

ZONING ORDINANCE NO. 2008-11

ZONING ORDINANCE AMENDMENT

THIS IS AN ORDINANCE for the purpose of amending and changing the zoning ordinances of the County of Shelby as it relates to a certain tract of property known as 2750 South Miller Street Shelbyville, Indiana, specifically amending the Shelby County, Indiana Zoning Ordinance adopted by the Board of Commissioners of Shelby County, Indiana on August 3, 1998, which became effective on January 1, 1999, including and incorporating therein Township Zoning Maps dated November 13, 2001, as amended, showing the boundary lines of certain Zoning Districts thereon.

BE IT ORDAINED by the Board of Commissioners of Shelby County Indiana, as follows:

Section 1: Purpose. The purpose of this Ordinance shall be to amend the Zoning Map of Shelby Township of the Shelby County Code and the zoning ordinances thereunder as it relates to the real estate specifically described in Section 2 of this Ordinance to change the designation of said real estate from being zoned A, Prime Agricultural to a designation R1, Single-family Residential.

Section 2: Amendment. Shelby County, Indiana Zoning Ordinance adopted by the Board of Commissioners of Shelby County, Indiana on August 3, 1998, which became effective on January 1, 1999, including and incorporating therein Township Zoning Maps dated November 13, 2001, as amended, showing the boundary lines of certain Zoning Districts thereon, are hereby amended by adding the following subsection:

Land rezoned from “A,” Prime Agricultural Cropland, to “R1,” Single-family Residential:

The following parcel of land and real estate located in Shelby Township, Shelby County, Indiana and particularly described herein being formerly zoned and shown on the Zone Map for Shelby Township Zoning District Map and lying in an “A” Prime Agricultural Cropland district is hereby rezoned to “R1” Single-family Residential:

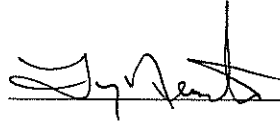
See attached legal description of subject property.

Section 3: Effective Date. This ordinance shall be in full force and effect from and after its adoption by the Board of Commissioners of Shelby County, Indiana.

Section 4: Repealable Provisions. All ordinances and parts of ordinances in conflict with the specific amendment herein are hereby repealed.

ADOPTED this 4 day of April, 2008, by a vote of 3 ayes and 0

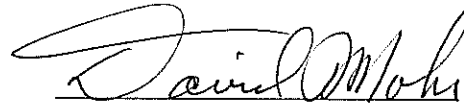
nays of members of the Board of Commissioners of Shelby County, Indiana.



