

ZONING ORDINANCE NO. 2010-10

ZONING ORDINANCE AMENDMENT

THIS IS AN ORDINANCE for the purpose of amending and changing the zoning ordinances of the County of Shelby as it relates to a certain tract of property known as 400 West Carey Street, Fairland, Indiana, specifically amending the Shelby County, Indiana Zoning Ordinance adopted by the Board of Commissioners of Shelby County, Indiana on September 18, 2008, which became effective on October 18, 2008, including and incorporating therein Township Zoning Maps dated September 18, 2008 as amended, showing the boundary lines of certain Zoning Districts thereon.

BE IT ORDAINED by the Board of Commissioners of Shelby County Indiana, as follows:

Section 1: Purpose. The purpose of this Ordinance shall be to amend the Zoning Map of Brandywine Township of the Shelby County Code and the zoning ordinances thereunder as it relates to the real estate specifically described in Section 2 of this Ordinance to change the designation of said real estate from being zoned OP (Open Space and Parks) to a designation IS, Institutional (approximately 3.08 +/- acres).

Section 2: Amendment. Shelby County, Indiana Zoning Ordinance adopted by the Board of Commissioners of Shelby County, Indiana on September 18, 2008, which became effective on October 18, 2008, including and incorporating therein Township Zoning Maps dated September 18, 2008, as amended, showing the boundary lines of certain Zoning Districts thereon, are hereby amended by adding the following sub-section:

Land rezoned from “OP,” Open Space and Parks, to “IS,” Institutional:

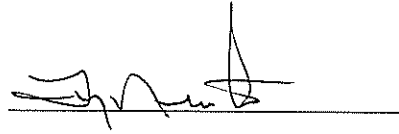
The following parcel of land and real estate located in Brandywine Township, Shelby County, Indiana and particularly described herein being formerly zoned and shown on the Brandywine Township Zoning District Map and lying in an “OP” Open Space and Parks district is hereby rezoned to “IS” Institutional:

See attached map and legal description of subject rezone tract.

Section 3: Effective Date. This ordinance shall be in full force and effect from and after its adoption by the Board of Commissioners of Shelby County, Indiana.

Section 4: Repealable Provisions. All ordinances and parts of ordinances in conflict with the specific amendment herein are hereby repealed.

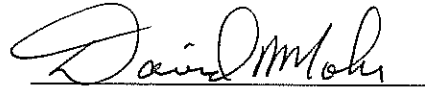
ADOPTED this 29 day of March, 2010, by a vote of 3 ayes and
0 nays of members of the Board of Commissioners of Shelby County, Indiana.



Tony Newton, President

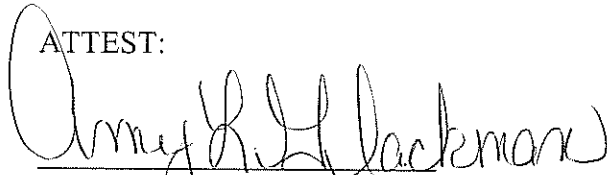


Kevin Nigh, Member



David Mohr, Member

ATTEST:



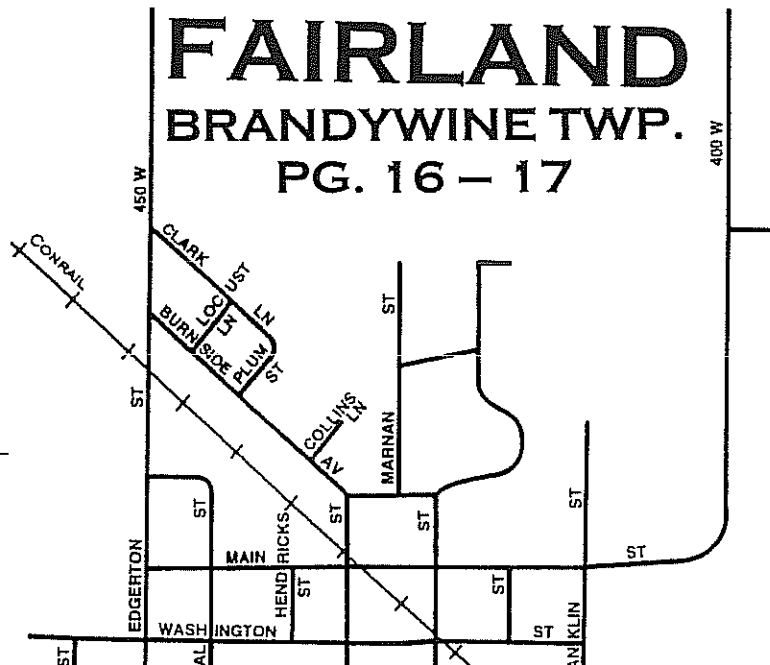
Amy Gladkman, Auditor
Shelby County, Indiana

