

ORIGINAL

**ORDINANCE TO AMEND
THE DELAWARE COUNTY COMPREHENSIVE ZONING ORDINANCE**

WHEREAS, the Board of County Commissioners of Delaware County, Indiana, has given reasonable regard to the comprehensive plan; current conditions and the character of the current structures and uses in each district; the most desirable use for which the land in each district is adapted; the conservation of property values throughout the jurisdiction; and responsible growth and development.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, INDIANA, as follows:

Section 1. That the Delaware County Comprehensive Zoning Ordinance, theretofore adopted by the Board of County Commissioners of Delaware County, Indiana, on the 11th day of December, 1973, be amended, changed and supplemented so as to include in the BC Community Business Zone the following described real estate located in Delaware County, Indiana, to wit:

see attached legal description


Section 2. That no structures shall be placed on said lot or parcel of land except in compliance with the Delaware County Comprehensive Zoning Ordinance of Delaware County, Indiana.

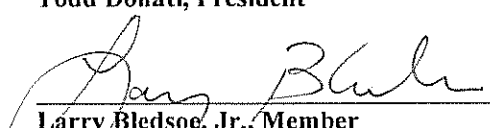
Section 3. That this Ordinance shall be in full force and effect from and after its passage by the Board of County Commissioners of Delaware County, Indiana.

The above Ordinance passed [vetoed] by the Board of County Commissioners of Delaware

County, Indiana, this 19 day of April, 2010.

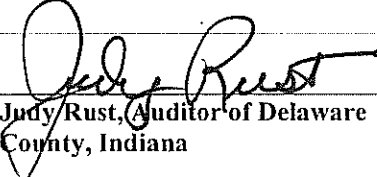
**BOARD OF COUNTY COMMISSIONERS
DELAWARE COUNTY, INDIANA**


Todd Donati, President


Larry Bledsog, Jr., Member


Donald Dunnuck, Member

ATTEST:


Judy Rust, Auditor of Delaware
County, Indiana

Presented to us in regular session this 1st day of April, 2010 and by us
1st day of April, 2010.

FAVORABLY RECOMMENDED (5-1): this


Marta Moody, Secretary
Delaware-Muncie Metropolitan Plan Commission

REPORT TO BOARD OF COUNTY COMMISSIONERS
OF DELAWARE COUNTY, INDIANA

To the Honorable:

Board of County Commissioners of Delaware County, Indiana

Dear Board Members:

The Delaware-Muncie Metropolitan Plan Commission hereby submits to you the following report on an application filed by Carroll & Guy Millspaugh, Jr., 14520 N. CR 600W, Gaston, IN 47342, requesting to rezone the real estate as described in the attached application. The application is proposing to rezone the land from the R-3 Residence Zone to the BC Community Business Zone.

WHEREAS, the Commission has given reasonable regard to the Comprehensive Plan; current conditions and the character of current structures and use in each district; the most desirable use for which the land in each district is adapted; the conservation of property values throughout the jurisdiction; and responsible growth and development.

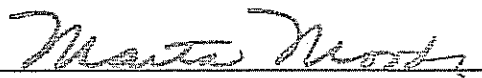
NOW THEREFORE, the Delaware-Muncie Metropolitan Plan Commission favorably recommended (5-1) the application for rezoning.

DELAWARE-MUNCIE METROPOLITAN
PLAN COMMISSION OF DELAWARE
COUNTY, INDIANA

BY:



David Howell, President



Marta Moody, Secretary

The Northwest Quarter of the Northwest Quarter of Section Thirty-four (34), all in Township Twenty-two (22) North, Range Nine (9) East.

Commencing at the northwest corner of Said Section Thirty-four (34); thence East 350 feet along north line of said section; thence South 440 feet parallel to West line of said section; thence West 350 feet to the West line of said section; thence North 440 feet along the West line of said section to the point of beginning. Containing 152,450 sft (3.50 acres), more or less.

