

## Plan Commission (PC)

### INITIAL Petition Filings

**Docket # :** 2020-47-Z

**Petitioner:** Harris FLP - Appaloosa Crossing - Rezoning of Outlot I

**Public Hearing Date:** 11/16/2020

Staff Reports and Petition Packets will be posted with the public meeting agenda at the following location <http://www.zionsville-in.gov/AgendaCenter>

# Town of Zionsville

Petition for Plan Commission Approval

<b>Office Use Only</b>
Petition No.: _____
Hearing Date: _____
Recommendation: _____

### 1. SITE INFORMATION:

Address of Property: 10901 E 300 S & 3201 S. US 421 (Michigan Road)  
Existing Use of Property: undeveloped  
Proposed Use of Property: retail commercial  
Current Zoning: PB Requested Zoning: GB Area in acres: 1.5

### 2. PETITIONER/PROPERTY OWNER

Petitioner:	Owner (If different from Petitioner):
Name: <u>Harris FLP</u>	Name: _____
Address: <u>P.O. Box 37, Zionsville 46077</u>	Address: _____
Phone: _____	Phone: _____
Fax: _____	Fax: _____
E-Mail: _____	E-Mail: _____

### 3. PETITIONER'S ATTORNEY/CONTACT PERSON AND PROJECT ENGINEER (IF ANY):

<b>Attorney / Contact Person:</b>	<b>Project Engineer / Architect:</b>
Name: <u>Matthew M. Price</u>	Name: <u>Greg Snelling, P.E., Snelling Engineering</u>
Address: <u>10 W. Market St., Indpls., IN 46204</u>	Address: <u>13295 Illinois St., Suite 142, Carmel, IN 46032</u>
Phone: <u>317-686-5225</u>	Phone: <u>317-663-3206</u>
Fax: <u>317-236-9907</u>	Fax: _____
E-Mail: <u>matt.price@dentons.com</u>	E-Mail: <u>gsnelling@snellingeng.com</u>

### 4. DETAILED DESCRIPTION OF REQUEST (Describe reason(s) for request / attach additional pages if necessary):

Request a rezone of approximately 1.5 acres from PB to the GB classification to provide for retail commercial use, including a liquor store (Outlot I).

### 5. ATTACHMENTS:

- Legal description of property
- Owner's Authorization (if petitioner is not the owner)
- Statement of Commitments (if proposed)
- Application Fee
- Proof of Ownership (copy of Warranty Deed)
- Copies of the Preliminary Site Plan
- Draft of Proposed Legal Notice

The undersigned, having been duly sworn on oath states the above information is true and correct as (s) he is informed and believes. Further, the applicant understands that this project may be assigned Engineering review fees, which are payable upon invoicing.

*Matthew M. Pice*

Signature of Owner or Attorney for Owner: \_\_\_\_\_

Date: October 13, 2020

State of Indiana)

County of Marion) SS:

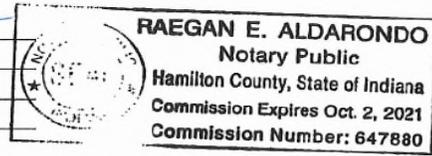
Subscribed and sworn to before me this October 13, 2020, \_\_\_\_\_.

Signature: *Raegan E. Aldarondo*

Printed: \_\_\_\_\_

County of Residence: \_\_\_\_\_

My Commission expires: \_\_\_\_\_



**PROCEDURES AND REQUIREMENTS:**

1. A complete Zone Map Change Petition must be submitted by 3:00 PM a minimum of **31 days** prior to the initial hearing before the Plan Commission.
2. **Only complete Petitions will be placed on the agenda for the next Plan Commission meeting.** If a Petition is incomplete 31 days prior to the next Plan Commission meeting, the Petition will not be placed on an agenda until the Petitioner submits a complete Petition.
3. **Fifteen sets** of the following information must be submitted, with the notarized Petition, for internal staff review:
  - Legal description of property (Metes and bounds description must include a perimeter survey, drawn to scale – or – recorded subdivision legal description must include lot number, section number, subdivision name, either the plat book number of the recorded instrument number and a copy of the plat map.)
  - Proof of Ownership (copy of deed)
  - Owner's Authorization (if Petitioner is not the owner)
  - Site Plan (if applicable)
  - Statement of Commitments (if proposed)
  - Draft of Proposed Legal Notice
  - Application Fee: \$ \_\_\_\_\_ (Checks should be payable to *Town of Zionsville*)

**PUBLIC HEARING NOTIFICATION:**

Notice of Public Hearing for Zone Map Change is to be completed as set forth in the Zoning Ordinance and Rules of Procedure for the Plan Commission. The procedures relating to notification of public hearings that are contained in this Packet are provided for convenience purposes only.

