


<p>Agenda Item: Ordinance #2023-14, 2023-15, & 2023-16– An Ordinance Annexing Certain Real Estate into the Town of Brownsburg, Hendricks County, Indiana Pursuant to a Petition for Voluntary Annexation for Property Located at the southeast corner of E CR 300 N and South Green Street</p>	<p>Town Council Action Requested:</p> <table border="0"> <tr> <td>First Reading</td> <td>9/14/2023</td> </tr> <tr> <td>Second Reading</td> <td>9/14/2023</td> </tr> <tr> <td>Public Hearing</td> <td>9/14/2023</td> </tr> <tr> <td>Third & Final Reading</td> <td>9/28/2023</td> </tr> <tr> <td>Motion to Approve/Consider</td> <td>n/a</td> </tr> </table>	First Reading	9/14/2023	Second Reading	9/14/2023	Public Hearing	9/14/2023	Third & Final Reading	9/28/2023	Motion to Approve/Consider	n/a
First Reading	9/14/2023										
Second Reading	9/14/2023										
Public Hearing	9/14/2023										
Third & Final Reading	9/28/2023										
Motion to Approve/Consider	n/a										
<p>Project Name: Burns, Gray, and Weaver (Carr Property Group) annexation</p>	<p>Presenter: Jodi Dickey, Development Services Director</p>										
<p>Strategic Plan Link:</p>	<p>Comprehensive Plan Link:</p>										
<p>Executive Summary: The applicant is requesting annexation of 16 acres located at the intersection of E CR 300 N and South Green Street.</p> <p>A petition for Conditional Zoning was first introduced to council on July 13, 2023. The request was to rezone the property to High Intensity General Commercial (C2). The proposal anticipates construction of about five buildings for a total of approximately 90,000 square feet of a variety of retail space.</p> <p>A public hearing was held by the advisory plan commission on July 24, 2023, where the commission voted unanimously to send a favorable recommendation to the town council.</p> <p>A motion to support the APC's favorable recommendation and Report of Determination was approved at the August 10, 2023 town council meeting. It is now presented for first and second reading of the annexation ordinance. If approved, the zoning will be included as part of the annexation and become final upon recordation of the annexation ordinance.</p>											
<p>Supporting Documents: Ord. 2023-14 Ord 2023-15 Ord 2023-16</p>											
<p>Staff Recommendations: Staff recommends approval.</p>											
<p>Town Manager Comments:</p>											
<p>Department Head Approval: </p>	<p>9/8/2023</p>										
<p>Town Manager Approval: <i>Debbie Cook</i></p>	<p>9/8/2023</p>										

Ordinance No. 2023-16
Brownsburg, Indiana
September 28, 2023

**AN ORDINANCE ANNEXING REAL ESTATE INTO THE TOWN OF BROWNSBURG,
HENDRICKS COUNTY, INDIANA PURSUANT TO A PETITION FOR
VOLUNTARY ANNEXATION FOR CERTAIN REAL PROPERTY LOCATED
GENERALLY, AT 7175 E. COUNTY ROAD 300 N., BROWNSBURG, IN
(WEAVER PARCEL)**

WHEREAS, Benjamin Weaver and Stacey Weaver (hereinafter referred to collectively as the “Petitioner”) is the legal owner (the “Owner”) of certain real property currently outside the corporate boundaries of the Town of Brownsburg, Hendricks County, Indiana (the “Town”), located generally at 7175 E. County Road 300 N. Brownsburg, IN, 46112, Brownsburg, Indiana, and further described by the legal description attached hereto and incorporated herein by reference as Exhibit “A” (the “Property”);

WHEREAS, on Monday August 21, 2023, the Town received from Owner, a Petition for Voluntary Annexation to annex the Property into the Town as required by law pursuant to the provisions under I.C. 36-4-3-5.1(e) (the “Petition”);

WHEREAS, the Town Council is in receipt of the executed Petition which represents execution by 100% of the owners of the Property a copy of which is attached hereto and incorporated herein by reference as Exhibit “B”;

WHEREAS, following the public hearing and before the final adoption of this Ordinance, the Town Council shall consider by Resolution a fiscal plan for the provision of municipal services for the Property as required by law;

WHEREAS, the Petition will be considered by the Town Council and the Town Council will receive public comment at a public hearing scheduled to be held on Thursday, September 14, 2023;

WHEREAS, the Property is situated outside the corporate boundaries of the Town; and

WHEREAS, at least one eighth (1/8) of the aggregate external boundaries of the Property sought for annexation coincide with the present boundaries of the Town.