(4) Common Address of Property involved: (If in the City, give street address; if in the County,

give county roads and distances.)

County Road 600 W near W 900N Road. East side of Road

14300 & 14400 BIK OF N. CR 600W

(5) Proposed Zoning Change: (Give exact zone classification.)

From the R-3 RESIDENCE Zone

To the BC community business Zone

(6) Intent and Purpose of Proposed Change: (Specify use contemplated on property.)

Retail

(7) Will the Owner develop the property for the use specified in Item 6 or does owner intend to sell property for the purpose specified?

Current owner to sell a portion of subject property for the purpose specified

(8) State how the proposed change will not adversely affect the surrounding area.

Low intensity retail use; property across street is currently zoned BC

(9) Will certain variances be requested if the proposed zoning change is granted? No
(If yes, list the variances)

(10) Has the applicant provided stamped, addressed envelopes to send notices of this rezoning to

all property owners within 300 feet? Yes

Has the applicant discussed this rezoning with these owners personally? No

(If answer is yes, give their attitudes toward the rezoning.)

(11) Are there any restrictions, easements and/or covenants governing the property prohibiting

its use for the purpose specified in this application? No

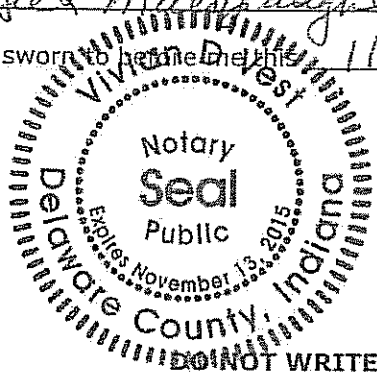
(If answer is yes, attach copy of same and/or explain.)

AFFIDAVIT

(I or We) Guy Jr. & Carroll Millspaugh
being duly sworn, depose and say that I/We am/are the owner(s)/contract owner(s) and contract seller(s) of property involved in this application and that the foregoing signatures, statements, and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my/our knowledge and belief.

Signed Guy Millspaugh Jr.
Carroll & Mitchell

Subscribed and sworn to before me this 11 day of March, 2010.



Vivian D West
Notary Public

Commission Expires _____

DO NOT WRITE IN THIS SPACE

The foregoing application has been inspected by me and was submitted to the Delaware-Muncie Metropolitan Plan Commission Office in accordance with all the formal requirements. If properly advertised by the applicant, this application will be heard by the Plan Commission in Public hearing on the 11th day of March, 2010.

Signed Pam Sporeman

Date 3-11-10

Recorded 6-7-1988
Book 481 Page 510
R.D.C.

4615

BOOK 481 PAGE 510

Executor's Deed

Duly Entered for Taxation
this 7th day of June 1988
George H. ...
AUDITOR
Transfer Fees \$.....

DAVID VANNATER

Executor of the last will of PEARLE EDSON VANNATER, deceased,

as such Executor, by order of the Grant Circuit Court, of Grant County, in the State of Indiana, entered in

Order Book of said Court, on page CONVEY to GUY L. MILLSPAUGH, JR. and CARROLL R. MILLSPAUGH, husband and wife,

of Delaware County, in the State of Indiana

for the sum of Twenty-six Thousand (Total) Dollars,

the following REAL ESTATE in Delaware County, in the State of Indiana,

to wit:

The North Half of the Southwest Quarter of the Southwest Quarter of Section Twenty-seven (27), Township Twenty-two (22) North, Range Number Nine (9) East, containing Twenty (20) acres, more or less, excepting therefrom the following:
Beginning at the Northwest corner of the Southwest Quarter of the Southwest Quarter of Section Twenty-seven (27), Township Twenty-two (22) North of Range Nine (9) East; running thence East with the North line of said quarter quarter section Sixteen (16) rods; thence South parallel with the West line of said quarter quarter section Twenty (20) rods; thence West parallel with the North line of said quarter quarter section Sixteen (16) rods to the West line of said quarter quarter section; thence North with said West line Twenty (20) rods to the place of beginning, containing Two (2) acres.

