

Shelby County Plan Commission

October 26, 2021 at 7:00 PM

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MEETING AGENDA

Shelby County Plan Commission
October 26, 2021 at 7:00 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the July 27, 2021 meeting.

OLD BUSINESS

None.

NEW BUSINESS

RZ 21-17 – COMBINED ASSET DEVELOPMENT, LLC REZONING: Rezoning of 32.37 acres from the A1 (Conservation Agricultural) District to the I2 (High Intensity Industrial) District to allow for a land clearing operation and mulch distribution center. Located west of and adjoining 4324 E SR 244, Shelbyville, Liberty Township.

RZ 21-18 – SURGE INDUSTRIAL PLEASANT VIEW REZONING: Rezoning of +/- 302 acres from the A1 (Conservation Agricultural) District to the I1 (Low Intensity Industrial) District to allow for speculative low-intensity industrial development. Located generally south of McGregor Road and north of the CSX Railroad, Moral Township.

DISCUSSION

None.

ADJOURNMENT

The next regular meeting of the Shelby County Plan Commission is scheduled for Tuesday, **November 23, 2021 at 7:00 PM.**

Property Details

Location: West of and adjoining 4324 E SR 244, Shelbyville, Liberty Township.

Property Size: 32.37-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 agriculture.

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
 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	A1	I-74
South	IS	Church
East	C2	Vacant
West	C2, R1, RE, A2	Vacant Commercial, Single-Family Residential, Cropland

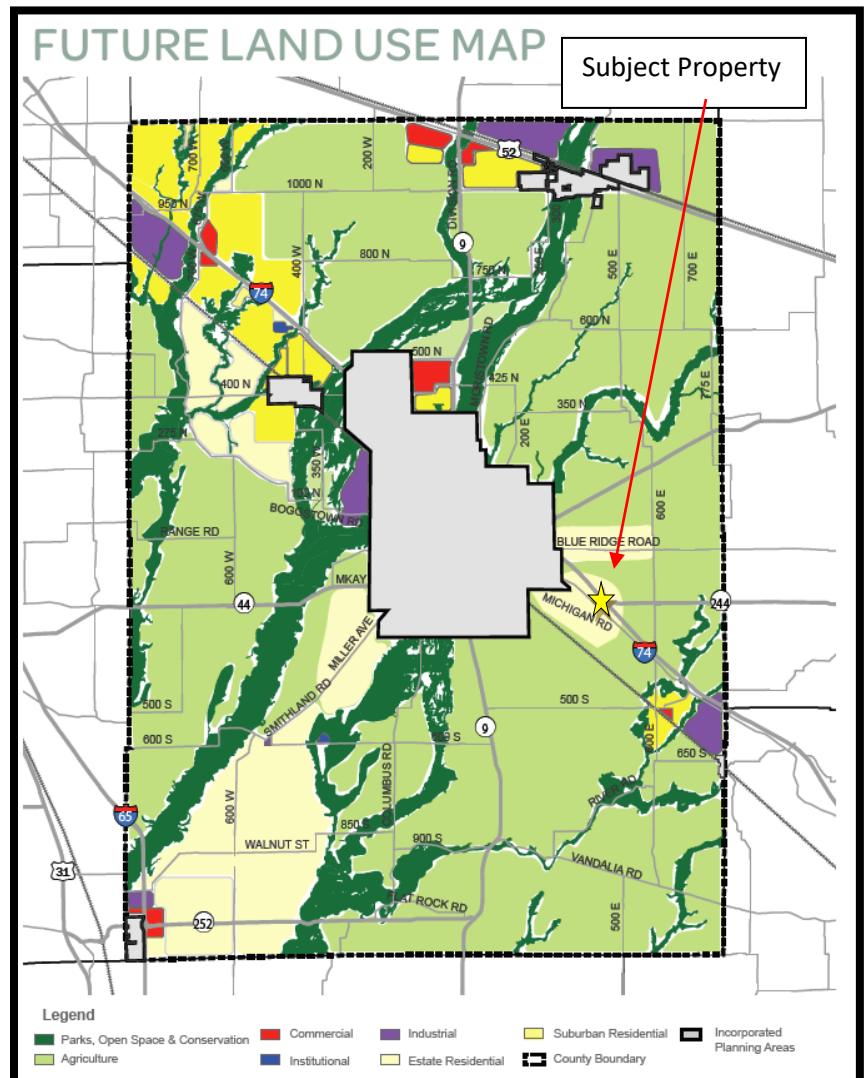
Staff Report

Case Number: RZ 21-17
Case Name: Combined Asset Development, LLC
 Rezoning - A1 (Conservation Agricultural) to I2 (High Intensity Industrial)

