

ORDINANCE NO. ~~2009~~ 10-09

**AN ORDINANCE REZONING PROPERTY
AND CHANGING THE ZONING MAPS
OF THE CITY OF LEBANON, INDIANA
(Shaker Square, LLC; LPC File No. 09-10)**

WHEREAS, the Petitioner, Shaker Square, LLC, filed their Zoning Amendment Application before the Lebanon Area Plan Commission, seeking to rezone approximately 30.8592 acres, more or less, in Center Township, Boone County, Indiana, from the PBC Classification to the MF Zoning Classification; and

WHEREAS, pursuant to Indiana Code 36-7-4-608, the Lebanon Area Plan Commission conducted the required Public Hearing and determined its "No Recommendation" by a majority vote on July 20, 2009; and certified its recommendation to the legislative body, the Lebanon City Council on July 20, 2009; and

WHEREAS, pursuant to Indiana Code 36-7-4-608, the Lebanon City Council, having considered the Application and the recommendation of the Lebanon Area Plan Commission, now adopts the proposal and approves the requested rezoning with a limitation as to the number of duplex buildings and residential units, all as hereinafter set out.

IT IS THEREFORE CONSIDERED, ORDAINED AND ADOPTED as follows:

1. That the Applicant is Shaker Square, LLC.
2. That the Applicant seeks to have the following described property, which is currently located in the PBC Zoning Classification rezoned to the MF Zoning Classification:

Part of Instrument No. 200600001424 as found in the Office of the Recorder of Boone County, Indiana.

Part of the East Half of the Southwest Quarter, Section 24, Township 19 North, Range 1 West of the Second Principal Meridian in Center Township of Boone County, Indiana, being more fully described as follows:

BEGINNING at the Southeast corner of the Southwest Quarter of said Section 24; thence North 00 degrees 09 minutes 01 seconds East (Assumed Bearing) along the east line of said quarter section a distance of 846.16 feet; thence North 89 degrees 30 minutes 10 seconds West 1003.96

feet to a point of the east right-of-way line of the Indianapolis and Frankfort Railroad Company Property, recorded in Deed Record 102, Page 240 of the Office of the Recorder of Boone County, Indiana, thence South 10 degrees 12 minutes 28 seconds East along said east right-of-way line 866.15 feet to a point on the South line of said Southwest Quarter Section; thence South 89 degrees 50 minutes 08 seconds East along said south line a distance of 848.21 feet to the POINT OF BEGINNING. Containing 18.046 Acres, more or less.

ALSO, Lots Numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and common areas designated as Block "A" and Block "B" in Shaker Square, a subdivision in the City of Lebanon, Center Township, Boone County, Indiana as per plat thereof dated February 5, 1998 and recorded February 24, 1998 in Plat Book 9, Pages 62 and 63 as Instrument Number 9801838 in the Office of the Recorder of Boone County, Indiana.

ALSO, part of the Northeast Quarter of Section 25, Township 19 North, Range 1 West, Center Township, Boone County, Indiana, more fully described by:

Commencing at the Northwest Corner of the Northeast Quarter of said Section 25; thence South 89 degrees 21 minutes 53 seconds East, along the Section line, a distance of 290.51 feet to the point of beginning; thence continuing South 89 degrees 21 minutes 53 seconds East, along the Section line a distance of 470.46 feet; thence South 41 degrees 24 minutes 22 seconds West, a distance of 301.22 feet; thence South 09 degrees 56 minutes 53 seconds East, along the East described line of a 16 foot Gas Line Easement as recorded in Deed Record 193, pages 858-859 and said line extended, a distance of 525.48 feet; thence South 80 degrees 03 minutes 07 seconds West, along a portion of the North described line of the Lebanon Manor Village Property as recorded in Deed Record 206, Page 629, a distance of 227.19 feet; thence North 09 degrees 56 minutes 53 seconds West, along the East described line of the Regency Village North, L.L.D. Property, a distance of 800.00 feet to the point of beginning, containing 4.6885 acres, more or less.

3. That the Lebanon City Council has paid reasonable regard to applicable comprehensive plans; current conditions and the character of 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 development and growth.

4. That from and after this date, the official zoning maps of the City of Lebanon, Indiana shall be changed to rezone the subject property from the PBC Zoning Classification to the MF Zoning Classification. Further, the Plan Director of the City of Lebanon Plan Commission is hereby authorized to change the official zoning maps consistent with this ordinance.
5. The Applicant has submitted a Development Plan and seeks approval for 36 Duplex Buildings totaling a maximum of 72 residential units on the 18.046 Acres, more or less. The rezoning of this parcel to an MF Zoning Classification is conditioned on the Applicant's voluntary representation that they seek and are allowed to develop a Multi-Family Duplex Project of 36 buildings totaling a maximum of 72 units.
6. This Ordinance was passed by an Affirmative Vote by the Lebanon City Council on the 10th day of August, 2009.

ALL OF WHICH IS ADOPTED this 24th day of May, 2010 by the Lebanon City Council of the City of Lebanon, Indiana.

LEBANON CITY COUNCIL

By Mike Kincaid

By Richard Ottinger

By Steve Lange

By Jim D. Capeland

By [Signature]

By Keith Campbell

By Mayor Rick Lewis

[Signature]

ATTEST:

[Signature]

**Debbie Ottinger,
Clerk-Treasurer,
City of Lebanon, Indiana**