

MONTGOMERY COUNTY BOARD OF COMMISSIONERS

ORDINANCE 2023-6

APPROVING THE REQUEST OF GPE, INC. AND REZONING A CERTAIN PARCEL OF LAND IN THE 10250 EAST BLOCK OF STATE ROAD 32 FROM AGRICULTURAL TO RESIDENTIAL

WHEREAS, GPE, Inc. (GPE) filed a proposal to rezone from
Agricultural to Residential certain parcel of land at the 10250 East Block of
State Road 32 East (Parcel No. 54-08-36-200-006.003-014) in Montgomery
County, (the legal description for the parcel is attached as Exhibit A); and

WHEREAS, GPE intends to develop the property into residential lots;
and

WHEREAS, the Montgomery County Plan Commission published
notice of a public hearing and conducted a public hearing on the proposal on
April 26, 2023; and

WHEREAS, the Plan Commission considered GPE's request,
comments by the public, the case report and comments by the Zoning
Administrator and approved a favorable recommendation on April 26, 2023;
and

WHEREAS, the Plan Commission properly certified its recommendation to the Montgomery County Board of Commissioners on April 27, 2023, and this certification included the following condition: Evaluation and approval by INDOT of the existing entrance modified for three individual residences; and

WHEREAS, the Board of Commissioners published notice of a public hearing on the proposal and conducted a public hearing on May 22, 2023; and

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

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

now finds as follows:

1. Rezoning this real estate from Agricultural to Residential 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 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 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 should be granted, with the conditions proposed by staff and recommended by the Plan Commission; and

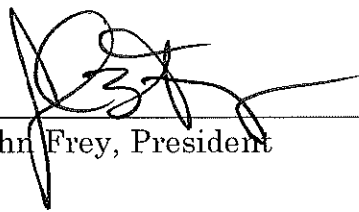
IT IS, THEREFORE, ORDAINED that the request by GPE, Inc to rezone a certain parcel of real estate, located at the 10250 East block of State Road 32 in Montgomery County, and described more particularly in Exhibit A, from Agricultural to Residential is hereby approved, subject only to the following condition: Evaluation and approval by INDOT of the existing entrance modified for the three individual residences.

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.

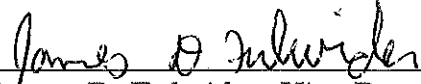
IT IS FURTHER ORDAINED that this ordinance is effective upon adoption.

Adopted: May 22, 2023

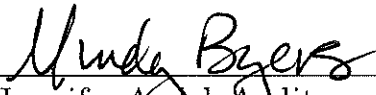
Montgomery County Board
of Commissioners



John Frey, President


James D. Fulwider, Vice President


Dan Guard, Member

Attest: 
~~Jennifer Andel, Auditor~~
Mindy Byers

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