

# Shelby County Plan Commission

October 24, 2023 at 7:00 PM

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# MEETING AGENDA

Shelby County Plan Commission  
October 24, 2023 at 7:00 P.M.

## CALL TO ORDER

## ROLL CALL

## APPROVAL OF MINUTES

Minutes from the September 26, 2023 meeting.

## OLD BUSINESS

**SD 23-16 – RHODEN SIMPLE SUBDIVISION:** Simple Subdivision of 5-acres into a 2.5-acre building lot and a 2.5-acre lot including an existing single-family residence and waiver of subdivision standards. Located at 6045 N 600 W, Fairland, Moral Township.

**RZ 23-20 – WELLS REZONING:** Rezoning of 0.52-acres from the R1 (Single-Family Residential) District to the C2 (Highway Commercial) District and of 2.03-acres from the RE (Residential Estate) District to the C2 (Highway Commercial) District to allow for speculative commercial development. Located at 1803 & 1815 S 450 E, Shelbyville, Liberty Township.

**RZ 23-19 – SCHWIER & CO., LLC REZONING:** Rezoning of 38.197-acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District. Located east of and adjoining 9174 N 250 E, Morristown, Hanover Township.

**SCHWIER & CO., LLC WAIVERS OF SUBDIVISION STANDARDS:** Located east of and adjoining 9174 N 250 E, Morristown, Hanover Township.

## NEW BUSINESS

**RZ 23-21 – FAIRLAND INVESTMENT INC. REZONING:** Rezoning of +/- 28.46-acres from the A1 (Conservation Agricultural) District and the RE (Residential Estate) District to the I2 (High Intensity Industrial) District to allow for speculative industrial development. Located at 9237 N Frontage Rd, Fairland, Moral Township.

## DISCUSSION

None

## ADJOURNMENT

The next regular meeting of the Shelby County Plan Commission is scheduled for Tuesday, **November 28, 2023** at **7:00 PM**.

# Staff Report

## Property Details

**Location:** 6045 N 600 W, Fairland, Moral Township.

**Property Size:** 5-acres.

**Current Land Use:** Estate Residential.

### Current Zoning Classification

RE (Residential Estate)

*This district is established for single-family detached dwellings in a rural or country setting.*

### Future Land Use per Comp Plan

Parks, Open Space, & Conservation

*The purpose of this category is to provide for passive and active recreational activities, permanent preservation of significant natural areas, and preservation of natural features within clustered developments. This category applies to public and private lands.*

### Surrounding Development

	Zoning	Land Use
North	RE	Estate Residential
South	A1/R1	Cropland / Single-Family Res.
East	A1	Cropland
West	A1	Cropland

**Case Number:** SD 23-16

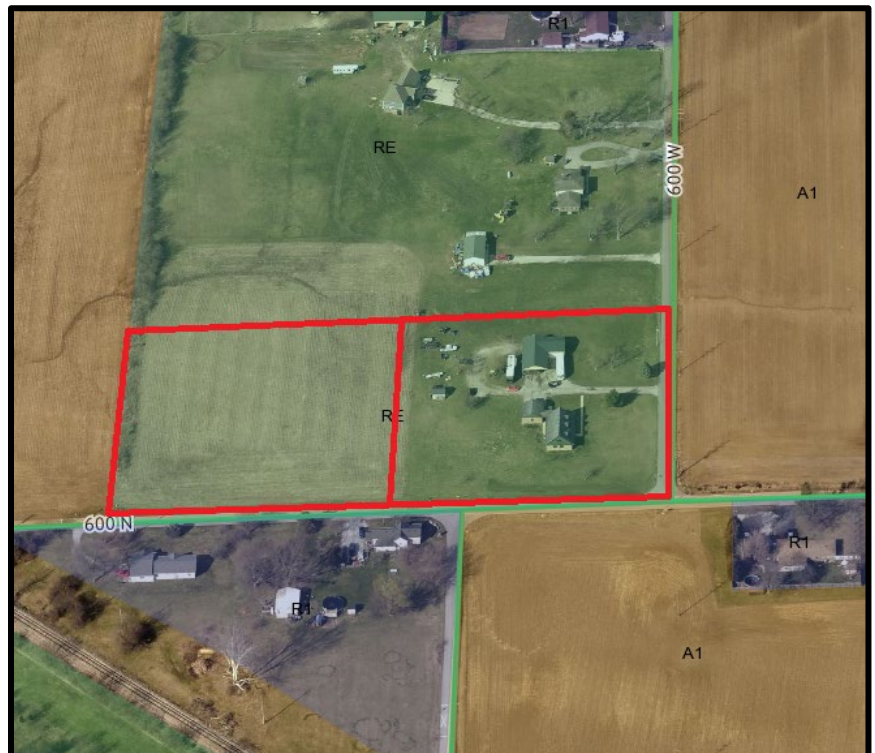
**Case Name:** Rhoden Simple Subdivision

## Request

**Simple Subdivision** of 5-acres into a 2.5-acre building lot and a 2.5-acre lot including an existing single-family residence.

**Waiver** of Simple Subdivision prerequisites to allow for Simple Subdivision of property less than 6-acres.

## Property Map



## Case Description

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- The petitioner intends to subdivide the property into a 2.5-acre building lot and a 2.5-acre lot including an existing single-family residence.
- The petitioner has obtained soil borings on the highest ground at the northwest corner of the proposed building lot.
- Flood Hazard Area
  - The new building lot lies within Federal Emergency Management Agency (FEMA) and Indiana Department of Natural Resources (IDNR) Flood Fringe. The FEMA detailed study designates the main branch Dry Fork, located ½-mile to the northwest, as the contributing stream. The study shows that a 100-year flood would run from the stream over to the proposed building lot at an elevation of approximately 781-feet above sea level. The ground level of the building site sits at approximately 777-feet above sea level. Therefore, to comply with ordinance requirements for development in the floodplain, the new home must be elevated by fill or foundation walls by approximately 6-feet (two feet above the flood elevation).
  - Indiana Department of Natural Resources (IDNR) has also conducted a detailed floodplain study. The IDNR study designates the Dry Fork tributary, located adjacent to the property, as the contributing stream and provides a 100-year flood elevation of 773.4-feet above sea level. Per this study, the building site would sit higher than the base flood elevation and therefore outside of the floodplain. However, floodwaters from the main branch of Dry Fork could overtake the floodwaters from the tributary and inundate a non-elevated structure.
  - The petitioner has submitted a request to DNR to define the flood elevation from the main branch of Dry Fork. The surveyor will update the Flood Statement included on the plat to reflect this number prior to recording the final plat.
  - Flood Hazard Area information is included for informational purposes only. Per State Code, the Plan Commission must approve any subdivision of property that complies with local subdivision code. Shelby County's subdivision code does not restrict subdivision of property due to flood hazard area restrictions.
- The Technical Advisory Committee (TAC) / Site Plan Review Committee would review a detailed site plan including structure layout, elevation of development, drainage infrastructure, and septic system design for compliance with County codes prior to issuance of permits for the new single-family residence.

## Staff Analysis Findings of Fact

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### **Staff has reviewed the proposed plat and has determined:**

1. The subdivision of land is consistent with the Shelby County Comprehensive Plan.
2. The subdivision of land satisfies the development requirements of Article 06: Subdivision Types, pending approval of a waiver to allow Simple Subdivision of property less than 6-acres.
  - a. Approval of the waiver would allow for creation of two lots consistent in size with adjacent residential lots.

3. The subdivision of land satisfies the standards of Article 07: Design Standards, pending approval of a waiver to allow side lot lines not within fifteen degrees (15°) of a right angle to the street and right-of-way.
4. The subdivision of land satisfies any other applicable provisions of the Unified Development Ordinance.
5. The subdivision of land satisfies the construction requirements of Shelby County's Construction Standards.

### Staff Recommendation

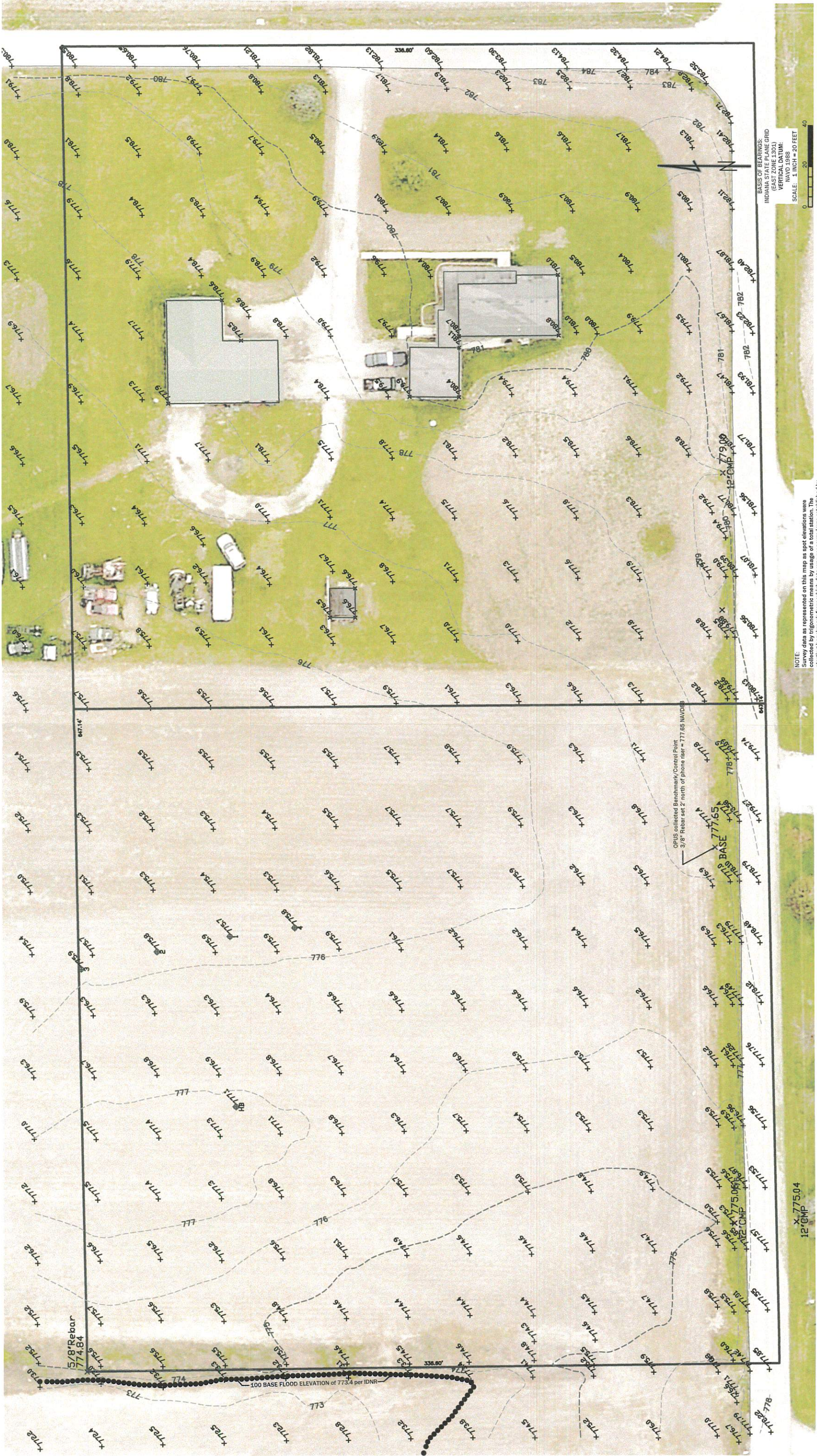
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#### APPORVAL

#### Applicant/Owner Information

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Applicant:	Travis Rhoden Jr. 6045 N 600 W Fairland, IN 46176	Owner:	Same
Surveyor:	Scott T Sumerford 3149 N Riley Hwy. Shelbyville, IN 46176		



INDIANA STATE PLANE GRID  
 (EAST ZONE 1301)  
 VERTICAL DATUM:  
 NAVD 1988  
 SCALE: 1 INCH = 20 FEET

12' GMP  
 X 775.04

OPUS collected Benchmark/Control Point  
 3/8" Rebar set 2' north of phone rest = 777.65 NAVD88

NOTE:  
 Survey data as represented on this map as spot elevations were collected by trigonometric means by usage of a total station. The starting benchmark from which data was measured was established by a 5 hour collection of static GPS data that was submitted to NGS OPUS.