The South Half of the South West Quarter of the South West Quarter of Section Twenty-seven (27); Also Thirteen (13) acres off of the North end of the North West Quarter of the North West Quarter of Section Thirty-four (34), all in Township Twenty-two (22) North, Range Nine (9) East, containing in all Thirty-three (33) acres, more or less.

Made pursuant to orders of the Grant Circuit Court on 12-28-67 and 4-16-68 in Probate Cause No. 13392.

This conveyance includes all of the interest of the decedent and the interest of Freda Irene Button, deceased, as conveyed to the Executor by her sole heir by deed dated November 22, 1967; subject to the taxes due in November, 1968; to assessments hereafter becoming a lien; and to rights of way.

IN WITNESS WHEREOF, The said DAVID VANNATTER

Executor, as aforesaid has hereunto set his hand and seal, this 16th day of April

A. D. 19 68
X David VanNatter (SEAL)
David VanNatter
as Executor of the Last Will and Testament of Mearle Edson VanNatter, deceased (SEAL)

Approved by me in Open Court this 16th day of April 19 68

Mamuel P. Rivers
Judge of Grant Circuit Court

State of Indiana, Grant County, set:

Before me Arden W. Zobrosky a Notary Public

in and for said County, this 16th day of April A. D. 19 68, personally appeared

DAVID VANNATTER Executor of the last will of MEAREE EDSON VANNATTER deceased

and DAVID VANNATTER as Executor acknowledged the execution of the annexed Deed.

WITNESS my hand and notarial seal

My Commission Expires October 2, 1969

3004 451 TAG 541
Arden W. Zobrosky (SEAL)
Arden W. Zobrosky, Notary Public

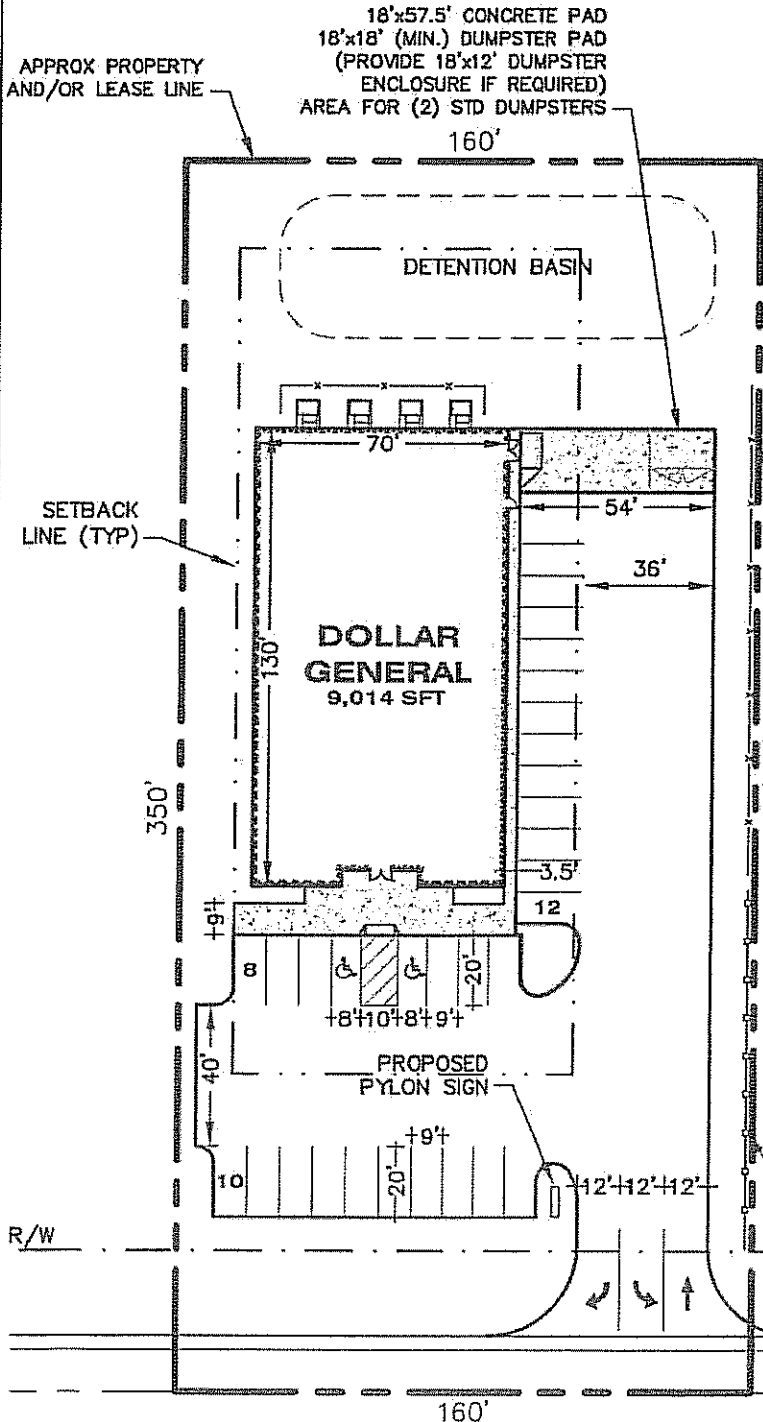
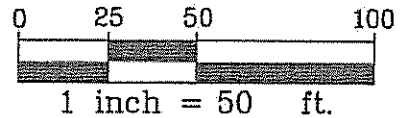
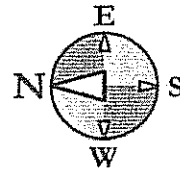
This instrument was prepared by Arden W. Zobrosky, Attorney, Marion, Indiana

