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PATRICIA A BROOKS
WARRICK COUNTY RECORDER
RECORDED AS PRESENTED ON
11/30/2011 11:12 AM
REC FEE: 0.00
PAGES: 3

WARRICK COUNTY COMMISSIONERS ORDINANCE # 2011-28

PLAN COMMISSIONER DOCKET # PC-R-11-10

AN ORDINANCE TO AMEND THE WARRICK COUNTY, INDIANA COMPREHENSIVE ZONING ORDINANCE BY REZONING CERTAIN REAL ESTATE IN WARRICK COUNTY, INDIANA

BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF WARRICK COUNTY, INDIANA:

Section 1. That the Warrick County, Indiana Comprehensive Zoning Ordinance and the Warrick County Zoning District Maps dated February 1, 2005, and made a part of said Ordinance, be and the same are hereby amended as follows:

That the boundaries of the C-1 Neighborhood Comm, as shown on said Warrick County Zoning District Maps, be amended as to the following described real estate:

Lot 79 Triple Crown Estates recorded in Plat File 1 Card # 181. in Office of Warrick Co. Recorder

which real estate is now zoned and classified as part of the C-1 Neighborhood Comm. District, as shown on the aforesaid Warrick County Zoning District Maps, so that said above described real estate shall be and the same is hereby rezoned and reclassified from said C-1 District to said "C-3" District.

Section 2. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 3. This Ordinance shall be in full force and effect from and after its passage by the Board of Commissioners of the County of Warrick, State of Indiana.

Section 4. The subject property herein rezoned shall be used and developed only in accordance with the use and development commitment which is attached hereto and incorporated herein and no improvement location permits shall be issued until the petitioner records said use and development commitment in the office of the Recorder of Warrick County, Indiana.

President

Member

Member

BOARD OF COMMISSIONERS
WARRICK COUNTY, INDIANA

ATTEST:

County Auditor

11-28-11
Date Approved

I affirm under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

R. Klein
Signature

R. Klein
Printed Name

This document prepared by R. Klein Lamar Outdoor.

USE AND DEVELOPMENT COMMITMENT

WHEREAS the Undersigned, Marcus O. and Janice E. Miller Petitioner, is the owner of certain real estate situated in the County of Warrick, Indiana, commonly described as 8711 State Road 66, which real estate is more particularly described as follows, to wit:

Lot 79 Triple Crown Estates

WHEREAS, as the real estate is currently classified as a C-1 Zoning district under the Warrick County Zoning Code and is so indicated on the zoning maps maintained by the staff of the Warrick County Area Plan Commission; and

WHEREAS, Petitioner has requested that the Real Estate be reclassified to zoning district C-3; and

WHEREAS, Petitioner is desirous of accommodating the concerns of the surrounding property owners by making a written commitment concerning the use and development of the Real Estate pursuant to I.C. 36-7-4-613;

NOW, THEREFORE, in consideration of the foregoing, petitioner makes the following use and development commitment:

1. Use of the Real Estate shall be limited to the following uses:

   Real Estate Office with off-premise sign

2. Use of the Real Estate shall be limited to the following development requirements:

   Real Estate office with off-premise sign

3. All commitments and undertakings herein expressed shall be binding on the petitioners and the petitioners' heirs, legal representative, successors and assigns, and shall run in the favor of the Area Plan Commission of Warrick County and all the owners of real estate lying within the radius of one (1) mile from the real estate described and shall be enforced by invoking any legal, equitable or special remedy, including specific performance, injunction or equitable relief pursuant to the manner of enforcement as set forth in I.C. 36-7-4-613, 36-7-4-1013, and 36-7-4-1014. If it is necessary to initiate administrative or judicial proceedings to enforce any such commitment or undertaking, the person or entity obtaining enforcement in such proceedings shall also recover its reasonable attorneys' fees and costs of suit from the undersigned.

IN WITNESS WHEREOF, this Use and Development Commitment is hereby made and entered into this 10th day of October, 2011 by S. Carter Clarke on behalf of Lamar Adv. for the purpose set forth herein.

VP/GM

Signature

STATE OF INDIANA)
) SS:
COUNTY OF WARRICK)

Before me, the undersigned, a Notary Public and for said County and State, personally appeared the within named S. CARTER CLARKE who acknowledged the execution of the foregoing Use and Development commitment to be his free voluntary act and deed.