**TOPOGRAPHIC SURVEY**

JOB LOCATION  
 PART OF THE SOUTHEAST QUARTER OF  
 THE SOUTHEAST QUARTER OF SECTION 31,  
 TOWNSHIP 14 NORTH, RANGE 6 EAST,  
 MORFAL TWP., SHELBY COUNTY, IN

**SCOTT T. SUMERFORD**  
 LAND SURVEYING  
 3149 NORTH RILEY HIGHWAY  
 SHELBYVILLE, IN 46176-9462  
 BUSINESS PHONE (317) 401-6050

Indiana Registered Surveyor No. 29600017  
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 This document is only considered an original copy if an inked seal and  
 original signature is affixed.

CLIENT  
 Travis Rhoden Sr.  
 6125 N 600 W  
 Fairland, IN 46126

PROJECT  
 Elevation survey on 5 acre parcel located at  
 6045 N 600 W, Fairland for client's son for  
 LOMA application/removal from SFHA.

DATE: May 19, 2023  
 Signed: *Scott T. Sumerford*  
 Scott T. Sumerford - Registration Number: 29600017

LAST DATE OF FIELDWORK  
 CERTIFICATION DATE  
 March 21, 2023  
 May 19, 2023

NOTES/REVISIONS  
 NONE TO DATE

DATE: May 19, 2023  
 Signed: *Scott T. Sumerford*  
 Scott T. Sumerford - Registration Number: 29600017

JOB NUMBER  
 14N6E31-23-010  
 ORIGINAL DRAWING SIZE ARCH/D  
 SHEET 1 OF 1

FINAL PLAT FOR

RHODEN SIMPLE SUBDIVISION

LEGAL DESCRIPTION OF PARENT TRACT

Quinclaim Parcel
Instrument No. 2017002140, Recorded April 20, 2017
Travis L. Rhoden, Jr. and Dennise Rhoden
to
Travis Rhoden

A part of the Southeast Quarter of the Southeast Quarter of Section 31, Township 14 North, Range 6 East, Shelby County, Indiana, described as follows:
Beginning at the Southeast corner of said section 31; thence with the south line of the parent section South 89° 34' 55" West 323.57 feet; thence parallel with the East line of the quarter section North 00° 00' 00" East 336.60 feet; thence parallel with the East line of the quarter section North 89° 34' 55" West 323.57 feet; thence parallel with the East line of the quarter section, thence with said East line South 00° 00' 00" East 336.60 feet to the point of beginning, containing 5,000 acres more or less and subject to the right of way of the county roads on the East and south lines of the tract and also subject to any other existing right of ways, easements or restrictions. Course data used in this description assumes the East line of the quarter section to run South.

The above description taken from the original survey recorded in Survey Book 2, Pages 180, 181, The Quinclaim description is partially lacking with errors in instrument No. 2017002140.

LEGAL DESCRIPTION LOT 1

Part of the southeast quarter of the southeast quarter of Section Thirty-one (31), Township Fourteen (14) North, Range Six (6) East, Moral Township, Shelby County, Indiana, being the east half of a certain 5.00 acre tract as surveyed by W. Taylor Sumnerford, recorded in Survey Book 2, Pages 180, 181, on September 10, 1993 in the Office of the Shelby County Recorder, also being part of survey Job #14N6E31-25-010 by Scott T. Sumnerford, RLS#29800017, certified September 26, 2023 and being more particularly described as follows:
Beginning at the southeast corner of the southeast quarter of the southeast quarter of said section 31-14-6, said point being marked by a magallal over a stone; thence along the south line of said quarter quarter section, South 89° 34' 55" West 323.57 feet to a magallal and washer stamped "S. Sumnerford 9800017", thence parallel with the east line of said quarter quarter North 00° 00' 00" East (basis of bearings assumed) 336.60 feet to a capped rebar stamped "S. Sumnerford 29800017", thence parallel with the south line of said quarter quarter, North 89° 34' 55" East 323.57 feet to a magallal and washer stamped "S. Sumnerford 9800017" on the east line of said quarter quarter; thence along said east line, South 00° 00' 00" West 336.60 feet to the point of beginning, containing 2,500 acres.

Subject to all easements, restrictions and right-of-ways of record.

LEGAL DESCRIPTION LOT 2

Part of the southeast quarter of the southeast quarter of Section Thirty-one (31), Township Fourteen (14) North, Range Six (6) East, Moral Township, Shelby County, Indiana, being the west half of a certain 5.00 acre tract as surveyed by W. Taylor Sumnerford, recorded in Survey Book 2, Pages 180, 181, on September 10, 1993 in the Office of the Shelby County Recorder, also being part of survey Job #14N6E31-25-010 by Scott T. Sumnerford, RLS#29800017, certified September 26, 2023 and being more particularly described as follows:
Commencing at the southeast corner of the southeast quarter of the southeast quarter of said section 31-14-6, said point being marked by a magallal over a stone; thence along the south line of said quarter quarter section, South 89° 34' 55" West 323.57 feet to a magallal and washer stamped "S. Sumnerford 9800017" at the point of beginning of the herein described tract.

Thence continuing along said south line, South 89° 34' 55" West 323.57 feet; thence parallel with the east line of said quarter quarter North 00° 00' 00" East (basis of bearings assumed) 336.60 feet; thence parallel with the east line of said quarter quarter, North 89° 34' 55" East 323.57 feet to a capped rebar stamped "S. Sumnerford 29800017", thence parallel with the south line of said quarter quarter, South 00° 00' 00" West 336.60 feet to the point of beginning, containing 2,500 acres.

Subject to all easements, restrictions and right-of-ways of record.

SURVEYOR'S REPORT

The client's son owns the parent tract of 5 acres in the very southeast corner of section 31-14-6. His son lives in the existing dwelling on proposed Lot 1 and has family who wants to build a residence upon proposed Lot 2, the west half of the property. This subdivision will create the additional building for needed.
In accordance with Title 865, Article 1, Chapter 12, Section 12, of the Indiana Administrative Code, the following report explains the theory of location applied in retracing the lines and corners of the surveyed property and discusses the surveyor's opinion of the cause and amount of uncertainty in those lines and corners because of the following:

- A) Availability and condition of reference monuments.
The subject property was originally surveyed by Taylor Sumnerford in 1993 and was split off as a 5 acre parcel at that time. The original tract was surveyed by Travis Rhoden's father, per deed from 2/4 Page 344, in 1993 and the original survey is still in place. The rebar (iron pin) in the northeast corner measures within 0.2 feet to be within 0.05 feet of published position. The rebar (iron pin) in the northwest corner measures within 0.2 feet, but appears to be a magallal presently. The measured interior angle at this section corner differs by .34 seconds, which equates to about 0.1 feet of uncertainty. The basis of bearings for this current project has been matched up in agreement with the 1993 survey and other previous surveys in the area where the east line of the quarter section was assumed to be north and south, N00° 00' 00" E.
The quarter section corners were found as detailed on the drawing. The subdivision into quarter quarter sections is shown on the drawing. The survey was conducted by Scott T. Sumnerford, a duly licensed and bonded surveyor in Shelby County, Indiana, and done out at theoretical split distances, but do lie in a straight line along the southeast quarter. The west and north sixteen corners have been shown at a midpoint split. The north one has old stone history, but has not been thoroughly investigated for the purposes of this survey. The main reason for looking at the quarter quarter corners was to roughly identify the amount of the gap between the Rhoden and Blether properties. See C) below.

B) Occupation or possession lines

Along the west line of the 5 acre parent tract lies a partial fence row. There was once a fence line running north and south through the property. It is now gone. The fence line was located at the east side of the quarter quarter section. This mathematical definition results in an east-west width of the property at 639.04 feet. The previous fence line made this property width to be 647.14 feet, about 8 feet wider. See discussion in next section.

C) Clarity or ambiguity of record descriptions

As introduced above, there is a gap in written title between the Rhoden and Blether farms. The east line of Blether starts at 10.38 chains west from the southeast section corner. This is 652.08 feet vs. 639.04 feet for the 19-1/2 acre description of Rhoden's. Even with the 647.14 feet to the old fence line, there is still 8 feet of gap at the road and about 4.4 feet in the back at the subject's northwest corner. There is no suggestion being made here to the client in attempting to claim anything else beyond the old fence location. Additional sorting out at the northwest corner should be done, before any title "clean up" is undertaken with the westerly adjoining property owner. There is also a parcel of ground obtained by the Commissioners of Shelby County in 1992, along the road, that has this same title gap situation.

There were no other title irregularities encountered, affecting the subject property from other adjoining title holders.

D) Relative positional accuracy of measurements

The lines and corners retraced or established by this survey have been executed meeting Title 865, Indiana Administrative Code 1-42-7 and falls under a Suburban Survey Classification with a relative positional accuracy of 0.13 feet + 100 ppm.

SURVEY CERTIFICATION

I hereby certify that this survey was performed under my direct supervision and to the best of my knowledge and belief was executed to minimum standards of practice as contained in Rule 12, of Title 865, Article 1 of the Indiana Administrative Code.

DATE: September 26, 2023

Signed: Scott T. Sumnerford Registration Number: 98000017



SCOTT T. SUMERFORD
LAND SURVEYING
3149 NORTH RILEY HIGHWAY
SHELBYVILLE, IN 46176-9462
BUSINESS PHONE (317) 401-6050
Indiana Registered Surveyor No. 29800017

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This document is only considered an original copy if an inked seal and original signature is affixed.

