

FCO 2017- 19

Floyd County Board of Commissioners  
Ordinance Amendment  
Planned Unit Development  
(PD-RS-05 Knob Hill 2)

Whereas, the Floyd County Board of Commissioners met on July 18, 2017, in this matter pursuant to IC 36-7-4-1500; and

Whereas, the Plan Commission held a public hearing on the matter on June 20, 2017 and heard from both proponents and opponents of the proposed Plan Unit Development to the zoning ordinance

Whereas, the Board received from the Floyd County Plan Commission a favorable recommendation (9-0) of the proposed Planned Unit Development known as Knob Hill FCPC Docket 04-17-16 (FCZO PD-RS-05). The zoning classification has created as follows:

Whereas, the Floyd County Board of Commissioners voted 2-1 to approve the planned unit development on July 18, 2017;

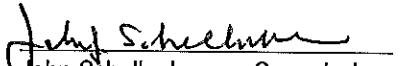
NOW, THEREFORE,

BE IT ORDAINED that Floyd County Zoning Ordinance PD-RS-05 is approved as submitted in the following Exhibits attached.

SO ORDAINED this 5 day of Sept 2017.

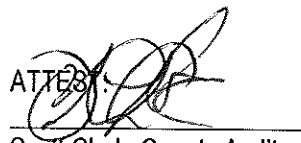
BOARD OF COMMISSIONERS  
COUNTY OF FLOYD

  
D. Mark Seabrook, President

  
John Schellenberger, Commissioner

\_\_\_\_\_  
Billy Stewart, Commissioner

ATTEST

  
\_\_\_\_\_  
Scott Clark, County Auditor

## Exhibit A – Legal Description

SEP 17 2015

\* 2 0 1 5 1 2 8 9 4 3 \*  
FLOYD CO. IN RECORDER - LOIS ENDRIS  
09/17/2015 10:33:19AM  
201512894 Pages:3  
Transaction # 64595

Parcel Numbers: 22-02-03-400-042.000-002 (002-05400-18)

EXECUTOR'S DEED

THIS INDENTURE WITNESSETH, that HERBERT TRAUB, an individual, as EXECUTOR of the Unsupervised estate of ZELPHA S. MITSCH, deceased, which estate is pending as Cause Number 31C01-1501-EU-000003, in the Harrison County, Indiana Circuit Court. The EXECUTOR, by virtue of the power given an Executor under Indiana law, hereby, ("Grantor")

CONVEYS

To HISTORIC LANDMARKS FOUNDATION OF INDIANA, INC., an Indiana Non-Profit Corporation, duly existing and organized under the laws of the State of Indiana, ("Grantee"), for good and sufficient consideration, all of the right, title, and interest held by ZELPHA SCHOEN MITSCH A/K/A ZELPHIA SCHOEN MITSCH A/K/A ZELPHA S. MITSCH, more specifically the following described real property in Floyd County, State of Indiana, to-wit:

A part of the Southeast quarter of Section 34, Township 2 South, Range 5 East, bounded as follows: Beginning at an iron pin in the quarter section line, 13 chains and 99 links East of the Northwest corner of said quarter section, thence running North 89° 40' East 11 chains and 49 links to an iron bar with a hole in it, thence South 1° 20' West 22 chains and 47 links to a stone with a cross on top, thence North 80° 35' West 4 chains and 88 links to a flint lime stone with cross on top, thence North 64° 30' West 4 chains and 38 links to a lime stone, thence north 62° 30' West 6 chains and 62 links to a lime stone with a cross on top; thence North 28° 14' East 5 chains and 81 links to a stone in the Southern line of the right of way of the Southern Railway, thence North 62° 30' West 3 chains and 19 links to a stone in the Southern line of the right of way of the Southern Railway, thence North 28° 15' East 2 chains and 29 links to a stone in the center of the Georgetown Gravel road, thence North 86° 45' East 14 1/3 links to a harrow tooth, thence North 16° 5' East 7 chains and 94 links to a steel bar, thence North 33 1/2 ° East 58 links to the place of beginning, containing 27 and 27/100ths acres with the appurtenances thereunto belonging, excepting the right of way of the Southern railway.

