

FCO -2024-20

**Floyd County Board of Commissioners
Ordinance Pertaining to Map Amendments to the Floyd County Zoning Ordinance**

Whereas, the Floyd County Board of Commissioners met on August 6th, 2024, on this matter pursuant to IC 36-7-4-608; and

Whereas, the Board received from the Floyd County Plan Commission a favorable recommendation of the proposed zoning map amendment from Residential Rural (RR) to Residential Suburban (RS) for the following parcel:

1. 22-02-00-200-124.000-002

Whereas, the Plan Commission heard from both proponents and opponents of the map amendments to the zoning ordinance in accordance with IC 36-7-4-604

NOW, THEREFORE,

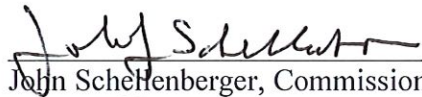
BE IT ORDAINED that Floyd County Zoning Ordinance Map is amended as indicated on attached exhibits (Exhibit A –Legal Description & Location Map; Exhibit B – Plan Commission Ballots & Certification; Exhibit C – Concept Plan; Exhibit D – Developer Written Commitments).

SO RESOLVED this 6th day of August, 2024.

BOARD OF COMMISSIONERS
OF THE COUNTY OF FLOYD



Al Knable, President




John Scheffenberger, Commissioner



Jason Sharp, Commissioner

ATTEST:



Diana Topping, County Auditor

Chief Dep



Exhibit A: Legal Description

EXHIBIT "A"

PARCEL NO. 1:

BEING A 1.1068 ACRE PART OF A 3.2403 ACRE TRACT OF LAND HERETOFORE CONVEYED TO MARYTRUE MULLINEAUX BY DEED AS RECORDED IN DRAWER 6, INSTRUMENT NO. 2580 OF THE FLOYD COUNTY, INDIANA RECORD OF DEEDS AND BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 3 SOUTH, RANGE 5 EAST, SITUATED IN GEORGETOWN TOWNSHIP, FLOYD COUNTY, INDIANA, AND BEING MORE FULLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT AN IRON PIN AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 3 SOUTH, RANGE 5 EAST, AND RUNNING THENCE NORTH 89 DEGREES 49' 55" WEST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, 110.80 FEET TO THE TRUE PLACE OF BEGINNING OF LAND TO BE HEREIN DESCRIBED: THENCE SOUTH 00 DEG. 36' 44" WEST, 415.15 FEET TO AN IRON PIN; THENCE NORTH 89 DEG. 49' 55" WEST, 150.00 FEET TO AN IRON PIN; THENCE NORTH 00 DEG. 36' 44" EAST 45.15 FEET TO AN IRON PIN; THENCE SOUTH 80 DEG. 49' 55" EAST, 38.00 FEET TO AN IRON PIN; THENCE NORTH 00 DEG. 36' 44" EAST, 37.00 FEET TO AN IRON PIN ON THE NORTH LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 89 DEG. 49' 55" EAST ALONG SAID NORTH LINE, 112.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING 1.1068 ACRES OF LAND. SUBJECT, HOWEVER, TO ALL THAT PART OF THE OLD CORYDON ROAD, A COUNTY ROAD, LIVING ON THE NORTH END OF THE ABOVE DESCRIBED 1.1068 ACRE PARCEL OF LAND.