Tony Newton, President

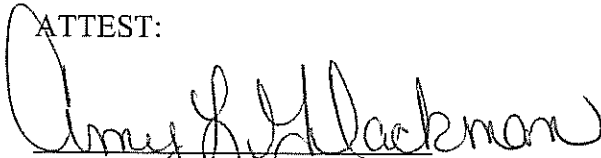


Roger Laird, Member



David Mohr, Member

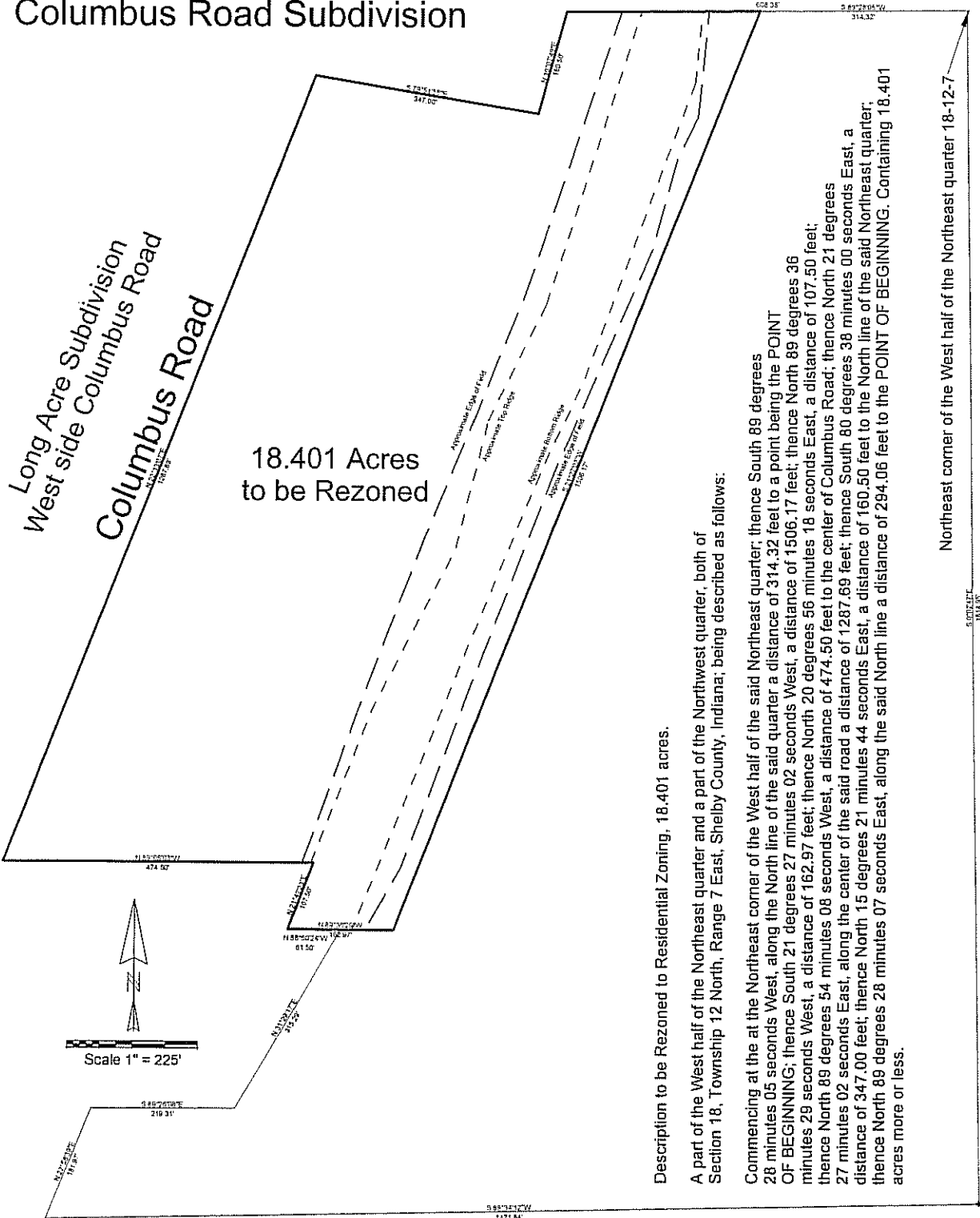
ATTEST:



Amy Glackman, Auditor
Shelby County, Indiana

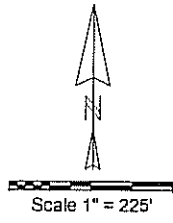
Requests to Rezone 18.401 Acres to Residential for the Proposed Columbus Road Subdivision

A part of the West half of the Northeast Quarter and
a part of the Northwest Quarter of both of Section
18, Township 12 North, Range 7 East, Shelby County, Indiana



18.401 Acres
to be Rezoned

Long Acre Subdivision
West side Columbus Road
Columbus Road



Description to be Rezoned to Residential Zoning, 18.401 acres.

A part of the West half of the Northeast quarter and a part of the Northwest quarter, both of Section 18, Township 12 North, Range 7 East, Shelby County, Indiana, being described as follows:

Commencing at the Northeast corner of the West half of the said Northeast quarter; thence South 89 degrees 28 minutes 05 seconds West, along the North line of the said quarter a distance of 314.32 feet to a point being the POINT OF BEGINNING; thence South 21 degrees 27 minutes 02 seconds West, a distance of 1506.17 feet; thence North 89 degrees 36 minutes 29 seconds West, a distance of 162.97 feet; thence North 20 degrees 56 minutes 18 seconds East, a distance of 107.50 feet; thence North 89 degrees 54 minutes 08 seconds West, a distance of 474.50 feet to the center of Columbus Road; thence North 21 degrees 27 minutes 02 seconds East, along the center of the said road a distance of 1287.69 feet; thence South 80 degrees 38 minutes 00 seconds East, a distance of 347.00 feet; thence North 15 degrees 21 minutes 44 seconds East, a distance of 160.50 feet to the North line of the said Northeast quarter; thence North 89 degrees 28 minutes 07 seconds East, along the said North line a distance of 294.06 feet to the POINT OF BEGINNING. Containing 18.401 acres more or less.

