

STATE OF INDIANA

BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 12-2016

AN ORDINANCE APPROVING AN AMENDMENT TO THE CLARK COUNTY ZONING MAP ON RECOMMENDATION BY THE CLARK COUNTY PLAN COMMISSION

WHEREAS, this Board of Commissioners of Clark County, Indiana (this “Board”), is the executive body of Clark County government pursuant to the provisions of Ind. Code § 36-2-2-2; and,

WHEREAS, this Board is also the legislative body of Clark County government pursuant to the provisions of Ind. Code 36-1-2-9; and,

WHEREAS, the Clark County Plan Commission has advisory authority regarding zoning pursuant to Ind. Code 36-7-4, *et al*; and,

WHEREAS, the Clark County Plan Commission has passed Resolution 4-2016, (see Resolution 4-2016 attached hereto as Exhibit “A”) to reclassify the property subject to that Resolution.

NOW, THEREFORE, BE IT ORDAINED by this Board of Clark County Commissioners as follows:


1. That the Clark County Plan Commission Resolution 4-2016, as attached hereto, is approved.
2. This Ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Board.

So Ordained this 28th day of July, 2016.

Members voting "NO":

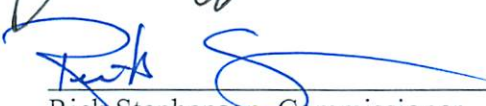
Members voting "YES":

Jack Coffman, Commissioner



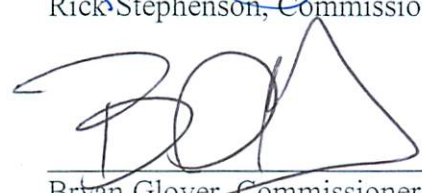
Jack Coffman, Commissioner

Rick Stephenson, Commissioner



Rick Stephenson, Commissioner

Bryan Glover, Commissioner



Bryan Glover, Commissioner

Attested by:



R. Monty Snelling, Clark County Auditor

ACTION TAKEN BY BOARD OF COMMISSIONERS OF CLARK COUNTY, INDIANA

This matter having come before the Board of Commissioners of Clark County, Indiana (County Commissioners) on July 13, 2016 the petition of Seth B. Stewart to reclassify the real estate at Lot 3 of Brookfield subdivision, Indiana, from A-1 Agriculture Zone to B-2 Community & Roadside Business Zone ;

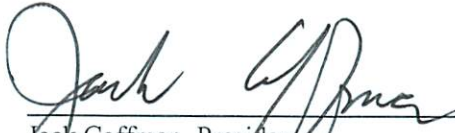
And the Plan Commission has adopted the foregoing resolution in which it makes its recommendations to the County Commissioners and the County Commissioners having read the recommendation, having reviewed all available evidence, having considered the county's comprehensive plan, having balanced the competing interests of those in the area affected, if any, now, therefore, determines as follows:

X The real estate at Lot 3 Brookfield subdivision, Indiana, should be reclassified on the zoning maps.

 The real estate at _____, Indiana, SHOULD NOT be reclassified on the zoning maps.

Dated this 28 day of July, 2016.

Board of Commissioners of Clark County, Indiana



Jack Coffman, President



Rick Stephenson, Commissioner



Brian Glover, Commissioner

ATTEST:



Monty Snelling, Clark County Auditor

BY THE CLARK COUNTY PLAN COMMISSION

RESOLUTION 4 - 2016

WHEREAS, the Clark County Plan Commission met on July 13, 2016, and heard the Petition of Seth B. Stewart, asking the property known known by its street address/parcel no. as Lot 3 - Brookfield Subdivision, Indiana, be reclassified from A-1 Agricultural Zone to B-2 Community & Roadside Business Zone for a recreational & small equipment sales at Lot 3 - Brookfield subdivision, Charlestown, Indiana; and

WHEREAS, the Plan Commission heard the presentation of the Petitioner(s) and the objections, comments, remonstrations, and other relevant information presented by those in attendance at the hearing, if any;

NOW, THEREFORE, BE IT RESOLVED by the Plan Commission as follows:

1. The Petition to rezone the real estate described in Exhibit A was heard after notice to interested persons was properly given in accordance with the ordinance and Indiana law; and
2. The Plan Commission heard and received the relevant evidence presented and deliberated on such evidence in a public meeting.
3. The Plan Commission recommends to the Board of Commissioners of Clark County as follows:

The real estate described at Lot 3 - Brookfield subdivision, Charlestown, Indiana should be reclassified from A-1 Agricultural Zone to B-2 Community & Roadside Business

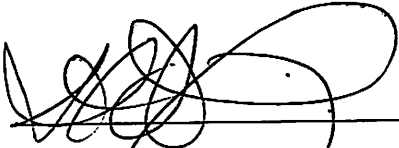
The real estate described at _____, Indiana should NOT be reclassified from _____ to _____.

