



ORDINANCE NO. 2023-21

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 Robert Jeffers, on behalf of ZSW Property Group, LLC requesting the County to rezone certain real estate located in part of the Northwest Quarter of Section 32, Township 12 North, Range 1 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 petitioner requested approximately 1.8 acres to be rezoned from Agriculture (AG) to Business 1 (B-1); and



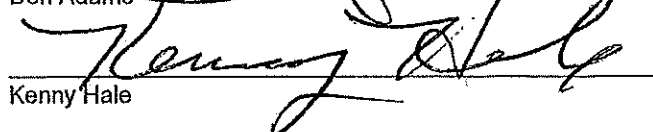
WHEREAS, the Morgan County Plan Commission conducted a public hearing on October 11, 2023 for the petitioner's proposed zone classification and the Plan Commission has certified the proposal with a **favorable recommendation** to the Morgan County Commissioners; and

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 **Business 1 (B-1)**.

This ordinance is hereby passed and adopted this 10th day of October
2023 and shall be effective as of the execution of this ordinance.

MORGAN COUNTY COMMISSIONERS


Bryan Collier

Don Adams

Kenny Hale

ATTEST:


Linda Pruitt, Morgan County Auditor

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 55-09-32-100-011.000-014

PARCEL 1:

A PART OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 12 NORTH, RANGE 1 EAST, DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT IN THE CENTER LINE OF STATE HIGHWAY 67, WHICH POINT IS 1679 FEET EAST AND 855 FEET SOUTH OF THE NORTHWEST CORNER OF SAID SECTION 32, AND RUNNING THENCE SOUTH 37 DEGREES WEST WITH THE CENTER LINE OF SAID STATE HIGHWAY 67, 375 FEET, THENCE NORTH 53 DEGREES WEST AT RIGHT ANGLES TO THE CENTER LINE OF SAID HIGHWAY 236 FEET TO A POINT WITNESSED BY A HICKORY TREE 8 INCHES IN DIAMETER, NORTH 17 DEGREES EAST 5 1/2 FEET AND A BLACK OAK 16 INCHES IN DIAMETER SOUTH 58 DEGREES WEST 6 FEET, THENCE NORTH 37 DEGREES EAST 298.35 FEET TO A POINT, THENCE SOUTH 71 1/2 DEGREES EAST 248.14 FEET TO THE PLACE OF BEGINNING, CONTAINING 79,454 SQUARE FEET OF 1.25 ACRES, MORE OR LESS. (SHOWN IN RECORDS OF AUDITOR OF MORGAN COUNTY AS 1.825 ACRES, MORE OR LESS).

PARCEL 2:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS FOR THE BENEFIT OF ABOVE PARCEL AS SET FORTH IN A WARRANTY DEED BETWEEN WILLIAM A. PEEDEN AND CANINE PLAY AND STAY, INC. DATED APRIL 4, 2019 AND RECORDED APRIL 8, 2019 AS INSTRUMENT NO. 201903367 IN THE OFFICE OF THE RECORDER OF MORGAN COUNTY, INDIANA OVER THE FOLLOWING LAND:

A PART OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 12 NORTH, RANGE 1 EAST, MORGAN COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 1417 FEET EAST AND 1128 FEET SOUTH OF THE NORTHWEST CORNER OF SAID SECTION IN THE CENTER OF OLD STATE HIGHWAY #67 AT THE NORTHEAST CORNER OF AN ORIGINAL 5.06 ACRE TRACT; RUN SOUTH 37 DEGREES WEST WITH THE CENTERLINE OF SAID OLD ROAD #67 FOR 541 FEET; RUN NORTH 53 DEGREES WEST AT A RIGHT ANGLE TO SAID OLD ROAD CENTERLINE FOR 170 FEET, MORE OR LESS, TO A POINT 15 FEET AT RIGHT ANGLE TO THE SOUTH WALL OF AN EXISTING BUILDING AND 40 FEET NORTHWEST OF THE SOUTHWEST CORNER OF SAID EXISTING BUILDING; DEFLECT RIGHT 74 DEGREES, MORE OR LESS, AND RUN NORTHEASTERLY FOR 241 FEET, MORE OR LESS, TO A POINT THAT IS NORTH 53 DEGREES WEST 236 FEET AND SOUTH 37 DEGREES WEST 310 FEET FROM THE POINT OF BEGINNING OF SAID 5.06 ACRE TRACT; RUN NORTH 37 DEGREES EAST ON A NORTH LINE OF THE ORIGINAL 5.06 ACRE TRACT FOR 310 FEET; RUN SOUTH 53 DEGREES EAST ON A NORTHEAST LINE OF SAID 5.06 ACRE TRACT FOR 236 FEET TO THE POINT OF BEGINNING, CONTAINING 2.73 ACRES, MORE OR LESS AND SUBJECT