Legal Description

3.08 Acre Tract

Part of the Southeast Quarter of Section 9, Township 13 North, Range 6 East of the Second Principal Meridian, Shelby County, Indiana, described as follows:

Commencing at the Southwest Corner of said Quarter Section; thence along the South line thereof North 89 degrees 12 minutes 23 seconds East (bearing based on GPS observation of Section Corner) 182.00 feet to a mag nail set and the Point; thence North 00 degrees 47 minutes 32 seconds West 29.79 feet to an existing fence corner; thence generally along an existing wood privacy fence and chain link fence North 01 degree 32 minutes 49 seconds West 300.25 feet to a rebar with a yellow cap stamped "ID. NO. 0010" set; thence North 89 degrees 12 minutes 28 seconds East 127.50 feet to a rebar with a yellow cap stamped "ID. NO. 0010" set; thence North 00 degrees 59 minutes 23 seconds West 69.75 feet to a rebar with a yellow cap stamped "ID. NO. 0010" set on the south right-of-way of Jackson Street; thence along last said right-of-way North 89 degrees 07 minutes 28 seconds East 229.00 feet to a rebar with a yellow cap stamped "ID. NO. 0010" set on the West line of a tract of land recorded in Book 309, Page 526 in the Office of the Recorder of Shelby County, Indiana; thence along last said West line South 01 degree 15 minutes 04 seconds East 400.14 feet to a mag nail set on the Southline of said Quarter Section; thence along last said South line South 89 degrees 12 minutes 23 seconds West 359.70 feet to the Point of Beginning containing 3.08 acres, more or less, subject to all rights-of-way, easements and restrictions.



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25 West Polk Street, Rm 201
Shelbyville, Indiana 46176
Phone 317.392.6338
Email:amy.dillon@co.shelby.in.us

Shelby County Plan Commission

March 24, 2010

To: Shelby County Commissioners
From: Amy L. Dillon, AICP
Executive Director

RE: Rezone 10-07: Shelby County Commissioners (Fairland Volunteer Fire Department)

Gentlemen,

On behalf of the Shelby County Plan Commission, I certify to you the following report and recommendation concerning the application for approval of the rezone petition for the property located at 400 West Carey Street, Fairland in Brandywine Township filed by the Shelby County Commissioners on behalf of the Fairland Volunteer Fire Department.

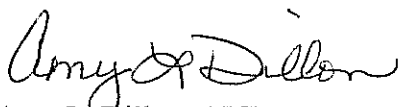
- 1.) The Plan Commission heard the application on March 23, 2010 at a public hearing held at the Shelby County Courthouse Annex Room 208A. Proper notice was given prior to the meeting to all interested parties and by publication in the Shelbyville News as required by ordinance. Nine members of the Plan Commission were present.
- 2.) The petition was presented to the Plan Commission by Plan Commission Executive Director, Amy L. Dillon.
- 3.) Amy Dillon made a formal presentation regarding the petition to the Plan Commission.
- 4.) Prior to the meeting on March 23, 2010, Dillon had presented the Plan Commission with the following information.
 - a.) Rezone Application.
 - b.) Property description and aerial photographs of the property to be rezoned.
 - c.) Written Findings of Fact.