PRELIMINARY SITE PLAN

STATE - STREET:
GASTON, IN - SYCAMORE STREET

PROTOTYPE:	B	DEVELOPER	DESIGNER	DATE:
BLDG./SALES SF:	9,014/7,195	COMPANY: SHANE COFFMAN	COMPANY: HURLEY & STEWART	2/22/10
ACREAGE:	1.29	NAME: SHANE COFFMAN	NAME: ANDREW ROSELL	
PARKING SPACES:	30	PHONE #: (765) 530-0378	PHONE #: (260) 552-1960	

DIMENSIONS SHOWN ALONG PROPERTY, RIGHT-OF-WAY AND/OR LEASE LINES ARE PRELIMINARY AND SHOWN FOR INFORMATIONAL PURPOSES ONLY



SITE SUMMARY

SITE AREA: 56,000 SF (1.29 AC)

SITE DIMENSIONS: 160' X 350'

ZONING: R-3 RESIDENTIAL
* REZONE TO BC COMMUNITY BUS.

BUILDING SETBACKS:
FRONT = 50'
SIDE = 15' (N); 50' (S)
REAR = 25'

BUILDING AREA: 9,014 SF

PARKING:
REQUIRED: 30 SPACES
PROVIDED: 30 SPACES

LANDSCAPING:
FRONT YARD: 4 SHADE TREES

SIDE YARD: 5' BUFFERYARD (N)
10' BUFFERYARD (S) W/ 5' HT.
SCREENING FENCE OR SHRUBS

REAR YARD: 10' BUFFERYARD

PARKING LOT: 1 TREE EVERY 10
PARKING SPACES

5' OF FOUNDATION PLANTINGS

STORMWATER DETENTION REQUIRED:
MEET CITY/COUNTY STANDARDS

Gwaltney

Millspaugh

Bader Bader

Huff

Curtis Tuttle
Harold

Millspaugh

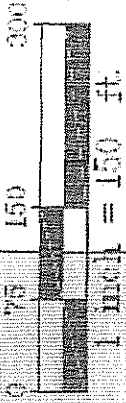
Grove

Thornburg

Powers, Charles W Jr

Powers, Ryan

CUTFORTH PROPERTY 62.37 ACRES	PORTER PROPERTY 80 ACRES