WITNESS my hand and Notarial Seal this 10th day of OCTOBER, 2011.

NOTARY PUBLIC

Richard A. Klein
Signature

RICHARD A. KLEIN
Notary Public, State of Indiana
Warrick County
My Commission Expires
July 21, 2017

Printed Name

A resident of _____ County, Indiana.

My commission expires: _____

This instrument prepared by: RICHARD A. KLEIN
(Name)

4201 MORGAN AVE EVANSVILLE IN
(Address)

477-9203
(phone)

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Richard Klein

STAFF REPORT

RETURN RECEIPTS : Have all except for James and Heidi Barnett.

DOCKET NUMBER: PC-R-11-10

LOCATION: Lot 79 Triple Crown Estates

PETITIONER: Lamar Outdoor Advertising

OWNER: Marcus & Janice Miller – They have given S. Carter Clark a recorded POA to represent them in this rezoning.

REQUEST: Rezone this lot from "C-1" Neighborhood Commercial to "C-4" General Commercial with a Use and Development Commitment. The Use and Development Commitment limits the use of the real estate to a real estate office with an off premise sign. This property has a billboard that was permitted prior to the sign ordinance going into effect. They filed for a Special Use to allow the billboard to have an electronic message board. It was determined that they were pre-existing, non-conforming and they could not change the existing billboard unless the property was rezoned. That is why they have filed this application.

LOT SIZE: This is approximately 1.5 acre lot

COMPREHENSIVE PLAN: Projects the property along the highway to be commercial

EXISTING LAND USE: Real Estate Office

SURROUNDING ZONING AND LAND USE: The property to the north is zoned "~~C-4~~" C3 General Commercial (Bellmoore Landing); to the east and west is "C-1" Neighborhood Commercial (Triple Crown Estates) and to the south is "R-3" Resort (Triple Crown Estates)

GENERAL INFORMATION:

FLOOD ZONE: None
TRAFFIC/STREET/ACCESS – Fronts SR 66 – has access off Triple Crown Drive

APPLICANT'S SUBMITTED/PRELIMINARY SITE PLAN:

STATED USE: Real estate office and off premise sign
COMPLIANCE: Allowed
COMMENTS/ADDITIONAL INFORMATION: Have submitted a letter requesting the Board amend their Rules of Procedure and send this rezoning to the Commissioners on November 28th instead of December 12th. The reason for this request is because they are on the BZA agenda November 28th and this would give the Commissioners the opportunity to either approve or deny the rezoning before they go back to the Board of Zoning Appeals. If they have to wait for the December 12th meeting they won't be able to go before the BZA until December 19th.

Receipt No. 18024

PETITION

FOR CHANGE OF THE ZONING ORDINANCE MAPS

PC- R-11-10

Petitioner: LAMAR OUTDOOR ADVERTISING S. CARTER CLARKE, VP/GM
Email Address: cclarke@lamar.com

Address: 4201 MORGAN AVENUE EVANSVILLE, IN

Owner of Record: MARCUS O. and JANICE E. MILLER

Address: 8711 State Road 66 Newburgh, IN 47630

Email Address: _____

Lessee: _____

Address: _____

Email Address: _____

1. Petition is hereby made for the change of "Zoning Maps" of the City or Town of _____ ( ). County of Warrick (✓), (Check One), State of Indiana, under the authority vested in the Warrick County Area Plan Commission by Chapter 138, Article V, Section 51 and of the 1957 Act of the General Assembly, as amended, State of Indiana.

2. Premises affected are situated on the S side of State Road 66, a distance of 0 feet E (S. W. N. E.) of the corner formed by the intersection formed by State Road 66 and TRIPLE CROWN Dr.

Subdivision or Legal Description:

LOT No. 79 in Triple Crown Estates

FILED
OCT 12 2011
WARRICK COUNTY
AREA PLAN COMMISSION

3. Located in Zone District Designated as: (Circle one or show one.)

City or Town: F.P., CON., A., R.S., R-1, R-1A, R-1B, R-1C, R-1D, R-2, R-3, R-O, C-1, C-2, C-3, C-4, W-R, M-1, M-2, PUD.

County: F.P., CON., A., R.S., R-1, R-1A, R-1B, R-1C, R-1D, R-2, R-2A, R-2B, R-3, R-O, R-MH, C-1, C-2 C-3, C-4, W-R, W-1, M-1, M-2, M-3, PUD.