PARCEL NO. 2

BEING A 16.8168 ACRE PART OF A 20 ACRE MORE OR LESS TRACT OF LAND HERETOFORE CONVEYED TO THOMAS L. MULLINEAUX AND MARYTRUE MULLINEAUX BY DEED AS RECORDED IN DEED RECORD 189 PAGE 471 OF THE FLOYD COUNTY, INDIANA RECORD OF DEEDS AND BEING A PART OF THE SOUTHWEST QUARTER OF SECTION NO. 2, TOWNSHIP 3 SOUTH, RANGE 5 EAST, SITUATED IN GEORGETOWN TOWNSHIP, FLOYD COUNTY, INDIANA, AND BEING MORE FULLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT AN IRON PIN AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION NO. 2, TOWNSHIP 3 SOUTH, RANGE 5 EAST AND RUNNING THENCE SOUTH 0 DEG. 36' 44" WEST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, 415.15 FEET TO AN IRON PIN THE TRUE PLACE OF BEGINNING OF LAND TO BE HEREIN DESCRIBED: THENCE CONTINUING SOUTH 0 DEG. 36' 44" WEST ALONG SAID EAST LINE, 1570.56 FEET TO AN IRON PIN; THENCE NORTH 89 DEG. 49' 55" WEST, 440.00 FEET TO AN IRON PIN; THENCE NORTH 0 DEG. 36' 44" EAST, 1985.71 FEET TO AN IRON PIN ON THE NORTH LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 89 DEG. 49' 55" EAST ALONG SAID NORTH LINE, 100.00 FEET TO AN IRON PIN; THENCE SOUTH 0 DEG. 36' 44" WEST, 415.15 FEET TO AN IRON PIN; THENCE SOUTH 89 DEG. 49' 55" EAST, 340.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING 16.8168 ACRES OF LAND. SUBJECT, HOWEVER, TO ALL THAT PART OF THE OLD CORYDON ROAD, A COUNTY ROAD, LYING ON THE NORTH END OF THE ABOVE DESCRIBED 16.8168 ACRE PARCEL OF LAND. EXCEPTING THE FOLLOWING DESCRIBED REAL ESTATE: BEING A 15.0000 ACRE PART OF A 16.8168 ACRE TRACT OF LAND HERETOFORE CONVEYED TO MARYTRUE MULLINEAUX BY DEED AS RECORDED IN DEED DRAWER NO. 7, INSTRUMENT NO. 5867 OF THE FLOYD COUNTY, INDIANA RECORD OF DEEDS AND BEING A PART OF THE SOUTHWEST QUARTER OF SECTION NO. 2, TOWNSHIP 3 SOUTH, RANGE 5 EAST, SITUATED IN GEORGETOWN TOWNSHIP, FLOYD COUNTY, INDIANA AND BEING MORE FULLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT AN IRON PIN AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION NO. 2, TOWNSHIP 3 SOUTH, RANGE 5 EAST AND RUNNING THENCE SOUTH 00 DEGREES, 36 MINUTES, 44 SECONDS WEST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, 647.91 FEET TO A POINT, THE TRUE PLACE OF BEGINNING OF LAND TO BE HEREIN DESCRIBED: THENCE CONTINUING SOUTH 00 DEGREES, 36 MINUTES, 44 SECONDS WEST ALONG SAID EAST LINE, 1337.80 FEET TO AN IRON PIN; THENCE NORTH 89 DEGREES, 49 MINUTES, 55 SECONDS WEST, 440.00 FEET TO AN IRON PIN; THENCE NORTH 00 DEGREES, 36 MINUTES, 44 SECONDS EAST, 1985.71 FEET TO AN IRON PIN ON THE NORTH LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 89 DEGREES, 49 MINUTES, 55 SECONDS EAST ALONG THE NORTH LINE, 100.00 FEET TO AN IRON PIN; THENCE SOUTH 00 DEGREES, 36 MINUTES, 44 SECONDS WEST, 647.91 FEET TO A POINT; THENCE SOUTH 89 DEGREES, 49 MINUTES, 55 SECONDS EAST, 340.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING 15.0000 ACRES OF LAND. SUBJECT, HOWEVER, TO ALL THAT PART OF THE OLD CORYDON ROAD, A COUNTY ROAD, LYING ON THE NORTH END OF THE ABOVE DESCRIBED 15.0000 ACRE PARCEL OF LAND. LEAVING 1.8168 ACRES.

ALSO: BEING A 3.2403 ACRE PART OF A 20 ACRE MORE OR LESS TRACT OF LAND HERETOFORE CONVEYED TO THOMAS L. MULLINEAUX AND MARYTRUE MULLINEAUX BY DEED AS RECORDED IN DEED RECORD 189 PAGE 471 OF THE FLOYD COUNTY, INDIANA RECORD OF DEEDS AND BEING A PART OF THE SOUTHWEST QUARTER OF SECTION NO. 2, TOWNSHIP 3 SOUTH, RANGE 5 EAST, SITUATED IN GEORGETOWN TOWNSHIP, FLOYD COUNTY, INDIANA AND BEING MORE FULLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN IRON PIN AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF

SECTION NO. 2, TOWNSHIP 3 SOUTH, RANGE 5 EAST AND RUNNING .THENCE SOUTH 0° 36' 44" WEST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, 415.15 FEET TO AN IRON PIN; THENCE NORTH 89° 49' 55" WEST, 340.00 FEET TO AN IRON PIN; THENCE NORTH 0° 36' 44" EAST, 415.15 FEET TO AN IRON PIN ON THE NORTH LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 89° 49' 55" EAST ALONG SAID NORTH LINE, 340.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING 3.2403 ACRES OF LAND. SUBJECT, HOWEVER, TO ALL THAT PART OF THE OLD CORYDON ROAD, A COUNTY ROAD, LYING ON THE NORTH END OF THE ABOVE DESCRIBED 3.2403 ACRE PARCEL OF LAND. EXCEPTING THE FOLLOWING DESCRIBED REAL ESTATE: BEING A 1.1068 ACRE PART OF A 3.2403 ACRE TRACT OF LAND HERETOFORE CONVEYED TO MARYTRUE MULLINEAUX BY DEED AS RECORDED IN DRAWER 6, INSTRUMENT NO. 2580 OF THE FLOYD COUNTY, INDIANA RECORD OF DEEDS AND BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 3 SOUTH, RANGE 5 EAST, SITUATED IN GEORGETOWN TOWNSHIP, FLOYD COUNTY, INDIANA, AND BEING MORE FULLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT AN IRON PIN AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 3 SOUTH, RANGE 5 EAST, AND RUNNING THENCE NORTH 89 DEGREES 49' 55" WEST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, 110.80 FEET TO THE TRUE PLACE OF BEGINNING OF LAND TO BE HEREIN DESCRIBED; THENCE SOUTH 00 DEG. 36' 44" WEST, 415.15 FEET TO AN IRON PIN; THENCE NORTH 89 DEG. 49' 55" WEST, 150.00 FEET TO AN IRON PIN; THENCE NORTH 00 DEG. 36' 44" EAST 45.15 FEET TO AN IRON PIN; THENCE SOUTH 80 DEG. 49' 55" EAST, 38.00 FEET TO AN IRON PIN; THENCE NORTH 00 DEG. 36' 44" EAST, 37.00 FEET TO AN IRON PIN ON THE NORTH LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 89 DEG. 49' 55" EAST ALONG SAID NORTH LINE, 112.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING 1.1068 ACRES OF LAND. SUBJECT, HOWEVER, TO ALL THAT PART OF THE OLD CORYDON ROAD, A COUNTY ROAD, LYING ON THE NORTH END OF THE ABOVE DESCRIBED 1.1068 ACRE PARCEL OF LAND. LEAVING 2.1385 ACRES

Being the same property conveyed to Chester D. Linderman and Manlu Linderman, by deed dated 2/20/92 and recorded 2/21/92, of record in Deed Drawer 19, Instrument Number 2018, and by deed dated 2/24/92 and recorded 2/25/92, of record in Deed Drawer 19, Instrument Number 2179, in the Office of the recorder of Floyd County, Indiana.

Certification: I affirm, under the penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law. James M. Kemp, Esq.

Pursuant to I.C. 32-21-2-3(b), the mailing address for the Grantees' property tax statements is: 6527 Corydon Ridge Rd., Georgetown, Indiana 47122

When Recorded, Return To: Kemp Title Agency, LLC, 4206 Charlestown Road, Suite 100, New Albany, Indiana 47150, 812-941-8980, File #201106035

This instrument was prepared without title examination or other legal services by: Kemp Law Office, LLC, By: James M. Kemp, Esq., 4206 Charlestown Road, Suite 100, New Albany, Indiana 47150.