Northeast corner of the West half of the Northeast quarter 18-12-7

Requests to Rezone 18.401 Acres
to Residential for the Proposed
Columbus Road Subdivision

Sheet 1 of 1

Plotted 4-4-08

Powell Land Surveying LLC

Jeffery P. Powell, PLS
4634 North, 575 East, Shelbyville, IN 46176
Office 765-6147, Fax 765-763-0122, Cell 317-694-6073
Email: powellandsurveying@msn.com

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25 West Polk Street, Rm 201
Shelbyville, Indiana 46176
Phone 317.392.6338
Email:amy.dillon@co.shelby.in.us

Shelby County Plan Commission

March 27, 2008

To: Shelby County Commissioners
From: Amy L. Dillon, AICP
Executive Director

RE: Rezone 08-03: Mike Bowman

Gentlemen,

On behalf of the Shelby County Plan Commission, I certify to you the following report and recommendation concerning the application for approval of the rezone petition for the property located at 2750 South Miller Street, Shelbyville in Shelby Township filed by Mike Bowman.

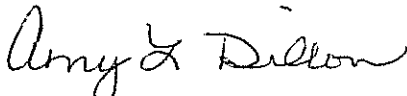
- 1.) The Plan Commission heard the application on March 25, 2008 at a public hearing held at the Shelby County Courthouse Annex Room 208A. Proper notice was given prior to the meeting by certified mail to all interested parties and by publication in the Shelbyville News as required by ordinance. Eight members of the Plan Commission were present.
- 2.) The petitioner was represented by Jeff Powell, L.S. and by Mike Bowman.
- 3.) Jeff Powell and Mike Bowman made a formal presentation regarding the petition to the Plan Commission.
- 4.) Prior to the meeting on March 25, 2008, the petitioner had presented the Plan Commission with the following information.
 - a.) Rezone Application.
 - b.) Property description and drawing of the property to be rezoned.
 - c.) Proposed sketch plan layout of a subdivision for the property.
 - d.) Written Findings of Fact.
 - e.) Letter of Intent.

- 5.) Public comment was solicited and considered by the Plan Commission.
 - a.) Eight individuals made formal public comment regarding the project.
- 6.) The Plan Commission asked questions of the petitioner prior to making a motion on the petition.
- 7.) A motion was made to vote on the petition to forward a favorable recommendation to the County Commissioners with the following stipulations:
 - a.) Should the development of the subdivision not commence within two years, then the property shall revert to its original A, Prime Ag. Cropland, zoning designation.
 - b.) The proposed development shall be built with sanitary sewers and connect into the City of Shelbyville's sanitary sewer system.
 - c.) No more than thirty lots shall be created on the overall property.
 - d.) The lots shall not be smaller than 0.75 acres in size.
 - e.) Only one ingress/egress shall be permitted to development from Miller Street/Columbus Road.
 - f.) The Plan Commission stipulated that the entire property should not be rezoned to R-1. Only the western half of the property should be rezoned to R-1. The petitioner will provide a legal description and a drawing showing the area that should be rezoned to R-1 (this will be provided to the Commissioners at the Commissioners meeting).

The Plan Commission approved the motion by a vote of 8 to 0; therefore a favorable recommendation is being forwarded to the County Commissioners.

If further information is required, please feel free to contact me at the enclosed location.

Respectfully,



Amy L. Dillon, AICP
Executive Director

Copy to: File
Mike Bowman

REZONING APPLICATION

Shelby County Plan Commission
25 West Polk Street, Room 201
Shelbyville, IN 46176
P: 317.392.6338 F: 317.421.8365

For Office Use
Only

Case #: _____
Hearing Date: _____
Fees: _____

Approved Denied

1. Applicant/Property Owner:

Applicant:

Name: Mike Bowman
Address: 6222 W 800 N
Fountain town, IN 46130
Phone Number: 317-835-4246
Fax Number: 317-835-4492
E-mail Address: Mike@mandcexcavating.com

Owner:

Name: Coers Land Co. INC
Address: 3134 Landerwood Drive
Charlotte, NC 28210
Phone Number: 317-512-4054
Fax Number: _____

2. Applicant's Attorney/Contact Person and Project Engineer (if any):

Attorney/Contact Person:

Name: _____
Address: _____
Phone Number: _____
Fax Number: _____

Project Engineer:

Name: Jeff Powell
Address: 4634 N 575 E
Shelbyville IN 46176
Phone Number: 317-644 6073
Fax Number: 765-763-0122

3. Project Information:

General Location of Property (and address if applicable):
2750 Smiller Street

Current Use: Ag
Current Zoning: Ag
Proposed Use: Residential
Proposed Zoning: R-1
Area (in acres): 49.125

4. Attachments:

- Affidavit & Consent of Property Owner (if applicable)
- Proof of ownership (copy of deed)
- Letter of Intent
- Site Plan

- Vicinity Map
- Application Fee
- Legal Description

The undersigned states the above information is true and correct as (s)he is informed and believes.

