

ORDINANCE NO. 03- 2024

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF LAPEL, MADISON COUNTY, INDIANA

This is an ordinance to amend the Official Zoning Map incorporated into the Unified Development Ordinance (“UDO”) for the Town of Lapel (the “Town”), previously enacted by the Town pursuant to its authority under the laws of the State of Indiana IC 36-7-4 et seq., as amended.

WHEREAS, Roscoe Dorsey (CRPP, LLC) (hereinafter collaboratively "Petitioner") initiated a change of zoning under docket NO. REZ-2023-04 to change the zoning of one parcel in the Town of Lapel from its present Agricultural (Ag) zoning classification to Light Industrial (IL) and General Industrial (IG) classifications as presented in Exhibit C (Alternative Land Use Map); and

WHEREAS, the parcels (“real estate”) sought to be reclassified may be particularly described as follows: (See attached Exhibit A)

Commonly known as: 0 SR 13, LAPEL, IN 46051
Parcel Nos: 48-15-15-200-012.000-044.

WHEREAS, the Town of Lapel Planning Commission, at a duly noticed Public Hearing on January 11, 2024, heard evidence, and made findings of fact, and certified the proposed change of zoning to the Town of Lapel Zoning Map with a favorable recommendation attached hereto as Exhibit “B” by a vote of six (6) in favor and zero (0) opposed; and

WHEREAS, the Town Council hereby makes findings that the change in the Town of Lapel zoning map is (a) consistent with the Town’s comprehensive plan; (b) that the current conditions and the character of current structures and uses in the affected area are consistent with light industrial (IL) and general industrial classification (IG); (c) that a light industrial and general industrial classification is the Real Estate’s most desirable classification to the Town and its citizens as a whole; (d) that the zoning change will not result in a diminution of property values in the area near the Real Estate; and the proposed zoning reclassification results in responsible development and growth of the Town.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Lapel Town Council, under the authority of Indiana code § 36-7-4-608, and all acts amendatory thereto as follows:

Section 1: The subject real estate being comprised of one parcel located east of South State Road 13 in Green Township, Madison County, Indiana and is legally described in the attached Exhibit A (collectively, “the Real Estate”).

Section 2: The zoning classification is hereby rezoned from the Agricultural (Ag) to Light Industrial (IL) and General Industrial (IG) zoning district.

Section 3: This Ordinance shall be in full force and effect from and after its passage by the Town Council of Lapel, Indiana, and publications as provided by law.

SO ORDAINED THIS _____ DAY OF _____, 2024.

LAPEL TOWN COUNCIL

Chad Blake, President

Brian Robertson, Vice President

Lindsay Washmuth, Member

Roger Fouse, Member

Gary Shuck, Member

Attest:

Teresa Retherford, Lapel Deputy Clerk-Treasurer

EXHIBIT A

PARCEL ID: 48-15-15-200-012.000-044

LEGAL DESCRIPTION

A part of the Northwest Quarter of the Northwest Quarter of Section 15, Township 18 North, Range 6 East in Madison County, Indiana more particularly described as follows:

Commencing at the Northwest corner of Section 15, Township 18 North, Range 6 East and running thence East along the North line of Section 15 a distance of 1,330 feet to the Northeast corner of the West Half of the Northwest Quarter of Section 15, thence South along the East line of the said West Half of the Northwest Quarter of Section 15 a distance of 656 feet, thence West parallel with the North line of Section 15 a distance of 1,329 feet to the center of State Road 13, thence North 656 feet to the place of beginning, containing 20 acres, more or less.