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Brownsburg, Hendricks County, Indiana, as follows:

1. The above recitals are incorporated herein by reference as though set forth fully herein below.
2. In accordance with I.C. 36-4-3-2.5 and -4, the Property, and all roadways and rights-of-way of the roads that are part thereof, or which lie adjacent to the Property are hereby

annexed into the Town, and thereby included within its corporate boundaries pursuant to the terms of this Ordinance.

3. The Property is assigned to Brownsburg Council Ward No. 5.
4. The Property shall be zoned as a High Intensity General Commercial (“C2”) District as further set forth and described in Exhibit “C”. The zoning shall only become effective on the effective date of the annexation as provided for under I.C. 36-4-3 *et seq.*
5. The Brownsburg Official Zoning Map shall reflect this zoning classification.
6. The Clerk-Treasurer of Brownsburg, Indiana, shall cause a copy of this Ordinance to be published in the *Hendricks County (Danville) Republican* and *Indianapolis Star* within thirty (30) days from the date of adoption with proof of publication being returned to the Clerk-Treasurer.
7. The Clerk-Treasurer of Brownsburg, Indiana shall cause a copy of this Ordinance to be recorded in the Office of the Recorder of Hendricks County, Indiana, as well as filed with all other entities as required by law.
8. The Ordinance shall take effect as soon as allowed by law.

SAID ORDINANCE OF ANNEXATION is hereby passed and adopted this 28th day of September 2023.

BROWNSBURG TOWN COUNCIL

By: _____
Travis Tschaenn, President

ATTESTED BY:

Ann Hathaway, Clerk-Treasurer

This Instrument was prepared by Tricia A. Leminger, Frost Brown Todd LLP, 111 Monument Circle, Suite 4500, Indianapolis, IN 46244 (317) 439-2408. I affirm under penalties of perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. Tricia A. Leminger, Esq.

Exhibit "A"

The Property

VESTING

DULY ENTERED
FOR TAXATION

OCT 03 2011

Cinda Kattau
AUDITOR HENDRICKS COUNTY



* 2 0 1 1 2 1 5 5 6 2 *

201121556

PAUL T HARDIN
HENDRICKS COUNTY RECORDER
10/03/2011 09:26:15AM

WARRANTY DEED

008-326611-100002 / 32-07-26-100-002.000-015

THIS INDENTURE WITNESSETH, THAT Cheri A. Guerrettaz ("Grantor"), of Hendricks County, in the State of Indiana CONVEYS AND WARRANTS to

Benjamin Weaver and Stacey Weaver, husband and wife

("Grantee") of Hendricks County, in the State of Indiana, for the sum of Ten and no/100 Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Hendricks County, in the State of Indiana.

Part of the Northwest Quarter of the Northwest Quarter of Section 26, Township 16 North, Range 1 East in Lincoln Township, Hendricks County, Indiana, more particularly described as follows, to-wit: Commencing at the Northeast corner of said Quarter-Quarter Section; thence West on and along the North line of said Quarter-Quarter Section 450.00 feet to the beginning point of this description; thence continue West on and along the last described course 349.00 feet; thence South parallel to the East line of said Quarter-Quarter Section 817.78 feet; thence East parallel to said North line 349.00 feet; thence North parallel to the East line of said Quarter-Quarter Section 817.78 feet to the point of beginning; containing 6.55 acres more or less.

Subject to any and all easements, agreements and restrictions of record. The address of such real estate is commonly known as 7175 East County Road 300 North, Brownsburg, IN 46112.

11-2402

212

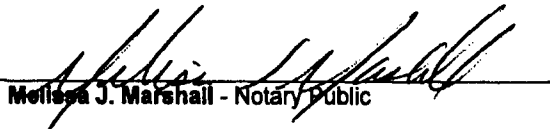
IN WITNESS WHEREOF, Grantor has caused this deed to be executed this 29 day of September, 2011


Cheri A. Guerrettaz

State of Indiana
County of Hendricks

Before me, a Notary Public in and for said County and State, personally appeared Cheri A. Guerrettaz who acknowledged execution of the foregoing Deed for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 29 day of Sept., 2011.