4. Requested change to: (Circle one or Show one.)

City or Town: F.P., CON, A., R.S., R-1, R-1A, R-1B, R-1C, R-1D, R-2, R-3, R-O, C-1, C-2, C-3, C-4, W-R, M-1, M-2, PUD.

County: F.P., CON., A., R.S., R-1, R-1A, R-1B, R-1C, R-1D, R-2, R-2A, R-2B, R-3, R-O, R-MH, C-1, C-2, C-3, C-4, W-R, W-1 M-1, M-2, M-3, PUD.

5. Existing Land Use: Real Estate office with off-premise sign
(a.) Conforming: _____
(b.) Pre-Existing ~ Non-Conforming: _____
(c.) Conditional Use: _____

6. Proposed Land Use: Real Estate office with off-premise sign

Certificate: - Owner hereby certifies that he/she owns 50% or more of the land above described.

Date: 10/10/11

Petitioner: [signature] VP/GM

Owner: POA [signature]

Represented By: LAMAR Advertising

Phone: (812) 477-9203

8 0 1 6 6 5 4
Tx:4011298

2011R-008505
PATRICIA A BROOKS
WARRICK COUNTY RECORDER
RECORDED AS PRESENTED ON
10/12/2011 1:37 PM
REC FEE: 12.00
PAGES: 1

LIMITED POWER OF ATTORNEY

Marcus O. and Janice E. Miller hereby grant a Limited Power of Attorney to Lamar Outdoor Advertising for the sole purpose of signing any and all necessary paperwork in filing a Rezoning Petition, a Use and Development Commitment and a Special Use Application. We further grant a Limited Power of Attorney to Lamar Outdoor Advertising for the sole purpose of representing us at any all meetings of the Planning Commission and the Board of Zoning Appeals pertaining to the rezoning petition and the special use application. On our behalf, Lamar is to present a rezoning petition for our property at 8711 State Road 66, Newburgh, IN changing it from a C-1 Neighborhood Commercial to a C-3 Zone with a Use and Development Commitment and obtain a Special Use Permit requesting to reconfigure the current off-premise sign as follows:

The top two panels will be removed from the structure. An additional 4-5 foot piece of pipe may be used to raise the remaining two panels, if necessary. The structure will be repainted "Lamar brown". The remaining west face will become a digital panel while the remaining east face will remain as is.

Dated this 10th day of October, 2011

Marcus O. Miller

Marcus O. Miller

Janice E. Miller

Janice E. Miller

STATE OF INDIANA)
) SS:
COUNTY OF WARRICK)

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law."

Richard A. Klein

Before me, a Notary Public in and for said County and State, personally appeared Marcus O. and Janice A. Miller, who acknowledge the execution of the foregoing Limited Power of Attorney, who having been duly sworn, stated that the representations therein are true.

Witness my hand and Notarial Seal this 10th day of October, 2011.

SAUNDRA L. SERVER
NOTARY SEAL
STATE OF INDIANA

Saundra L. Server

Notary Public

Saundra L. Server

Name Printed

I reside in Warrick County, IN

My commission expires 7/19/14

This instrument prepared by Richard A. Klein

LAMAR

Lamar of Evansville

October 12, 2011

Warrick County Area Plan
Attn: Ms.Sherry Rector
Courthouse Room 201
107 W. Locust Street
Boonville, IN 47601

Dear Ms. Rector:

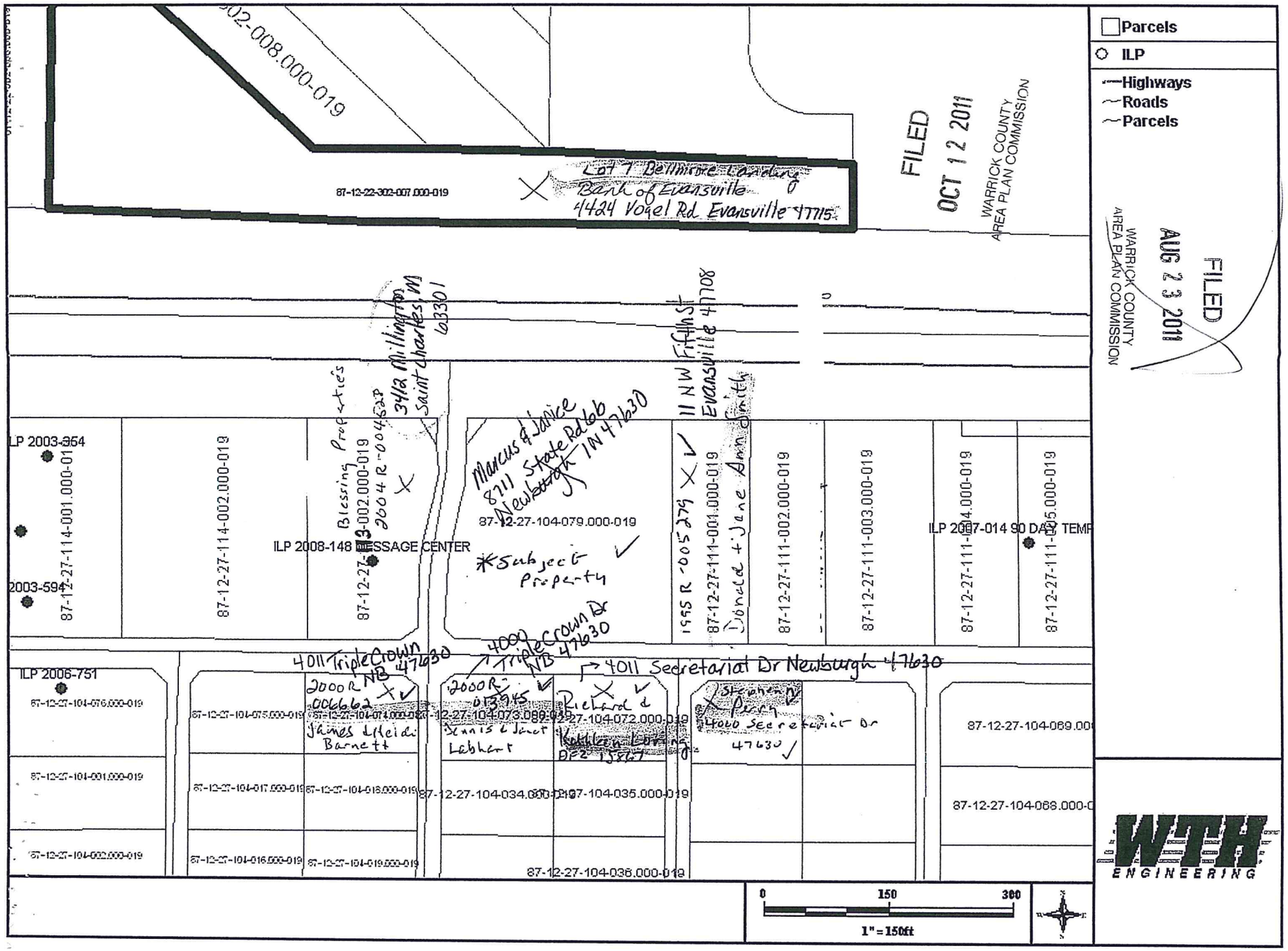
So we can proceed with our special use application (BZA-SU-11-19), we are requesting a suspension of the rules of procedure to forward our rezoning petition to the County Commissioners for the November 28, 2011 meeting.

Thanks for your consideration.