Signature of Applicant: Mike Bowman

Date: 3-04-08

State of Indiana)
County of Shelby) SS:

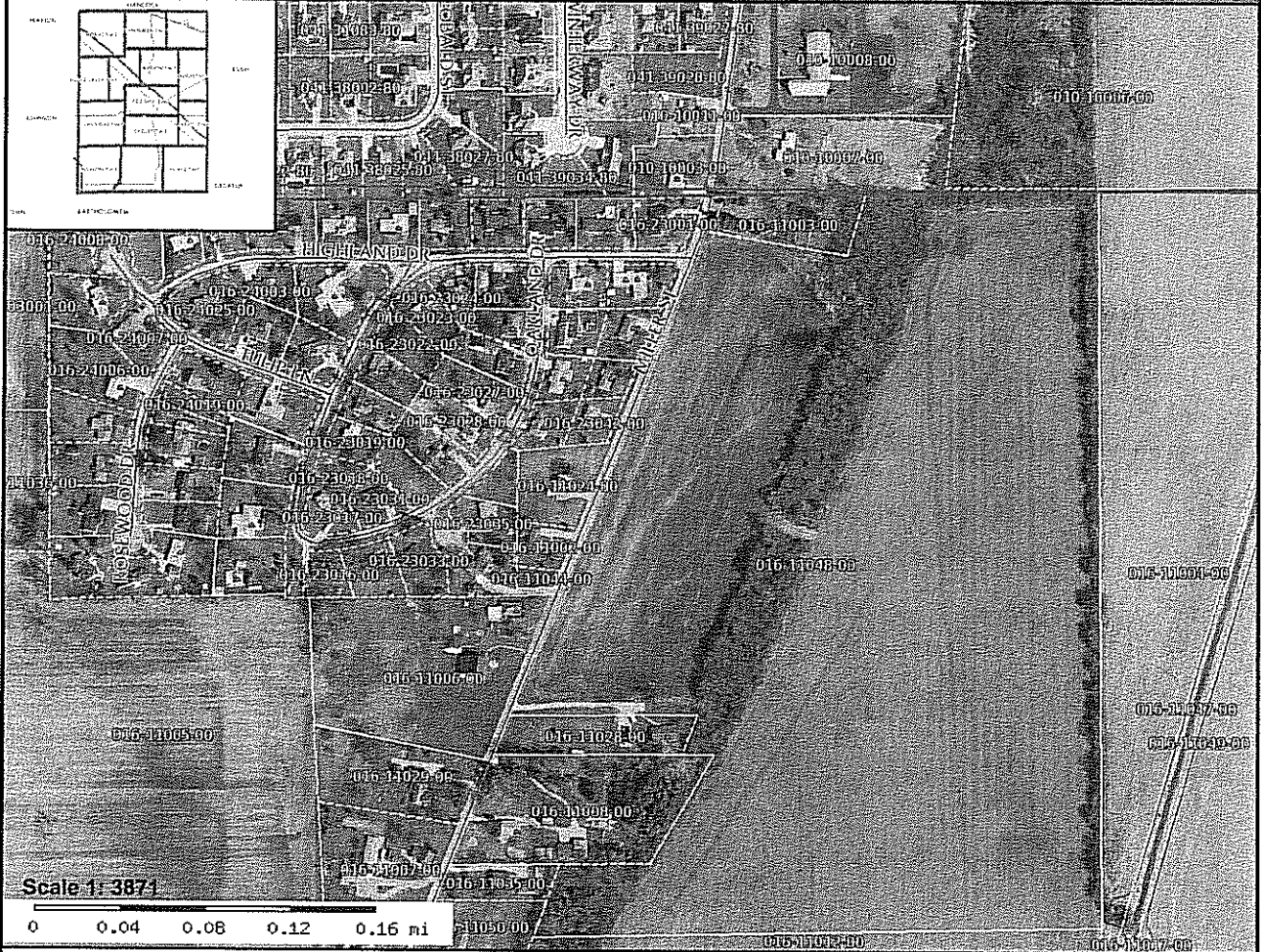
Subscribed and sworn to before me this 4th day of March, 2008