Excepting therefrom, 8.20 acres, more or less, deeded to Zelpha Schoen Mitsch from Henry B. Wilson also known as Henry Wilson and Florence Wilson, husband and wife, by Deed dated February 5, 1959, and recorded February 14, 1959, in Deed Record 156, page 383, of the Floyd County, Indiana records.

Also, excepting therefrom, 1.0 acre, more or less, deeded to James E. Davis and Margie L. Davis, husband and wife, from Henry Wilson and Florence Wilson, husband and wife, by Deed date February 26, 1959 and recorded February 27, 1959, in Deed Book 156, page 469, of the Floyd County, Indiana records.

Also excepting therefrom, 0.60 acre, deeded to Edward J. Cecil and Alda J. Cecil, husband and wife, from Henry Wilson and Florence Wilson, husband and wife, by Deed dated August 5, 1959, and recorded August 13, 1959, in Deed Record 158.

Duly Entered For Taxation  
Subject To Final Acceptance  
For Transfer

SEP 17 2015

*[Signature]*  
AUDITOR FLOYD CO. IND.

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, as required by law (CHRISTOPHER L. BYRD)."

**THIS INSTRUMENT PREPARED BY:**  
Christopher L. Byrd, Attorney # 23526-49  
DILLMAN, CHASTAIN, BYRD, LLC  
P.O. Box 640  
219 North Capitol Avenue, Suite 200  
Corydon, Indiana 47112-0640

**Statutory Disclosures:**

This instrument was prepared by Christopher L. Byrd

Grantee(s) address: 1201 Central Avenue  
Indianapolis, Indiana 46202  
(designated tax payment address)

Property Address: 7304 State Road 104  
Georgetown, Indiana 47122

Being shown in Georgetown Township Transfer Books, in the Floyd County, Indiana Auditor's office as follows:

SW ¼ 35-2-5 41 a  
E ¼ SE ¼ 34-2-5 26.18 a

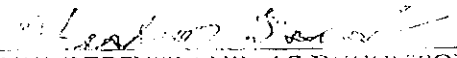
Also subject to an unrecorded farm lease between the Estate of Zelpha S. Mitsch and McAfee Brothers Farms, LLC, which shall expire on December 31, 2015.

Prepared at the specific request of Grantor, based solely on the information recorded of record in the Floyd County, Indiana records without examination to title, survey, abstract, or requirements of zoning ordinances. The preparer makes no representations as to the marketability of the aforesaid real estate in this instrument resulting from the information recorded. The parties hereto signify their assent to this disclaimer by the execution and the acceptance of this instrument.

This deed complies with Article Six (6) of the Last Will and Testament of Zelpha Schoen Mitsch, under Cause No. 31C01-1501-EU-000003, in the Harrison County, Indiana Circuit Court.

The Grantee, by the acceptance of this deed, assumes and agrees to pay the 2015 real estate taxes due and payable in May, 2016 and all subsequent real estate taxes due and payable thereafter.

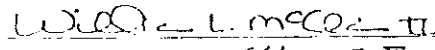
IN WITNESS WHEREOF, HERBERT TRAUB, as Executor of the Unsupervised Estate of ZELPHA S. MITSCH, deceased, has set his hand and seal this 16<sup>th</sup> day of September, 2015.

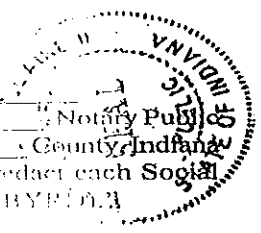
  
HERBERT TRAUB, AS EXECUTOR OF  
THE UNSUPERVISED ESTATE OF  
ZELPHA S. MITSCH, DECEASED

CERTIFICATE OF ACKNOWLEDGEMENT

Before me, the undersigned, a Notary Public for Orange County, State of Indiana, personally appeared HERBERT TRAUB, as Executor of the unsupervised estate of Zelpha S. Mitsch, deceased, who acknowledged the execution of the foregoing instrument in Corydon, Indiana on 16<sup>th</sup> day of September, 2015.