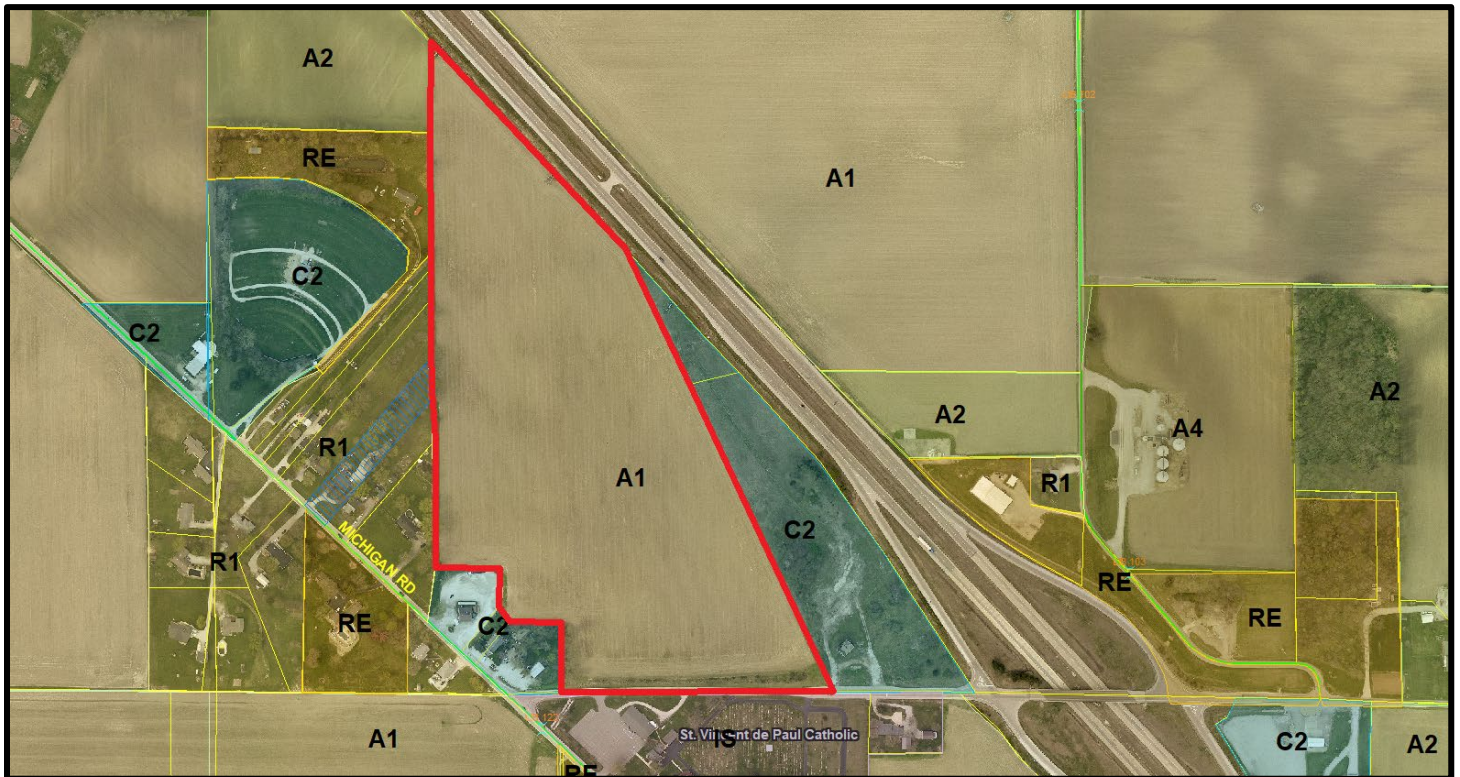
Request

Rezoning of 32.37 acres from the A1 (Conservation Agricultural) District to the I2 (High Intensity Industrial) District to allow for a land clearing operation and mulch distribution center.

Future Land Use Map



Property Map



Case Description

- The petitioner plans to purchase the land and lease the property to Homer Companies. Homer Companies plans to use the property as a hub and maintenance center for its land clearing operations in the southern-Midwest, as well as a distribution center for its residential and commercial mulch operation.
- Proposed development includes an office and shop building, access drive from SR 244, and berm and landscaping along I-74, SR 244, and adjacent residential uses.
- The site would also include occasional outdoor storage of equipment and outdoor storage of bagged and bulk mulch. The petitioner proposes to situate all items stored outdoors behind the berm and building, thereby screening the majority of materials stored outdoors from the roads and adjacent residential properties.
- The I2 District allows for distribution facilities which would permit the mulch distribution operation, allows for flex-space which would permit the office and maintenance of related equipment, and allows for outdoor storage which would permit the outdoor storage of mulch and equipment.
- The Site Plan Committee, which includes the Planning Director, Building Inspector, and Health Department Environmental Technician would review a detailed site plan prior to issuing construction permits. USI Consultants, Inc would review the drainage plans to ensure the project design complies with the County's Drainage & Sediment Control Ordinance.

Staff Analysis Findings of Fact

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

Considerations Supporting Denial of the Rezoning: The surrounding area includes a variety of zoning districts and uses. The Unified Development Ordinance lists the C2 and IS Districts as compatible adjacent districts to the I2 District. However, does not list the A2, RE, or R1 Districts as compatible districts. Development of property for a land clearing operation and mulch distribution center could pose negative impacts to adjacent properties in the A2, RE, and R1 districts, including light trespass from security lighting, noise and dust generated by trucks and equipment, additional traffic generation, and alteration of the rural character of the area.

Considerations Supporting Approval of the Rezoning: If developed for industrial use, the property should include increased setbacks and/or landscape buffers exceeding ordinance requirements along property lines adjoining the A2, RE, and R1 Districts. The petitioner has proposed a landscape mound and buffer along the property line adjoining these districts.

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

Considerations Supporting Denial of the Rezoning: Future development of the property for estate residential purposes as recommended by the Comprehensive Plan would compliment the existing residential and institutional uses in the area. The property also has convenient access to I-74 and Michigan Rd, which would allow residents convenient access to services in Shelbyville. The property also provides a rural area for residential development that would not conflict with any adjacent intensive agricultural uses.

Considerations Supporting Approval of the Rezoning: The property has convenient access to major and minor throughfares, including I-74, SR 244, and Michigan Rd. This roadway access positions the property in a desirable location for development of a regional distribution center. If developed for residential purposes, Noise from traffic using these throughfares could pose a nuisance to residents.