Exhibit A: Location Map

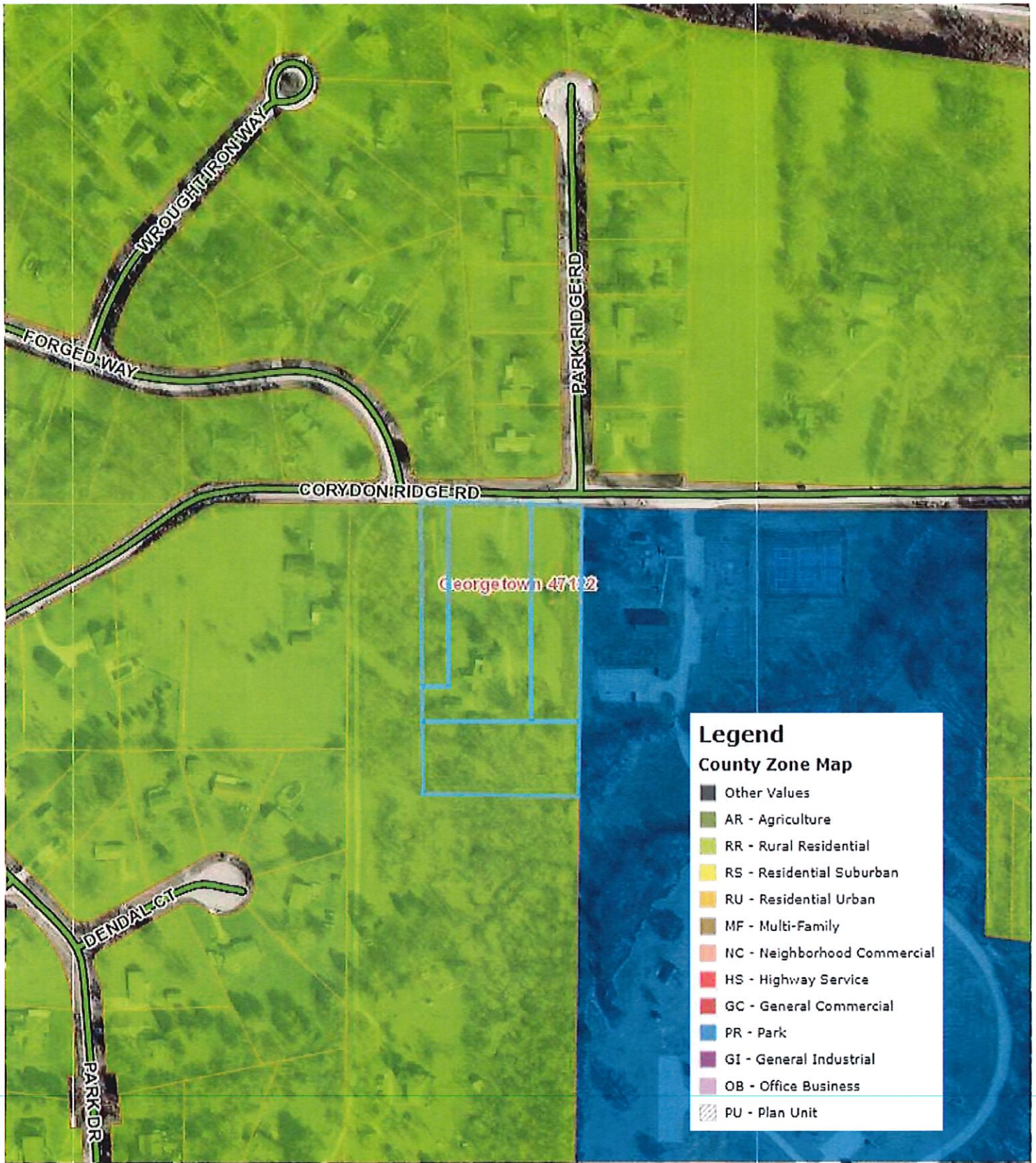


Exhibit B: Ballot & Certification
FLOYD COUNTY PLAN COMMISSION

ZONING MAP AMENDMENT BALLOT

Docket No. FC-06-24-30__

Petitioner's Name: The Elder Co., LLC

STATUTORY AUTHORITY: Indiana Code § 36-7-4-608

ORDINANCE AUTHORITY: Floyd County Zoning Ordinance 2006

In reviewing the zoning amendment petition, the Plan Commission and County Commissioners shall pay reasonable regard to the following: (1) The Floyd County Comprehensive Plan and any other applicable, adopted planning studies or reports; (2) The current conditions and the character of current structures and uses in each district; (3) The most desirable use of which the land in each district is adapted; (4) The conservation of property values throughout Floyd County; and (5) Responsible growth and development.

DECISION:

After careful review, the Floyd County Plan Commission finds that:

1. The re-zoning of the subject property (~~IS~~ / IS NOT) consistent with the Floyd County Comprehensive Plan because: The proposal utilizes conservation design concepts proposed in the comprehensive plan such as the preservation of natural character including old growth trees, and compact design. The development is directed in an area of adequate water, sewer, and road infrastructure following smart growth principles. The proposal includes elements to preserve the rural character of the area such as a berm and pine tree screening along the road frontage, a vegetative buffer between the park and the development, and open space "common area" at the rear of the subdivision. Further, the Comprehensive Plan states high density residential uses should be directed towards existing infrastructure and near existing residential uses and that there are opportunities for conservation subdivision design.
2. The re-zoning of the subject property (~~IS~~ / IS NOT) consistent with the current conditions and the character of current structures and uses in the area because: the surrounding properties are rural residential and Residential Suburban districts may be located in proximity to rural residential (RR) district in a way that does not interfere with agricultural practices. Conservation subdivision design principals are proposed which will preserve open space and is consistent with the rural character of the area.
3. The re-zoning of the subject property (~~IS~~ / IS NOT) necessary for the most desirable use of the land because: The proposal directs denser residential development to areas with adequate infrastructure to support this development.
4. The re-zoning of the subject property (~~WILL NOT~~ / WILL) be injurious to the value of other properties in the area because: The proposal includes the development of garden style homes with a higher suggested home value than the surrounding areas. The proposal includes a vegetative buffer adjoining the park and a screening of the frontage with a berm and vegetative screening.
5. The re-zoning of the subject property (~~WILL~~ / WILL NOT) support responsible growth and development in the area because:

The rezoning will be supported by adequate infrastructure and housing is demanded in the region, the development provides a connection to the adjoining park and preserves open space while increasing density.

Upon careful review, the Floyd County Plan Commission hereby makes a(n) (FAVORABLE) / UNFAVORABLE) recommendation on the Petitioner's Zoning Amendment Application at the meeting held on the 8 day of July, 2024

A favorable recommendation is made based on the following written commitments:

The Favorable recommendation is contingent upon the primary approval of Conservation Subdivision proposal.

Applicant must adhere to voluntary written commitments provided in the Elder company letter dated June 25, 2024.

Commission Members in Favor:

Commission Members Opposed:


Sam Williams
Chris Welch
Greg Sully
John Bon...
...
...
...

Jim Frueh...

CERTIFICATION OF ACTION

Comes now the Floyd County Plan Commission pursuant to I.C. 36-7-4-608, and hereby certifies that the attached Recommendation on Zoning Amendment is a true and accurate copy of the Recommendation as made at its regularly scheduled meeting on the 8th day of July, 2024. The Ballot accurately reflects the vote of the Floyd County Plan Commission on the Recommendation.

Date: 07/08/2024



Nicholas Creevy, Executive Plan Director
Floyd County Plan Commission

1:	06/25/2024
2:	
3:	
4:	
By	Date

COTTONWOOD COMMONS
 ELDER COMPANY
 6527 CORYDON RIDGE ROAD
 GEORGETOWN, IN
 FLOYD COUNTY

301 E. CHESTNUT ST.
 CORYDON, IN 47112
 TEL: (812) 738-4124
 FAX: (812) 738-6740



Date: 06/05/2024
 Drafted By: JMC
 Checked By: DAS
 Director: T. 2024-24890
 File: 24890SKETCH3
 Job No: 24-24890
 Drawing No. 1 OF 1