LAST DATE OF FIELDWORK: September 14, 2023
CERTIFICATION DATE: September 26, 2023
NOTES/REVISIONS: NONE TO DATE

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.
NAME: \_\_\_\_\_

CLIENT: Travis Rhoden, 6129 N 600 W, Fairland, IN 46126
PROJECT: Simple Subdivision splitting a 5 acre parcel into one existing and one future home site at 6045 N 600 W, Fairland.

INDIANA TITLE 865
BOUNDARY SURVEY

JOB LOCATION: PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, SECTION 31, TOWNSHIP 14 NORTH, RANGE 6 EAST, MORAL TWP., SHELBY COUNTY, IN.
JOB NUMBER: 14N6E31-23-010
ORIGINAL DRAWING SIZE ARCH D SHEET 1 OF 1

APPROXIMATE location of corner post calculated from a center of mass of the area.
CENTER OF SECTION 31-14-6
(AMA Home Legal Drain)
N 158°34'41.4" E 2609.914.38
N 69°42'40" E 1325.057.4
N 69°42'40" E 1325.057.4
N 89°42'40" E 2850.114

NORTH 1/4 1/4 CORNER, SE 1/4 SECTION 31-14-6
Dedicated at a midpoint split. An iron pin was set at the split by Taylor Sumnerford in 1982. In 1972, the iron pin and corner post is depicted on a survey by Donald Woods, with a distance of 1328.00' from the east quarter corner. A Boulder was also supposedly here by County Surveyor Elliot in 1851. More investigation is needed to completely resolve this question.

EAST QUARTER CORNER SECTION 31-14-6
1/2" Rebar found 0.6' below asphalt and about 0.5' west of the road centerline. This rebar was found in 1972. The rebar was found with the survey file, but they did not indicate found or set. A stone was recovered by County Surveyor Elliot in 1851. The rebar is 8.9' north and 1.7' east of a midpoint between section corners.

NE CORNER, SE 1/4 SECTION 31-14-6
Below asphalt on the road centerline. It lies about 1.4' below asphalt on the road centerline. The iron pin was set by the surveyor in 1972. The iron pin was set by Kenneth Bowman in a 1971 survey on file in the Auditor's and Surveyor's Offices. There is an 1862 record by Bowman had found a quarter corner. A Boulder was also supposedly here by County Surveyor Elliot in 1851. More investigation is needed to completely resolve this question.

SE CORNER, SE 1/4 SECTION 31-14-6
Mangallal found 0.35' below asphalt in the approximate location of a stone recovered by the surveyor's office in 1971. A Boulder record exists for this corner per County Surveyor Darglin, 1895.

SW CORNER, SE 1/4 SECTION 31-14-6
Railroad spike found 0.3' below asphalt in the approximate location of a stone recovered by the surveyor's office in 1985. This stone has records by County Surveyor Darglin and Webster, 1895 and 1881. Corner lies 1.8' west of a midpoint and on line.

SOUTH QUARTER CORNER SECTION 31-14-6
Railroad spike found 0.1' below asphalt and 1.9' south of the road centerline. This railroad spike was set over a Shelby County Surveyor Monument in 2003. The county monument was set in 1889 based upon a township line from the southwest and southeast section corners. It was placed through the stone at the sixteenth corner a quarter mile east for alignment.

NE CORNER, SE 1/4 SECTION 31-14-6
Below asphalt on the road centerline. It lies about 1.4' below asphalt on the road centerline. The iron pin was set by the surveyor in 1972. The iron pin was set by Kenneth Bowman in a 1971 survey on file in the Auditor's and Surveyor's Offices. There is an 1862 record by Bowman had found a quarter corner. A Boulder was also supposedly here by County Surveyor Elliot in 1851. More investigation is needed to completely resolve this question.

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OWNER: Travis L. Rhoden (Seal)

STATE OF INDIANA )
COUNTY OF SHELBY )

NOTARY PUBLIC: \_\_\_\_\_ (Seal)

PLANNING COMMISSION APPROVAL

APPROVED BY THE SHELBY COUNTY PLANNING COMMISSION IN ACCORDANCE WITH ALL APPLICABLE SUBDIVISION REGULATIONS.

BY: President, Terry Smith
BY: Secretary, Scott Gabbard

DATE: \_\_\_\_\_

NOTES

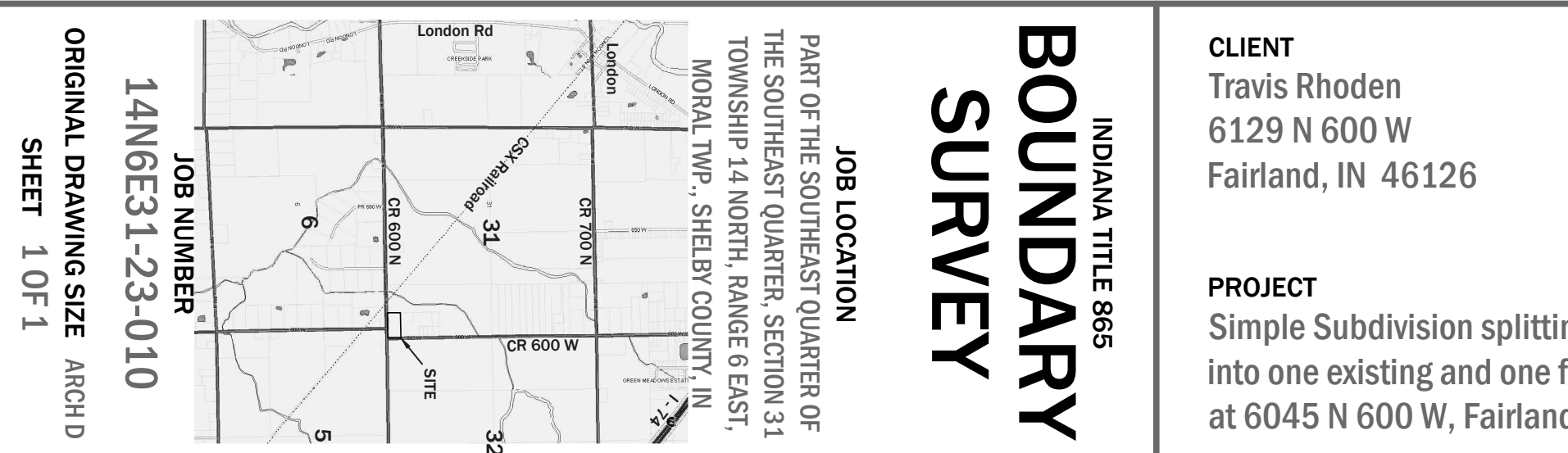
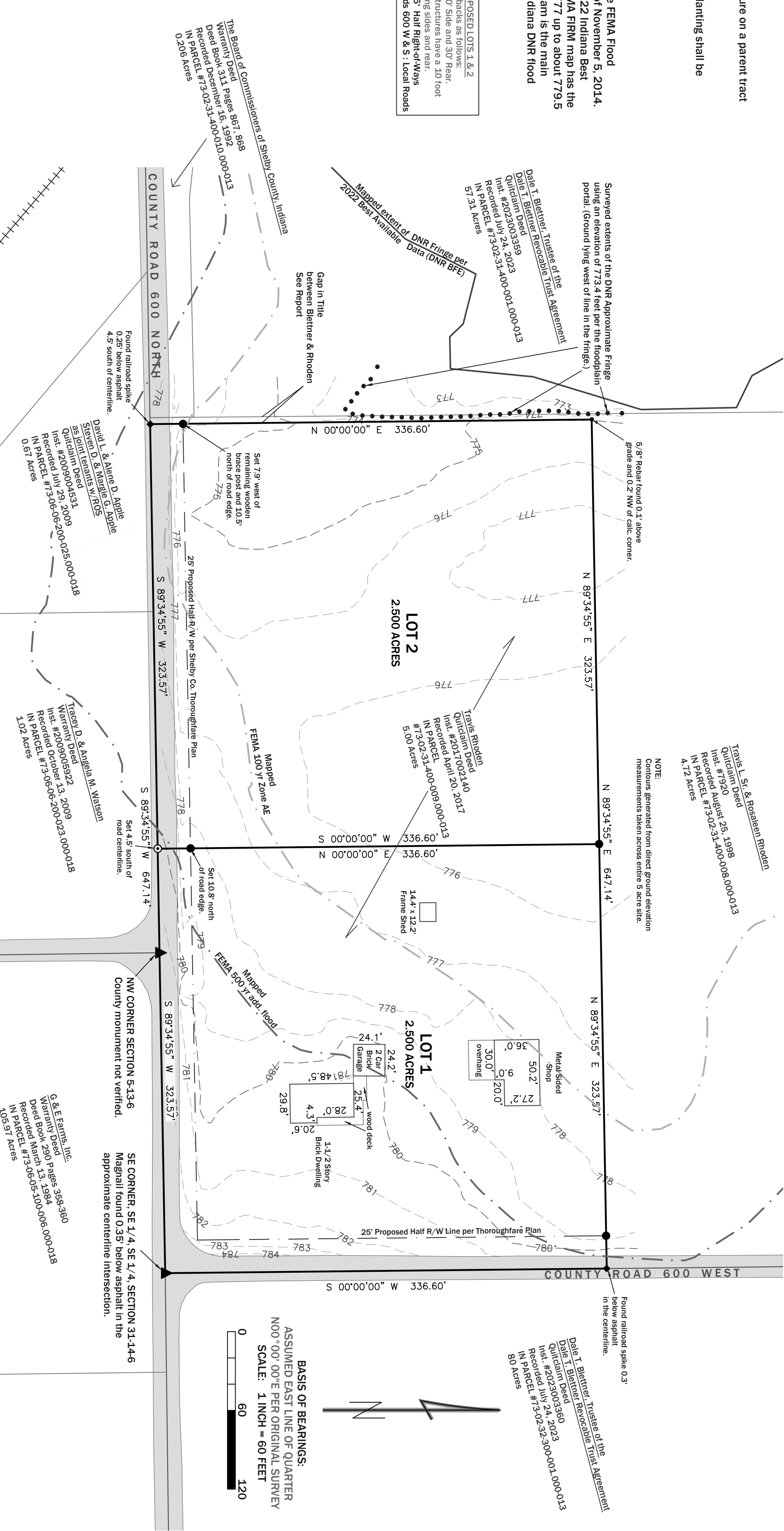
- A waiver being requested for having a Simple Subdivision procedure on a parent tract containing less than 5 acres.
- Five deciduous trees with at least 1 3/4" inch DBH at the time of planting shall be planted on Lot 2 prior to occupation of the residence.

FLOOD STATEMENT

- Lots 1 and 2 do lie within a special flood hazard area per effective FEMA Flood Insurance Rate Map, Panel Number 18145C0085C effective date of November 5, 2014. Both Lots 1 and 2 do not lie within a flood zone according to the 2022 Indiana Best Available Floodplain layer. The 100 year flood elevation per the FEMA FIRM map has the overall property in Zone AE with a downstream elevation of about 777' up to about 779.5' at the very upstream point in the flood profile. The contributing stream is the main branch of the Dry Fork. The 100 year flood elevation per the Best Indiana DNR Flood portal is 773.4' for a possible building set on Lot 2.