3. The Conservation of Property Values throughout the Jurisdiction

Considerations Supporting Denial of the Rezoning: Development of the property for industrial purposes could negatively impact property values of lower intensity uses in the area.

Considerations Supporting Approval the Rezoning: Future development of the property for estate residential purposes as recommended by the Comprehensive Plan would not have any perceivable impact on surrounding property values.

4. Responsible Development and Growth

Considerations Supporting Denial of the Rezoning: Development of the property for industrial use would conflict with the future land use recommendation of the Comprehensive Plan. The property also does not have access to public water or sewer facilities. Use of on-site water and sewer facilities for industrial development could impact groundwater. The property is also not adjacent to an incorporated populated area offering services for employees.

Considerations Supporting Approval of the Rezoning: The property does have access to electric, gas, and fiber optic facilities. The property also has convenient access to major and minor thoroughfares, including I-74, SR 244, and

Michigan Rd. INDOT has initiated upgrades to I-74 and SR 244 to accommodate additional truck traffic. The State and County review all plans for commercial septic systems.

5. The Comprehensive Plan

The Comprehensive Plan recommends use of the property for estate residential purposes. Specifically, the plan states: *new residential development should have reasonable access to roads and utilities and should not significantly disrupt agricultural activities.* The property has access to the utilities required for large-lot residential development and the property also provides a rural area for residential development that would not conflict with any adjacent intensive agricultural uses.

The Plan states that industrial areas identified on the Future Land Use Map: *have been located along main transportation corridors into the county. These areas are also prime for development as they are located near existing populated areas and also within the Indianapolis MPO and Columbus MPO areas. These areas are advantageous for development to capture taxes and increase assessed value for the county.* The property is not adjacent to a populated incorporated area or within an MPO area.

Staff Recommendation

Staff recommends **DENIAL** due to the following considerations:

1. The Comprehensive Plan recommends future estate residential development of the property.
2. Development of property for a land clearing operation and mulch distribution center could pose negative impacts to lower intensity uses, including light trespass from security lighting, noise and dust generated by trucks and equipment, additional traffic generation, and alteration of the rural character of the area.
3. The property does not have access to public water or sewer facilities and no plan exists to extend these services to the area.

If the Plan Commission chooses to approve the rezoning, Staff would recommend the following stipulations:

1. The property shall not be used for recycling processing, sewage treatment, or outdoor storage of materials unrelated to the proposed land clearing operation and mulch distribution center.
2. Development of the site shall be consistent with the Site Plan submitted with the rezoning application. The Zoning Administrator shall have the discretion to require Plan Commission approval of any modification to the site plan.
3. Landscape Buffer 'D' as indicated in the Unified Development Ordinance shall be installed in the area indicated on the Site Plan submitted with the rezoning application. Landscaping mounding and all trees at mature height shall in combination be at least 10-feet in height from existing land grade.
4. Outdoor stockpiles of materials shall not exceed 9-feet in height.

5. All structural development, outdoor storage areas, and parking, loading, and maneuvering areas (excluding access drives) shall be setback a minimum of one-hundred and twenty (120) feet from the far east property line.
6. 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

Applicant:	Combined Asset Development, LLC 16464 W 143 rd St. Lockport, IL 60441	Owner:	James E & Rosemarie Beyer 3806 E Michigan Rd. Shelbyville, IN 46176
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Applicant's Attorney: Eric M. Glasco
2150 Intelliplex Dr, Ste 200
Shelbyville, IN 46176

View of property (area in crops) from SR 244



Google Street View – July 2018

View of property from I-74



Google Street View – Sep. 2018

High Intensity Industrial (I2) District

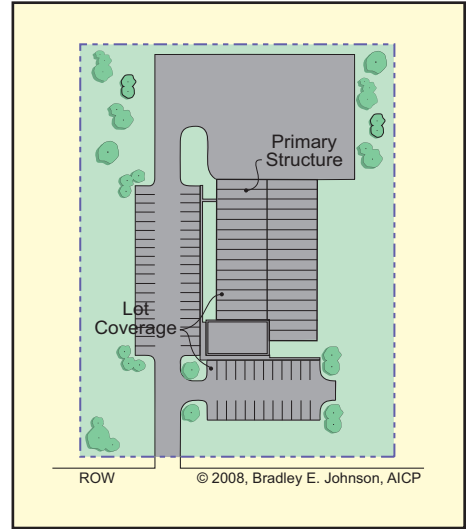
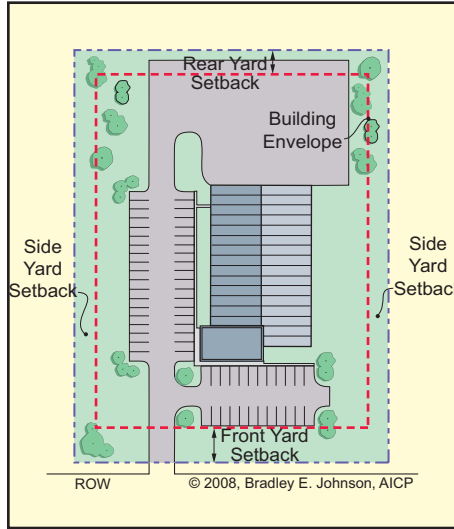
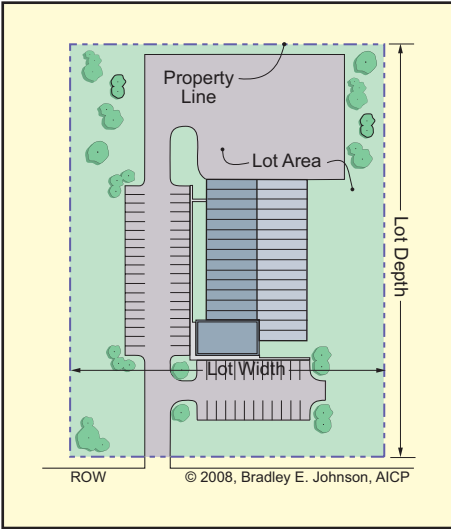
2.35 I2 District Intent, Permitted Uses, and Special Exception Uses