1. Approval of Notice: The Petitioner shall submit a proposed Notice of Public Hearing with its petition for review and approval by the Secretary of the Plan Commission.



1600  
④

Send taxes to  
Grantee's Address  
9750 Barth Drive  
Zionsville, IN 46077

**WARRANTY DEED**

THIS INDENTURE WITNESSETH, That Oscar Thomas Harris and Barbara Jo Harris, husband and wife ("Grantors"), of Boone County, in the State of Indiana, CONVEY AND WARRANT to Harris FLP ("Grantee"), of Boone County, in the State of Indiana, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Boone County, in the State of Indiana, to-wit:

See Exhibit "A" attached hereto and made a part hereof.

In Witness Whereof, Grantor has executed this Warranty Deed this 22nd day of December, 1997.

Oscar Thomas Harris  
Oscar Thomas Harris

Barbara Jo Harris  
Barbara Jo Harris

STATE OF INDIANA       )  
                                  ) SS:  
COUNTY OF MONROE    )

Subscribed and sworn to before me, a Notary Public in and for said county and state, this 22nd day of December, 1997, at which time Oscar Thomas Harris and Barbara Jo Harris, husband and wife, personally appeared and acknowledged the execution of the above and foregoing WARRANTY DEED to be a voluntary act and deed.

My Commission Expires:  
11/12/99

Jennifer S. Kelley  
Jennifer S. Kelley, Notary Public  
A resident of Monroe County

This Instrument Prepared By Harold A. Harrell, Attorney at Law, ANDREWS, HARRELL, MANN, CHAPMAN & COYNE, P.C., 1720 N. Kinser Pike, P.O. Box 2639, Bloomington, Indiana 47402-2639, Telephone: (812) 332-4200

DULY ENTERED FOR TAXATION  
12-30-97  
Connie J. Lambert  
SUBJECT TO FINAL ACCEPTANCE  
AUDITOR, BOONE COUNTY

**EXHIBIT "A"**

**Tract I:**

The west half of the northwest quarter of Section 24, Township 18 North, Range 2 East of the Second Principal Meridian, containing 80 acres, more or less, except the following real estate, to-wit: Commencing at the northeast corner of said half quarter section and run thence south 31.81 chains, thence west 15.72 chains, thence north 31.81 chains, thence east 15.72 chains to the place of beginning, containing 50 acres, more or less, leaving after said exception 30 acres, more or less.

A part of the southeast quarter of the northeast quarter of Section 23, Township 18 North, Range 2 East of the Second Principal Meridian described as follows: Commencing at the southeast corner of said quarter quarter section and running thence north 62 rods 9 links, thence west 42 rods 18 links to a point in the center line of the Michigan Road, thence south 19 degrees east along said center line 65 rods 15 links to a point in the south line of said quarter quarter section, thence east along said south line 20 rods to the place of beginning.

A part of the northeast quarter of the southeast quarter of Section 23, Township 18 North, Range 2 East of the Second Principal Meridian and a part of the north half of the southwest quarter of Section 24, Township and Range aforesaid, described as follows: Commencing at the northwest corner of the north half of the southwest quarter of said Section 24, and run thence east 80.5 rods, thence south 12<sup>3</sup>/<sub>4</sub> rods, thence west 94.5 rods to a point in the center line of the Michigan Road, thence north 19 degrees west along said center line 13.6 poles to a point in the north line of the northeast quarter of the southeast quarter of said Section 23, thence east along said north line 20 rods to the place of beginning.

Containing in the last two described tracts 20 acres, more or less, and containing in all herein described 50 acres, more or less, but subject to legal highways, rights of way and easements. Located in Eagle Township, Boone County, Indiana.

**Tract II:**

Part of the Northeast Quarter of Section 23, Township 18 North, Range 2 East in Boone County, Indiana, more particularly described as follows:

Beginning at the Northwest corner of the Northeast Quarter of Section 23, Township 18 North, Range 2 East; thence South 00 degrees 51 minutes 30 seconds West (assumed bearing) on and along the West line of said Northeast Quarter 2435.10 feet; thence South 89 degrees 41 minutes 15 seconds East on and along an existing

DULY ENTERED FOR TAXATION  
12-30-97  
Carmel Thomas  
SUBJECT TO FINAL ACCEPTANCE  
AUDITOR, BOONE COUNTY

fence line 786.22 feet; thence North 00 degrees 18 minutes 45 seconds East 345.24 feet; thence South 89 degrees 41 minutes 15 seconds East 1379.65 feet to the centerline of U.S. Highway #421; thence North 19 degrees 14 minutes 15 seconds West on and along said centerline of U.S. Highway #421, 924.55 feet; thence North 19 degrees 19 minutes 15 seconds West on and along the centerline of U.S. Highway #421, 1301.80 feet to the North line of said Northeast Quarter; thence North 90 degrees 00 minutes 00 seconds West on and along aforesaid North line 1395.91 feet to the place of beginning, containing 91.83 acres, more or less.