Deona D. Smith
Notary Public - Signed

Deona D. Smith
Printed

Residing in Shelby County My Commission expires July 13, 2014

Warrick County Indiana



Scale 1:3871

0 0.04 0.08 0.12 0.16 mi

- Parcels
- Counties
- Highways**
 - ▬ State Highways
 - ▬ Interstate
 - ▬ Federal Highway
 - ▬ Local Roads
 - ▬ Railroads
 - ▬ Townships
 - ▬ Hydrology
 - ▬ Addresses
- ▬ Federal Highways
- ▬ State Highways
- ▬ Interstate

M&C EXCAVATING

6222 W 800 N
FOUNTAIN TOWN, IN 46130
OFFICE 317/835-4246
FAX 317/835-4492
MOBILE 317/440-1406

March 5, 2008

SHELBY COUNTY PLAN COMMISSION

RE: LETTER OF INTENT

THIS PROPERTY COSIST OF 49.125 ACRES. IT IS LOCATED AT APPROXIMITLY 2750 SOUTH MILLER STREET. THE NAME OF THIS PROJECT WILL BE RIDGECROFT.THE PROPOSED ZONING FOR THIS PROPERTY IS R-1. THE AREA IS PROPOSED ON THE COMPREHENSIVE PLAN AS R-1. THE CURRENT ZONING IS AGRICULTURE. THE BEST USE FOR THIS PROPERTY IS RESIDENTUAL BECAUSE IT IS VERY CLOSE TO THE CITY LIMITS AND IS BORDERED BY RESIDENTUAL ON THREE SIDES.

THE PLAN IS TO PLAT THIS IN TWO SECTIONS. THE FIRST SECTION WOULD BEGIN CONSTRUCTION THIS SUMMER. AND THERE IS NO TOME LINE ON THE SECOND. THE INTENT IS TO OFFER SOME GREEN SPACE AND WALKING TRAILS. ALL HOMES WOULD BE CUSTOM BUILT WITH STRICT CONVENANTS ENFORCED. THE MINIMUM HOUSE SIZEWOULD BE 2800 SQUARE FOOT. VINYL SIDING WOULD NOT BE PERMITTED.

SUBMITTED BY



MIKE BOWMAN/DEVELOPER

**NOTICE OF PUBLIC HEARING
BY THE
SHELBY COUNTY PLAN COMMISSION**

Notice is hereby given that the Shelby County Plan Commission will hold a Public Hearing on 3/25/08
(Date of hearing)
at 7:30pm in Conference Room 208A at the Shelby County Courthouse Annex to consider a petition
(Time)
by Mike Bowman to allow the following:
(Name of applicant)

Approval to rezone 49.125 acres from A to R1 for a
proposed single-family residential development

(Type a brief description of request)

The property is located at 2750 S Miller St, on the east side of Miller Street
County Road
between McKay County Road and County Road 250S in section 18 of Shelby Township and
also described by the following:

(INSERT LEGAL DESCRIPTION OF PROPERTY)

The application may be examined at the office of the Shelby County Plan Commission located in the Courthouse Annex at 25 West Polk Street, Room 201, Shelbyville, Indiana, 46176, Monday through Friday between the hours of 8:00 AM and 4:00 PM.

Written comments in support of or in opposition to the Petition may be filed with or mailed to the Plan Commission Director prior to the Public Hearing at the above address or filed with the Plan Commission Secretary at the Public Hearing. Said Public Hearing will be open to the public and any objectors will be heard at this meeting. Hearings may be continued from time to time as may be necessary.

Amy Dillon
Plan Commission
Representative

Executive Director
Title

LEGAL DESCRIPTION

West Tract

A part of the West half of the Northeast Quarter and a part of the Northwest Quarter, both of Section 18, Township 12 North, Range 7 East, Shelby County, Indiana; described as follows:

Beginning at the Northeast corner of the above described West half of the Northeast quarter of section 18; thence with the East line of the half quarter South 00 degrees 02 minutes 47 seconds East 1814.95 feet; thence South 89 degrees 34 minutes 12 seconds West 1421.84 feet to the Westerly line of a certain tract labeled #3 as recorded at Deed Record 299 page 733 in the Shelby County Recorder's Office; thence with the line of said tract North 22 degrees 58 minutes 39 seconds East (formerly described as North 22 degrees 35 minutes East) 181.97 feet; thence with the line of said tract South 89 degrees 26 minutes 08 seconds East 219.31 feet (formerly described as East 219.7 feet); thence continue with the line of said tract North 31 degrees 29 minutes 17 seconds East 315.29 feet (formerly described as North 24 degrees 30 minutes East 318 feet); thence North 88 degrees 50 minutes 24 seconds West 81.50 feet to the Southeast corner of a 1.09 acre tract also described at the aforementioned Deed Record 299 page 733; thence North 21 degrees 42 minutes 23 seconds East 107.50 feet to the Northeast corner of said 1.09 acre tract; thence North 89 degrees 08 minutes 03 seconds West 474.50 feet to the Northwest corner of said 1.09 acre tract and the center of the Columbus Road; thence with the center of said road North 22 degrees 13 minutes 07 seconds East 1287.69 feet to the Southwest corner of a 1 acre tract also described at the aforementioned Deed Record 299 page 733; thence South 79 degrees 51 minutes 55 seconds East (formerly described as North 80 degrees 00 minutes West) 347.00 feet to the Southeast corner of said 1 acre tract; thence North 16 degrees 07 minutes 49 seconds East (formerly described as South 17 degrees 40 minutes West) 160.50 feet to the Northeast corner of said 1 acre tract and the North line of the above described West half of the Northeast quarter of section 18; thence with said half quarter line South 89 degrees 45 minutes 48 seconds East 608.38 feet to the point of beginning, containing 49.125 acres more or less and subject to the right of way of the Columbus Road, also a right of way across a strip of land 25 feet wide adjacent to and adjoining the North line of the aforementioned 1.09 acre tract, also any other existing right of ways, easements, or restrictions.

Course data used in this description assumes the East line of the West half of the Northeast quarter of section 18 to have a bearing of South 00 degrees 02 minutes 47 seconds East.

I hereby certify that I have prepared the above description and accompanying plat from actual field surveys made by myself on 1/9/90 & other dates.

Surveyed
For: City of Shelbyville

W. Taylor Sumerford, Jr.
W. Taylor Sumerford, Jr.
Lic. Land Surveyor
#11242 Indiana



**AFFIDAVIT OF NOTICE TO INTERESTED PARTIES
PUBLIC HEARING OF THE SHELBY COUNTY PLAN COMMISSION**

STATE OF INDIANA)
COUNTY OF SHELBY) SS:

I, Mike Bowman, DO HEREBY CERTIFY THAT NOTICE TO INTERESTED
(Name of person mailing letters)

PARTIES OF THE PUBLIC HEARING BY THE SHELBY COUNTY PLAN COMMISSION, to consider the application

of: Mike Bowman
(Name of person on application)

Requesting: _____

For Property Located at: 2750 South Miller Street

Was sent to the following owners and addresses as listed in the Plat Books of the Shelby County Auditor's Office (attach additional sheets if necessary):

<u>OWNERS</u>	<u>ADDRESS</u>
<u>See Attached</u>	

And that said notices were sent on or before the 15th day of March, 2008, being at least ten (10) days prior to the date of the Public Hearing.

Mike Bowman
(Name of person mailing the letters)

State of Indiana)
County of Shelby) SS:

Subscribed and sworn to before me this 4th day of MARCH.