My Commission Expires:  
12-28-2021

  
WILLIAM L. McCLAIN II  
Residing in Orange County, Indiana



"I affirm, under the penalties for perjury, that I have taken reasonable care to reflect each Social Security number in this document, unless required by law. (CHRISTOPHER L. BYRD, III)"

THIS INSTRUMENT PREPARED BY:  
Christopher L. Byrd, Attorney # 2326-49  
DILLMAN, CHASTAIN, BYRD, LLC  
P.O. Box 640  
219 North Capitol Avenue, Suite 250  
Corydon, Indiana 47112-0640

Statutory Disclosure:  
This instrument was prepared by Christopher L. Byrd

## **Exhibit B – Zoning Ordinance**

The development will be governed under the Floyd County Zoning Ordinance FCO-xx-2006 amended 14 with the following noted below exceptions.

### **Residential Suburban (RS) standards**

#### **Section 4.19- Development Standards**

- a. Minimum lot frontage 70 feet
- b. Minimum front setback from R/W 25 feet
- c. Minimum rear setback from 20 feet
- d. Minimum side setback from 7 feet

**Residential Suburban (RS) standards Lots 429-436,438-439,441-445, 476-499,505-511, 528-532, 538-541, 563-567**

#### **Section 4.19- Development Standards**

- a. Minimum lot frontage 60 feet
- b. Minimum front setback from R/W 20 feet
- c. Minimum rear setback from 10 feet
- d. Minimum side setback from 6 feet

**Residential Suburban (RS) standards (Lots 452-474, Lots 542-562)**

#### **Section 4.19- Development Standards**

- a. Minimum lot frontage 35 feet
- b. Minimum front setback from R/W 15 feet
- c. Minimum rear setback from 20 feet
- d. Minimum side setback from 6 feet on one side; allowed zero lot line on other
- e. 6 feet side to be platted as no-build easement
- f. All driveways to rear
- g. No garages in front of house

**Multi-Family (MF) Standards (Phase area depicted on Plat Exhibit)**

#### **Section 4.29 Development Standards**

- a. Minimum front setback from R/W 30 feet
- b. Minimum rear setback from 20 feet
- c. Minimum side setback from 20 feet

**Neighborhood Commercial (NC) (Phase area depicted on Plat Exhibit)**

#### **Section 4.39 Development Standards**

- a. Minimum front setback from R/W 15 feet
- b. Minimum rear setback from 10 feet
- c. Minimum side setback from 10 feet

#### **Section 5.19**

- a. No front parking spaces allowed. All parking oriented to side or rear of building(s).

**Open Space (OS) Standards (Phase area depicted on Plat Exhibit)**

All perpetual undivided open space designated as Yellow on the Exhibit C and will be zoned OS (Open Space) in the Planned Unit Development. The applicant will provide a zoning commitment

that will be recorded that placed designated OS (Open Space) as perpetual undivided open space that cannot be further subdivided.

#### Uses

- i. Permitted Uses: Trails, Shelter houses less than 120 square feet
- ii. Conditional Uses: Shelter house – 120 square feet and larger
- iii. Accessory structures allowed: benches, trash receptacles, and trail lighting if at ground level
- iv. Property will not be allowed to be subdivided in the OS zone.
- v. Any other use will require a Special Exception application

#### **Park and Recreation (PR) Standards**

All open space designated in Orange on the Exhibit C will be zoned PR (Parks and Recreation) in the Planned Unit Development and will follow the PR standards in the Floyd County Zoning Ordinance. The applicant will provide a zoning commitment that will be recorded that placed designated PR (Park Recreation) as perpetual undivided open space that cannot be further subdivided.