LEGEND

- INDIANA STATE PLANE GRID COORDINATE VALUE
SECTION CORNER PERPETUATED ON CURRENT SHEET
RECORD BOOKS OR BEST AVAILABLE EVIDENCE
MAGNALLAL AND WASHER STAMPED "S. SUMERFORD 98000017" RECESSED IN ROAD SURFACE
5/8" REBAR WITH PLASTIC CAP STAMPED "S. SUMERFORD 98000017" SET AT GRADE
5/8" REBAR FOUND AS NOTED
RAILROAD FOUND AS NOTED FROM 1993 SURVEY
INDICATES RECORD DIMENSION





## Property Details

**Location:** 1803 & 1815 S 450 E, Shelbyville, Liberty Township.

**Property Size:** 2.55-acres.

**Current Land Use:** Single-Family Residential.

### Current Zoning Classification

**RE (Residential Estate)**

*This district is established for single-family detached dwellings in a rural or country setting.*

**R1 (Single-Family Residential)**

*This district is established for single-family detached, medium to large sized homes on medium to large sized lots.*

### Proposed Zoning Classification

**C2 (Highway Commercial)**

*This district is established for commercial uses that are closely related to the special needs of the traveling public, interstate commerce, trucking and, in general, vehicular traffic along interstates and major state highways.*

**Plan Commission:** Use this zoning district for existing developments and carefully for new commercial development.

*\*see attached district intent, permitted uses, special exception uses, and development standards.*

### Future Land Use per Comp Plan

**Estate Residential**

*The purpose of this category is to provide for new rural residential housing opportunities in rural areas not well-suited for agriculture. New residential development should have reasonable access to roads and utilities and should not significantly disrupt agricultural activities. The residential density of this category should not exceed one lot for every two acres.*

### Surrounding Development

	Zoning	Land Use
North	A2	Cropland / Cellular Facility
South	NA	I-74
East	A4	Agricultural Commercial
West	NA	I-74

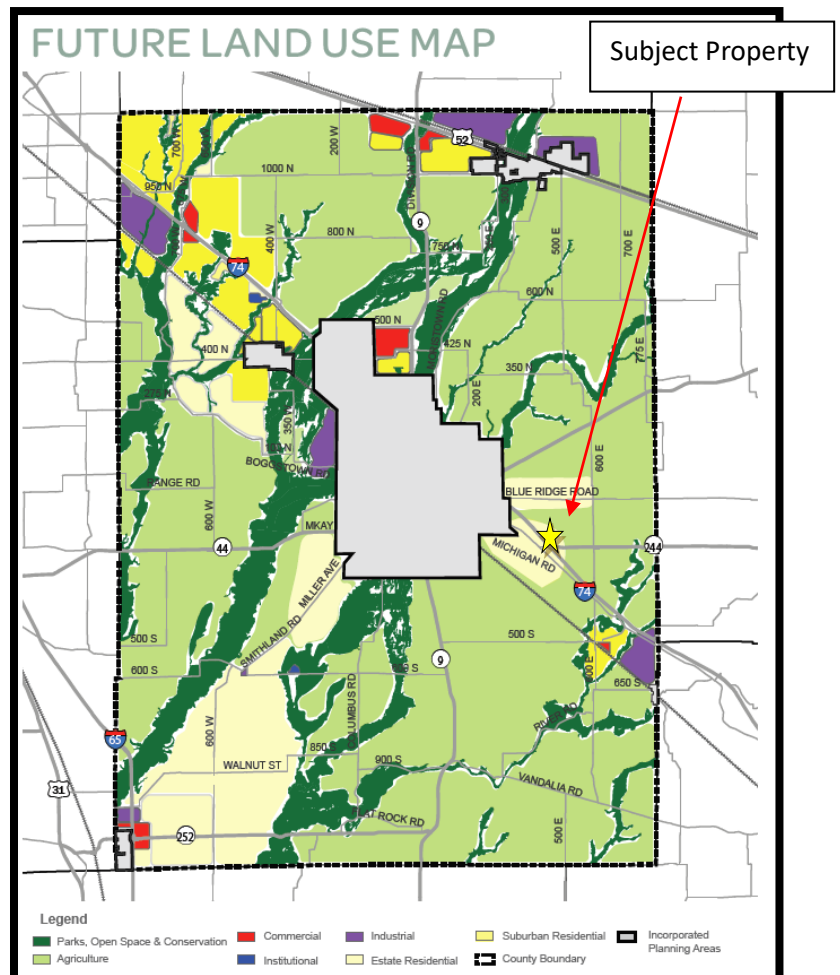
# Staff Report

**Case Number:** RZ 23-20  
**Case Name:** Dennis Wells – RE (Residential Estate) and R1 (Single-Family Residential) to C2 (Highway Commercial)

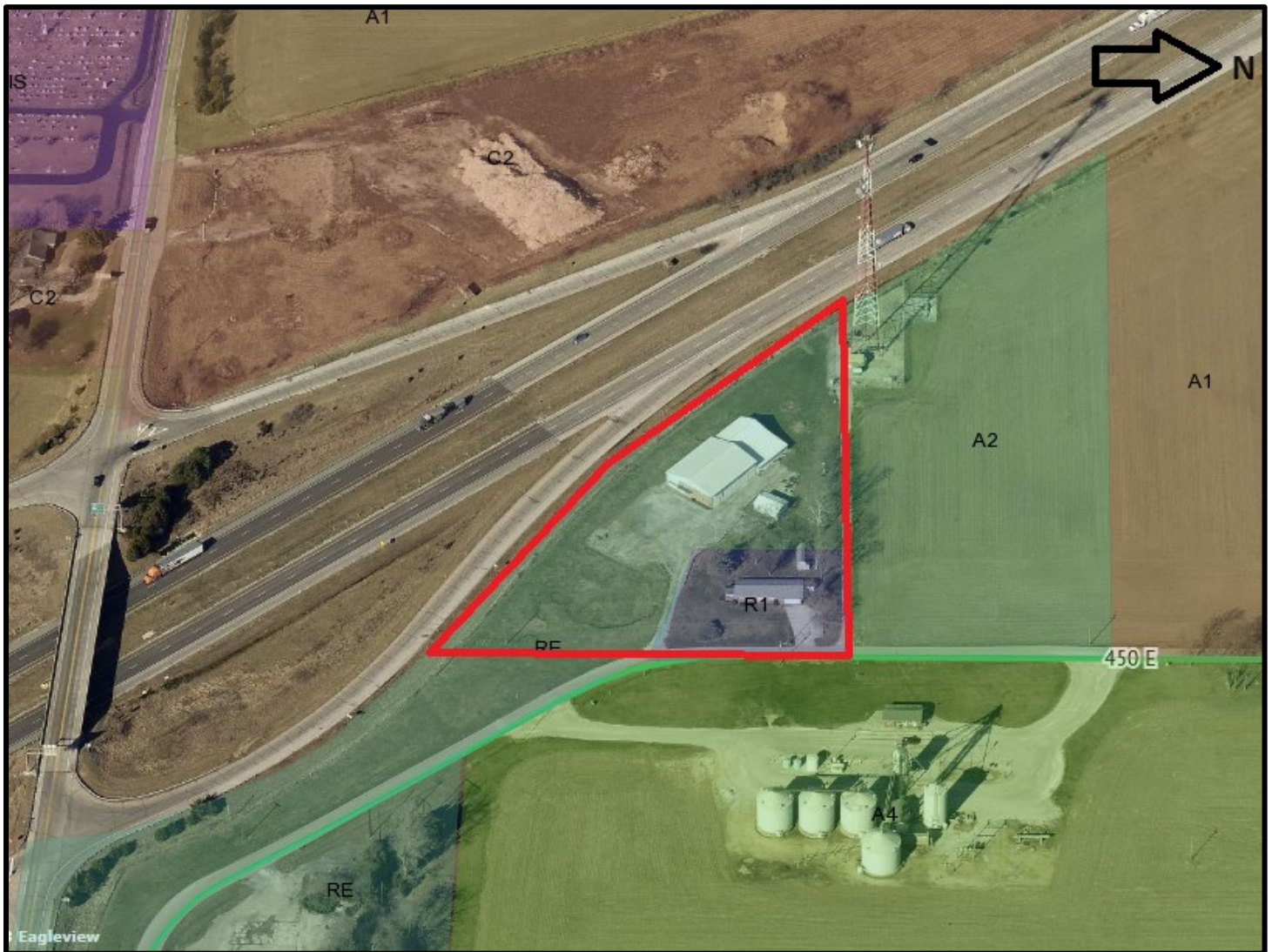
## Request

**Rezoning of 0.52-acres from the R1 (Single-Family Residential) District to the C2 (Highway Commercial) District and of 2.03-acres from the RE (Residential Estate) District to the C2 (Highway Commercial) District to allow for speculative commercial development.**

## Future Land Use Map



## Property Map



## Case Description

- The petitioner has requested to rezone the property to C2 to market the property for commercial development. The petitioner currently does not have a prospective buyer or end user.
- The County assigned the property the RE and R1 zoning designation in 2008 when the County updated the County-wide zoning maps. Prior to 2008, the property was zoned M1 (Limited Manufacturing) and had this zoning designation since the County adopted zoning regulations. The M1 district allowed for a variety of commercial and low-intensity industrial uses. When updating the zoning maps in 2008, the County assigned zoning designations primarily based on property size and existing use rather than historical zoning.
- Per the UDO, commercial use and/or development of the site would require upgrading the site to comply with all development standards applicable to the C2 District. Notable development standards which would apply include:

- Planting of twenty-seven (27) trees along the north property line, twenty (20) trees along I-74, four (4) trees along CR 450 E, and two (2) trees within the interior of the lot.
  - Visual relief along all facades of new buildings, such as moldings, columns, or faux windows.
  - All site lighting must be full cut-off fixtures.
  - Paved driveway, parking, and maneuvering areas.
- After approval of a rezoning, the UDO would allow for continued use of the property for residential purposes as a legal, non-conforming use. However, at the time that use of the property changes to commercial the property could not revert to residential use.
  - The property has access to electric lines and a gas line, however, does not have access to public water or public sanitary sewers.
  - The Site Plan/Technical Advisory Committee, which consists of the Planning Director, Health Department Environmental Technician, and a representative from the County Commissioners would review a detailed site plan for any proposed new development prior to issuing construction permits. USI Consultants, Inc would review the drainage plans to ensure that the project complies with the County's Drainage & Sediment Control Ordinance.

