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CH21 21 .1 - Change Zoning for 2799 State Road 13 From Residential to Commercial

BE IT ORDAINED, by the Board of Trustees of the Town of Lapel, Madison County, Indiana:

That a Petition for Variance, specifically, petition requesting the change of zoning from residential to commercial, was filed with the Town of Lapel on the 16th day of January 2008, requesting a change of zoning for the property described on the attached legal description and commonly known as 2799 State Road 13, Lapel, Madison County, Indiana (See attached Exhibit A).

Further that petition, Michael Riden, representing National Oil & Gas., Inc., is requesting the change in zoning classification with the intent to construct a gas station and convenience store on the above described property.

That upon the Petition for Variance, and in conjunction with the required procedure as specified in the Lapel Town Ordinances, a public hearing was conducted on the 17th day of April, 2008. (See attached exhibit B). The Town Board of Lapel did approve the Petition for Variance changing the zoning from residential to commercial with the condition that overhead directional lighting be installed, and storage tank equipment and safety devices as required by state and federal regulations.

BE IT ORDAINED, that the Town Board of Lapel now implements the zoning classifications of BUSINESS, for the above described property upon the terms and conditions as referenced above.

Read and Adopted this 5th day of January, 2012

EXHIBIT A

LEGAL DESCRIPTION

Commencing at a point 60 rods North of the Southeast corner of the East-Half of the Southeast Quarter of Section 28, Township 19 North, Range 6 East, and running thence West 327 feet, thence North 166.5 feet,

thence East 327 feet, thence South 166.5 feet to the place of beginning being a part of the East-half of the Southeast Quarter of said Section 28, containing 1.25 acres more or less.

EXHIBIT B

MEETING MINUTES APRIL 17th 2008

The public hearing was conducted concerning the petition to change the zoning from residential to commercial for the property commonly known as 2799 State Road 13, Lapel. The proposed use for the property is a gas station and convenience store. Jamie Reddick said the proposed gas station would be too close to the elementary school; Joann Trimbell said the proposed gas station is too close to the elementary school; Jeff Risk said there will be pollution problems, noise problems, and light from the overhead fixtures will shine onto his property all night long; Donna Ward said she is in favor of the gas station, will provide additional competition in town; Billy Davis said she is against the new gas station because it will be a safety hazard for the kids, double backup for cars, buses and trucks in an already congested area, not in favor of the facility next to the school; Bill Davison (attorney for buyer) School Bd, approved the proposed facility, Indiana Department of Transportation approved, Alan Swindford (owner of CVS building) approved, overhead directional lighting will be used and all of the latest approvals of tank equipment and safety devices will be used on the facility; Dennis Molina (Town Marshal) traffic at that location is not a problem, 3 way stop is coming to that intersection which will greatly improve traffic safety; Lynn Wainscott said Noblesville has no rules concerning what can be built next to a school, everyone he has spoken to is in favor of the new facility, Bloom moved, seconded by Pearson, motion passed unanimously to request that Town Attorney prepare the ordinance changing the zoning of the subject property from residential to commercial.

Further Information

1-2012

Date Passed: 1/5/2012