Excepting therefrom: A part of the Northwest Quarter of Section 15, Township 18 North, Range 6 East in Madison County, Indiana more particularly described as follows: Beginning at a point on the West line of the Northwest Quarter of Section 15, Township 18 North, Range 6 East, said point being South 00 degrees 00 minutes 00 seconds (assumed bearing) 145.00 feet from an existing iron rod in concrete marking the Northwest corner of the said Quarter Section; thence North 90 degrees 00 minutes 00 seconds East a distance of 30.00 feet to a 5/8 inch rebar (set) on the East right-of-way line of State Road 13; thence continuing North 90 degrees 00 minutes 00 seconds East a distance of 217.80 feet to a 5/8 inch rebar (set); thence South 00 degrees 00 minutes 00 seconds on a line parallel with the West line of the said Quarter Section a distance of 200.00 feet to a 5/8 inch rebar (set); thence South 90 degrees 00 minutes 00 seconds West a distance of 217.80 feet to a 5.8 inch rebar (set) on the East right-of-way line of said State Road; thence continuing South 90 degrees 00 minutes 00 seconds West a distance of 30.00 feet to a point on the West line of the said Quarter Section; thence North 00 degrees 00 minutes 00 seconds along the West line of the said Quarter Section a distance of 200.00 feet to the point of beginning. Containing 1.138 acres, more or less.

EXHIBIT B:

**LAPEL PLANNING COMMISSION
CERTIFICATION TO TOWN COUNCIL
APPLICATION NO: REZ-2023-04**

We, the Town of Lapel Advisory Plan Commission, held a public hearing on January 11, 2024, to consider a Change of Zoning application REZ-2023-04 initiated by the Plan Commission to change zoning of the property located at no address, 20 Acre lot (“real estate”), owned by CRPP, LLC, from Agricultural to Light Industrial and General Industrial per the suggested map in the staff report.

Notice was shown to have been published in a newspaper of general circulation in Madison County, Indiana on November 29th, 2023, and it was shown that notices to adjacent property owners were mailed on December 4th, 2023.

The Plan Commission discussed and answered all questions presented during the public hearing about this application and **voted 6 Aye(s), 0 Nay(s), and 0 Abstain** to forward to the Lapel Town Council **a favorable** recommendation.

In considering the amendment to the Lapel Zoning Map, we paid reasonable regard to the following, pursuant to Indiana Code 36-7-4-603: the comprehensive plan, current conditions and the character of current structures and uses in each district, the most desirable use for which the land in each district is adapted, the conservation of property values throughout the jurisdiction, and responsible development and growth.

Please be advised that pursuant to I.C. 36-7-4-608(e), the Town Council has ninety (90) days to vote on this petition after the Plan Commission certifies this proposal.

DATED: _____

LAPEL PLANNING COMMISSION

Matt Wood, President

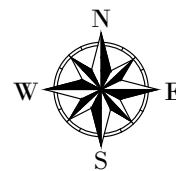
ATTEST:

Teresa Retherford

EXHIBIT C:

EXHIBIT C. RE-ZONING MAP

REZONE PARCEL ID: 48-15-15-200-012.000-044
 CURRENT ZONING: AG PROPOSED ZONING: IG
 PT. OF THE NORTHWEST 1/4, SECTION 15, TWP. 18 NORTH, RG. 6 EAST,
 2ND P.M., GREEN TWP., MADISON COUNTY, INDIANA