- d.) Letter of Intent.
 - e.) Letter from the Fairland Volunteer Fire Department requesting that the County rezone the property.
 - f.) Letter from the Town of Fairland supporting the rezone request.
- 5.) Public comment was solicited and considered by the Plan Commission.
- a.) There was no formal public comment regarding the project.
- 6.) The Plan Commission asked questions of the petitioner prior to making a motion on the petition.
- 7.) A motion was made to vote on the petition to forward a favorable recommendation to rezone the property from OP to IS to the County Commissioners with the following stipulations:
- a. The only permitted use for the subject 3.08 acres shall be the Fairland Volunteer Fire Department station.
 - b. Should the Fire Department not proceed with the development of the fire station and the Town of Fairland propose to construct another institutional use on the property, then the Town must request approval of an amended rezone application for the new use.

The Plan Commission approved the motion by a vote of 9 to 0; therefore, a favorable recommendation is being forwarded to the County Commissioners.

If further information is required, please feel free to contact me at the enclosed location.

Respectfully,



Amy L. Dillon, AICP
Executive Director

Copy to: File
Robbie Stonebraker

REZONING APPLICATION

Shelby County Plan Commission
25 West Polk Street, Room 201
Shelbyville, IN 46176
P: 317.392.6338 F: 317.421.8365

For Office Use
Only

Case #: _____
Hearing Date: _____
Fees: _____

Approved Denied

1. Applicant/Property Owner:

Applicant:

Name: Shelby County Commissioners
Address: 25 W. Polk St
Shelbyville, IN 46176
Phone Number: (317) 392-6330
Fax Number: (317) 421-8365
E-mail Address: Amy.Dillon@co.shelby.in.us

Owner:

Name: Brandywine Township Trustee
Address: 4725 W 500 N
Fairland, IN 46126
Phone Number: _____
Fax Number: _____

2. Applicant's Attorney/Contact Person and Project Engineer (if any):

Attorney/Contact Person:

Name: Amy L. Dillon, AICP
Address: 25 W. Polk St, Room 201
Shelbyville, IN 46176
Phone Number: (317) 392-6338
Fax Number: (317) 421-8365

Project Engineer:

Name: N/A
Address: _____
Phone Number: _____
Fax Number: _____

3. Project Information:

General Location of Property (and address if applicable): _____
400 West Carcy Street, Fairland

Current Use: Open space / community park
Current Zoning: OP
Proposed Use: Fire Station
Proposed Zoning: FS
Area (in acres): 2.83 +/- acres

4. Attachments:

- Affidavit & Consent of Property Owner (if applicable)
- Proof of ownership (copy of deed)
- Letter of Intent
- Site Plan

- Vicinity Map
- Application Fee waived
- Legal Description

The undersigned states the above information is true and correct as (s)he is informed and believes.

Signature of Applicant: Amy L Dillon Date: 2/17/10

State of Indiana)
County of Shelby) SS:

Subscribed and sworn to before me this 17th day of February, 2010.

Amanda R. Walterman AMANDA L. WALTERMAN
Notary Public - Signed Printed

Residing in Delaware County My Commission expires May 11, 2016



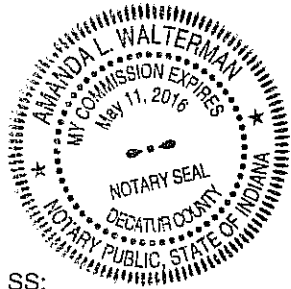
**AFFIDAVIT & CONSENT OF PROPERTY OWNER
APPLICATION TO THE SHELBY COUNTY PLAN COMMISSION**

STATE OF INDIANA
COUNTY OF SHELBY

)
) SS:

Glenn Glackman
I, Brandywine Township Trustee, AFTER BEING DULY SWORN, DEPOSE AND SAY THE FOLLOWING:
(Name of property owner)

1. That I am the owner of real estate located at 400 West Carey Street Fairland
(Address of affected property)
2. That I have read and examined the Application made to the Shelby County Plan Commission by:
Shelby County Commissioners
(Name of applicant)
3. That I have no objections to, and consent to the request(s) described in the Application made to the Shelby County Plan Commission.