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



High Intensity Industrial (I2) District

2.36 I2 District Development Standards



Minimum Lot Area

- 2 acres

Minimum Lot Width

- 200 feet

Minimum Lot Frontage

- 100 feet

Sewer and Water

- Public sanitary sewer and water utility required

Minimum Front Yard Setback

- 40 feet

~~Minimum Side Yard Setback~~

- ~~20 feet~~

~~Minimum Rear Yard Setback~~

- ~~20 feet~~

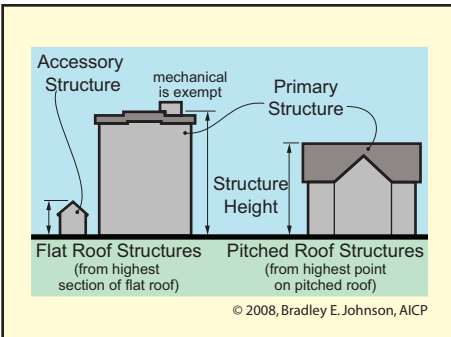
Amended per Ord. 2021-26. See Appendix B.24

Maximum Lot Coverage

- 85% of lot area

Maximum Primary Structures

- no limit



Maximum Structure Height

- 70 feet for primary structure
- 60 feet for accessory structure

Additional Development Standards that Apply

<p>Accessory Structure (AS)</p> <ul style="list-style-type: none"> • AS-01 Page 5-4 • AS-07 Page 5-6 <p>Density and Intensity (DI)</p> <ul style="list-style-type: none"> • DI-01 Page 5-10 <p>Driveway (DW)</p> <ul style="list-style-type: none"> • DW-01 Page 5-11 • DW-04 Page 5-14 <p>Environmental (EN)</p> <ul style="list-style-type: none"> • EN-01 Page 5-16 <p>Fence and Wall (FW)</p> <ul style="list-style-type: none"> • FW-01 Page 5-17 • FW-07 Page 5-19 <p>Floodplain (FP)</p> <ul style="list-style-type: none"> • FP-01 Page 5-20 <p>Floor Area (FA)</p> <ul style="list-style-type: none"> • FA-01 Page 5-26 <p>Height (HT)</p> <ul style="list-style-type: none"> • HT-01 Page 5-27 	<p>Landscaping (LA)</p> <ul style="list-style-type: none"> • LA-01 Page 5-36 • LA-02 Page 5-37 • LA-05 Page 5-38 • LA-06 Page 5-38 • LA-07 Page 5-39 <p>Lighting (LT)</p> <ul style="list-style-type: none"> • LT-01 Page 5-41 <p>Loading (LD)</p> <ul style="list-style-type: none"> • LD-01 Page 5-42 <p>Lot (LO)</p> <ul style="list-style-type: none"> • LO-01 Page 5-43 <p>Outdoor Storage (OS)</p> <ul style="list-style-type: none"> • OS-06 Page 5-46 <p>Parking (PK)</p> <ul style="list-style-type: none"> • PK-01 Page 5-44 • PK-03 Page 5-48 <p>Performance (PF)</p> <ul style="list-style-type: none"> • PF-01 Page 5-55 <p>Public Improvement (PI)</p> <ul style="list-style-type: none"> • PI-01 Page 5-56 	<p>Pond (PN)</p> <ul style="list-style-type: none"> • PN-01 Page 5-57 <p>Setback (SB)</p> <ul style="list-style-type: none"> • SB-01 Page 5-59 <p>Sewer and Water (SW)</p> <ul style="list-style-type: none"> • SW-01 Page 5-61 <p>Sign (SI)</p> <ul style="list-style-type: none"> • SI-01 Page 5-64 • SI-03 Page 5-68 <p>Storage Tank (ST)</p> <ul style="list-style-type: none"> • ST-01 Page 5-71 • ST-02 Page 5-71 <p>Structure (SR)</p> <ul style="list-style-type: none"> • SR-01 Page 5-72 <p>Telecom. Facility (TC)</p> <ul style="list-style-type: none"> • TC-01 Page 5-73 <p>Temporary Use (TU)</p> <ul style="list-style-type: none"> • TU-01 Page 5-75 • TU-04 Page 5-75 <p>Vision Clearance (VC)</p> <ul style="list-style-type: none"> • VC-01 Page 5-76
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Letter of Intent

Date: October 7, 2021

Applicant: Combined Asset Development, LLC

Owner: James and Rosemarie Beyer

Re: Use Variance for 32.37 acres on East Michigan Road near SR 244 intersection

Dear Shelby County Plan Commission:

Combined Asset Development, on behalf of the property owners, James and Rosemarie Beyer, proposes to rezone property on East Michigan Road situated within Shelby County, Indiana. The property is located near the intersection of East Michigan Rd. and State Road 244 and consists of approximately 32.37 acres. In conjunction with this rezoning, Applicant also requests a variance to allow for outside storage. It is anticipated that Combined Asset Development, LLC will purchase the land and lease the property to Homer Industries, a related entity of Homer Companies. Combined Asset Development, LLC is also a related entity to Homer Companies.