PREPARED BY: _____

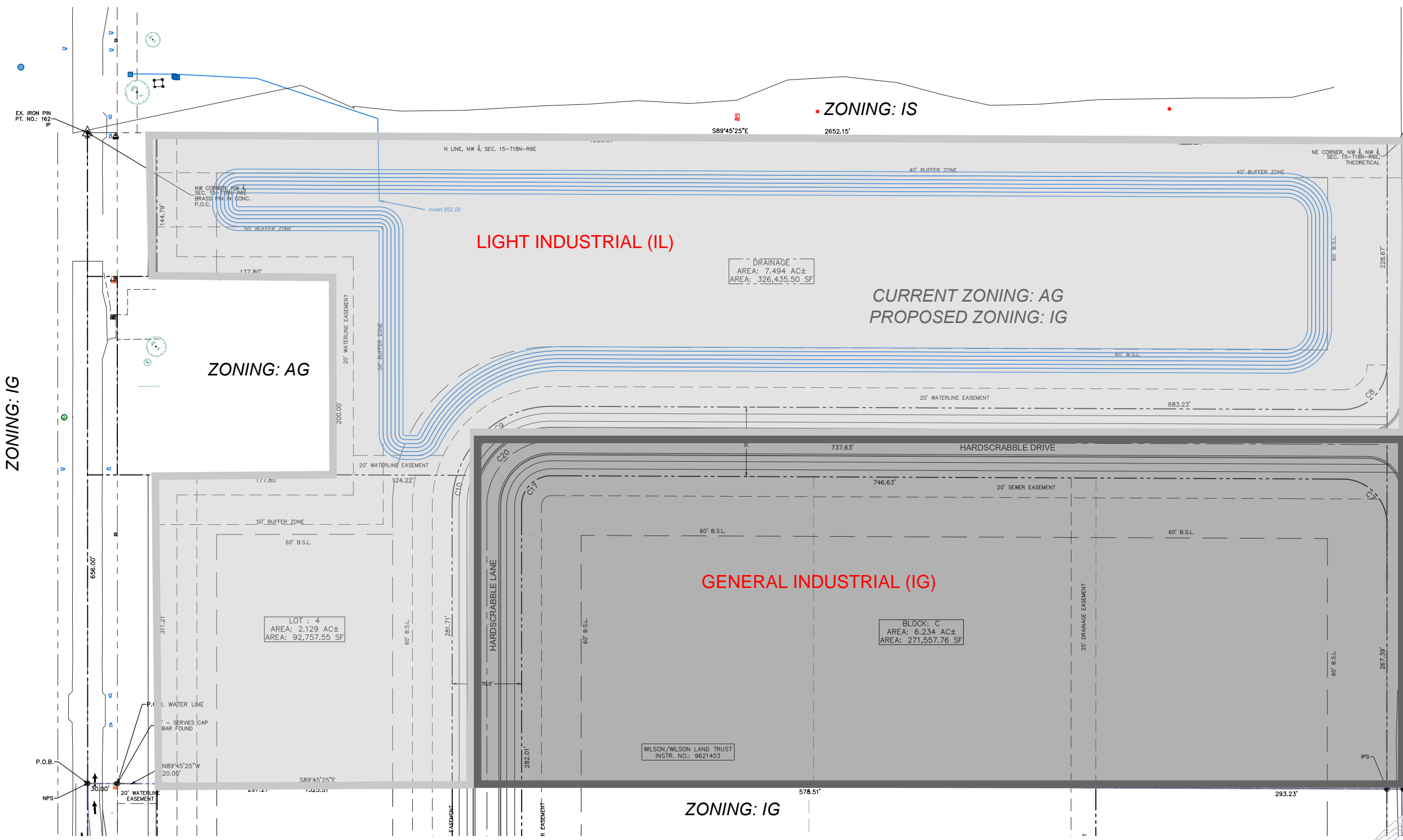
STAMPED BY: *Michael L. DeBoy*

DATE	DESCRIPTION

CLIENT NAME/DEVELOPER/OWNER:
 CHAD GALLOWAY & ROSCOE DORSEY
 CRPP LLC
 6208 SOUTH STATE ROAD 13
 PENDLETON, IN 46064
 765-534-5010
 ROSCOEDORSEY@DORSEYEXCAVATING.COM
 ©2022 (DLDS) DeBoy Land Development Services, Inc.

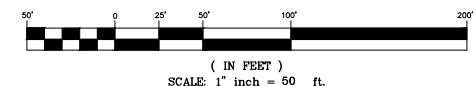
DESIGNED: MLD APPROVED: MLD
 DRAWN: BAW CHECKED BY: MLD
 SCALE: 1" = 50' DATE: 01/30/23
 PROJECT NO.: 2018-0032

EXH-01



ZONING: IG

PRIMARY PLAT
 SCALE: 1" = 50'



PROJECT: P:\Utility Design\Aides\Projects\DLDS\2018\2018-0032 - Dorsey Local Commercial Park - Dorsey Excavating\ENGINEERING\DRAWINGS\SHEETS
 DWG: PRIMARY PLAT.dwg
 PLOTTER: B & W Plot
 DATE: Friday, November 1, 2023 10:40:34 AM