

STATE OF INDIANA  
BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 19-2014

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

*[see attached text of the Ordinance]*

BY THE CLARK COUNTY  
PLAN COMMISSION

RESOLUTION 6-2014

**WHEREAS**, the Clark County Plan Commission met on May 14th, 2014 and heard the petition of Dennis Windell, asking that the property known by its unaddressed parcel #10-10-20-300-251.000-032 Ebenezer Church Road to be rezoned from M-1 Light Industrial to B-2 Community and Roadside Business & A-1 Agricultural Zone to B-2 Community and Roadside Business on a .50 acre lot for a used car sales lot at the unaddressed parcel #10-10-20-300-251.000-032 Ebenezer Church Road, Memphis, Indiana;

**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 unaddressed parcel #10-10-20-300-251.000-032, Memphis, Indiana 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:

(Check One)

The real estate described as parcel #10-10-20-300-251.000-032 Ebenezer Church Road, Memphis, Indiana should be rezoned from M-1 Light Industrial to B-2 Community and Roadside Business & A-1 Agricultural Zone to B-2 Community and Roadside Business.

The real estate described as parcel #10-10-20-300-251.000-032 Ebenezer Church Road, Memphis, Indiana should be rezoned from M-1 Light Industrial to B-2 Community and Roadside Business & A-1 Agricultural Zone to B-2 Community and Roadside Business.

The Plan Commission was unable to reach consensus as required by law, and therefore sends the rezoning petition to the Clark County Commissioners WITHOUT RECOMMENDATION.

Dated this 17<sup>th</sup> day of May.

I hereby certify that this is a true and correct copy of the Resolution passed by the Clark County Plan Commission on May 12th, 2014.

ATTEST:

  
\_\_\_\_\_  
Secretary or Executive Director

EXHIBIT A

[LEGAL DESCRIPTION]

A part of Survey No. 203 of the Illinois Grant, Clark County, Indiana and more particularly described as follows: Beginning at the west corner of said Survey No. 203, thence southeasterly with the line dividing Survey Nos. 202 and 203 a distance of 3126.9 feet to a point in the Ebenezer Road; thence, with the center of said road, N. 52 deg. 56' E., 528.0 feet to a point; continuing with said road N. 39 deg. 04' 33" E., 958.2 feet to a set mag nail, the true point of beginning of said tract; continuing, with said road, N. 39 deg. 04' 33" E., 121.00 feet to a set mag nail; thence N. 50 deg 55' 27" W., 180.0 feet a set rebar w/cap; thence S. 39 deg. 04' 33" W., passing a rebar w/cap at 52.0 feet, a distance of 121.00 feet to a found iron pipe; thence S. 50 deg. 55' 27" E., 180.00 feet to the true point of beginning, containing 0.50 acre, subject to the R/W of the county road, a six foot utility easement along real line and all other easements, apparent or of record.

Subject to any and all easements, protective covenants, and/or restrictions of public record that may apply to the above described real estate.

[END LEGAL DESCRIPTION]

+ Name Dennis Windell Petition No. 2014-11-PC

The Clark County Plan Commission does hereby recommend approval, denial or no recommendation of said petition on this 14th day of MAY 14th, 2014, by a 9-0 vote.

| MEMBER  | APPROVED | DENIED | NO RECOMMENDATION | ABSTAIN |
|---|----------|--------|-------------------|---------|
| <u>David Hynes</u><br>David Hynes               | ✓        | —      | —                 | —       |
| <u>John Uhl</u><br>John Uhl                     | ✓        | —      | —                 | —       |
| <u>Martina Webster</u><br>Martina Webster       | ✓        | —      | —                 | —       |
| <u>Paul E. Coffman</u><br>Paul Coffman          | ✓        | —      | —                 | —       |
| <u>David Blankenkoper</u><br>David Blankenkoper | ✓        | —      | —                 | —       |
| <u>Jack Coffman</u><br>Jack Coffman             | ✓        | —      | —                 | —       |
| <u>Michael Killen</u><br>Michael Killen         | ✓        | —      | —                 | —       |
| <u>Susan Popp</u><br>Susan Popp                 | ✓        | —      | —                 | —       |
| <u>Rick Wardlaw</u><br>Rick Wardlaw             | ✓        | —      | —                 | —       |

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 JUNE 19, 2014 the petition of Dennis Windell to rezone the property at parcel #10-10-20-300-251.000-032 Ebenezer Church Road, Memphis, Indiana from M-1 Light Industrial to B-2 Community and Roadside Business & A-1 Agricultural Zone to B-2 Community and Roadside Business; and the Plan Commission has adopted the forgoing 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:

The real estate described as unaddressed parcel #10-10-20-300-251.000-032, Memphis, Indiana should be reclassified on the zoning maps from M-1 Light Industrial to B-2 Community and Roadside Business & A-1 Agricultural Zone to B-2 Community and Roadside Business.

The real estate at unaddressed parcel #10-10-20-300-251.000-032, Memphis, Indiana SHOULD NOT be reclassified on the zoning maps.

Dated this 19<sup>th</sup> day of JUNE, 2014

Board of Commissioners of  
Clark County, Indiana

ABSENT

Jack Coffman, President ^

John Perkins  
John Perkins, Commissioner

[Signature]  
Rick Stephenson, Commissioner

Attest:

R. Monty Snelling  
R. Monty Snelling, Clark County Auditor