Homer Companies is headquartered in Lockport, Illinois and has three divisions including Homer Tree Service and Homer Industries. Homer Tree Service was started in 1935 and has grown from a single entrepreneur to Homer Companies with three divisions and over 200 employees. Homer Tree Service conducts professional mass land clearing and is one of the Midwest's largest producers of playground material and hardwood landscape mulch. Applicant intends to use the facility as a hub and maintenance center for Homer's land clearing operations in central and southern Indiana, Ohio, Kentucky and southern Illinois, as well as a distribution center for its residential and commercial mulch operation for the same region. These proposed uses will include the occasional outdoor storage of equipment while such equipment is waiting to be serviced or is between jobs. It is anticipated that eight pieces of equipment will operate out of this facility, but only for short periods of time. Generally, the equipment would remain on the job site. The subject property will also serve as a mulch distribution center for the residential and commercial mulch operations of Homer Industries and will distribute both bagged and bulk mulch to the same geographic regions that Homer Tree Services serves. As part of the operation of the mulch facility Applicant requests a variance to allow the outdoor storage of both bagged and bulk mulch. While Applicant does not believe adjacent property owners will experience any impact from its operations, it intends to erect a berm and incorporate landscaping along the property line with the residential property to minimize any impact that may result from the business operations. Additionally, the materials and equipment being stored outside will be positioned to accommodate an additional setback from the property lines adjacent to the residential properties to further minimize any impact Applicant's business may create. By incorporating a berm and other landscaping and establishing a set back for the stored materials and equipment, Applicant is confident that adjacent property owners will see no negative impact of the proposed development and the storage thereon of materials and equipment.

The property that is the subject of the request is approximately 32.37 acres, sufficiently large enough to allow the site to be developed to minimize any impact the adjacent landowners will experience from the proposed facility.

Sincerely,

Stephenson Rife

Eric M. Glasco

Attorney for Applicant

Untitled Map

Write a description for your map

Green line - berm and landscaping per county spec

Orange line - bagged mulch on pallet no higher than 5 feet and bulk mulch in circles

Blue line - building housing office staff and mechanics and road in and out of parcel

Black line - equipment and truck parking

- ### Legend
- Country Diner
 - Skycade
 - The Skyline Drive-In
 - Shelbyville, IN

Google Earth



Property Details

Location: Generally south of McGregor Road and north of the CSX Railroad, Moral Township.

Property Size: +/- 302-acres.

Current Land Use: Cropland, Single-Family Residential, Natural Resources.

Current Zoning Classification

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

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

I1 (Low Intensity Industrial)
This district is established for low intensity industrial uses, light manufacturing facilities and business parks.

**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*

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Staff Report

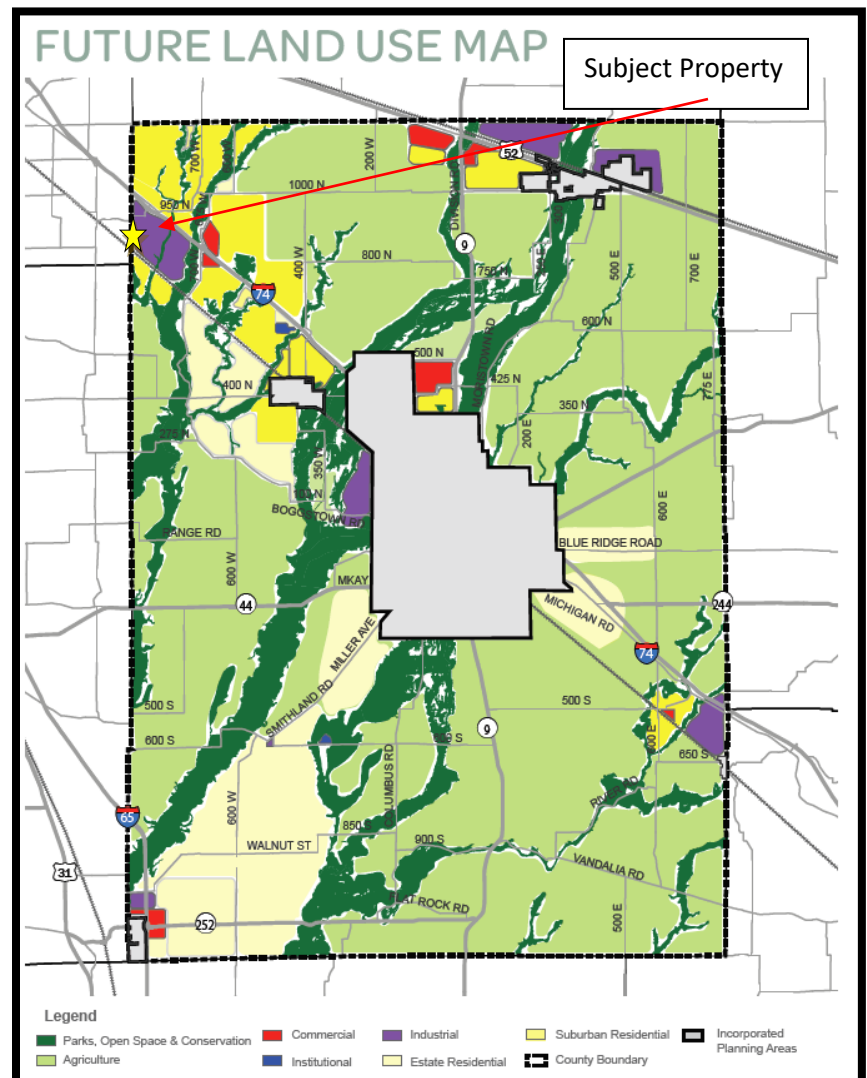
Case Number: RZ 21-18

Case Name: Surge Industrial Pleasant View Rezoning - A1 (Conservation Agricultural) & R1 (Single-Family Residential) to I1 (Low Intensity Industrial)

Request

Rezoning of +/- 302 acres from the A1 (Conservation Agricultural) District to the I1 (Low Intensity Industrial) District to allow for speculative low-intensity industrial development.