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STEAMBOAT ST

3500

3500

3500

3500

3500

3500

3500

3500

150 150 FEET
2.50 ACRES
PLANTING
TO BE

PLANTING
TO BE

PLANTING
TO BE

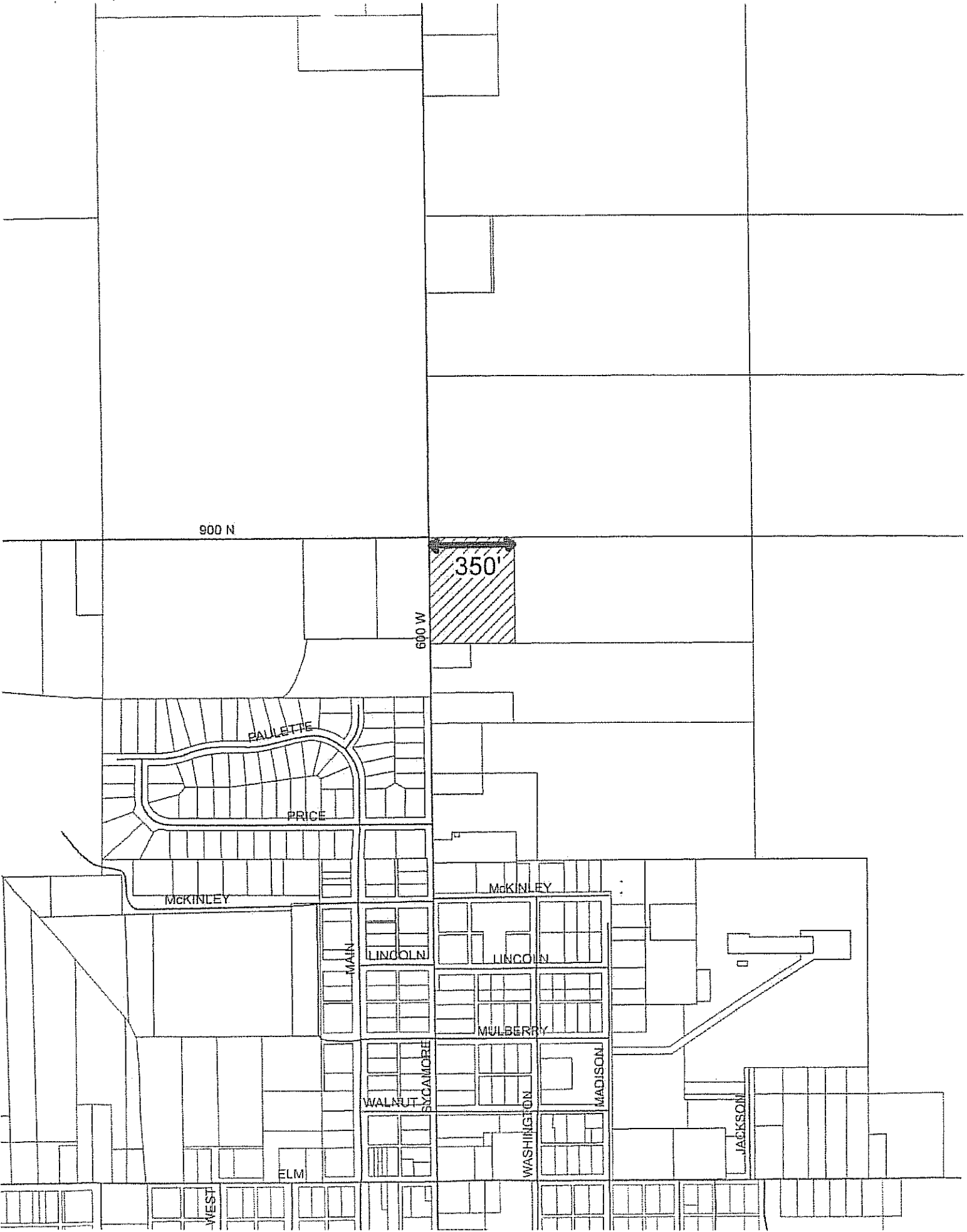
PLANTING
TO BE

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PLANTING
TO BE

142



900 N

350'

600 W

PALLETTE

PRICE

MCKINLEY

MCKINLEY

MAIN

LINCOLN

LINCOLN

MULBERRY

WALNUT

BUCAMORE

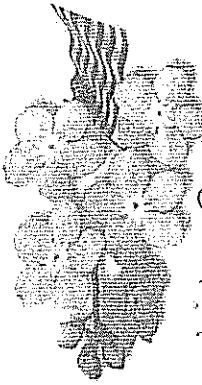
WASHINGTON

MADISON

ELM

WEST

JACKSON



We don't wish to back object to a
 range from residential to a business
 here at the 14,300 & 14,400 blocks of N
 2600 W Eastern. Some of the reasons
 are as follows

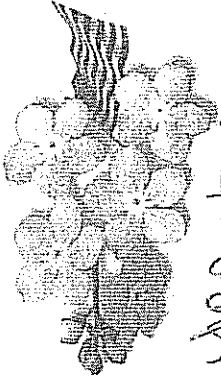
1. Safety issue for the children riding
 their bikes outside the city limits
 to work at the business.

2. Noise, lights, litter that will invade
 our property

3. Property value of our home, we bought 5
 yrs ago we could have a quite bit
 of money the wife's life that would
 be gone with a business so close.

4. How will our roads hold up to the
 traffic and traffic going to and from
 the new business. Who will look
 after the roads? Who will repair broken
 roads in town from the homes?

5. Eastern has been renovated somewhat
