

**MONTGOMERY COUNTY PLAN COMMISSION
CASE REPORT**

Case Number: RZ2020-1

Date: 5/12/20

Petitioner- NATHAN SLAVENS

Location – 6800 S block of 600 W in southern Montgomery County

Type of Case: Re zone of agricultural zoned property to Residential

Standard: Discretionary

Introduction

At the May 27th 2020 meeting you will conduct a public hearing to consider Re- zoning a 45 acre parcel owned by Nathan Slavens for the purpose of residential development. Specifically, the petitioner requests an amendment to the zoning classification from Agriculture to Residential for the purpose of a residential subdivision. The site previously housed a Single Family Dwelling as well as other ancillary buildings associated generally with an agricultural homestead. The petitioner wishes to sub divide the 45 acre tract into a residential subdivision which will encompass 23 acres. The proposed development on the property is a 12 lot subdivision of approximately 2500 sqft Single Family Dwellings. The existing characteristics are wooded and row crop with contour grade changes to the south of the property. The property is accessed from County Road 600 W and is located 1000 feet North County Road 700 S in Brown Township.

Procedural Status of Case

Notice of the public hearing was published on May 17th 2020. Notice to adjoining landowners and landowners within 100 feet of property were sent on prior to May 13th, 2020. The general use of the area is agricultural and residential. If the Re-zone is approved the Subdivision process will begin with the Conceptual approval. This Conceptual Subdivision is on the May agenda for concept approval.

Factors to be considered

1. The Comprehensive Plan.
2. Current conditions and the character of current structures and uses in area.
3. The most desirable use for which the land in each area is adapted.
4. The conservation of property values throughout the jurisdiction.
5. Is the proposed development responsible development.

Staff Recommendation

Staff recommends approval of Re zone requested based on the criteria above. The area is comprised of residential dwellings and agriculture and is consistent with the Montgomery County Comprehensive Plan.

Making a Motion and Discussion

After hearing the statement of the case provided by the petitioner, the statement of the case by staff, any statements of the public and discussing the case, the Commission can approve the zoning amendment, approve the amendment with commitments or deny the amendment to the Montgomery County zone classification of the property. A member of the Commission should make a motion to approve, approve with commitments or deny the petition. Each motion requires a second. After a motion is made and seconded, the Commission may discuss the motion. Form motions are below. A minimum of 5 voting members are required to vote in favor of motion in order to take official action. After the vote, members will certify its action with signatures at the time of the vote or end of meeting.

Sample Motion to Approve

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

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community.
2. The use and value of the area adjacent to the property included in amendment will not be affected in a substantially adverse manner, because the improvement of the property as proposed will likely increase the value of property in the area adjacent to the subject property.
3. The proposed amendment is consistent with the Comprehensive plan

Therefore, I move to approve the Re-zone of the subject property from Agricultural to Residential.