ALSO: Commencing at the Northwest corner of the Northeast Quarter of Section 23, Township 18 North, Range 2 East; thence North 90 degrees 00 minutes East (assumed bearing) on and along the North line of said Northeast Quarter 1395.91 feet to the centerline of U.S. Highway #421, said point being the place of beginning of this tract; thence continuing North 90 degrees 00 minutes 00 seconds East on and along aforesaid North line 1298.21 feet to the Northeast corner thereof; thence South 01 degree 01 minutes 00 seconds West on and along the East line of said Northeast Quarter 1614.36 feet; thence North 89 degrees 43 minutes 45 seconds West 704.88 feet (705.46 feet measured) to the centerline of U.S. Highway #421, thence North 19 degrees 14 minutes 15 seconds West on and along said centerline 404.90 feet; thence North 18 degrees 19 minutes 15 seconds West on and along said centerline 1301.80 feet to the place of beginning, containing 37.07 acres, more or less.

Containing in all 128.90 acres, more or less, and subject to all legal easements and rights of way.

Excepting from the above-described property the real estate conveyed to Stanley D. Feezle and Lori St. Dennis Feezle, Husband and Wife, more particularly described as follows:

Part of the West half of Section 24 and part of the East Half of Section 23, both in Township 18 North, Range 2 East, Boone County, Indiana, and being more particularly described as follows: Commencing at the Northwest corner of said Section 24; thence North 88 degrees 59 minutes 28 seconds East (assumed bearing) along the north line of said west half section, 1327.70 feet to the Northeast corner of the west half of the Northwest Quarter of said Section 24; thence South 0 degrees 00 minutes 43 seconds East along the East line of the West half of said Northwest Quarter Section, 2099.46 feet to the point of beginning; thence continue South 0 degrees 00 minutes 43 seconds East, 751.89 feet; thence South 88 degrees 59 minutes 06 seconds West, parallel with the South line of the West Half of the Northwest Quarter of Section 24, 1580.15 feet to the point on the centerline of U.S. 421 (Michigan Road), said point being in the east half of said Section 23; thence North 20 degrees 11 minutes 36 seconds West along said centerline 509.17 feet; thence North 73 degrees 25 minutes 07 seconds East 357.58 feet; thence North 12 degrees 40 minutes 05 seconds West, 178.75 feet; thence North 88 degrees 59 minutes 28 seconds East parallel with the North line of said west half section, 1452.22 feet to the point of beginning and containing 22.916 acres, more or less, in Section 24 and 4.744 acres, more or less, in Section 23,

with 27.660 acres, more or less, total. Subject to right of way for U.S. 421 (Michigan Road) off the entire Westerly side thereof and all other legal easements and rights of way of record.

Also excepting from the above-described property the real estate conveyed to Joe Lee Chambers and Lynda Sue Chambers, Husband and Wife, more particularly described as follows:

Part of the Northeast Quarter of Section 23, Township 18 North, Range 2 East, Boone County, Indiana, and being more particularly described as follows: Commencing at a point on the East line of said quarter section being South 0 degrees 00 minutes 00 seconds West (assumed bearing) 2776.05 feet from the Northeast corner thereof; thence South 90 degrees 00 minutes 00 seconds West 84.87 feet to the point of beginning; thence South 73 degrees 25 minutes 07 seconds West 357.58 feet to the centerline of U.S. 421 (Michigan Road); thence North 20 degrees 11 minutes 36 seconds West along said centerline, 306.42 feet; thence North 78 degrees 51 minutes 22 seconds East 397.02 feet; thence South 12 degrees 40 minutes 05 seconds East 268.82 feet to the point of beginning and containing 2.480 acres, more or less. Subject to right of way for Michigan Road off the entire Westerly side thereof and all other legal easements and rights of way of record.



**EXHIBIT "A"**

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A part of the northeast quarter of the southeast quarter of Section 23, Township 18 North, Range 2 East of the Second Principal Meridian and a part of the north half of the southwest quarter of Section 24, Township and Range aforesaid, described as follows: Commencing at the northwest corner of the north half of the southwest quarter of said Section 24, and run thence east 80.5 rods, thence south 12 $\frac{1}{4}$  rods, thence west 94.5 rods to a point in the center line of the Michigan Road, thence north 19 degrees west along said center line 13.6 poles to a point in the north line of the northeast quarter of the southeast quarter of said Section 23, thence east along said north line 20 rods to the place of beginning.