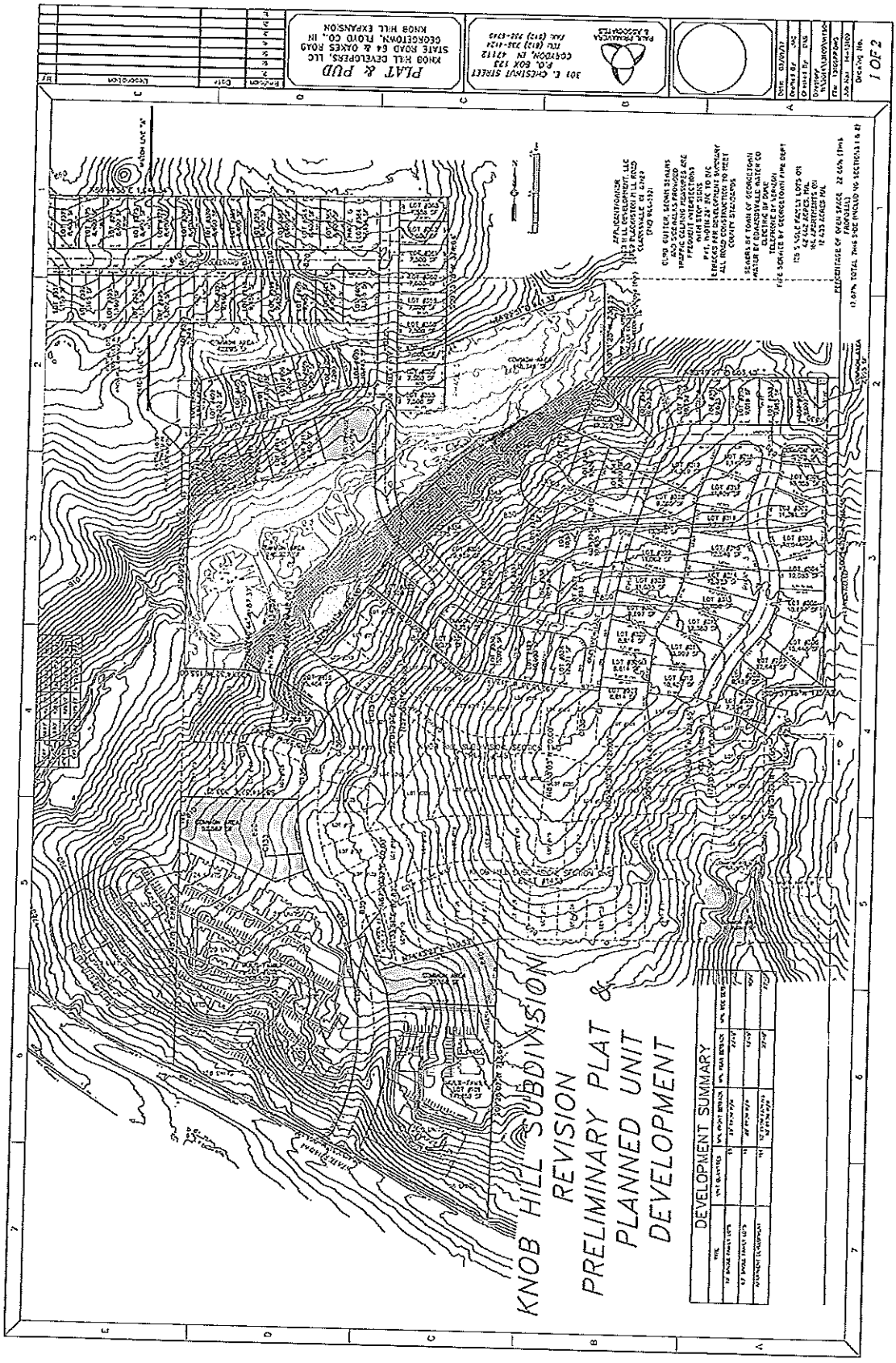
##### d. Allowed Uses

- i. Permitted Uses: Trails, Shelter houses, Community Home Agricultural, Athletic Courts and Fields
- ii. Accessory structures allowed: benches, trash receptacles, and trail lighting if at ground level
- iii. Property will not be subdivided in the PR zone.