S. Carter Clarke
Vice-President/General Manager

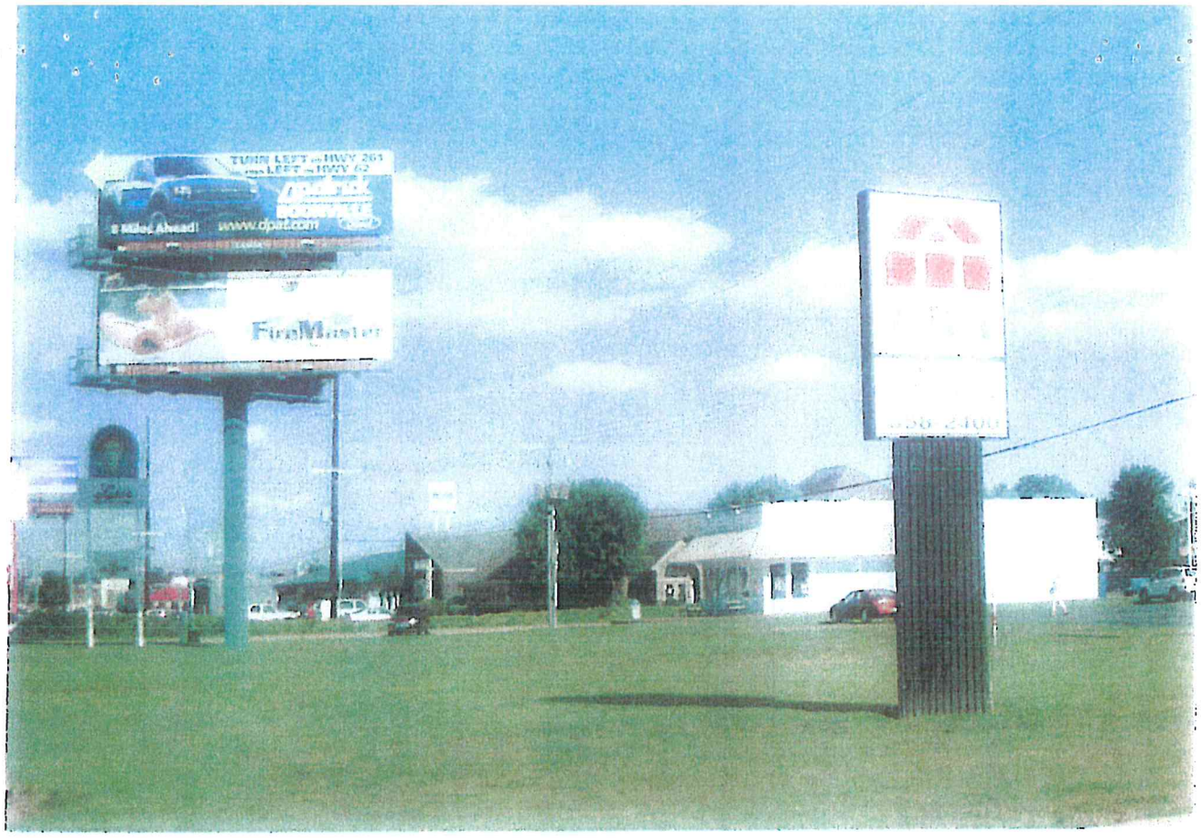
FILED
OCT 12 2011
WARRICK COUNTY
AREA PLAN COMMISSION

4201 E. Morgan Avenue • Evansville, IN. 47715 | 812-477-9203 • 877-526-2771 • Fax 812-476-8533



Parcels
ILP
Highways
Roads
Parcels
FILED
OCT 12 2011
WARRICK COUNTY
AREA PLAN COMMISSION
FILED
AUG 23 2011
WARRICK COUNTY
AREA PLAN COMMISSION
87-12-22-302-007.000-019
Lot 7 Bellmore Landing
Bank of Evansville
4424 Vogel Rd Evansville 47715
3412 Millington
Saint Charles, MI
63301
11 NW Fifth St
Evansville 47708
Blessing Properties
2004 R-004523
Marcus & Janice
8711 State Rd 66
Newburgh IN 47630
1995 R-005279
Donald + Jane Ann Smith
ILP 2003-354
2003-594
87-12-27-114-001.000-019
87-12-27-114-002.000-019
ILP 2008-148 MESSAGE CENTER
87-12-27-104-079.000-019
*Subject Property
87-12-27-111-001.000-019
87-12-27-111-002.000-019
87-12-27-111-003.000-019
ILP 2007-014 90 DAY TEMP
4011 Triple Crown NB 47630
4000 Triple Crown Dr NB 47630
4011 Secretariat Dr Newburgh 47630
ILP 2006-751
87-12-27-104-076.000-019
87-12-27-104-075.000-019
2000 R 006662
James & Heidi Barnett
2000 R 013945
Dennis & Janet Labhart
Richard & Kathleen Loring
DF2 15867
Stephen Perry
4000 Secretariat Dr
47630
87-12-27-104-069.00
87-12-27-104-001.000-019
87-12-27-104-017.000-019
87-12-27-104-018.000-019
87-12-27-104-034.000-019
87-12-27-104-035.000-019
87-12-27-104-068.000-0
87-12-27-104-002.000-019
87-12-27-104-016.000-019
87-12-27-104-019.000-019
87-12-27-104-036.000-019
0
150
300
1" = 150ft
WTH
ENGINEERING