The Plan Commission was unable to reach consensus as required by law, and therefore sends the rezoning petition to the Clark County Commissioners WITH RECOMMENDATION.

Dated this 13th day of July, 2016.

I hereby certify this is a true and correct copy of the Resolution passed by the Clark County Plan Commission on July 13, 2016.

ATTEST:

A handwritten signature in black ink, consisting of several overlapping loops and flourishes, is written over a horizontal line.

Secretary or Executive Director

CERTIFICATION TO COMMISSIONERS ON APPLICATION FOR REZONING

APPLICANT NAME: Seth B. Stewart PETITION NO.: 2016-13-PC

REAL ESTATE DESCRIPTION: DESCRIBED ON EXHIBIT "A" ATTACHED.

The Clark County Plan Commission certifies the above application for rezoning by the above-named applicant regarding the real estate described in Exhibit "A" attached was duly heard and decided.

The Clark County Plan Commission's recommendation on the petition to rezone the property from a A-1 Agriculture zone to a B-2 Community & Roadside Business zone is:

FAVORABLE, UNFAVORABLE NO RECOMMENDATION

Recorded Commitment Required YES NO (If YES, requirements attached.)

Clark County Plan Commission

<u>Member</u>	<u>Voting FOR</u>	<u>Voting AGAINST</u>	<u>Abstain</u>
 DAVID BLANKENBEKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 DAN CALLAHAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 JACK COFFMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 WALLY ESTES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 SIMON KAFARI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KELLI KHURI	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 MICHAEL KILLEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 JOHN UHL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 KENT WITTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST:


Stacia Franklin, Interim Executive Director

STATEMENT OF COMMITMENTS

These COMMITMENTS are given by and shall be binding on Seth B. Stewart ("owner"), subsequent owners of the Real Estate and any other persons acquiring an interest therein. These COMMITMENTS may be modified or terminated only by decision of the Clark County Plan Commission (the "Board") made at a public hearing after notice has been provided under the rules of the Board.

These COMMITMENTS contained in this instrument shall be effective upon the adoption or approval by the Board of the Owner's Petition/Application for all or any of the following related to all or part of the Real Estate.

1. Adoption of a rezoning proposal
2. Primary approval of a proposed subdivision plat
3. Approval of a vacation of all or part of the plat
4. Special Exception
5. Special Use
6. Contingent Use
7. Conditional Use
8. Variance

These COMMITMENTS do not obligate the Board or the Clark County Commissioners, as applicable to adopt, approve, or favorable recommend the Owner's Petition or Application to which this COMMITMENT relates.

These COMMITMENTS may be enforced jointly or severally by:

- a. The Clark County Plan Commission
- b. The Board of Clark County Commissioners
- c. The Clark County Board of Zoning Appeals
- d. Owners of all parcels of ground adjoining the Real Estate to a depth of two (2) ownerships, but not to exceed one thousand (1,000) feet from the perimeter of the Real Estate, and all owners of the Real Estate. Owners of real estate located entirely outside the Jurisdiction of the Board are not included, however. The identity of owners shall be determined from the records of the office of the Assessor of Clark County which lists the then current owners of record.

The Owner imposes and consents to the following COMMITMENTS for the use and/or development of the Real Estate.

All those permitted uses allowed in B-2 Zoning except for the following uses:

1. Taverns/Bars
2. Night Clubs
3. Dance Halls/Clubs

An action to enforce a COMMITMENT may be brought in a Circuit or Superior Court in Clark County, Indiana. A permitted party bringing an action to enforce a COMMITMENT may request mandatory or prohibitory injunctive relief through the granting of temporary restraining order, preliminary injunction, or permanent injunction. If action to enforce a COMMITMENT herein is successful, the respondent shall bear the costs of the action. A change of venue from the County shall not be granted in such action and Owner herein waives all rights to a change of venue from the County.

The Owner hereby authorizes the Board, Clark County, Indiana, or any of their agents or representatives to record this Statement of Commitments in the office of the Recorder of Clark County, Indiana, upon approval or adoption of Owner's Petition/Application.

IN WITNESS WHEREOF, the Owner has executed this instrument this 20th day of July, 2016.