Bret A. Waddy
Notary Public

BRET A. WADDY
Printed

Residing in RUSH County My Commission expires Oct 19, 2014

Emmet & Kathryn
Haile
2740 S Miller St.
Shelbyville, IN 46176

Robert & Suzanne
Shaw
2745 S Miller St.
Shelbyville, IN 46176

Matthew & Kameryn
Vaiaage
852 Highland Drive
Shelbyville, IN 46176

Randall & June
Coomer
819 W Highland Dr.
Shelbyville, IN 46176

Paul & Erva Neel
875 Highland Dr.
Shelbyville, IN 46176

Marianne Clayton
2767 S. Miller St
Shelbyville, IN 46176

Terrance & Lisa Kuhn
2766 S Oakland Dr.
Shelbyville, IN 46176

Mickey & Katrina
Hammersley
2779 S Miller St.
Shelbyville, IN 46176

Marjorie Long
2788 S Oakland Dr.
Shelbyville, IN 46176

Richard Herring
2797 S Miller St.
Shelbyville, IN 46176

Roger Slusser et al

2808 S Oakland Dr.
Shelbyville, IN 46176

Pamela Blackburn et
al
2900 S Miller St.
Shelbyville, IN 46176

Jamie England
2854 S Oakland Dr.
Shelbyville, IN 46176

Brent Miller
2847 S Miller St.
Shelbyville, IN 46176

Jesse & Lindsey
Bushfield
2857 S Miller St.
Shelbyville, IN 46176

Tony & Wendy Rich
2855 S Oakland Dr.
Shelbyville, IN 46176

CG Theobald LP
922 S Harrison St.
Shelbyville, IN 46176

Charles & Rita Kocher
2900 S Miller St.
Shelbyville, IN 46176

Gary & Diana
Wilkinson
2942 S Miller St.
Shelbyville, IN 46176

Richard & Viola
Connor
2933 S. Miller St.
Shelbyville, IN 46176

Charles Watkins
2963 S Miller St.
Shelbyville, IN 46176

Ronald Martindale
2960 S. Miller St.
Shelbyville, IN 46176

James & Dawn
Parsley
2978 S Miller St.
Shelbyville, IN 46176

Ryan & Roberta
Watson
2999 S. Miller St.
Shelbyville, IN 46176

Richard & Debbie Fix
253 W 250 S
Shelbyville, IN 46176

Patricia Compton
2120 S Miller St.
Shelbyville, IN 46176

Mohr Rentals LLC
3212 N Morrystown
Rd.
Shelbyville, IN 46176

First Evangelical
Realty Corp
2630 S Miller St.
Shelbyville, IN 46176

Findings of Fact Rezoning Application

(Please provide a brief and concise written answer for each finding and each should be further discussed and serve as the basis for the petitioner's presentation before the commission at the hearing).

As required by Section 13.01 A 9 of the Shelby County Zoning Ordinance, in preparing and considering proposals to amend the text or maps of the Zoning Ordinance, the Shelby County Plan Commission and the Shelby County Board of County Commissioners shall pay reasonable regard to:

1. The Comprehensive Plan; The comp plan indicate this property is best suited for suburban Residential purposes.
2. Current conditions and the character of current structures and in each district; This is primarily Residential area now. Clear view and long Acres are across the Road.
3. The most desirable use for which the land in each district is adapted; Residential is the most Desirable use for this property. It is close to Police, Fire, schools, Hospital and other services
4. The conservation of property values throughout the jurisdiction; The proposed homes are above the typical homes in the area in values and
5. Responsible development and growth. Its adjacent to current developed Areas

Furthermore, as required by Section 13.01 A 10 of the Shelby County Zoning Ordinance, all petitioners must share the burden of proving the following points to the satisfaction of the Commission:

1. that there was an error in the original zoning of the property when the ordinance was adopted or that the character of the area under consideration has changed either through technological advances or developmental changes. The natural Growth has has grown into This Area.
2. that a change of zoning will not be injurious or detrimental to the surrounding property values. A zoning change would be beneficial to the Area and increase the surrounding values.
3. that if the change were granted it would promote orderly community growth. Its a continuation of the natural growth pattern

4. that the petition is not "spot zoning" which will confer a special benefit on a relatively small tract without commensurate benefit to the community. It is adjacent to proposed zoning

Furthermore, as required by Section 13.01 A 11 of the Shelby County Zoning Ordinance, upon having satisfied itself that the petitioner has met the requirements of Section 10 above, the Commission shall then decide whether or not the proposed change meets the following requirements:

1. that the proposed change will not adversely affect the community. The zoning change would fit perfectly with the surrounding uses

2. that the neighborhood plan will not be disrupted or destroyed. The neighborhood would benefit from the higher valued properties