Containing in the last two described tracts 20 acres, more or less, and containing in all herein described 50 acres, more or less, but subject to legal highways, rights of way and easements. Located in Eagle Township, Boone County, Indiana.

ALSO: Commencing at the Northwest corner of the Northeast Quarter of Section 23, Township 18 North, Range 2 East; thence North 90 degrees 00 minutes East (assumed bearing) on and along the North line of said Northeast Quarter 1395.91 feet to the centerline of U.S. Highway #421, said point being the place of beginning of this tract; thence continuing North 90 degrees 00 minutes 00 seconds East on and along aforesaid North line 1298.21 feet to the Northeast corner thereof; thence South 01 degree 01 minutes 00 seconds West on and along the East line of said Northeast Quarter 1614.36 feet; thence North 89 degrees 43 minutes 45 seconds West 704.88 feet (705.46 feet measured) to the centerline of U.S. Highway #421, thence North 19 degrees 14 minutes 15 seconds West on and along said centerline 404.90 feet; thence North 18 degrees 19 minutes 15 seconds West on and along said centerline 1301.80 feet to the place of beginning, containing 37.07 acres, more or less.

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**NOTICE OF PUBLIC HEARING  
BY THE TOWN OF ZIONSVILLE PLAN COMMISSION**

Notice is hereby given of a Public Hearing to be held by the Town of Zionsville Plan Commission

On, Monday, November 16, 2020 at 7:00 p.m. in the Zionsville Town Hall, 1100 West Oak Street Zionsville,  
**(DATE OF PUBLIC HEARING)**

Indiana 46077 to consider the following Petition:

2020-\_\_\_-Z, Harris FLP, by Matthew M. Price requests a Zone Map  
**(PETITION NUMBER)** **(NAME OF PETITIONER)**

Change to **REZONE** 1.5 acres from the PB District to the GB District  
**(Current zoning)** **(Proposed zoning)**

to allow for:

Rezone of approximately 1.5 acres from PB to GB to provide for retail commercial development, including a liquor store

(Outlot I).

The property involved more commonly known as: 10901 E 300 S & 3201 S. US 421 (Michigan Road),  
**(COMMON ADDRESS)**

and is legally described as:

**(INSERT LEGAL DESCRIPTION OF PROPERTY)**

A copy of the Petition for Zone Map Change, and all plans pertaining thereto are on file and may be examined prior to the Public Hearing from 8:00 a.m. to 4:00 p.m. Monday through Friday, except for holidays, in the Office of Planning at the Town Hall, 1100 West Oak Street, Zionsville, Indiana 46077. Written comments in support of or in opposition to the Petition for Plan Commission Approval are filed with the Secretary of the Town of Zionsville Plan Commission prior to the Public Hearing will be considered. The Public Hearing is open to the public. Oral comments to the Petition for Plan Commission Approval will be heard at the Public Hearing.

The Public Hearing may be continued from time to time as may be found necessary.

Upon request, the Town of Zionsville will provide auxiliary aids and services. Please provide advance notification to Joe Rust at #317-873-1577 to ensure the proper accommodations are made prior to the meeting.

David Franz

(President)

Wayne DeLong

(Secretary)