Seth B. Stewart
[Signature]

Company Name: _____

BY: _____

ITS: _____

STATE OF Indiana
COUNTY OF Clark

Before me, the undersigned, a Notary Public in and for said County and State, this 20th day of July, 2016, personally appeared Seth Stewart and acknowledged the execution of the above and foregoing instrument.

Witness my hand and notarial seal.

[Signature]
Notary Public, Resident of Clark County, IN

Kelsey Radcliffe
Printed Name

My commission expires:



July 20, 2016

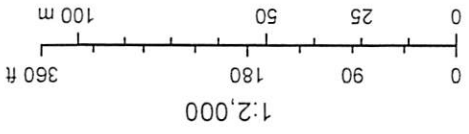
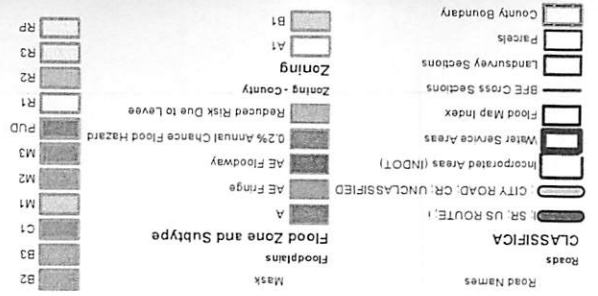
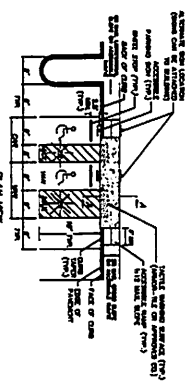
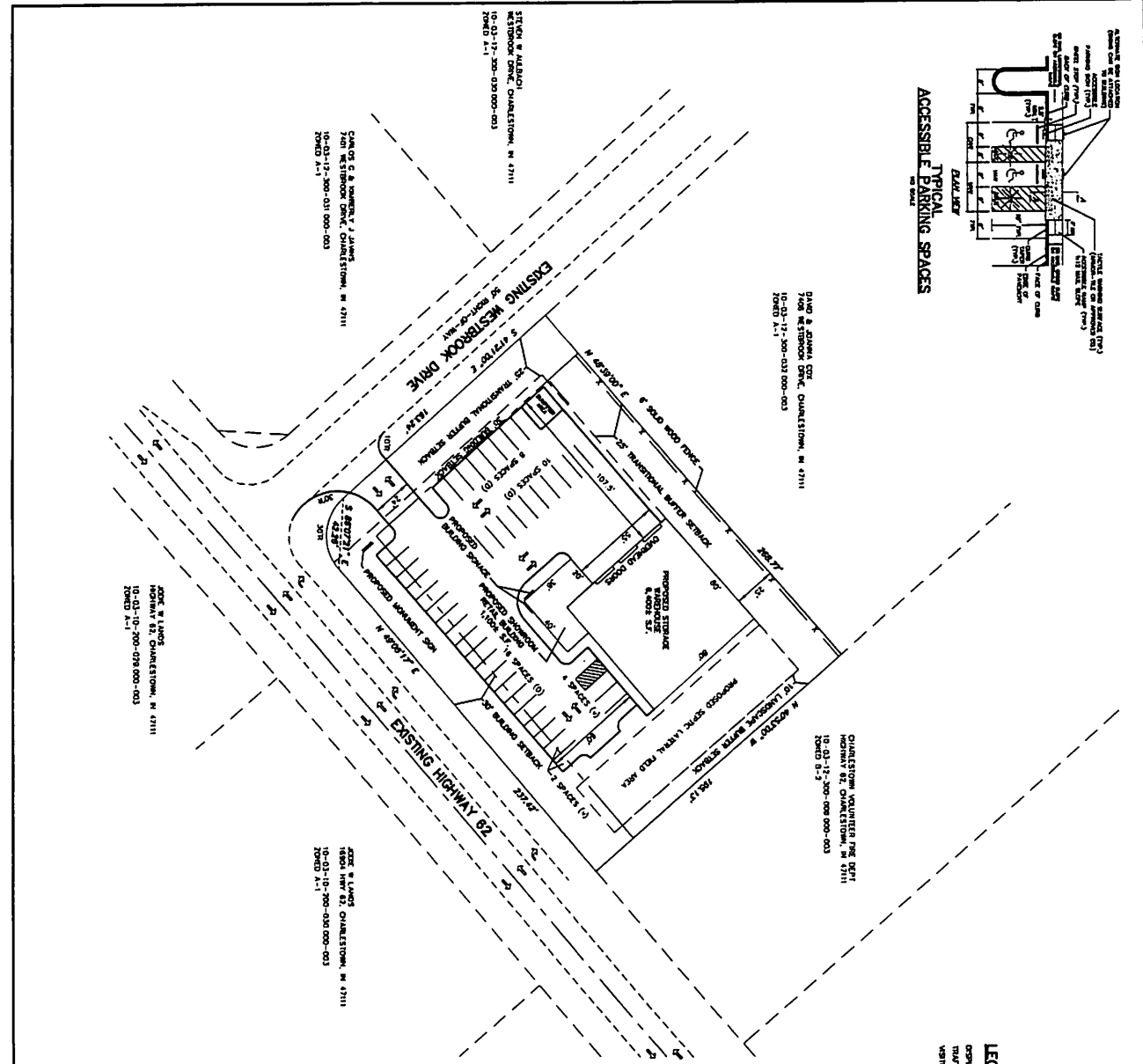