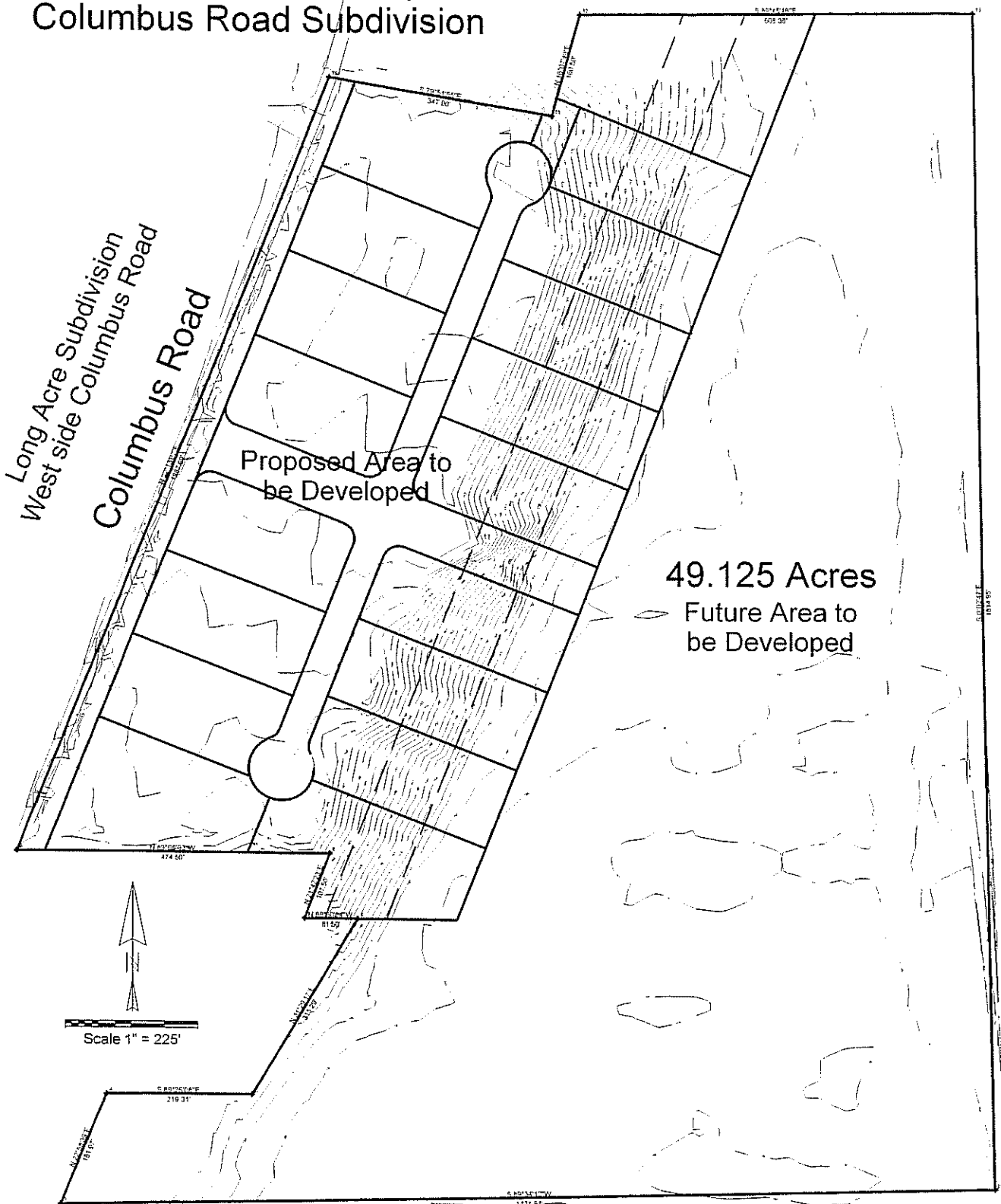
3. that the topography, soil condition, and other physical features of the land involved is suitable for the proposed use and zoning change. The physical features would make beautiful home sites

4. that the proposed land use will not have an adverse effect upon the surrounding land. The proposed use is the same as the surrounding land

5. that the proposed land use will be in general conformance with the County's Physical Development Plan. It compliments the county's future land use map.

Requests to Rezone 49.125 Acres to Residential for the Proposed Columbus Road Subdivision

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Sheet 1 of 1

Plotted 3-13-08

Powell Land Surveying LLC

Jeffery P. Powell, PLS
4634 North, 575 East, Shelbyville, IN 46176
Office 765-763-6147, Fax 765-763-0122, Cell 317-694-6073
Email: powellandsurveying@msn.com

The rezone of the property located at 2750 South Miller Street was approved with the following stipulations:

- 1.) Should the development of the subdivision not commence within two years, then the property shall revert to its original A, Prime Ag. Cropland, zoning designation.
- 2.) The proposed development shall be built with sanitary sewers and connect into the City of Shelbyville's sanitary sewer system.
- 3.) No more than thirty lots shall be created on the overall property.
- 4.) The lots shall not be smaller than 0.75 acres in size.
- 5.) Only one ingress/egress shall be permitted to development from Miller Street/Columbus Road.
- 6.) The subdivision shall be connected to a public water supply system.
- 7.) The proposed rezone area shall consist of 18.401 acres.