## Staff Analysis Findings of Fact

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**In accordance with IC 36-7-4-603 and the UDO, when considering a rezoning, the Plan Commission shall pay reasonable regard to:**

### **1. Current Conditions and the Character of Current Structures and Uses in Each District**

- The proposed zoning would not conflict with use of property to the east for agricultural commercial purposes or use of property to the north for a telecommunications facility. The proposed zoning would also not conflict with property at the northwest corner of the I-74/SR244 interchange currently under development for a trailer sales facility. No properties used for residential purposes lie within 1,000 feet of the property.
- The UDO does not designate the adjacent A2 District as an appropriate adjacent district to the C2 District. New development should maintain a setback exceeding ordinance requirements to mitigate any potential environmental impacts to adjacent agricultural land and nuisance impacts to potential future use of adjacent property for a rural homesite.

### **2. The Most Desirable Use for Which the Land in Each District Is Adapted**

- The UDO recommends C2 District zoning within 600-feet of intersections of arterial streets. The property lies within 600-feet of the I-74/SR244 interchange.
- Approval of the rezoning would allow for development of the site for a commercial service serving the traveling public currently not available at the I-74/SR244 interchange.

- The historical zoning of the property allowed for more intense commercial and industrial uses than permitted in the C2 District.
- Noise generated by traffic along I-74, high intensity agricultural use of adjacent property to the east, and aesthetic impacts associated with the cellular communications facility on the adjacent property to the north reduce the desirability of continued use of the property for residential purposes.

### **3. The Conservation of Property Values throughout the Jurisdiction**

- Development of the site for commercial use would not impact value of surrounding properties used for higher intensity agricultural and commercial purposes.
- New development should maintain a setback exceeding ordinance requirements to mitigate any potential environmental impacts to adjacent agricultural land and nuisance impacts to potential future use of adjacent property for a rural homesite.

### **4. Responsible Development and Growth**

- The property has access to I-74 and SR 244, both constructed to withstand a high volume of traffic.
- The property has access to electric and gas facilities.
- The developer of the property must submit septic systems plans to the State Department of Health for approval prior to development of the site.
- Due to the speculative nature of the zoning request, the end user should submit a development plan to the Plan Commission for review to provide the County and the public an opportunity to comment on the site design.

### **5. The Comprehensive Plan**

The Comprehensive Plan designates the property for Estate Residential use; however, the Plan also encourages a balance of development patterns based on available transportation and utility resources and existing character context. Proximity to the I-74/SR244 interchange, available gas and electric facilities, existing adjacent C2 zoned property, and existing adjacent commercial uses support rezoning of the property for commercial use.

Land Use Goal 1: Welcome and promote future development in appropriate areas of the County.

- Strategy 1: Balance development patterns and character with available transportation and utility resources and existing character context.
- Strategy 5: Actively recruit investment at identified prime locations/ destinations/opportunity areas.
- Strategy 6: Focus resources on areas having infrastructure that will support development and encourage transition of developed areas without infrastructure to agricultural uses.

Economic Development Goal 1: Attract new residents, businesses, and employers to key parts of the County.

- Strategy 1: Encourage development of commercial/retail, multi-family, and single-family housing along the I-74 corridor.

Economic Development Goal 2: Encourage diversity in business and industry throughout the County.

## Staff Recommendation

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Staff recommends **APPROVAL**.

The Comprehensive Plan designates the property for Estate Residential use; however, the Plan also encourages a balance of development patterns based on available transportation and utility resources and existing character context. Proximity to the I-74/SR244 interchange, available gas and electric facilities, existing adjacent C2 zoned property, and existing adjacent commercial uses support rezoning of the property for commercial use.

However, due to the speculative nature of the rezoning request and adjacent lower intensity agricultural land to the north, Staff recommends the following **stipulations**:

1. Development Plan Approval as required by section 9.08 Development Plan of the Unified Development Ordinance shall be required prior to issuance of an Improvement Location Permit for any non-residential permanent construction, installation, addition, alteration, or relocation of a new structure, and/or permanent alteration to the land.
2. Structures, driveways, parking lots, and permitted outdoor storage areas shall maintain a fifty (50) foot setback from the north property line.
3. The current and any future property owner shall abandon any septic system and connect to sanitary sewer at the time sanitary sewer becomes available within 100-feet of the property lines.

### *Applicant/Owner Information*

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Applicant:	Dennis Wells 5954 S 20 W Greensburg, IN 47240	Owner:	Donald J Wells – Deceased
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## 2.31 C2 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The C2 (Highway Commercial) District is intended to be used as follows:</b></p> <p><b>Use, Type and Intensity</b></p> <ul style="list-style-type: none"> <li>Moderate to high intensity commercial uses</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>Only permitted within 600 feet of an interstate interchange or intersection of two major arterial streets; however, not appropriate at all interchanges or intersection of major arterial streets</li> <li>Existing and new development</li> <li>Small to medium area zoning</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>Require quality time, place, and manner development standards to minimize impacts on adjacent properties while encouraging economic vitality</li> <li>Minimize light, noise, water, and air pollution</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>OP, C1, C2, I1, and I2</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>Use this zoning district for existing developments and carefully for new commercial development</li> </ul> <p><b>Board of Zoning Appeals</b></p> <ul style="list-style-type: none"> <li>Allow a special exception use only when it is compatible with the surrounding areas</li> <li>Be sensitive to aesthetics and the potential for light pollution, noise pollution, pedestrian safety, and vehicular safety</li> </ul>	<p><b>Commercial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>automobile oriented business</li> <li>bank machine/atm</li> <li>bar/tavern</li> <li>hotel/motel</li> <li>miniature golf</li> <li>office, medical</li> <li>restaurant</li> <li>restaurant with drive-up window</li> <li>retail (type 3), medium intensity</li> <li>retail (type 4) high intensity</li> </ul> <p><b>Institutional Permitted Uses</b></p> <ul style="list-style-type: none"> <li>bus station</li> <li>police, fire, or rescue station</li> </ul>	<p><b>Commercial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>retail (type 5) very high intensity</li> </ul>



**APPLICATION FOR REZONING  
FINDINGS OF FACT**

The applicant (or their representative) must fill out the findings of fact on the following pages. The Plan Commission may review the applicant's findings of fact to assist with their decision-making process. Please see below for general guidance related to completing the findings of fact.

Applicant: DENNIS WELLS

Case #: \_\_\_\_\_

Location: 1803 S 450E Shelbyville, Ind

1. The request is consistent with the Shelby County Comprehensive Plan because: \_\_\_\_\_

2. The request is consistent with the current conditions and the character of structures and uses in each district because:

IT HAS STRUCTURES SUITABLE FOR COMMERCIAL USE. SURROUNDING PROPERTIES ARE COMMERCIAL

3. The request is consistent with the most desirable use for which the land in each district is adapted because: \_\_\_\_\_

THE PROPERTY IS IN AN IDEAL LOCATION FOR COMMERCIAL USE LOCATED AT I74 # 244 EXIT SURROUNDED BY OTHER COMMERCIAL PROPERTIES

4. The request is consistent with the conservation of property values throughout the jurisdiction because: \_\_\_\_\_

IT WOULD NOT NEGATIVELY IMPACT SURROUNDING PROPERTY VALUES BECAUSE THEY ARE COMMERCIAL USE ALSO

5. The request is consistent with responsible growth and development because: IT COULD HAVE

A HUGE POSITIVE IMPACT ON OTHER PROPERTIES LOCATED AT THAT LOCATION. PROPERTY WAS FORMALLY ZONED MANUFACTURING

**General Guidance – Rezoning (not to be considered legal advice):**

**Finding 1:** How is the proposed new zoning designation consistent with the future land use of the property identified in the Comprehensive Plan? If you do not know the future land use of the property, please ask the Planning Director.

**Finding 2:** How is the proposed use, and/or other possible future uses permitted in the proposed zoning district, similar to surrounding structures and uses of land?

**Finding 3:** Why is the proposed use, and/or other possible future uses permitted in the proposed zoning district, the most desirable use for the land?

**Finding 4:** Explain why the proposed use, and/or other possible future uses permitted in the proposed zoning district, would not negatively impact property values.

**Finding 5:** Why is the change in zoning designation consistent with responsible growth and development?

Property Details

**Location:** East of and adjoining 9174 N 250 E, Morristown, Hanover Township.

**Property Size:** 38.197-acres.

**Current Land Use:** Cropland.

**Current Zoning Classification**

A1 (Conservation Agricultural)

*This district is established for the protection of agricultural areas and buildings associated with agricultural production.*

**Proposed Zoning Classification**

RE (Residential Estate)

*This district is established for single-family detached dwellings in a rural or country setting.*

**Future Land Use per Comp Plan**

Parks, Open Space, & Conservation

*The purpose of this category is to provide for passive and active recreational activities, permanent preservation of significant natural areas, and preservation of natural features within clustered developments. This category applies to public and private lands.*

**Surrounding Development**

	Zoning	Land Use
North	A1/A2	Cropland / Single-Family Residential
South	A2/R1	Estate Residential / Single-Family Residential
East	A2/R1	Cropland / Estate Residential
West	A2 /RE	Single-Family Residential Estate Residential

# Staff Report

**Case Number:** RZ 23-19

**Case Name:** Schwier & Co., LLC Rezoning – A1 (Conservation Agricultural) to RE (Residential Estate) & Waivers of Subdivision Standards

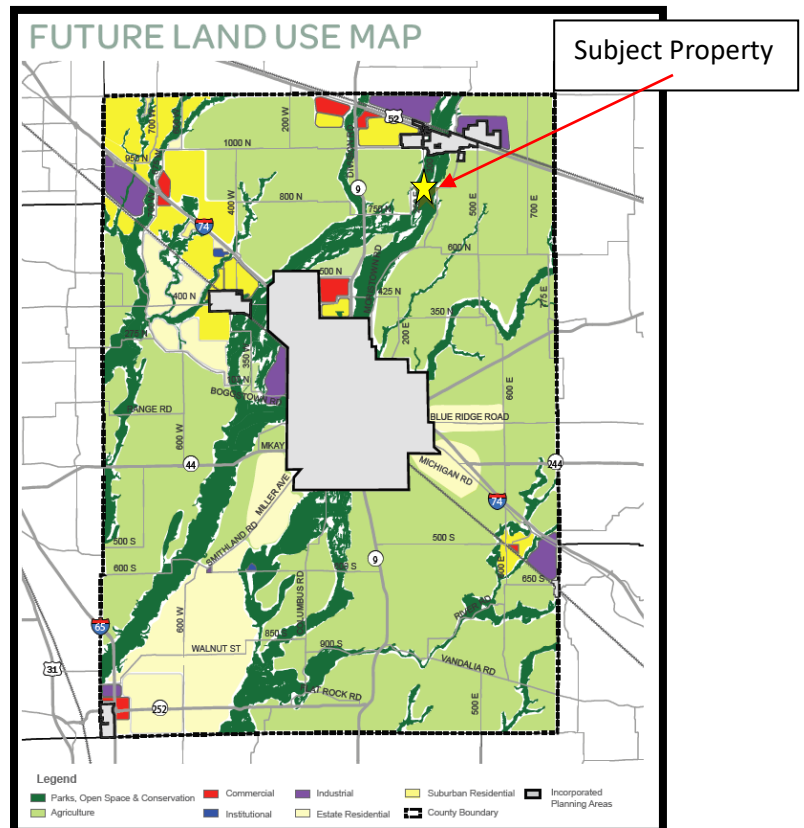
**Requests**

**Rezoning** of 38.197-acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District.

**Waivers:**

1. Of Simple Subdivision prerequisites to allow Simple Subdivision of property into nine lots (major subdivision process required for division into more than three lots);
2. Of subdivision design standards to allow two lots under two acres;
3. Of subdivision design standards to allow one lot with less than 160-feet of road frontage.

