

MONTGOMERY COUNTY BOARD OF COMMISSIONERS

ORDINANCE 2023-8

APPROVING THE REQUEST OF MICHAEL LANGEVIN AND REZONING CERTAIN PARCELS OF LAND NORTH OF COUNTY ROAD 300 SOUTH AND EAST OF STATE ROAD 47 SOUTH FROM AGRICULTURAL TO RESIDENTIAL

WHEREAS, Michael Langevin (Langevin) filed a proposal to rezone from Agricultural to Residential certain parcels of land north of County Road 300 South and east of State Road 47 South (Parcels No. 54-10-18-300-010.001-025, 54-10-18-300-010.011-025, and 54-10-18-400-013.001-025) in Montgomery County, (the legal description for the parcels is attached as Exhibit A); and

WHEREAS, Langevin originally intended to develop multi-family apartments on Parcel 54-10-18-300-010.001.025, but he amended his plan prior to the public hearing and now intends to develop all three parcels as single-family residential lots; and

WHEREAS, the Montgomery County Plan Commission published notice of a public hearing for Case RZ2023-1 and conducted a public hearing on the proposal on May 24, 2023; and

WHEREAS, the Plan Commission considered Langevin's request, comments by the public, the case report and comments by the Zoning Administrator and approved a favorable recommendation on May 24, 2023, with the condition that Langevin provide a traffic and speed study for the proposed new residential development; and

WHEREAS, the Plan Commission properly certified its recommendation to the Montgomery County Board of Commissioners on May 25, 2023, and this certification included a favorable recommendation for the rezone for single family residential development with the condition that the petitioner provide a traffic and speed study for the proposed new residential development; and

WHEREAS, the Board of Commissioners published notice of a public hearing on the proposal and conducted a public hearing on July 10, 2023; and

WHEREAS, the Board of Commissioners, having considered the certification of the Plan Commission, presentations of the Zoning Administrator and Langevin, and comments from the public, and having paid reasonable regard to this evidence

1. the Montgomery County Comprehensive Plan;
2. the current conditions and the character of current structures and uses in each zoning district;
3. the most desirable use for which the land in each district is adapted;
4. the conservation of property values throughout the unincorporated area of Montgomery County; and
5. responsible development and growth

finds as follows:

1. Rezoning this real estate from Agricultural to Residential for single family residential development is consistent with the Comprehensive Plan as it will encourage and facilitate residential needed residential development;

2. the approval will not be injurious to the public health, safety, morals, and general welfare of the community;

3. the use and character of land and structures in the area adjacent to the subject site and in the area generally is residential and agricultural and will not be affected in a substantially adverse manner by development of single-family residential uses on the land;

4. the approval of the rezone request will likely increase the value of surrounding agricultural and residential property and will not substantially and adversely impact the value property in the area of the subject property;

5. the approval of the requested rezone is consistent with the interests of responsible development and growth in that the approval will not unduly burden the schools, County or State roads and highways, or unduly burden utility providers;

6. the proposed use of the property as single family residential is consistent with the most desirable use of the property in the district given the need for residential development in Montgomery County; and

7. that the requested proposal to rezone the subject land for single family residential should be granted, with the condition proposed by the Plan Commission;
and

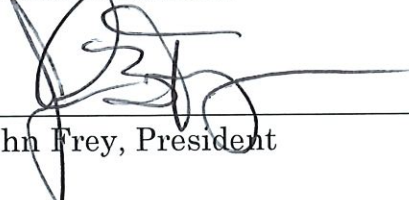
IT IS, THEREFORE, ORDAINED that the request by Michael Langevin to rezone certain parcels of real estate, located north of County Road 300 South and east of State Road 47 South, specifically parcels 54-10-18-300-010.001-025, 54-10-18-300-010.011, and 54-10-18-400-013.001-025, in Montgomery County, and described more particularly in Exhibit A, from Agricultural to Residential for single family residential development is hereby approved, subject only to the following condition: The petitioner will provide a traffic and speed study for the proposed new residential development.

IT IS FURTHER ORDAINED that the subject real estate is hereby rezoned to Residential, and the Zoning Administrator is directed to record this ordinance, change the Zoning Maps, which are incorporated into the Zoning Ordinance, in order to reflect this rezone, and to maintain a record of the conditions contained in this approval.

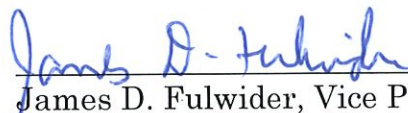
IT IS FURTHER ORDAINED that this ordinance is effective upon adoption.

Adopted: July 10, 2023

Montgomery County Board
of Commissioners



John Frey, President



James D. Fulwider, Vice President



Dan Guard, Member

Attest: _____
Mindy Byers, Auditor

I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

Daniel L. Taylor

This instrument prepared by Daniel L. Taylor, Indiana Supreme Court #11337-54, Taylor, Chadd, Minnette, Schneider & Clutter, P.C., 105 North Washington Street, Crawfordsville, Indiana 47933. Telephone 765-361-9680.

EXHIBIT A

MONTGOMERY COUNTY PLAN COMMISSION

Case Number: RZ 2023-1

Date: 05-24-2023

Petitioner- Michael Langevin

Location – 2800 S block of State Road 47, CRAWFORDSVILLE, IN 47933 in Montgomery County

Findings

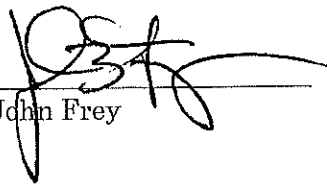
Based upon the staff report, the evidence presented by the petitioner, and statements made by the public, the Commission makes the following findings:

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community;
The Comprehensive Plan delineates this area for the purposes of residential and agricultural. The rezone provides much needed housing in Montgomery County
2. The use and value are consistent with the area adjacent to the property included in Re-zone. The existing land use in the area is agricultural with medium density residential in the surrounding area. The proposed residential development is consistent with overall character of the area.
3. This is the most desirable use for which the land in the area is adapted;
The desired use of the area is residential and agriculture and thus the development aligns with the adapted uses of the area.
4. Property values in the adjacent area would most likely increase with the addition of single-family dwellings in close proximity to area of medium density housing.
5. Is the proposed development responsible development;
The proposed subdivision is responsible development for the area.

Therefore, the Re-zone is sent to the Montgomery County Commissioners with a favorable recommendation by vote of 6 in favor and 0 against.

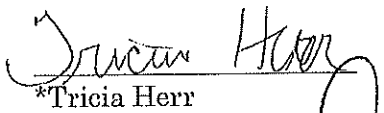
Date: May 24th, 2023

A Majority of the Plan Commission:

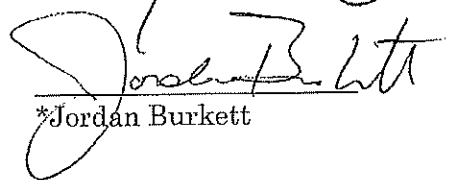

*John Frey

*Steve Loy

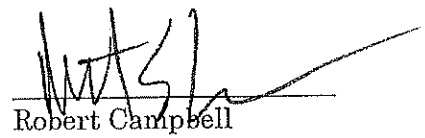
Tom Cummins


*Tricia Herr


Randy Denhart


*Jordan Burkett

*Tom McClamroch


Robert Campbell


*Steve Canfield