Future Land Use Map



Property Details

- *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*

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	<i>I1, R1, M2</i>	<i>Warehouse (under construction, Single-Family Residential</i>
South	<i>A1, I1</i>	<i>Cropland, Estate Residential, Sand & Gravel Operation, Contractors Office & Yards</i>
East	<i>IS, R1, I2</i>	<i>Fire Fighter Training Facility, Single-Family Residential., Contractor's Office & Yard (under construction)</i>
West	<i>DA (Dwelling Agricultural Marion County)</i>	<i>Single-Family Residential, Estate Residential, Cropland</i>

Property Map

See attached Site Plan.

Case Description

Case Overview

- The petitioner requests to rezone the property to create shovel-ready low-intensity industrial sites. The petitioner intends to coordinate with the Shelby County Development Corporation, the Indiana Economic Development Corporation, site selectors, developers, and other entities to identify potential end-users or speculative development. The property may include one or multiple end-users.
- Surge Industrial Pleasant View LLC conducts due-diligence site preparation work to prepare commercial/industrial sites for market, including obtaining purchase options, conducting environmental analysis, and obtaining necessary zoning approvals.

- The property includes five parcels under three different ownership entities. The larger parcels are currently zoned A1 and used primarily for crop production. The smaller parcel is currently zoned R1 and used for single-family residential purposes. Approval of the rezoning would establish the current uses as legal-nonconforming, which would allow for continuation of the current uses until development of the property for industrial purposes.
- The petitioner stated that the property does not include any significant environmental restrictions, such as floodplains or restricted wetlands. A fiber option line and high-transmission electric line currently run across the property.
- If the County approves the rezone, the petitioner or future owner(s) would retain the option to apply for a second rezone of any portion of the property to accommodate an end-use that does not fit within the permitted uses of the I1 District. Specifically, the petitioner has expressed future interest in rezoning a portion of the northeast corner of the property to C2 (Highway Commercial) to allow for commercial services supporting the proposed industrial development in the area.
- The UDO would require Plan Commission approval of a Commercial District Subdivision and/or Industrial Park Subdivision dependent on the number of end-users and amount of property needed to accommodate each user. Subdivision of the property would initiate UDO requirements for public streets, sidewalks, and open space. Future developments should implement these requirements to fulfill the goals of the Comprehensive Plan regarding preservation of natural resources and efficient transportation systems.
- 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.

Proposed Transportation Facilities & Utilities

- Planned utility providers include the following – Electric: Rush Shelby Energy, Sanitary Sewer: Citizens Energy, Water: Citizens Energy, Gas: Citizens Energy, Fiber Optic: Lumen Technologies, Telephone: AT&T.
- The property is located within the Shelby County Northwest Economic Development Area (EDA) and Tax Increment Financing District (TIF). The EDA currently does not include a sewer utility and has limited water utility and road improvements. Establishment of the TIF will capture incremental real property tax within the EDA to fund water utility improvements within the EDA, to fund improvements to McGregor Rd, and to fund the extension of sewer utilities to the EDA.
- The property has access along 850 W and McGregor Road. The County has begun construction on improvements to McGregor Rd. The property is also located within 300-feet of an active CSX rail line.

Staff Recommended Stipulations

- Due to the speculative nature of the zoning request, staff recommends Plan Commission approval of a Development Plan for each individual end-user. The Development Plan would include all elements included on the Site Plan reviewed by the Technical Review Committee. The Plan Commission must approve any Development Plan in compliance with the UDO, however a public hearing would give the public the opportunity to ask questions or voice

concerns on the particular aspects of each project and give the members of the Plan Commission the opportunity to offer suggestions on site design.

- Approval of the rezoning would allow for all uses permitted in the I1 District. However, as a stipulation of approval Staff recommends prohibiting use of the property for a paintball facility or governmental operations, which the UDO permits in the I1 District. Use of the property for a paintball facility would conflict with the provisions of the Comprehensive Plan and the regulations of the IS (Institutional) District should apply to governmental operations.
- The UDO lists the OP, IS, C2, I1, I2, and HI Districts as compatible adjacent districts to the I1 District. However, does not list the A1, DA, R1, or M2 Districts as compatible districts. Therefore, Staff recommends a stipulation which would give Staff the discretion to require increased setbacks or landscape buffers dependent on the intensity of the end use of the subject property and zoning of the adjacent district. If zoning of adjacent property changes, this requirement would apply to the zoning of the adjacent property when the end user develops the subject property.

Staff Analysis Findings of Fact

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**

Development of industrial facilities are planned or have begun on many adjacent properties. Development of the property for low-intensity industrial use would not conflict with current or future development in the area.

Development of the property would require approval of State and Local permits and drainage facilities. Therefore, development of the property would not have an adverse environmental impact or impact continued use of adjacent property for agricultural production or future use of adjacent property for industrial facilities.