**Future Land Use Map**





## Property Map



## Case Description

- Approval of the rezoning would allow for subdivision of the property into three building lots through the Simple Subdivision Process. The Simple Subdivision process allows for division of property into one to three building lots without infrastructure improvements.
- Approval of the waivers would allow for subdivision of the property into nine building lots through the Simple Subdivision process. If the Plan Commission approves the waivers, per State Code the Plan Commission must approve the subdivision plat at a subsequent Plan Commission meeting because the plat would then comply with all applicable County requirements.
- The Unified Development Ordinance includes additional subdivision standards for division of property into more than three lots due to the higher impact that larger developments have on adjacent property and community infrastructure. If the Plan Commission allows subdivision of the property through the Simple Subdivision process, the Plan Commission would waive the following standards that apply to a Major Standard Subdivision:
  - Drainage Facilities required as prescribed by the Unified Development Ordinance and Shelby County Drainage Ordinance.
  - Dedication of right-of-way along perimeter streets required.
  - Minimum open space required: 15%
  - Minimum landscaping required: 35-feet along perimeter streets and 10-feet along subdivision exterior property lines.
  - Interior public road constructed to County specifications required. Access by individual lots to perimeter County roads prohibited.
  - Sidewalks required.

- Division of the property through the Major Standard Subdivision process would allow for division of the property into nearly thirty, one-acre lots with access along a public road.
- The petitioner has conducted preliminary soil analysis indicating favorable conditions for both well and septic installations. The County Health Department indicated that the soil type would likely not necessitate septic system drainage.
- The Technical Advisory Committee (TAC) / Site Plan Review Committee would review a detailed site plan including structure layout, elevation of development, drainage infrastructure, and septic system design for compliance with County codes prior to issuance on permits for any new single-family residence.

### Staff Analysis Findings of Fact

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**Rezoning:** In accordance with IC 36-7-4-603 and the UDO, when considering a rezoning, the Plan Commission shall pay reasonable regard to:

**1. Current Conditions and the Character of Current Structures and Uses in Each District**

The surrounding area includes residential estate lots and higher density single-family development. Therefore, development of residential estate lots would not conflict with surrounding development.

**2. The Most Desirable Use for Which the Land in Each District Is Adapted**

The property is located in a rural residential area, does not lie in a flood zone, has significant road frontage, and has suitable soils for installation of septic systems which renders the property desirable for residential estate development.

**3. The Conservation of Property Values throughout the Jurisdiction**

Development of the property for residential purposes in compliance with the provisions of the Unified Development Ordinance would have no perceivable impact on property values throughout the County.

**4. Responsible Development and Growth**

Approval of the rezoning would not conflict with the Comprehensive Plan. The TAC would review any proposed development for compliance with County codes. Approval would allow for additional housing opportunities in an area experiencing a housing shortage.

**5. The Comprehensive Plan**

The Future Land Use Map shows the property as Parks, Open Space, and Conservation due to proximity to a designated floodplain. However, the property does not lie in the floodplain and the map designates adjacent properties for agricultural use. Development of the property for residential purposes in compliance with the provisions of the Unified Development Ordinance would not conflict with the residential density recommended for agricultural areas by the Comprehensive Plan.

**Waivers:** The Unified Development Ordinance does not designate Findings of Fact for waiver approval. However, Staff recommends that the Board take the following facts into consideration when making their decision.

- The Shelby County Drainage Ordinance requires submittal of a drainage plan for major subdivisions. The drainage ordinance also includes required accommodations for runoff, required drainage easements, and drainage infrastructure design guidelines for major subdivisions. Approval of the waivers would waive the requirements of the drainage ordinance. However, due to lack of hard surface streets within the subdivision and the presence of soils that will likely accommodate septic systems without drainage, a strict adherence to the drainage ordinance may pose an unnecessary hardship. A drainage study would confirm the need for drainage infrastructure.
- The Unified Development Ordinance requires that most lots within a major subdivision access an public internal street rather than a County road. This requirement limits curb cuts onto County roads with higher traffic volumes, which protects the safety of the traveling public and promotes orderly development in the case where the parent tract has minimal road frontage. This requirement also provides a quiet, neighborhood street for use by the residents within the subdivision. Approval of the waivers would waive the internal street requirement. However, due to the presence of adequate road frontage and the limited number of proposed lots in comparison to other major subdivisions, provision of an internal public street may pose an unnecessary hardship.
- The Unified Development Ordinance requires sidewalks, landscaping, and open space for major subdivisions to encourage quality development that enhances the quality of life of residents of the subdivision and protects the character of the community. Approval of the waivers would waive these design guidelines. However, due to the limited number of proposed lots in comparison to other major subdivisions, provision of these design elements may pose an unnecessary hardship.
- Generally, Simple Subdivisions allow property owners to divide and develop lots for their personal use or for use by family members while Major Subdivisions allow developers to divide and sell lots. The additional requirements for Major Subdivisions places the burden on the developer to ensure that lots have adequate soils for septic systems and adequate infrastructure prior to listing lots for sale.
- Several sources indicate that the United States currently has a housing shortage. Locally, realtors have cited a significant housing shortage, especially in the rural areas of Shelby County. Allowing less-restricted subdivision of property through the grant of waivers would allow for additional housing opportunities.
- Approval to allow a nine-lot Simple Subdivision greatly exceeds the ordinance limitation of three lots. If the Plan Commission deems the waivers appropriate, the Board may consider a future ordinance amendment to allow Simple Subdivisions of property into more than three lots for consistency with their decision.

## Staff Recommendation

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**APPROVAL of the rezoning** primarily because development of residential estate lots would not conflict with surrounding residential development.

**DENIAL of the waivers** primarily due to the significant deviation from the maximum three-lot requirement for Simple Subdivisions. Staff recommends that the petitioner submit application for a Major Standard Subdivision and that the Plan Commission consider waivers from the Major Standard Subdivision requirements as appropriate if the petitioner can prove an unnecessary hardship.

## *Applicant/Owner Information*

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Applicant/Owner:	Schwier & Co., LLC 6158 W 300 S New Palestine, IN 46163	Attorney:	Jacob S. Brattain, McNeely Law LLP 2177 Intelliplex Drive, Ste. 251 Shelbyville, IN 46176
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July 3, 2023

Shelby County Plan Commission  
25 W Poly Street, Room 201  
Shelbyville, IN 46176

*Re: Rezone Request for Shelby County Parcel # 73-06-11-100-020.000-004*

Dear Plan Commission Members:

This letter serves as a letter of intent for the proposed zoning map amendment for property located known as Parcel Number: 73-03-15-400-039.000-007 (the "Property"). McNeelyLaw LLP represents owner of the Property, Schwier & Co., LLC ("Schwier"). Schwier recently purchased the Property, and is requested to rezone the Property in order to subdivide the Property into large, residential building lots.

The Property is approximately 38.2 acres and in the A1 zoning district. The Property is located approximately 1000' from the unincorporated town of Freeport, and is bound by Freeport Road on the North and County Road N 250 E on the west. The Property is not part of the floodplain or floodway and is currently being used for agricultural purposes. Residential lots immediately to the East of the Property on Freeport Road range from .25 acres to 1 acre, and residential lots immediately to the South of the Property on N 250 E also range from .25 acres to 1 acre.

If approved, Schwier will subdivide the Property into nine (9) residential building lots. Each of the lots would have road frontage, either on Freeport Road or N 250 E, and no internal drives or drainage systems would be required to support the development. Preliminary soil analysis indicated favorable conditions for both septic and well installations. If approved, two lots would be 1.74 acres, one would be 4.76 acres, and the remaining six would be 5.00 acres. All lots would be deed restricted and require minimum standards for size, materials, and setbacks.

To facilitate this proposed use of the Property, Schwier is requesting a waiver to allow for a simple subdivision for more than three (3) lots, and to rezone the Property from A1 to RE. This development would allow for responsible development in Shelby County, and would support demand for rural housing options in an area that already has other residential development.

Very truly yours,

McNeelyLaw LLP

*Jacob S. Brattain*

Jacob S. Brattain

**APPLICATION FOR REZONING  
FINDINGS OF FACT**

The applicant (or their representative) must fill out the findings of fact on the following pages. The Plan Commission may review the applicant's findings of fact to assist with their decision-making process. Please see below for general guidance related to completing the findings of fact.

Applicant: Jacob Brattain w/McNeelyLaw LLP for SCHWIER & CO., LLC

Case #: \_\_\_\_\_

Location: 38.2A 1/4mi East of Freeport, Parcel No. 73-03-15-400-039.000-007

1. The request is consistent with the Shelby County Comprehensive Plan because: the Comprehensive Plan encourages "future development in appropriate areas of the County" and the proposed rezone would allow for development of rural residential housing in an area that already has multiple residential dwellings.
2. The request is consistent with the current conditions and the character of structures and uses in each district because: several adjoining and adjacent properties are currently used for residential purposes, and by adding deed restrictions, the development can be controlled to ensure quality housing opportunities.
3. The request is consistent with the most desirable use for which the land in each district is adapted because: the underlying agricultural land is not prime farmland, and by ensuring large lots, it allows the rural characteristics of the property to remain intact while supporting development.
4. The request is consistent with the conservation of property values throughout the jurisdiction because: responsible residential development raises the values of surrounding residential properties.
5. The request is consistent with responsible growth and development because: the rezone will ensure that the established lots will remain large and preserve the rural characteristics that make Shelby County a desirable place to live.

**General Guidance – Rezoning (not to be considered legal advice):**

**Finding 1:** How is the proposed new zoning designation consistent with the future land use of the property identified in the Comprehensive Plan? If you do not know the future land use of the property, please ask the Planning Director.

**Finding 2:** How is the proposed use, and/or other possible future uses permitted in the proposed zoning district, similar to surrounding structures and uses of land?

**Finding 3:** Why is the proposed use, and/or other possible future uses permitted in the proposed zoning district, the most desirable use for the land?

**Finding 4:** Explain why the proposed use, and/or other possible future uses permitted in the proposed zoning district, would not negatively impact property values.