 to accommodate small business.
 We need to ~~keep~~ ~~business~~ in our
 town

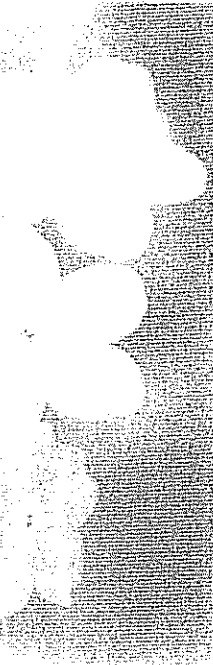


6. Eastern has two small businesses
 with local owners which would
 be affected by a bigger business
 what sales similar merchandise, it
 could close them down, so then
 what will eastern do to get
 the money renovated buildings
 from being empty due to a
 business outside of eastern.

7. It seems like a lot of changes would
 happen and not to be good if
 the property was zoned for business.

thanks

Ulick Gonz Beden
 9801 W 26900 N.
 Eastern Wn
 47343



~~Delaware~~ ~~County~~ Metropolitan Plan Commission

Case Analysis - April, 2010

MPC 5-10Z Carroll & Guy Millspaugh, Jr.

Description & Location: *On the east side of the 14300 & 14400 block of N. CR 600W, Washington Twp.*

Travel north and west on Wheeling Ave. to CR 850N and turn left (west); continue west to CR 600W and turn right (north); continue north approximately 1/2 mile. The proposed parcel is on the right (east) side, (before CR 900N), between the homes addressed as 14300 and 14520, which is the applicant's home. The proposed 3 1/2 acre parcel, to be rezoned, will be separated from an existing 13.4 acre parcel.