Melissa J. Marshall - Notary Public



My Commission expires: **April 29, 2015**
County of Residence: **Montgomery**

Return deed to: **Royal Title Services, 223 Washington Street, Columbus, IN 47201**

Send tax bills to: **7175 East County Road 300 North, Brownsburg, IN 46112**

Grantee's mailing address: **7175 East County Road 300 North, Brownsburg, IN 46112**

This instrument prepared by: Jennifer E. Jones, Attorney at Law
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.

Melissa Marshall
Printed Name

Exhibit "B"

Petition for Voluntary Annexation

PETITION FOR VOLUNTARY ANNEXATION
INTO THE TOWN OF BROWNSBURG

Benjamin & Stacey Weaver as the owner(s) of real property more particularly described below hereby submit(s) this Petition for Voluntary Annexation into the Town of Brownsburg, Indiana (the "Town"), and in support thereof, represent(s) and warrant(s) to the Town as follows:

1. Benjamin & Stacey Weaver is/are the owner(s) of the real property more particularly described in Exhibit "A" attached hereto and incorporated herein by reference (the "Property").
2. Benjamin & Stacey Weaver constitute(s) 100% of the owner(s) of the Property identified in Exhibit "A" (individually or collectively the "Petitioner") and is the true, rightful and complete owner of the Property as described herein.
3. The Petitioner as the property owner has the authority to execute this Petition and any other documents necessary to effectuate annexation of the Property into the Town.
4. In the event that the Town accepts and acts upon the Petition for Voluntary Annexation and in exchange for the benefits bestowed upon the Property by the Town, the Petitioner hereby releases and waives all rights to remonstrance against and, in any way, to oppose either directly or indirectly the annexation of the Property into the Town whether it be via formal or informal means.
5. The Petitioner has verified that more than one-eighth (1/8) of the aggregate external boundaries of the Property coincides with the corporate boundaries of the Town.
6. The undersigned Petitioner hereby executes this Petition for Voluntary Annexation into the Town of Brownsburg, Indiana and consents to its filing with the Town Council of the Town of Brownsburg.

PETITION FOR VOLUNTARY ANNEXATION
INTO THE TOWN OF BROWNSBURG

WHEREFORE, the Petitioner requests that the Town Council adopt an ordinance annexing the Property into the Town of Brownsburg, Indiana.

DATED this 24th day of October, 2022.

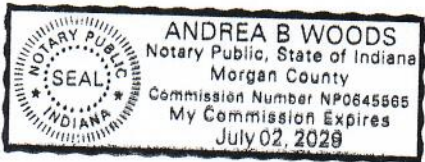
PETITIONER:

By: Stacy Weaver
Stacy Weaver, Owner
Printed Name and Title

By: [Signature]
BENJAMIN A. WOODS, Owner
Printed Name and Title

STATE OF INDIANA)
)SS:
COUNTY OF HENDRICKS)

Before me, a Notary Public, in and for said County and State, this 24 day of October, 2022, personally appeared Stacy & Ben Weaver of Hendricks County, Indiana, who acknowledged that the foregoing statements are true.



Andrea B. Woods
NOTARY PUBLIC
Andrea Woods
PRINTED

PETITION FOR VOLUNTARY ANNEXATION
INTO THE TOWN OF BROWNSBURG

EXHIBIT "A"

The Property

VESTING

DULY ENTERED
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Cheri A. Guerrettaz
Cheri A. Guerrettaz

State of Indiana
County of Hendricks

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Melissa J. Marshall
Melissa J. Marshall - Notary Public



My Commission expires: **April 29, 2015**
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Send tax bills to: **7175 East County Road 300 North, Brownsburg, IN 46112**

Grantee's mailing address: **7175 East County Road 300 North, Brownsburg, IN 46112**

This instrument prepared by: Jennifer E. Jones, Attorney at Law
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.