All trails (unless denoted) will be considered private access trails for use of residents and guest of development.

Developer shall submit an annual operation and maintenance plan for open space and private access trail system to County until Homeowners Association assumes control of Open Space areas. Developer shall submit an operation and maintenance bond for open space and parks recreation until Homeowners Association assumes control of ownership.

County is desirous to create a future Public trail that runs along length of State Road 64 and to be developed in future. County is requesting Developer agrees to donate 10'feet right of way for future. County will construct trail.



**KNOB HILL SUBDIVISION  
REVISION  
PRELIMINARY PLAT &  
PLANNED UNIT  
DEVELOPMENT**

DEVELOPMENT SUMMARY			
TYPE	NO. OF UNITS	NO. OF ACRES	NO. OF ACRES
10 SINGLE FAMILY UNITS	10	10.00	10.00
10 PLANNED UNIT DEVELOPMENT	10	10.00	10.00
TOTAL	20	20.00	20.00

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE IN THIS DOCUMENT. DATE 03/20/2008 BY 60322 UCBAW/STW/STW

THIS IS A PRELIMINARY PLAT AND DOES NOT CONSTITUTE A GUARANTEE OF ANY KIND. THE PLAT IS SUBJECT TO THE APPROVAL OF THE BOARD OF TOWNSHIP OF GEORGETOWN, MARYLAND. THE PLAT IS SUBJECT TO THE APPROVAL OF THE BOARD OF TOWNSHIP OF GEORGETOWN, MARYLAND. THE PLAT IS SUBJECT TO THE APPROVAL OF THE BOARD OF TOWNSHIP OF GEORGETOWN, MARYLAND.

PLANNED UNIT DEVELOPMENT (PUD) IS A TYPE OF DEVELOPMENT WHICH PROVIDES FOR A MIXTURE OF SINGLE-FAMILY RESIDENTIAL AND COMMERCIAL OR INDUSTRIAL USES. THE PUD IS SUBJECT TO THE APPROVAL OF THE BOARD OF TOWNSHIP OF GEORGETOWN, MARYLAND.

THE TOTAL AREA OF THIS PLAT IS 22.658 ACRES (194,100 SQ. FT.). THE TOTAL AREA OF THIS PLAT IS 22.658 ACRES (194,100 SQ. FT.).