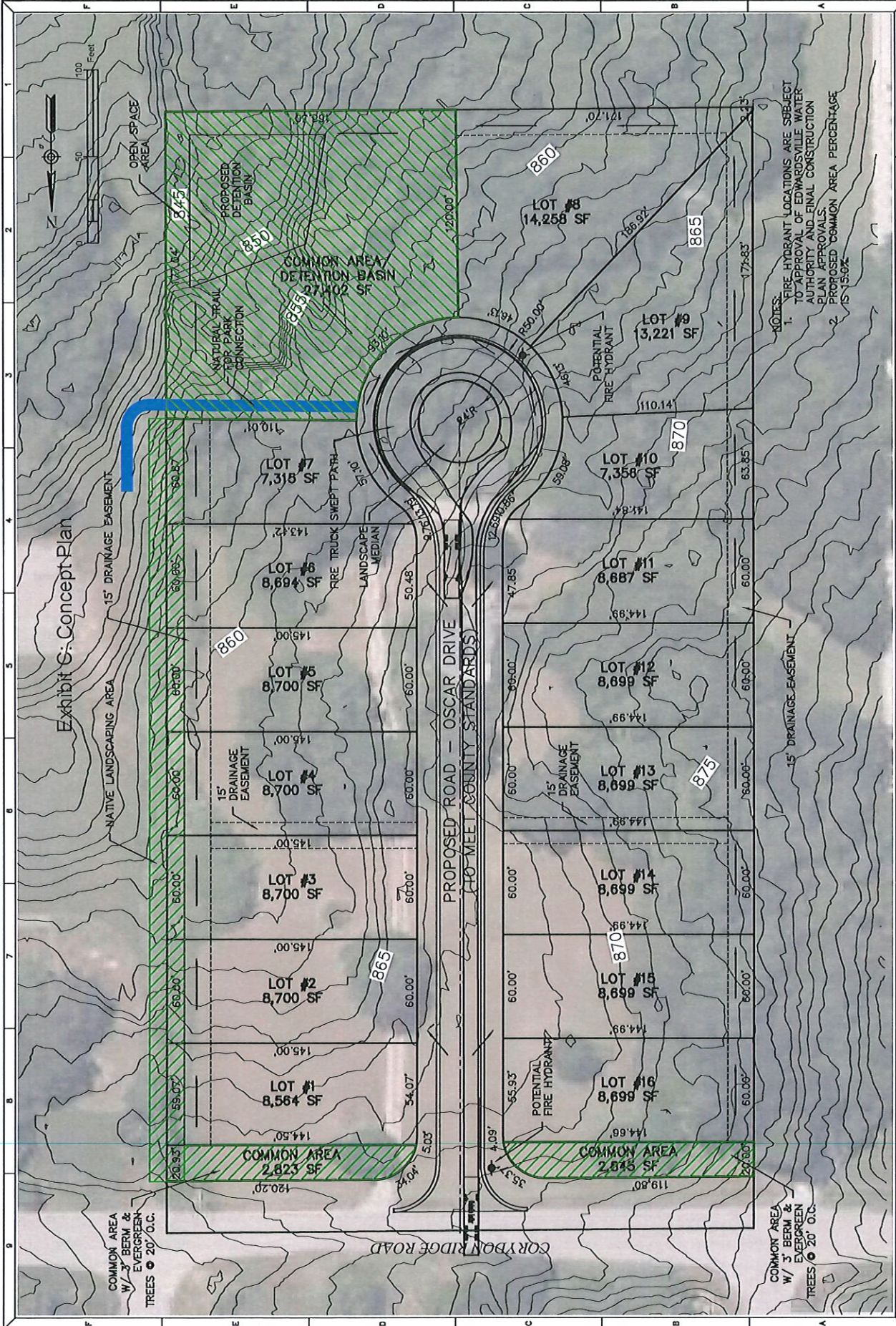


Exhibit S: Concept Plan

- NOTES:
1. FIRE HYDRANT LOCATIONS ARE SUBJECT TO APPROVAL OF EDWARDSVILLE WATER AUTHORITY AND FINAL CONSTRUCTION PLAN APPROVALS.
 2. PROPOSED COMMON AREA PERCENTAGE 15-15.6%.

COMMON AREA
 W/ 3' BERM &
 EVERGREEN
 TREES @ 20' O.C.

COMMON AREA
 W/ 3' BERM &
 EVERGREEN
 TREES @ 20' O.C.

Exhibit D: Written Commitments



June 25, 2024

Floyd County Department of
Building & Development Services
c/o Plan Commission
2524 Corydon Pike Suite 202
New Albany, IN 47150

*** Sent via email to: Building@floydcounty.in.gov ***

Re: Written Commitments For The Petition To Rezone 6527 Corydon Ridge Rd.

Dear Plan Commission:

Thank you for allowing me the opportunity to meet with the Planning Director and other interested parties to ensure concerns are addressed in our pursuit of a successful rezone of the aforementioned property. The purpose of this letter is to clearly identify and delineate certain commitments that were of import should the rezoning request to Rural Suburban be successful. Thus, after careful consideration and several meetings we agree to the following:

1. Specific to the property boundary line between the subject property and the property owned by the Floyd County Park and Recreation Board (the "Parks Board"), we will:
 - a. Clear the vegetation at no expense to the Parks Board;
 - b. Retain any and all mature trees or other bushes that do not interfere with the overhead power lines;
 - c. Work with the Parks Board's arborist and our LA to maintain some level or combination of a natural landscape buffer so visitors of the park won't only see a fence line if a fence is installed;
 - d. Ensure the Parks Board maintains power to the back of the park; and,
 - e. Construct two points of connectivity from the development to the park (i.e. both in the back of the development and at the front);
2. We will work with the Planning Director to provide a design with an acceptable entrance focusing on rural characteristics. Acceptable examples would be landscape berms, horse fencing, and monument signage consistent with the surrounding neighborhoods.

We believe this proposed development will be a great addition to Floyd County and we look forward to presenting our thoughts to you at the meeting.

Sincerely,

Jacob C. Elder

Jacob C. Elder

The Elder Company, LLC
501 Pearl St., New Albany, IN 47150
jelder@theelderco.com / 502.938.8115