Melissa Marshall
Printed Name

Exhibit "C"

The Proposed Zoning

0132372.0630563 4871-4806-9502v1

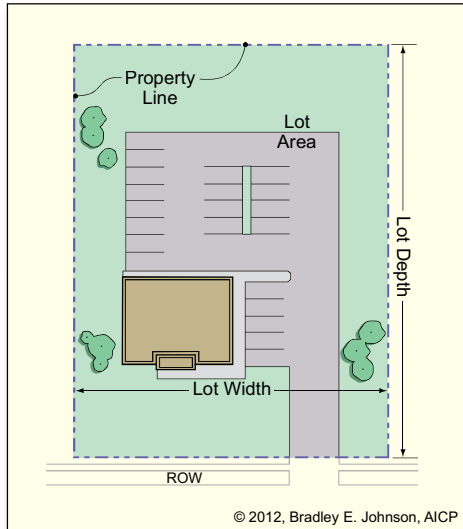
High Intensity General Commercial (C2) District

2.31 High Intensity General Commercial (C2) District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The C2 (High Intensity General Commercial) District is intended to be used as follows:</p> <p>Use, Type, and Intensity</p> <ul style="list-style-type: none"> • Medium to high intensity commercial uses <p>Application of District</p> <ul style="list-style-type: none"> • Existing and new development • Medium to small area zoning <p>Development Standards</p> <ul style="list-style-type: none"> • Disallow commercial structures that notably exceed the building mass of surrounding commercial structures • Require quality development standards to minimize impacts on adjacent properties while encouraging economic vitality • Minimize light, noise, and water pollution <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> • PR, AG, M2, M3, MP, IS, NC, UC, C1, C2, HC, EC, I1, and I2 	<p>Accessory Permitted Uses</p> <ul style="list-style-type: none"> • wind turbine system, small <p>Commercial Permitted Uses</p> <ul style="list-style-type: none"> • animal grooming • auction (indoor) • automobile oriented business (type 1) • automobile oriented business (type 2) • bakery • bank • bank/atm, drive-up • banquet hall • bar or tavern • barber or beauty shop • brew pub • broadcast studio • car rental • catering service • club or lodge • coffee shop • coin laundry • computer service • copy center • delicatessen • design services • donation collection point • dry cleaning pickup and drop-off • express shipping center • exterminator • funeral home • gas station • hotel • ice cream shop • media rental • medical clinic • mobile device dealer • nail salon • night club • office, general • office, home improvement trades • office, medical • party facility • pharmacy • photography studio • printing, commercial • recreation center (indoor) • recreation center (outdoor) • repair shop, electronics • repair shop, equipment • restaurant • restaurant, drive-in • restaurant, drive-through only • restaurant with drive-up window • retail, agriculture related • retail (type 1) very low intensity • retail (type 2) low intensity • retail (type 3) medium intensity • retail (type 4) high intensity • seamstress/tailor • spa • studio arts • tanning salon • tattoo/piercing parlor • theater, movie (indoor) • tool/equipment rental (indoor) • trade or business school • veterinary clinic • wellness facility • winery <p>Institutional Permitted Uses</p> <ul style="list-style-type: none"> • parking lot, public • place of worship • police substation • school (P-12), private 	<p>Accessory Special Exception Uses</p> <ul style="list-style-type: none"> • wind turbine system, large <p>Commercial Special Exception Uses</p> <ul style="list-style-type: none"> • auction (outdoor) • automobile oriented business (type 3)* • check cashing service • crematory • day care • kennel • motel • office, construction trade • paintball facility • retail (type 5) very high intensity • self-storage warehouse* • sexually oriented entertainment • shooting range (indoor) • sports field (indoor) • swimming pool • theater, movie (outdoor) • tool/equipment rental (outdoor) • veterinary hospital • water park <p>Industrial Special Exception Uses</p> <ul style="list-style-type: none"> • dry cleaning processing • warehouse <p>Institutional Special Exception Uses</p> <ul style="list-style-type: none"> • recycling collection point • transit station (local hub) <p><i>* See Section 5.82: General Commercial Special Exception Standards.</i></p>

