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10/18/2022 01:19:02P 8 PGS  
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

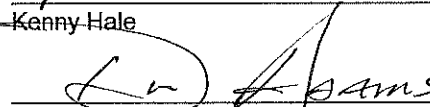
**WHEREAS**, the Morgan County Commissioners have reviewed and considered the Plan Commission's recommendation.

**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 17<sup>th</sup> 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

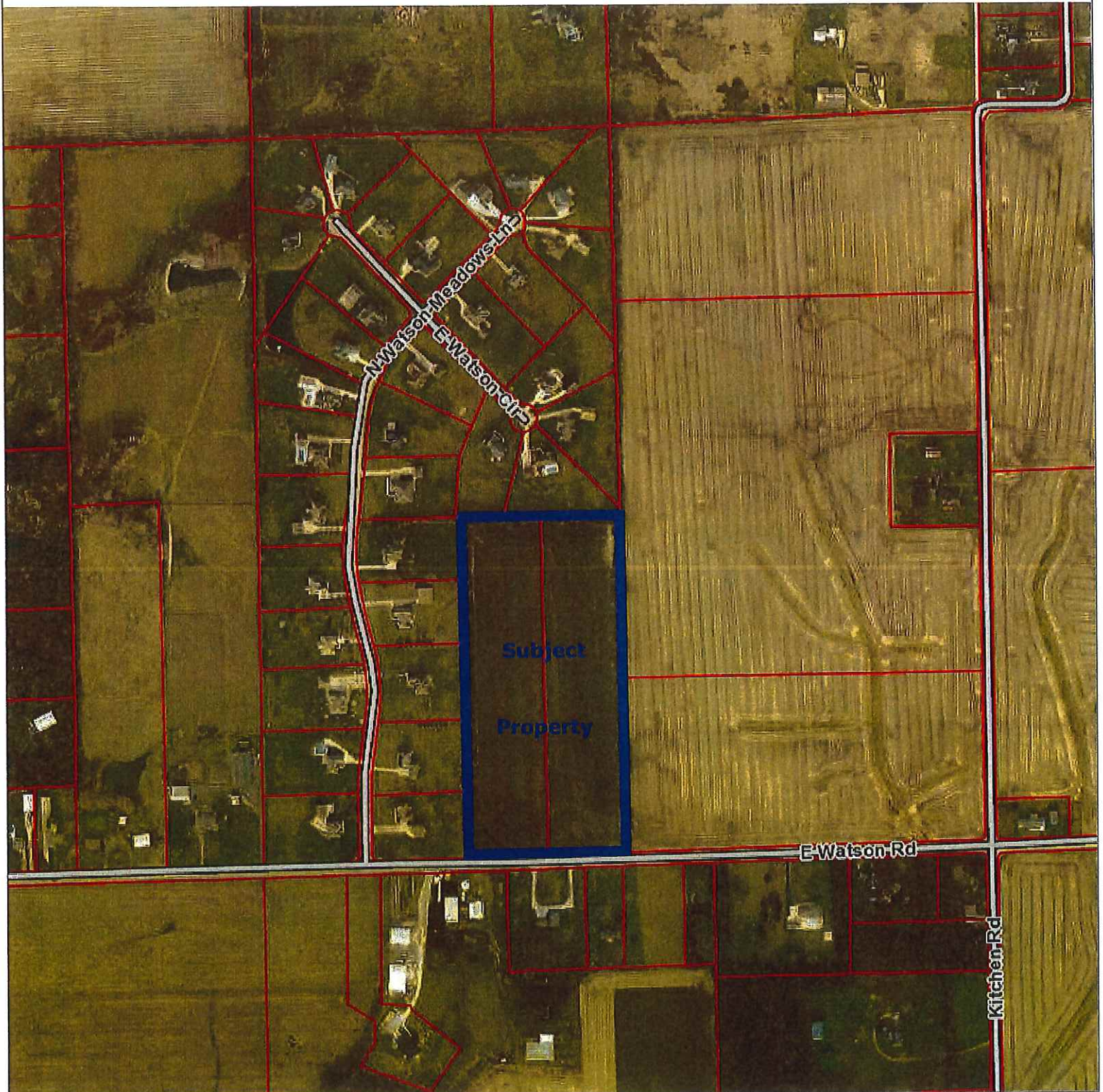
THE WEST HALF OF THE FOLLOWING DESCRIBED PROPERTY IN MORGAN COUNTY, INDIANA: A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION SIXTEEN (16), TOWNSHIP 13 NORTH, RANGE TWO EAST OF THE SECOND PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

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 ( $73 \frac{2}{3}$ ) LINKS; THENCE SOUTH NINETEEN (19) CHAINS; THENCE EAST EIGHT (8) CHAINS AND SEVENTY-THREE AND TWO-THIRDS ( $73 \frac{2}{3}$ ) 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 ( $73 \frac{2}{3}$ ) LINKS; THENCE SOUTH NINETEEN (19) CHAINS; THENCE EAST EIGHT (8) CHAINS AND SEVENTY-THREE AND TWO-THIRDS ( $73 \frac{2}{3}$ ) 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 ¼ 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.

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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

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#### 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

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



My commission expires 6-13, 2025

\_\_\_\_\_  
 Chairperson (Printed)

\_\_\_\_\_  
 Secretary (Printed)

DATE September 8, 2022	DRAWING NUMBER
1	
SHEET	

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