MPC 5-102 MILLSPAUGH



Request to rezone from
R-3 Residence Zone
to BC Community Business Zone

Farming

proposed Dollar General Store

Community Business

Residence zone 3

Town of Gaston

215' from most northern
Gaston City Limits

PRICE

McKINLEY

McKINLEY

OTHER JURISDICTIONS

LINCOLN

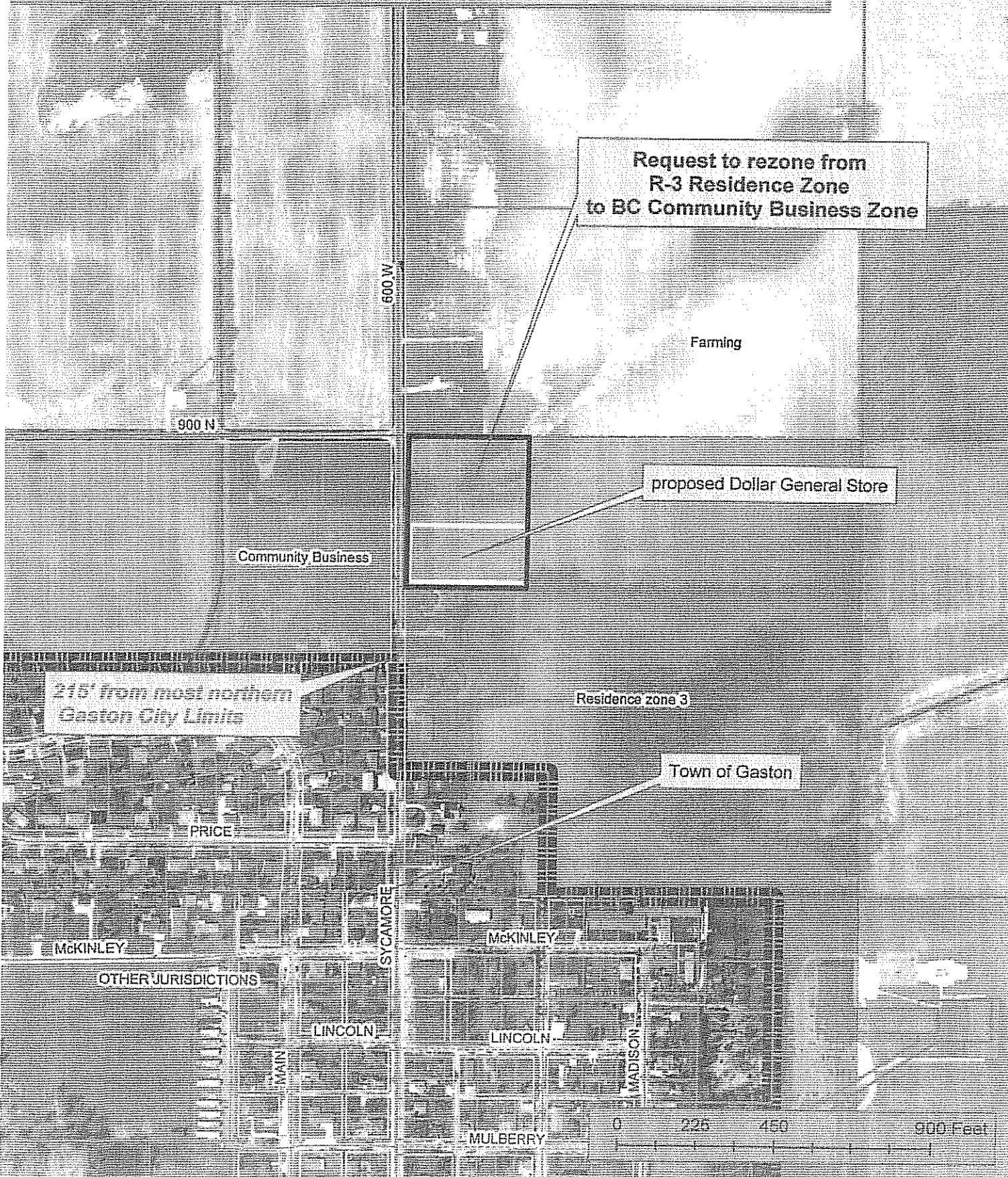
LINCOLN

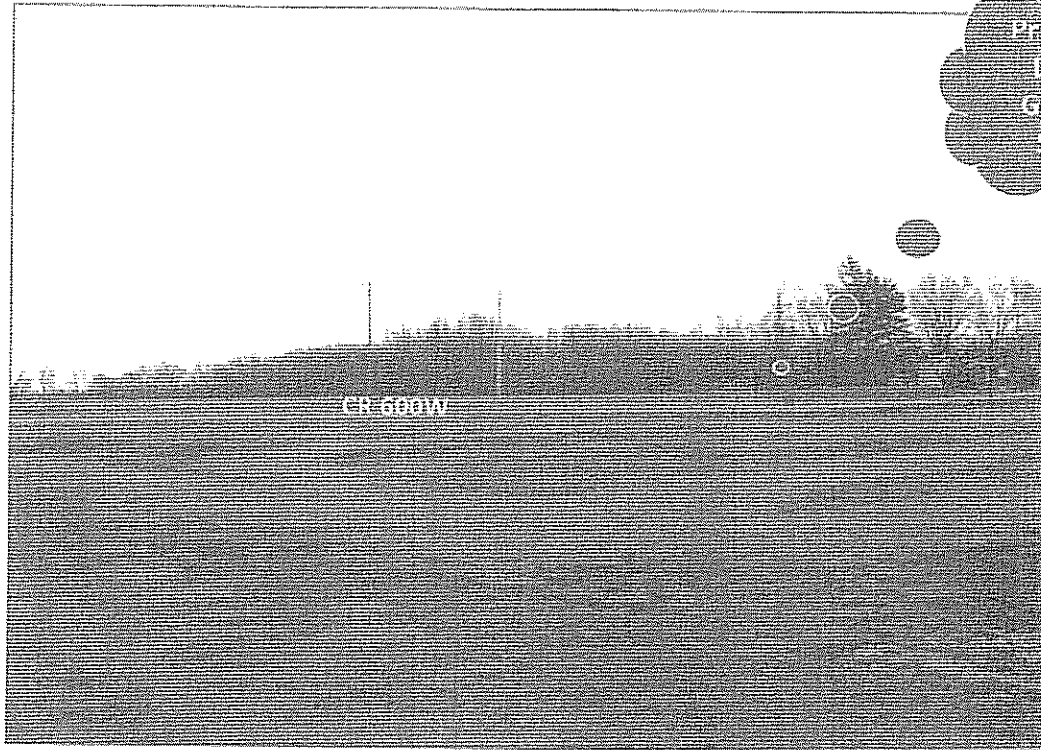
MAIN

MADISON

MULBERRY

0 225 450 900 Feet





Streets: CR 600W is classified as a Local Road with a 50' proposed ROW according to the Thoroughfare Plan. According to the Federal Classification System it is a Rural Major Collector.

Land Use: Gaston is located to the south and the land use in Gaston is mixed with residential and commercial. The land use to the north is farming.

Zoning: The zoning is R-3 Residence Zone (single family). There is BC Community Business zoning to the west, farm zoning to the north.

Request: The request is to rezone the 3 ½ acre parcel from the R-3 Residence Zone to the BC Community Business Zone for a new Dollar General Store to be located on a parcel measuring 160' wide and 350' deep – 1.29 acres, which is located to the south of the 3 ½ acre parcel.

The parcel will need to be platted prior to construction.

The Comprehensive Plan promotes development in and immediately around the small towns. This site is 215' north of the Gaston town limits. The town was contacted and one council member indicated no problem with the rezoning but wished it were inside the town for tax revenue.

Location Map

