

STATE OF INDIANA  
BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

**ORDINANCE NO. 2023 – OR – 007**

**AN ORDINANCE CONSIDERING AN AMENDMENT TO THE ZONING MAPS OF THE TOWN OF SELLERSBURG, INDIANA.**

**WHEREAS**, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body and the President of the town council is the town executive; and,

**WHEREAS**, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of a town; and,

**WHEREAS**, on the 20<sup>th</sup> day of March, 2023 the Plan Commission of the Town of Sellersburg, Indiana (the “Commission”) certified a favorable recommendation to rezone certain property identified as Parcel ID # 10-17-06-700-268.000-031 (the “Property”) Bringham Drive, Sellersburg, IN 47172 from R1 Residential to I2 Heavy Industrial. (*See Attached Exhibit A*); and,

**WHEREAS**, pursuant to Ind. Code § 36-7-4-608, this Council may adopt or reject the certification from the Commission.

**NOW THEREFORE BE IT ORDAINED** by this Town Council of Sellersburg, Indiana that the recommendation by the Commission to rezone the Property from R1 Residential to I2 Heavy Industrial is hereby Adopted **Rejected** (circle one).

This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

So Ordained this 27<sup>th</sup> day of March, 2023.

“Aye”

“Nay”

Brad Amos  
Brad Amos  
Council President

\_\_\_\_\_  
Brad Amos  
Council President

Scott McVoy  
Scott McVoy  
Council Vice President

\_\_\_\_\_  
Scott McVoy  
Council Vice President

Terry Langford  
Terry Langford  
Council 2<sup>nd</sup> Vice President

\_\_\_\_\_  
Terry Langford  
Council 2<sup>nd</sup> Vice President

Matthew Czarnecki  
Matthew Czarnecki  
Council Member

\_\_\_\_\_  
Matthew Czarnecki  
Council Member

Absent  
Randall Mobley  
Council Member

\_\_\_\_\_  
Randall Mobley  
Council Member

Michelle D. Miller  
Attested by: Michelle Miller  
Sellersburg Clerk-Treasurer

FIRST READING

DATE: 3/27/23

MOTION: Czarnecki

SECOND: Langford

VOTE: 4 AYE 0 NAY 0 ABSTAIN

SECOND READING

DATE: 3/27/23

MOTION: Czarnecki

SECOND: McVoy

VOTE: 4 AYE 0 NAY 0 ABSTAIN

**CERTIFICATION TO THE COUNCIL ON APPLICATION FOR REZONING**

APPLICANT NAME: Koetter Construction PETITION NO.: 2023-02-ZA-01

REAL ESTATE DESCRIPTION: DESCRIBED ON EXHIBIT "A" ATTACHED.

The Sellersburg Plan Commission certifies the above application for rezoning by the above-named applicant regarding the real estate described in Exhibit "A" attached was duly heard and decided.

The Sellersburg Plan Commission's recommendation on the petition to rezone the property from a R1 Single Family Residential zone to a I2 Heavy Industrial zone is:

FAVORABLE UNFAVORABLE NO RECOMMENDATION

Recorded Commitment Required \_\_\_\_\_ YES \_\_\_\_\_ NO (If YES, requirements attached.)

**Sellersburg Plan Commission**

<u>Member</u>	<u>Voting FOR</u>	<u>Voting AGAINST</u>	<u>Abstain</u>
<u>Brad Amos</u> BRAD AMOS	✓		
<u>Charlie Smith</u> CHARLIE SMITH	✓		
<u>Nancy Hughes</u> NANCY HUGHES	✓		
SCOTT MCVOY			
<u>Thomas Mcewen</u> THOMAS MCEWEN	✓		
<u>David McClain</u> DAVID MCCLAIN	✓		
<u>John Broady</u> JOHN BROADY	✓		
ALTERNATE			
ALTERNATE			

ATTEST:

\_\_\_\_\_  
Stacia Franklin, Planning Director





# SELLERSBURG PLAN COMMISSION

## STAFF REPORT

### REZONING REQUEST AND ZONING MAP AMENDMENT

DOCKET NUMBER:	2023-02-ZA-01
APPLICANT:	Koetter Construction
OWNER:	Qmat Realty-USA LLC
LAND SURVEYOR:	N/A
LOCATION:	10-17-06-700-268.000-031
LEGAL DESCRIPTION (summary)	
REQUEST:	Amend zoning map
CURRENT ZONING:	R1
CURRENT USE:	Vacant
REQUESTED REZONING:	I2
PROPOSED USE:	Manufacturing/Industrial

#### Request:

The applicant is requesting an amendment to the Sellersburg Zoning maps to allow for an expansion of an existing manufacturing/industrial facility for Quality Mat. The plan is to combine the parcel into one large parcel.

The Indiana Code (IC) 36-7-4-603 establishes criteria to which both the Plan Commission and Legislative Body (Town Council) must pay reasonable regard when considering a rezoning request. The Commission will need to determine if the applicant has satisfactorily addressed that criteria for a rezoning and zoning map change.

The Plan Commission does not approve a rezoning and zoning map change. The Plan Commission in accordance with IC 36-7-4-605 is to make a favorable recommendation, unfavorable recommendation, or no recommendation to the Legislative Body (Town Council). The Sellersburg Town Council in accordance with IC 36-7-4-607 may accept or reject the Plan Commission's recommendation.



# SELLERSBURG PLAN COMMISSION

## STAFF REPORT

### REZONING REQUEST AND ZONING MAP AMENDMENT

1. Will the rezoning support the Sellersburg Comprehensive Plan and other applicable, adopted planning studies or reports?

The Sellersburg Comprehensive Plan does support the rezoning request as the Future Land Use map indicates this area as Industrial, which refers to manufacturing, processing, distribution, and other related industrial uses.

2. Will the rezoning be compatible with surrounding current conditions and the character of current structures and uses?

The property is surrounded I1, I2, B3, and R1 districts. The majority of the zoning in the area is I1 and includes many commercial and industrial uses, including the Sellersburg Wastewater Treatment plant.

3. Will the rezoning result in the property being used for the highest and best use for which land in each district is adapted?

The property is surrounded by commercial, industrial, and residential zoning districts. The R1 district is a keyhole piece for the area and may create a spot zoning situation. Rezoning the property to an industrial district will not only support the Comprehensive Plan, but also coincides with the uses in the area.

4. Will the rezoning affect property values throughout the Town's planning district?

The rezoning will not adversely affect property values within the planning district as it is compatible with the area's current zoning districts and uses.

5. Will the rezoning result in responsible growth and development?

The rezoning agrees with the 2040 Comprehensive Plan and thus is responsible growth and development.