Current Configuration



Proposed Configuration

FILED
OCT 12 2011
WARRICK COUNTY
AREA PLAN COMMISSION

FILED
AUG 23 2011
WARRICK COUNTY
AREA PLAN COMMISSION

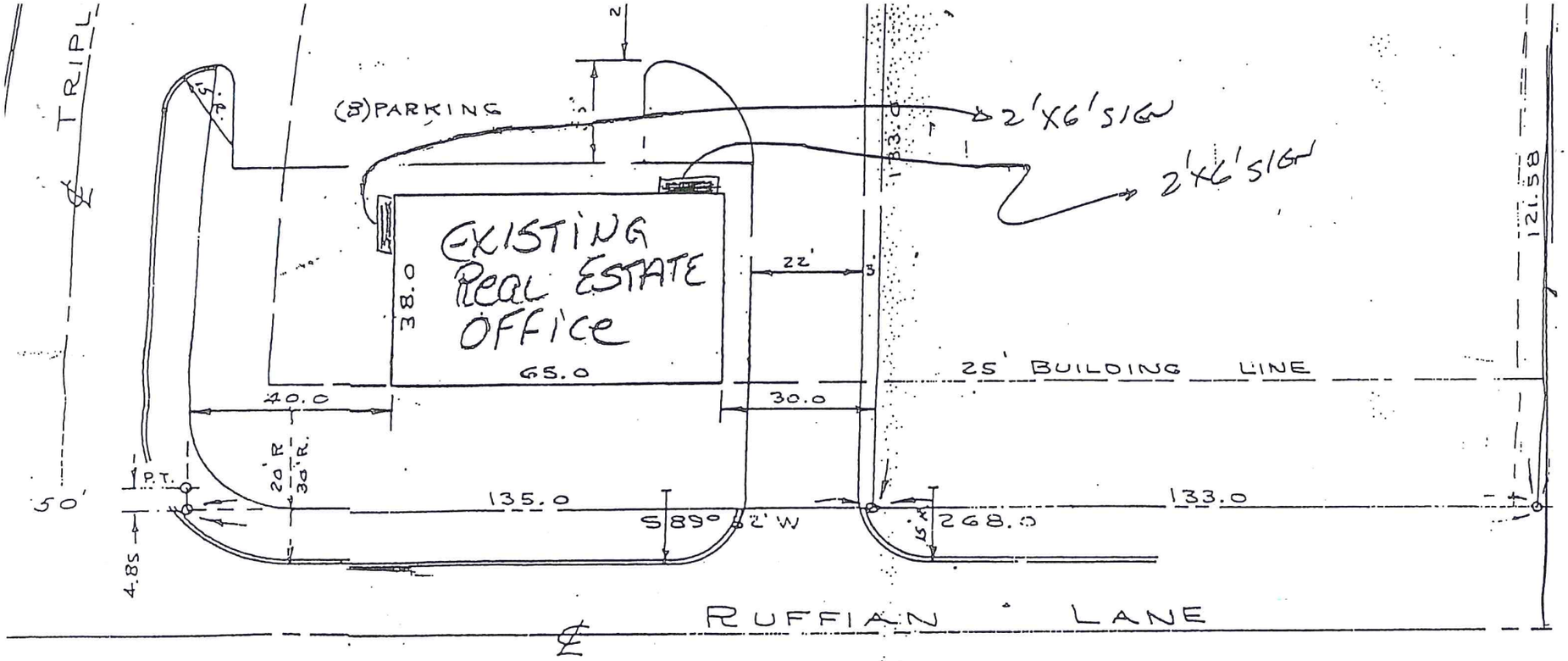
Parcels
Townships

Roads
Parcels
Townships
Engineer Roads

FILED
OCT 12 2011
WARRICK COUNTY
AREA PLAN COMMISSION

0 150 300
1" = 150ft

WTH ENGINEERING



1-30'

PLOT PLAN

Height =
original - ~~12~~ 7 ft.
56

→ 49 ft

FILED
JUL 1 1 1995
Phyllis Gagnon
Executive Secretary
Warrick County Area Plan Commission

FILED
OCT 12 2011
WARRICK COUNTY
AREA PLAN COMMISSION