EXHIBIT "A"
Legal Description

TO THE INDIANA STATE HIGHWAY COMMISSION RIGHT OF WAY AS RECORDED IN DEED RECORD 175, PAGE 385-387 IN THE OFFICE OF THE RECORDER OF MORGAN COUNTY, INDIANA, CONTAINING 0.69 ACRE, MORE OR LESS AND LEAVING 2.04 ACRES, MORE OR LESS TO BE CONVEYED.

EXHIBIT B
55-09-32-100-011.000-014





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
Bill Mitchell
Brian Patrick
Bill Rumbaugh

BOARD OF ZONING
APPEALS

John Chappelow
Gordon Crone
Jason Maxwell
Gerard McGrath
Bill Rumbaugh

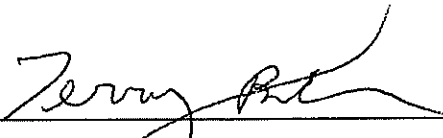
CERTIFICATION OF ZONING PROPOSAL

To: Morgan County Commissioners
From: Morgan County Plan Commission
Date: October 12, 2023
Re: Rezoning Recommendation

On October 11, 2023, the Morgan County Plan Commission conducted a public hearing on Petition Z-23-08, submitted by Robert Jeffers on behalf of ZSW Property Group LLC to rezone 1.8 acres of property from AG to B-1. The property is located at 0 W. Royal Lane in Jefferson Township, Morgan County, Indiana.

After the public hearing, the Plan Commission voted to forward a **favorable recommendation** to the Morgan County Commissioners to rezone the above-referenced property from **Agriculture (AG) to Business 1 (B-1)**.

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


Terry Brock, Plan Commission President

(Vote was 7-0.)



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

MORGAN COUNTY PLAN COMMISSION

Staff Report

Wednesday, October 11, 2023

Rezone Request: Z-23-08

GENERAL INFORMATION

Petitioner/Owner: Robert Jeffers, on behalf of ZSW Property Group, LLC
2920 W Broderie Lane
Monrovia, IN 46157

Tax ID / Parcel #: 55-09-32-100-011.000-014

Request: Rezone property from AG to B-1

SITE INFORMATION

Location: W. Royal Lane in Jefferson Township
(immediately north of Canine Stay & Play
located at 658 SR 67)

Acreage: 1.825 total acres

Existing Land Use: Agricultural

Current Zoning District: AG (Agriculture)

Surrounding Zoning: The surrounding zoning is AG.

DESCRIPTION OF THE PETITION

The petitioner is seeking to rezone the property from AG to B-1. This is needed to get a billboard permit from the state since billboards must be located on commercially-zoned property.

CHARACTER OF THE SITE AND SURROUNDING AREA

The property abuts the west side of SR 67 near the SR 39 bypass intersection. There is a narrow node of commercial uses along this section of SR 67, but all are zoned AG.

BACKGROUND AND HISTORY

The Petitioner purchased the property in May of 2023.

Anecdotally, this set of three billboards has been in this location for many years, likely decades. Since the public notice went out, there have been a few inquiries about the petition, but after learning the proposal is a result of the billboard permit requirement, no one who spoke with staff was opposed to it. And while not necessarily opposed to the billboard use, the adjoining property owner of the Canine Stay & Play does have concerns about the access easement that crosses his property. He was encouraged to attend the meeting and voice his concerns even though this is ultimately a civil issue between private property owners.

STAFF RECOMMENDATION

The handful of commercial uses along this short stretch of the 67 corridor have been established for many years, including this billboard. The rezone to B-1 would not change the overall appearance or functionality of the corridor, the commercial zoning is appropriate for an area adjacent to a secondary arterial, and most citizens have long assumed it was already zoned commercial. For these reasons, staff supports a favorable recommendation for the rezone request.

Plan Commission Action on Z-23-08:

Forward a Favorable Recommendation for the B-1 Rezone Request

or

Forward a Favorable Recommendation with Commitments for the B-1 Rezone Request

or

Forward an Unfavorable Recommendation for the B-1 Rezone Request