PUBLISH: Zionsville Times Sentinel

## **EXHIBIT “A”**

### **ZONING LAND DESCRIPTION – OUTLOT I**

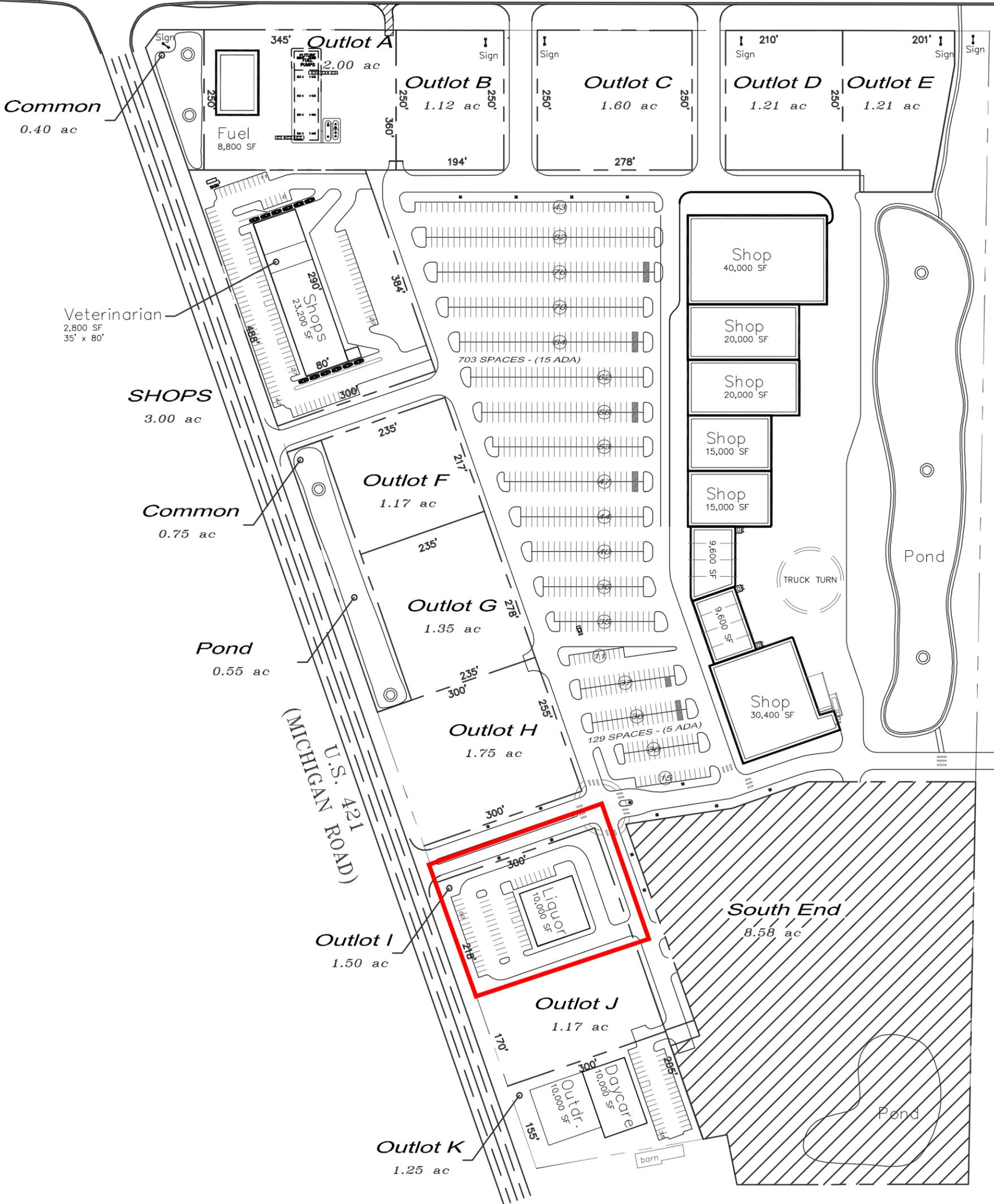
October 1, 2020

A part of the Northeast Quarter of Section 23, Township 18 North, Range 2 East of the Second Principal Meridian, Eagle Township, Boone County, Indiana, more particularly described as follows:

Commencing at the Northeast Corner of the Northeast Quarter of said Section 23, Township 18 North, Range 2 East; thence South 88 degrees 21 minutes 17 seconds West (Basis of Bearings: Indiana State Plane, West Zone, NAD 83) 1298.66 feet along the North Line of said Northeast Quarter to the centerline of U. S. Highway 421 (also known as Michigan Road) per Indiana State Highway Commission (INDOT) plans for F.A. Project No. 221 SEC. A, dated October 6, 1920; thence South 20 degrees 59 minutes 37 seconds East 1301.82 feet; thence South 20 degrees 54 minutes 20 seconds East 361.20 feet along said centerline; thence North 69 degrees 02 minutes 39 seconds East 50.00 feet perpendicular to said centerline to the eastern right-of-way of said highway and the POINT OF BEGINNING of this description; thence continue North 69 degrees 02 minutes 39 seconds East 300.00 feet perpendicular to said centerline; thence South 20 degrees 54 minutes 20 seconds East 218.00 feet parallel with said centerline; thence South 69 degrees 02 minutes 39 seconds West 300.00 feet perpendicular to said centerline to said eastern right-of-way line; thence North 20 degrees 54 minutes 20 seconds West 218.00 feet parallel with said centerline along said right-of-way line to the POINT OF BEGINNING, containing 65,400.0 square feet (1.501 acres), more or less.

**SITE PLAN**

COUNTY ROAD 300 SOUTH (146th Street)



V HARRIS-IND-N  
7g2 SITE