High Intensity General Commercial (C2) District

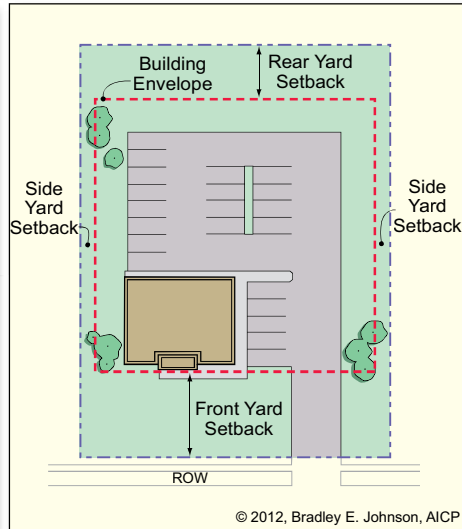
2.32 High Intensity General Commercial (C2) District Development Standards



Minimum Lot Area
 • 20,000 square feet

Minimum Lot Width
 • 100 feet

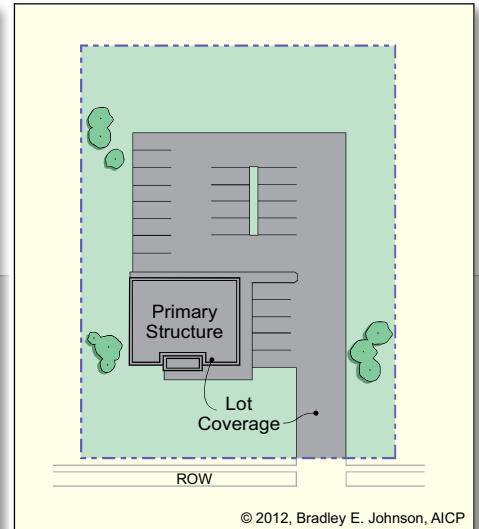
Sewer and Water
 • sewer utility connection is required
 • water utility connection is required



Minimum Front Yard Setback
 • 50 feet for primary structure
 • 30 feet for accessory structure

Minimum Side Yard Setback
 • 25 feet for primary structure
 • 20 feet for accessory structure

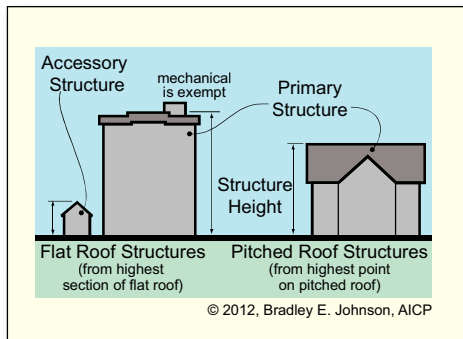
Minimum Rear Yard Setback
 • 20 feet for primary structure
 • 10 feet for accessory structure



Maximum Lot Coverage
 • 75% of lot area

Minimum Main Floor Area
 • 500 square feet

Maximum Primary Structures
 • 5



Maximum Structure Height
 • 40 feet for primary structure
 • 20 feet for accessory structure
 • 3 stories

Additional Development Standards that Apply

Accessory Structure		Loading		Structure	
• AS-01	5-03	• LD-01	5-43	• ST-01	5-114
• AS-11	5-08	Lot		Temporary Use	
Architectural		• LO-01	5-44	• TU-01	5-117
• AR-04	5-12	Outdoor Storage		• TU-04	5-118
Canopy and Portico		• OS-03	5-48	Trash Receptacle	
• CP-01	5-14	Parking		• TR-01	5-120
Density and Intensity		• PK-01	5-50	Vision Clearance	
• DI-01	5-15	• PK-07	5-52	• VC-01	5-121
Environmental		Setback		Wind Turbine Systems	
• EN-01	5-16	• SB-01	5-62	• WT-01	5-122
Fence and Wall		Sewer and Water		• WT-02	5-124
• FW-01	5-17	• SW-01	5-64		
• FW-05	5-19	Sexually Oriented Business			
Floor Area		• SX-01	5-65		
• FA-01	5-21	Signs			
Height		• SI-01	5-66		
• HT-01	5-22	• SI-10	5-94		
Landscaping		• SI-15	5-112		
• LA-01	5-28	Special Exception			
• LA-02	5-35	• SE-01	5-113		
• LA-03	5-37	• SE-02	5-113		
Lighting					
• LT-01	5-41				
• LT-04	5-42				