**Finding 5:** Why is the change in zoning designation consistent with responsible growth and development?



## Property Details

**Location:** 9237 N Frontage Rd,  
Fairland, Moral Township.

**Property Size:** +/- 28.46-acres.

**Current Land Use:** Estate  
Residential & Natural Resources.

**Current Zoning Classification**  
A1 (Conservation Agricultural)  
*This district is established for the protection of agricultural areas and buildings associated with agriculture.*

**RE (Residential Estate)**  
*This district is established for single family detached dwellings in a rural or country setting.*

**Proposed Zoning Classification**  
I2 (High Intensity Industrial)  
*This district is established for high intensity industrial uses and heavy manufacturing facilities.*  
*\*see attached district intent, permitted uses, special exception uses, and development standards.*

**Future Land Use per Comp Plan**  
Industrial  
*The purpose of this category is to provide for a full range of light and heavy industrial uses. Types of uses include manufacturing, processing, distribution and storage. The designation should accommodate a variety of industrial establishments which:*

- *Employ high environmental quality standards*
- *May function as an integral part of an overall development area*
- *Require large tracts of land because of their nature and function*
- *Have minimal impacts on adjacent uses*

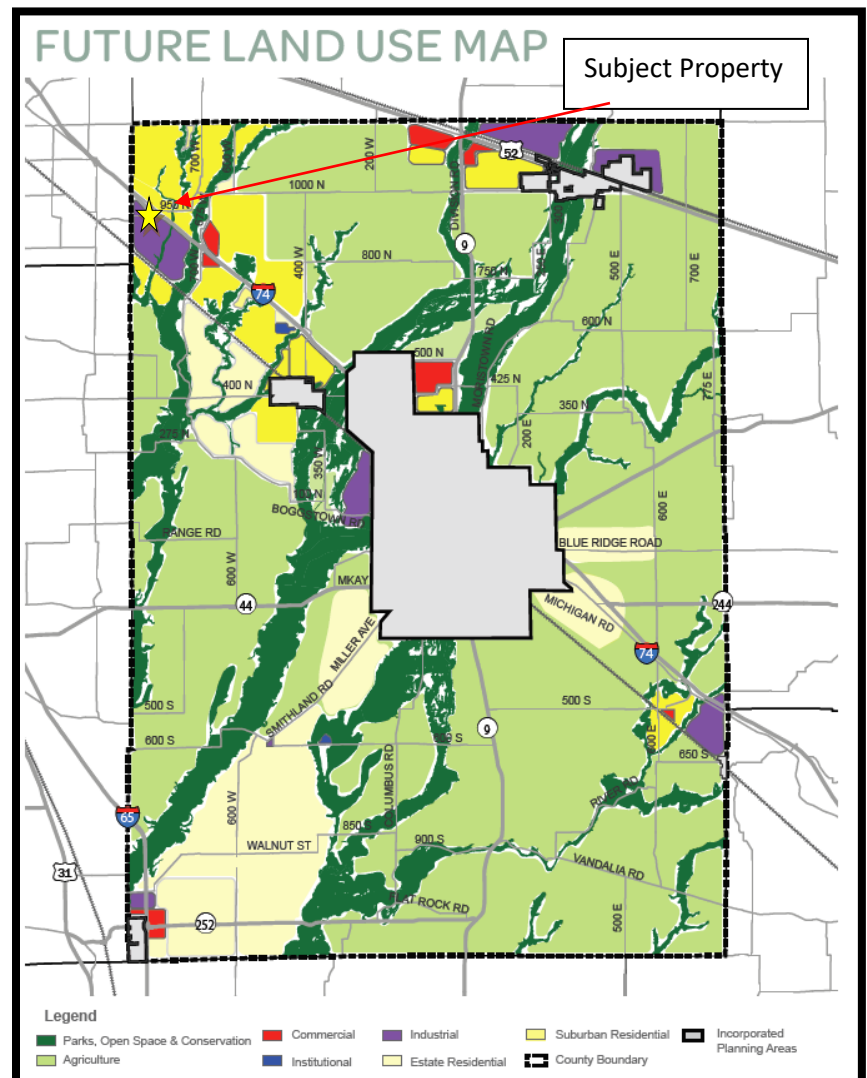
# Staff Report

**Case Number:** RZ 23-21  
**Case Name:** Fairland Investment Inc. Rezoning - A1 (Conservation Agricultural) & RE (Residential Estate) to I2 (High Intensity Industrial)

## Request

**Rezoning** of +/- 28.46-acres from the A1 (Conservation Agricultural) District and the RE (Residential Estate) District to the I2 (High Intensity Industrial) District to allow for speculative industrial development.

## Future Land Use Map



## Property Details

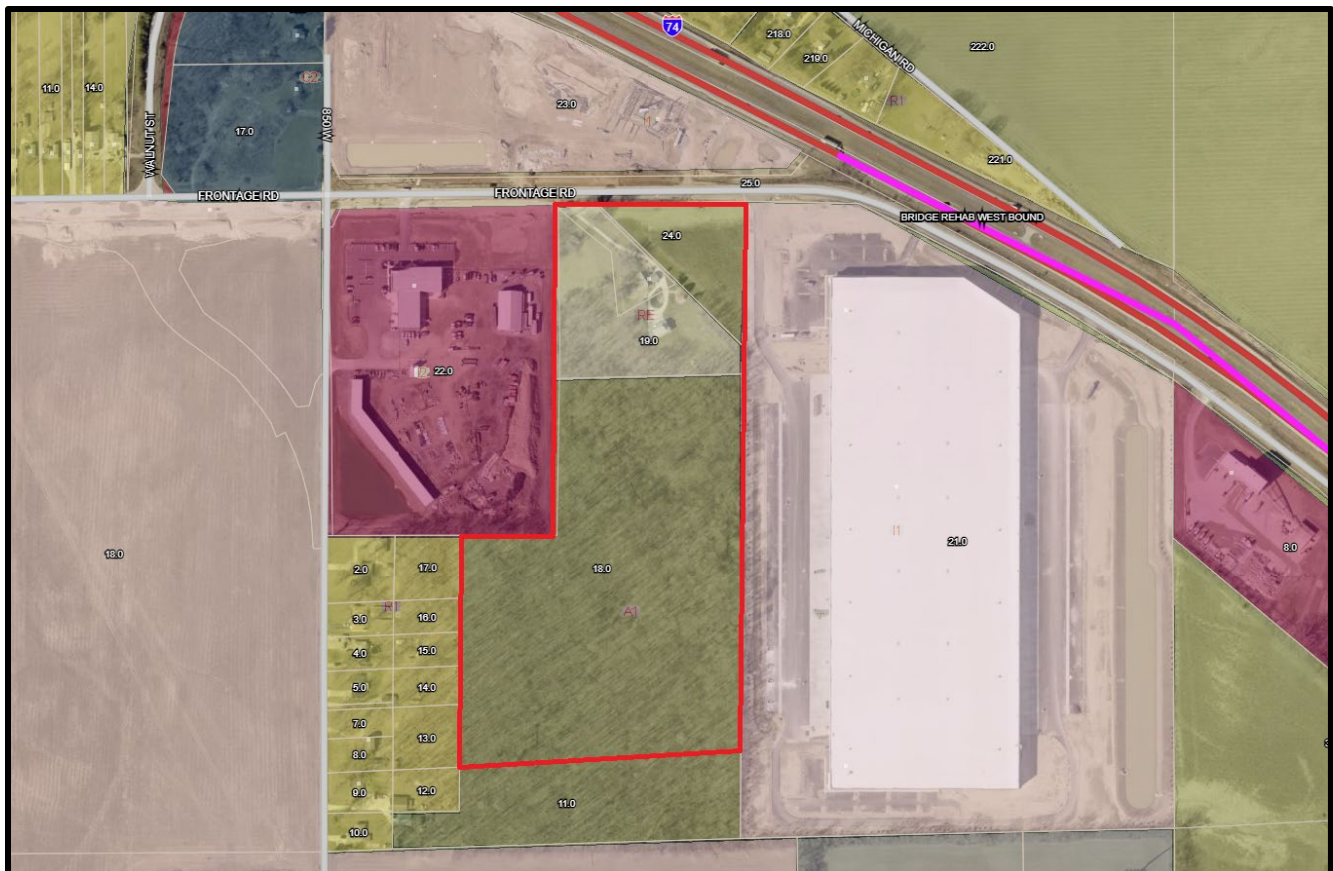
### Focus Area #1- Northwest Corner

1. Cooperate with Indy MPO for project inclusion and future funding applications.
2. Build County partnerships for future development potential- focus on residential and commercial opportunities utilizing non-prime farmland and suitable soil conditions as development opportunities.
3. Target residential, commercial, and industrial development near existing interchanges.
4. Take advantage of the gateway opportunity into Shelby County; utilize this portion of the county as a highly visible marketing opportunity for Shelby County and its communities.
5. Encourage the extension of public water & sewer facilities to this area.
6. Take advantage of the opportunities associated with the floodplain and encourage floodplain mitigation in areas targeted for development.

### Surrounding Development

	Zoning	Land Use
North	I1	Equipment Rental Facility
South	A1	Natural Resources
East	I1	Warehouse
West	R1/I2	Single Family Residential / Contractor's Office & Yard

## Property Map





## Case Description

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### Case Overview

- The petitioner requests to rezone the property to I2 to allow for future development of the site for industrial purposes. The petitioner has not specified the specific type or number of end users. The petitioner indicated that they may pursue a future rezoning of a portion of the site to a commercial zoning district.
- The property does *not* lie within a Federal Emergency Management Agency (FEMA) designated Flood Hazard Area or an Indiana Department of Natural Resources (IDNR) designated Flood Hazard Area.
- Historical aerial photography indicates that the property has retained the existing wooded area for over eighty years.

### Transportation Facilities & Utilities

- The property lies within the Shelby County Northwest Economic Development Area (EDA) and Tax Increment Financing District (TIF). Establishment of the TIF will capture incremental real property tax within the EDA to fund utility and road improvements in the EDA.
- Utility providers servicing the EDA include – Electric: Rush Shelby Energy, Sanitary Sewer: Citizens Energy, Water: Citizens Energy, Gas: Citizens Energy, Fiber Optic: Lumen Technologies, Telephone: AT&T.
- The County has upgraded Frontage Road and the Frontage Rd / Walnut St / CR 850 intersection to accommodate additional traffic generated by development of property within the EDA that requires access to I-74.

### Development Approvals Subsequent to Rezoning Approval

- When considering a rezoning, the Plan Commission must determine if the uses permitted by the UDO in the requested zoning district are appropriate uses for the subject property if developed in accordance with all applicable federal, state, and local codes by considering the legal findings of fact. A petitioner does not have a legal obligation to define the specific end use or provide a detailed site plan for property when applying for a rezoning.
- However, Staff recommends that the end user submit a Development Plan to the Plan Commission for public hearing. The Plan Commission must approve any Development Plan in compliance with all development standards, however a public hearing would give the public and Plan Commission an opportunity to ask questions and offer suggestions on site design.
- The Site Plan Committee, which includes the Planning Director, Building Inspector, Moral Township Fire Department Inspector, and Health Department Environmental Technician, would review a detailed site plan prior to issuing any construction permits. USI Consultants, Inc would review the drainage plans to ensure that the project design complies with the County's Drainage & Sediment Control Ordinance.
- Notable development standards included in the UDO which would apply to the development include the following:
  - Minimum sixty (60) foot setback from adjacent residential properties for all buildings.