**PLAT & PUD**  
 STATE HILL DEVELOPERS, LLC  
 GEORGETOWN, FLOID CO., MD  
 KNOB HILL EXPANSION

301 E. CHESTNUT STREET  
 CORCORAN, IN 47112  
 P.O. BOX 1312  
 TEL (317) 332-1812  
 FAX (317) 332-1812

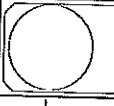


DATE: 03/07/17  
 DRAWN BY: JWC  
 CHECKED BY: JWC  
 TITLE: PRELIMINARY PLAT & PUD  
 PROJECT: KNOB HILL EXPANSION

1 OF 2  
 SHEET NO. 1 OF 2  
 DATE: 03/07/17



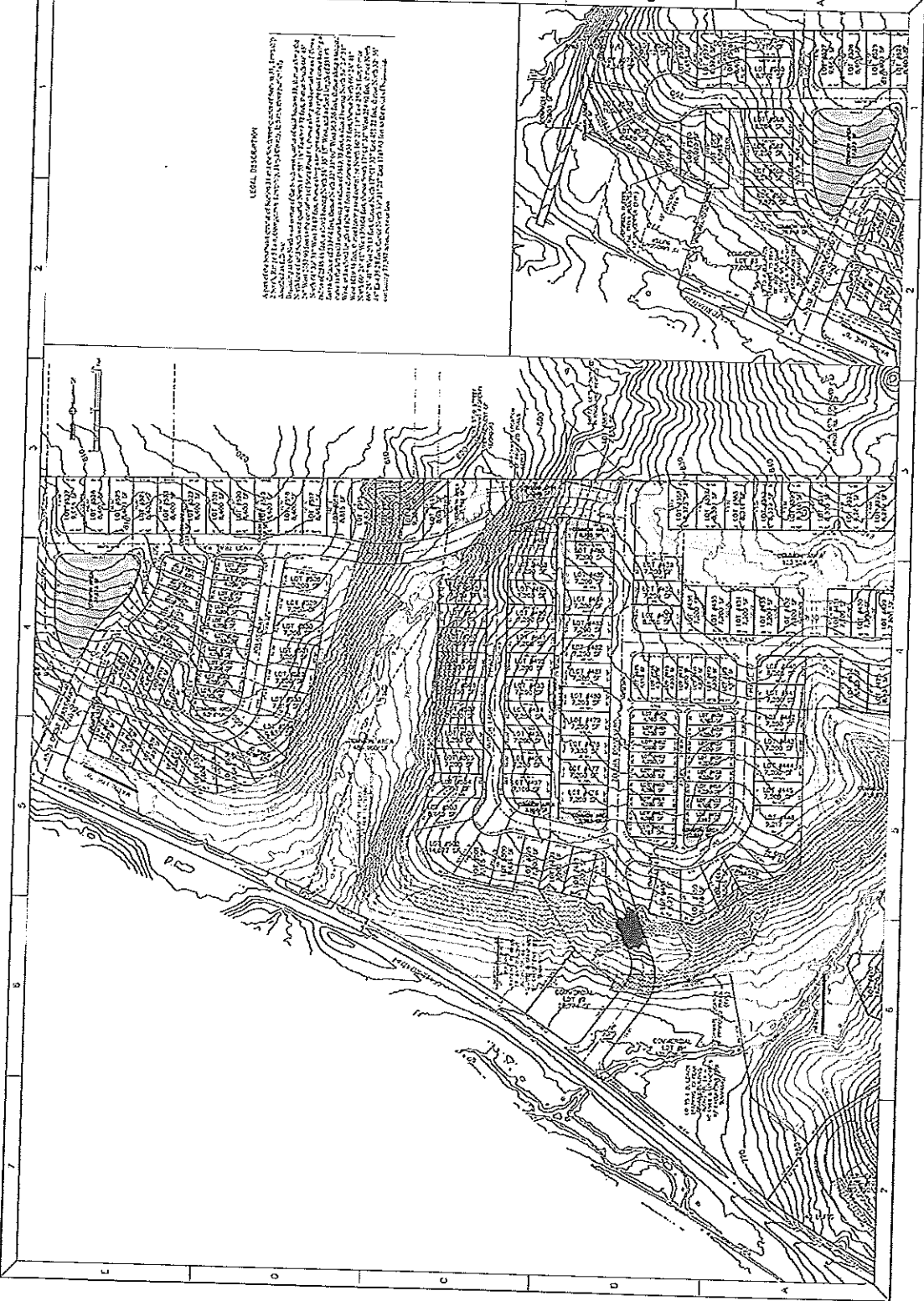
DATE	08/01/02
SCALE	AS SHOWN
DRAWN BY	...
CHECKED BY	...
APPROVED BY	...
PROJECT NO.	...
SHEET NO.	...



391 E. CHESTNUT STREET  
 2ND FLOOR  
 CORTON, IN 47112  
 (317) 733-4124  
 FAX (317) 733-4140

**PLAT & PUD**  
 KNOS HILL DEVELOPERS, LLC  
 STATE ROAD 64 & OAKS ROAD  
 GOMPTOWN, FLOYD CO., IN  
 KNOS HILL EXPANSION

NO.	DATE	DESCRIPTION
1	08/01/02	...
2	08/01/02	...
3	08/01/02	...
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8	08/01/02	...
9	08/01/02	...
10	08/01/02	...



**LEGAL DESCRIPTION**  
 KNOS HILL DEVELOPERS, LLC  
 STATE ROAD 64 & OAKS ROAD  
 GOMPTOWN, FLOYD CO., IN  
 KNOS HILL EXPANSION