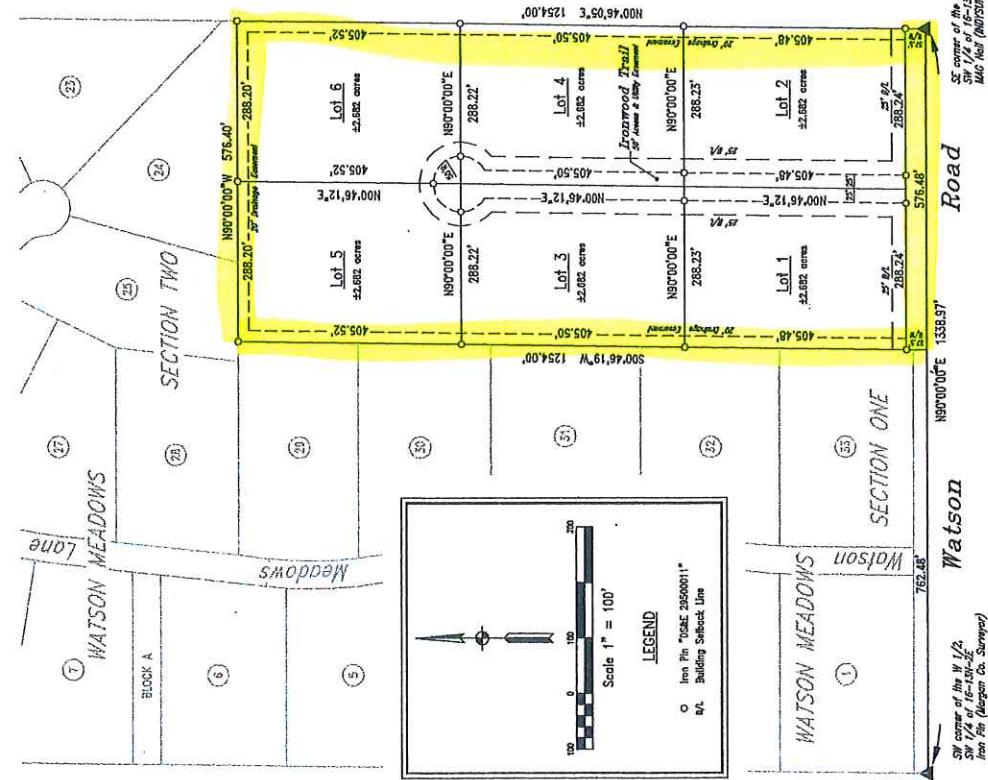
Forward a Favorable Recommendation for the R-1 Zoning Request
or

Forward a Favorable Recommendation with Commitments for the R-1 Zoning Request
or

Forward an Unfavorable Recommendation for the R-1 Zoning Request

Ironwood Trail Miner Plat

A subdivision of
Part of the W 1/2 of the SW 1/4
Section 16, Township 13 North, Range
Madison Township, Morgan County, I.



DEDICATION OF IRONWOOD TRAIL MINOR PLAT
We the undersigned, ROBERT SCOTT PHILLIPS, DAWN PHILLIPS,
VERNON SWIGERT and DONALD SWIGERT, owners of said real
estate shown and described on the attached plat, do hereby
declare that we have held all related and unrecorded real
estate.

A subdivision of
**Part of the W 1/2 of the SW 1/4
Section 16, Township 13 North, Range
Madison Township, Morgan County, Indiana**

DESCRIPTION OF BIRKWOOD TRAIL, WIND. B.A.T.
is, the unclaimed, being duly substituted and released as a
Protestant Land Surveyor within the limits of Indiana, do swear
by God that the description of BIRKWOOD ROAD, WIND. B.A.T.
as a subdivision in Indiana Township, Morgan County, Indiana, is
a true representation of a portion of the property described
as follows: A true representation of a subdivision of 16 acres, being
1/4 of the Southeast Quarter of Section 16, Township 13 North,
Range 2 East, of the Seaman Precise Meridian, the description of
which being prepared by J. Ross Draplin, Indiana Professional
Land Surveyor, prepared 23/2/0011, and being more particularly described
as follows:

BRONWOOD TRAIL, MINOR PLAT, consists of six (6) lots designated as Lot Numbers One (1) through Six (6), inclusive. The size of the lots and widths of the streets are shown in Figures detailing feet and decimal parts thereof.

is the undersigned, an Indiana Professional Land Surveyor, herein by certify that to the best of my knowledge and belief: this plan was prepared for the subdivision of land in accordance with the Indiana Land Subdivision and Development Ordinance but the particular plan of subdivision was not recorded in the Office of the Indiana State Auditor of State until January 12, 2022, in accordance with Indiana Code 36-22-12.55. The plan was recorded in the Office of the Indiana State Auditor of State on January 12, 2022, and the documents have been sent.

Digitized by srujanika@gmail.com

REVIEWS

Final Plat
Sheet 1 of 2

<p>INDIANA</p> <p>STATE OF INDIANA</p> <p>CHARTER OF MORGAN COUNTY</p> <p>2022-2023</p> <p>APPROVED BY THE BOARD OF COMMISSIONERS OF MORGAN COUNTY, INDIANA AS FOLLOWS:</p> <p>Approved by the Morgan County Rec Commission at a meeting held on</p> <p>the _____ day of _____, 2022.</p>	
<p>Chairperson's Signature</p> <p>Chairperson (Printed)</p>	<p>Secretary's Signature</p> <p>Secretary (Printed)</p>

EDWARD TIDWELL

Aerial Map - Z-22-05 - Phillips/Swigert
E Watson Road