The petitioner has committed to providing increased setbacks and/or landscape buffers exceeding ordinance requirements along all property lines not adjoining property in the OP, IS, C2, I1, I2, and HI Districts as needed to limit potential nuisance impacts on lower intensity uses.

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.

Staff Recommendation

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 have designated the property for industrial development. The County has approved plans to provide needed utilities to the area. The petitioner has committed to develop the site in a manner that would mitigate potential nuisance impacts on adjacent lower intensity uses.

Therefore, Staff recommends **APPROVAL** with 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 permanent construction, installation, addition, alteration, or relocation of a new structure, and/or permanent alteration to the land.
2. The property shall not be used for a paintball facility or governmental operations.
3. At the discretion of the Zoning Administrator, increased setbacks and/or landscape buffers exceeding ordinance requirements shall be provided along all property lines not adjoining property in the OP, IS, C2, I1, I2, and HI Districts. Required setbacks shall not exceed two-times the requirement of the Unified Development Ordinance. Required landscape buffers shall not exceed one letter-grade above the requirement of the Unified Development Ordinance.

Applicant/Owner Information

Applicant:	Surge Industrial Pleasant View 144 East Rampart Street Shelbyville, IN 46176	Owners:	Ruschhaupt Family Farms LLC 6226 Ruthven Dr. Noblesville, IN 46062
Applicant's Representative:	Christopher King E. Rampart St. Shelbyville, IN 46176		George & Tammy Jennings 12105 McGregor Rd. Indianapolis, IN 46259
			Margaret M Smith, Mary L MacQuarrie, & Ronald A MacQuarrie Co-Trustees of the Smith Trust dated 11/19/1986 16832 Harkness Cir. Huntington Beach, CA 92649

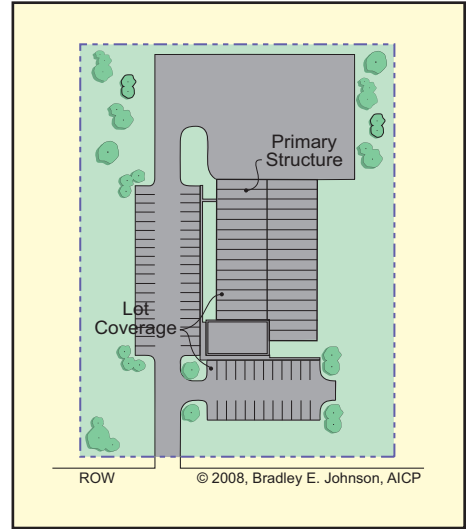
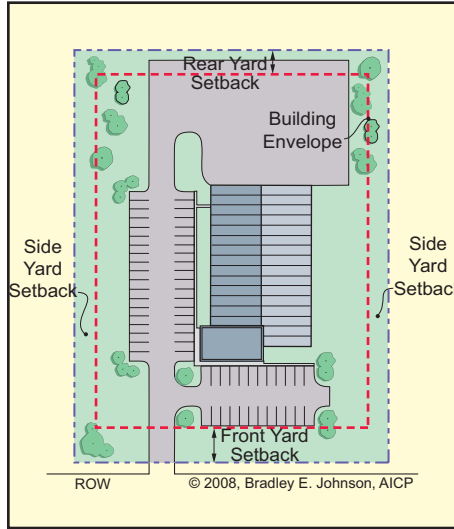
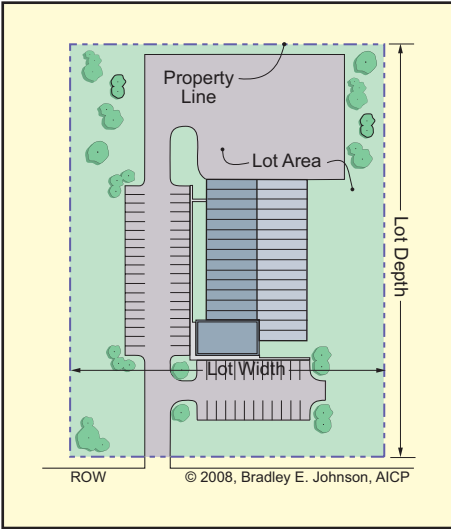
Low Intensity Industrial (I1) District

2.33 I1 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The I1 (Low Intensity Industrial) District is intended to be used as follows:</p> <p>Use, Type and Intensity</p> <ul style="list-style-type: none"> • Low to moderate intensity industrial uses • Business parks, distribution operations, and industrial parks • Stand alone buildings or multiple primary structures <p>Application of District</p> <ul style="list-style-type: none"> • Existing and new development <p>Development Standards</p> <ul style="list-style-type: none"> • Enact quality time, place, and manner development standards to minimize impacts on adjacent properties while encouraging economic vitality • Allow small outdoor storage areas with screening • Minimize light, noise, water, and air pollution <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> • OP, IS, C2, I1, I2, and HI <p>Plan Commission</p> <ul style="list-style-type: none"> • Use this zoning district for existing developments and carefully for new industrial development <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • Allow a special exception use only when it is compatible with the surrounding areas • Be sensitive to the potential for light pollution, noise pollution, loading berth placement, pedestrian safety, and vehicular safety 	<p>Commercial Permitted Uses</p> <ul style="list-style-type: none"> • farm implement sales • office, construction trade • office, design services • paintball facility • sports complex (indoor) • swimming pool <p>Industrial Permitted Uses</p> <ul style="list-style-type: none"> • assembly • distribution facility • equipment rental • flex-space • light manufacturing • research center • telecommunication facility • testing lab • tool and die shop • warehouse • warehouse storage facility • welding <p>Institutional Permitted Uses</p> <ul style="list-style-type: none"> • government operations (non-office) 	