Exhibit A





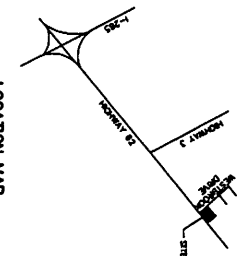
TYPICAL ACCESSIBLE PARKING SPACES



LEGEND

- (1) DISPLAY PARKING
- (2) TRAFFIC FLOW
- (3) VISIBILITY PARKING

LOCATION MAP
NO SCALE



PROJECT DATA

- EXISTING ZONING: A-1
- PROPOSED ZONING: B-2
- EXISTING LAND USE: VACANT
- PROPOSED LAND USE: STORAGE, SUBROPER AND AUTO SALES
- TOTAL LOTS: 40
- TOTAL STORAGE AREAS: 14100 SF
- TOTAL RETAIL AREAS: 1000 SF
- PARKING SPACES REQUIRED (1/200): 8 SPACES (FOR RETAIL AREA)
- PARKING SPACES PROVIDED (DETAIL): 24 SPACES (FOR RETAIL AREA)
- FLOOR AREA: 5112
- NATURAL BUILDING HEIGHT: 47'

GENERAL NOTES

1. THE DEVELOPMENT LIES IN THE QUALISTOWN FIRE DISTRICT.
2. WATERWAYS SHALL CONNECT TO A PROPOSED LATERAL FIELD.
3. SEWERAGE SERVICE SHALL CONNECT TO A PROPOSED LATERAL FIELD.
4. ALL SERVICE OR MAINTENANCE SHALL BE CONDUCTED WITHIN THE ENCLOSED BOUNDARIES.

STICH & ALABDI
7401 WESTBROOK DRIVE, CHARLESTOWN, W 47111
10-03-17-300-030-000-003
ZONED A-1-1

CHARLES C & ROBERTA J JAMES
7401 WESTBROOK DRIVE, CHARLESTOWN, W 47111
10-03-17-300-031-000-003
ZONED A-1-1

DAN & DIANA FOR
7401 WESTBROOK DRIVE, CHARLESTOWN, W 47111
10-03-17-300-033-000-003
ZONED A-1-1

QUALISTOWN, QUALIFIED FIRE DEPT
HIGHWAY 82, CHARLESTOWN, W 47111
10-03-17-300-000-000-003
ZONED B-2-3

ADDE & LANG
1850 HWY 82, CHARLESTOWN, W 47111
10-03-18-700-030-000-003
ZONED A-1-1

ADDE & LANG
1850 HWY 82, CHARLESTOWN, W 47111
10-03-18-700-030-000-003
ZONED A-1-1

<p>FORM G COMPANIES 502-787-4321</p>	<p>SHEET NUMBER: 1 OF 1 JOB NUMBER: 1817 SCALE: 1"=30' DATE: 05-14-2015</p>	<p>REVISIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">#</td> <td style="width: 70%;">REV FOR ADDEY CHANGERS</td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	#	REV FOR ADDEY CHANGERS					<p>REZONING AND DETAILED DEVELOPMENT PLAN BROOKFIELD SUBDIVISION LOT 3 WESTBROOK DRIVE CHARLESTOWN, INDIANA 47111 PARCEL ID #10-03-12-300-030.000-003 GRANT 123, LOT 3</p>	<p>OWNER STEVEN W. AULBACH 1045 W KINABLE RD GEORGETOWN, IN 47122</p> <p>DEVELOPER SETH STEWART 702 NORTH SHORE DRIVE SUITE #102 JEFFERSONVILLE, IN 47130</p>
#	REV FOR ADDEY CHANGERS									