- Minimum thirty (30) foot setback from adjacent residential properties for parking and maneuvering areas.
  - Landscape Buffer “B” along the south property line: Approximately fifteen (15) canopy trees and thirty (30) ornamental or evergreen trees.
  - Landscape Buffer “D” along all adjacent residential property lines: Approximately eighteen (18) canopy trees, twenty-nine (29) ornamental trees, and sixty (60) evergreen trees. Also, a 6-foot-tall fence or 5-foot-tall mound.
  - Parking lot and interior landscaping.
  - Preservation of existing trees may substitute for a portion of the landscaping requirements.
  - All site lighting must be full cut-off fixtures.
  - All outdoor storage areas must be effectively screened from the street with a privacy fence and the ten (10) foot area immediately outside the fence shall be landscaped with trees (one per fifty (50) lineal feet of fence) and shrubs (one per thirty (30) lineal feet of fence).
- Any non-residential development and use of the site must comply with all Indiana Department of Environmental Management (IDEM) regulations and County Environmental Regulations (see attached UDO Sec. 5.22 Environmental Standards). Staff will request that the petitioner submit all applicable IDEM site development approvals to the Technical Advisory Committee.

### Staff Analysis Findings of Fact

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In accordance with IC 36-7-4-603 and the UDO, when considering a rezoning, the Plan Commission shall pay reasonable regard to:

1. **Current Conditions and the Character of Current Structures and Uses in Each District**
2. **The Most Desirable Use for Which the Land in Each District Is Adapted**
3. **The Conservation of Property Values throughout the Jurisdiction**
4. **Responsible Development and Growth**
5. **The Comprehensive Plan**

#### ***Considerations Contradicting Rezoning:***

- The UDO does not designate the adjacent A1 District to the south or adjacent R1 District to the west as appropriate adjacent zoning districts to the I2 District.
- The property includes a significant wooded area which has existed on the property for over eighty years. Maintenance of the wooded area may be a desirable recreational or natural asset for the community.

- The I2 District Intent in the UDO states that the Plan Commission should use the I2 carefully for new development. Approval of a rezone from a very low intensity agricultural zoning district to a very high intensity industrial zoning may not represent a careful development decision.
- The Comprehensive Plan recommends that development in areas planned for industrial development employ high environmental quality standards and have minimal impact on adjacent uses. Several higher-intensity industrial uses permitted in the I2 District could pose environmental, aesthetic, noise, and odor impacts that would negatively impact the use and value of adjacent residential property and the community.
- The Comprehensive Plan (text directly from Comprehensive Plan document)
  - Land Use Goal 1: Welcome and promote future development in appropriate areas of the County.
    - Strategy 1: Balance development patterns and character with available transportation and utility resources and existing character context.
  - Natural Resources Goal 1: Develop improved access to existing natural resource assets for recreational activities.
    - Strategy 1: Encourage the use of existing natural assets for recreational activities and tourism development.
    - Strategy 3: Preserve woodland, wetland, and agricultural resources for future generations.

***Considerations Supporting Rezoning:***

- The UDO designates the adjacent I1 District to the north and east, and adjacent I2 District to the west as appropriate adjacent zoning districts to the I2 District.
- Development of industrial facilities are planned or have begun on many adjacent properties. Development of the property for industrial use would not conflict with current or future development in the area.
- Development of the property for industrial purposes may prove desirable and benefit the overall community due to the development's contribution to the tax base and creation of new jobs.
- The property is located within the Shelby County Northwest Economic Development Area, Industrial Future Land Use Area identified in the Comprehensive Plan, and Focus Area #1 – Northwest Area identified in the Comprehensive Plan. With public input through the comprehensive planning process, the County has established these areas to allow for the extension of water and sewer utilities and to attract industrial development to the northwest portion of the County near the I-74 / Pleasant View Interchange.
- The property has access to all required transportation and utility facilities to support industrial development of the site.
- Development of the property would require approval of State and Local permits and drainage facilities. Therefore, development of the property would not have a significant environmental impact or drainage impact on adjacent properties.
- The Comprehensive Plan (text directly from Comprehensive Plan document)

- Land Use Goal 1: Welcome and promote future development in appropriate areas of the County.
  - Strategy 1: Balance development patterns and character with available transportation and utility resources and existing character context.
  - Strategy 2: Encourage additional development of residences, recreational venues, industries, and retail establishments in areas which will benefit currently populated portions of the county.
  - Strategy 3: Identify and promote development areas for all major land use types identified on the Future Land Use Map.
  - Strategy 5: Actively recruit investment at identified prime locations/ destinations/opportunity areas.
  - Strategy 6: Focus resources on areas having infrastructure that will support development and encourage transition of developed areas without infrastructure to agricultural uses.
- Transportation System Goal 1: Coordinate with adjacent jurisdictions to identify opportunities for future transportation and expansion of utilities.
  - Strategy 4: Improve roads and infrastructure to areas identified for future development. Ensure roadways can handle future traffic volumes and vehicle types based on intended and anticipated future uses.
- Utility Infrastructure Goal 2: Provide utility infrastructure support and coordination resources to support targeted growth.
  - Strategy 2: Make needed investments (upgrades, utility infrastructure, high speed internet, etc.) to areas where growth is being promoted.
  - Strategy 5: Invest in critical infrastructure needs within targeted growth areas.
  - Strategy 6: Encourage Infrastructure investment and development along the I-74 corridor as identified on the Future Land Use Map.
- Economic Development Goal 2: Encourage diversity in business and industry throughout the County.
  - Strategy 1: Research key desirable market sectors and actively recruit and attract prospects to locate within the county.
  - Strategy 3: Identify Industrial development locations.

## Staff Recommendation

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Staff recommends **DENIAL** of the petition as presented, primarily due to the negative impacts several uses permitted in the I2 District may have on adjacent residential properties. However, the current Comprehensive Plan and presence of supporting infrastructure would support approval of a rezoning of the portion of the site adjacent to existing industrial uses with **stipulations** intended to protect the aesthetic character and economic vitality of the community at-large. Specifically:

1. The property rezoned to I2 shall not extend south of the south property line of the property owned by BRC Landholdings LLC to the west. The petitioner shall submit a legal description for this property prior to submitting the rezoning request to the County Commissioners.
2. Development Plan Approval as required by section 9.08 *Development Plan* of the Unified Development Ordinance shall be required prior to issuance of an Improvement Location Permit for any permanent construction, installation, addition, alteration, or relocation of a new structure, and/or permanent alteration to the land.
3. Variances from Development Standards shall not be permitted.
4. Use of the property for recycling processing and/or sewage treatment shall be prohibited.
5. Use of the property for outdoor storage without the presence of a primary structure shall be prohibited.
6. All outdoor storage areas shall be located in the rear yard.
7. At least one (1) canopy tree per fifty (50) feet of lineal frontage shall be installed along Frontage Rd.

**Applicant/Owner Information**

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Applicant:	Makal Singh – Fairland Investment Inc. 10943 Amber Glow Ln. Indianapolis, IN 46229	Owner:	Same
Attorney:	Jacob S. Brattain, McNeely Law LLP 2177 Intelliplex Drive, Ste. 251 Shelbyville, IN 46176		

# High Intensity Industrial (I2) District

## 2.35 I2 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The I2 (High Intensity Industrial) District is intended to be used as follows:</b></p> <p><b>Use, Type and Intensity</b></p> <ul style="list-style-type: none"> <li>Moderate to high intensity industrial uses</li> <li>Industrial parks, manufacturing facilities, and utility usage</li> <li>Stand alone buildings or multiple primary structures</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>Existing and new development</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>Enact quality time, place, and manner development standards to minimize impacts on adjacent properties while encouraging economic vitality</li> <li>Minimize light, noise, water, and air pollution</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>OP, A3, C2, I1, I2, and HI</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>Use this zoning district for existing developments and carefully for new industrial development</li> </ul> <p><b>Board of Zoning Appeals</b></p> <ul style="list-style-type: none"> <li>Allow a special exception use only when it is compatible with the surrounding areas</li> <li>Be sensitive to the potential for light pollution, noise pollution, loading berth placement, pedestrian safety, and vehicular safety</li> </ul>	<p><b>Agricultural Permitted Uses</b></p> <ul style="list-style-type: none"> <li>processing of agricultural products</li> <li>storage of agricultural products</li> </ul> <p><b>Commercial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>farm implement sales</li> </ul> <p><b>Industrial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>assembly</li> <li>distribution facility</li> <li>flex-space</li> <li>food processing</li> <li>heavy manufacturing</li> <li>light manufacturing</li> <li>liquid fertilizer storage/distribution</li> <li>outdoor storage</li> <li>radio/TV station</li> <li>recycling processing</li> <li>sewage treatment plant</li> <li>sign painting/fabrication</li> <li>storage tanks (non-hazardous)</li> <li>telecommunication facility</li> <li>testing lab</li> <li>tool and die shop</li> <li>transfer station</li> <li>warehouse</li> <li>warehouse storage facility</li> <li>water treatment plant</li> <li>welding</li> </ul> <p><b>Institutional Permitted Uses</b></p> <ul style="list-style-type: none"> <li>police, fire, or rescue station</li> <li>recycling collection point</li> </ul>	



**APPLICATION FOR REZONING  
FINDINGS OF FACT**

The applicant (or their representative) must fill out the findings of fact on the following pages. The Plan Commission may review the applicant's findings of fact to assist with their decision-making process. Please see below for general guidance related to completing the findings of fact.

Applicant: Malak Singh

Case #: \_\_\_\_\_

Location: 9237 N Frontage Rd Fairland, IN 46126

1. The request is consistent with the Shelby County Comprehensive Plan because: Wharehouse, Truck Terminal, outside Storage, Repair Shop, Truck Parking.

2. The request is consistent with the current conditions and the character of structures and uses in each district because: Around the property is all the wharehouse and ~~Real~~ Equipment Rental as Construction Company.

3. The request is consistent with the most desirable use for which the land in each district is adapted because: Close to hwy as easy Excess to hwy as City of

4. The request is consistent with the conservation of property values throughout the jurisdiction because: Maintain well as Being More Business in that ~~Area~~ Neighbor.

5. The request is consistent with responsible growth and development because: We had the utilities on the street to hook up with.

**General Guidance – Rezoning (not to be considered legal advice):**

- Finding 1:** How is the proposed new zoning designation consistent with the future land use of the property identified in the Comprehensive Plan? If you do not know the future land use of the property, please ask the Planning Director.
- Finding 2:** How is the proposed use, and/or other possible future uses permitted in the proposed zoning district, similar to surrounding structures and uses of land?
- Finding 3:** Why is the proposed use, and/or other possible future uses permitted in the proposed zoning district, the most desirable use for the land?
- Finding 4:** Explain why the proposed use, and/or other possible future uses permitted in the proposed zoning district, would not negatively impact property values.
- Finding 5:** Why is the change in zoning designation consistent with responsible growth and development?