Glenn Glackman
Owner's Name (Please Print)

Glenn Glackman
Owner's Signature

State of Indiana
County of Shelby

)
) SS:

Subscribed and sworn to before me this 3rd day of March, 2010.

Amanda L. Walterman AMANDA L. WALTERMAN
Notary Public Printed

Residing in Decatur County My Commission expires May 11, 2016

TOWN OF FAIRLAND

P. O. Box 150
Fairland, IN 46126
contactus@fairlandin.org

BOARD MEMBERS

President – Rick Daily

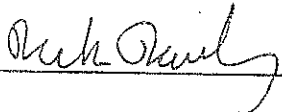
Vice President – Jeremy Creech

Secretary – John Hanson

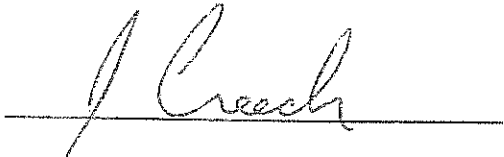
Clerk-Treasurer – Chris Brinson

17 February 2010

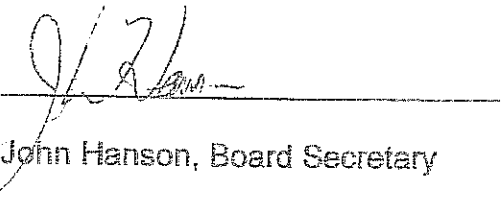
The town board of Fairland has no objections to the rezoning of the "Old School Property" for the Fairland Volunteer Fire Department to build a new fire station.



Rick Daily, Board President



Jeremy Creech, Board Vice President



John Hanson, Board Secretary

Shelby County Plan Commission

25 West Polk Street, Room 201

Shelbyville, Indiana 46176

(317) 392-6338

Executive Director

Amy L. Dillon, AICP

DATE: February 17, 2010
TO: Shelby County Plan Commission
FROM: Amy L. Dillon, AICP
Plan Commission Executive Director

RE: Rezone Request for Property Located at 400 West Carey Street, Fairland

Dear Plan Commission Members,

This letter serves as a letter of intent for the proposed zoning map amendment for property located at 400 West Carey Street, Fairland. The subject property consists of two parcels totaling approximately 2.83 acres. Both parcels are located within the incorporated Town of Fairland. They are located on the north side of County Road 400 North (Carey Street) between Mulberry Street and Edgerton Street. Both parcels are currently undeveloped, and the subject property is currently used as the Town's unofficial open space or park.

When the zoning maps for the County were redone in August and September of 2008, all parcels in the County received a new zoning designation. The subject properties were zoned OP, Open Space and Parks. This zoning was assigned to these parcels because the properties were being used and are still being used as open space for the Town of Fairland.

Recently, a representative of the Fairland Volunteer Fire Department came to the Plan Commission office to inquire about the zoning of the subject properties and to determine what steps needed to be taken to allow a new fire station to be constructed on the subject property. The Plan Commission Director informed him that the subject properties were currently zoned OP. The Plan Commission Director informed him that the most appropriate zoning for the property to be used as a fire station would be IS because the IS zoning designation was created to allow for development of property for public facilities. The representative of the Fairland Volunteer Fire Department requested that the County initiate this zoning change; therefore, the Plan Commission Director took the request to the County Commissioners and they approved the request for the County to handle the paperwork for the requested zoning change for these parcels.

At this time, the Shelby County Commissioners are seeking a favorable recommendation to rezone the subject properties from OP to IS. The requested IS zoning designation is the most appropriate zoning designation for the properties to be developed as a new fire station.

Respectfully,


Amy L. Dillon, AICP