Low Intensity Industrial (I1) District

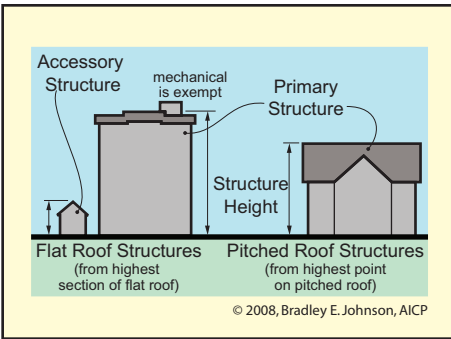
2.34 I1 District Development Standards



- Minimum Lot Area**
 - 1 acre
- Minimum Lot Width**
 - 100 feet
- Minimum Lot Frontage**
 - 60 feet
- Sewer and Water**
 - Public sanitary sewer and water utility required

- Minimum Front Yard Setback**
 - 30 feet
 - ~~Minimum Side Yard Setback~~
 - 15 feet
 - ~~Minimum Rear Yard Setback~~
 - 15 feet
- Amended per Ord. 2021-26. See Appendix B.23

- Maximum Lot Coverage**
 - 85% of lot area
- Maximum Primary Structures**
 - no limit



- Maximum Structure Height**
 - ~~45 feet for primary structure~~
 - 35 feet for accessory structure
- Amended per Ord. 2021-26. See Appendix B.23

Additional Development Standards that Apply		
Accessory Structure (AS)	Landscaping (LA)	Pond (PN)
• AS-01 Page 5-4	• LA-01 Page 5-36	• PN-01 Page 5-57
• AS-07 Page 5-6	• LA-02 Page 5-37	Setback (SB)
Density and Intensity (DI)	• LA-05 Page 5-38	• SB-01 Page 5-59
• DI-01 Page 5-10	• LA-06 Page 5-38	Sewer and Water (SW)
Driveway (DW)	• LA-07 Page 5-39	• SW-01 Page 5-61
• DW-01 Page 5-11	Lighting (LT)	Sign (SI)
• DW-04 Page 5-14	• LT-01 Page 5-41	• SI-01 Page 5-64
Environmental (EN)	Loading (LD)	• SI-03 Page 5-68
• EN-01 Page 5-16	• LD-01 Page 5-42	Storage Tank (ST)
Fence and Wall (FW)	Lot (LO)	• ST-01 Page 5-71
• FW-01 Page 5-17	• LO-01 Page 5-43	• ST-03 Page 5-71
• FW-07 Page 5-19	Outdoor Storage (OS)	Structure (SR)
Floodplain (FP)	• OS-01 Page 5-45	• SR-01 Page 5-72
• FP-01 Page 5-20	• OS-02 Page 5-45	Telecom. Facility (TC)
Floor Area (FA)	Parking (PK)	• TC-01 Page 5-73
• FA-01 Page 5-26	• PK-03 Page 5-48	Temporary Use (TU)
Height (HT)	Performance (PF)	• TU-01 Page 5-75
• HT-01 Page 5-27	• PF-01 Page 5-55	• TU-04 Page 5-75
	Public Improvement (PI)	Vision Clearance (VC)
	• PI-01 Page 5-56	• VC-01 Page 5-76

Surge Industrial Pleasant View – Statement of Intent

The Pleasant View area is experiencing industrial growth opportunities as new infrastructure is being developed. The purpose of this rezone is to create shovel ready industrial sites that are consistent with the job creation and property investment goals established by the Shelby County Comprehensive Plan. We are working closely with these property owners to complete other due diligence and entitlement activities that would allow for the development of the site consistent with uses established by the unified development ordinance, the comprehensive plan, and adjacent and area uses such as Five Below, HIS Constructors, BlueStar RediMix, Brookfield Sand and Gravel, and the proposed Central Crane and Browning Investments Project.

We seek to coordinate closely with the Shelby County Development Corporation, the Indiana Economic Development Corporation, site selectors, developers, and other entities to identify potential end-users or speculative development consistent with the requirements of the proposed zoning district and the Comprehensive Plan.

We acknowledge that any proposed development would be subject to site plan and drainage review by the Shelby County Plan Commission Office on an individual basis and will be required to comply with the required development standards and approved variances.

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: _____

Case #: _____

Location: _____

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

The Shelby County Comprehensive Plan's future land use map identifies this site as industrial use. Rezoning these properties to Low Intensity Industrial (I1) zoning will further the Comprehensive Plan's goals of creating an industrial center to support job creation and investment in Shelby County.

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

The proposed I1 zoning and use is congruous with adjacent I2 zoned properties and other I1 zoning in the immediate area including Blue-Star RediMix, HIS Constructors, Central Crane, Brookfield Sand & Gravel, Browning Investments, and others.

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

The Comprehensive Plan establishes this area as an Industrial District to support the investment, job creation, and economic development goals of the plan. The proposed use furthers the Comprehensive Plan's goals of creating an industrial center.

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

The proposed use is consistent with other uses in the immediate area, and should the development occur on this site, it will result in a significant investment that will have a positive impact on properties in the district.

5. The request **is** consistent with responsible growth and development because:

By concentrating industrial development in areas with infrastructure improvements (in progress) and good access to transportation networks efficient growth and development is achieved, farmland is preserved, and services can be delivered in the most cost-effective manner.

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.

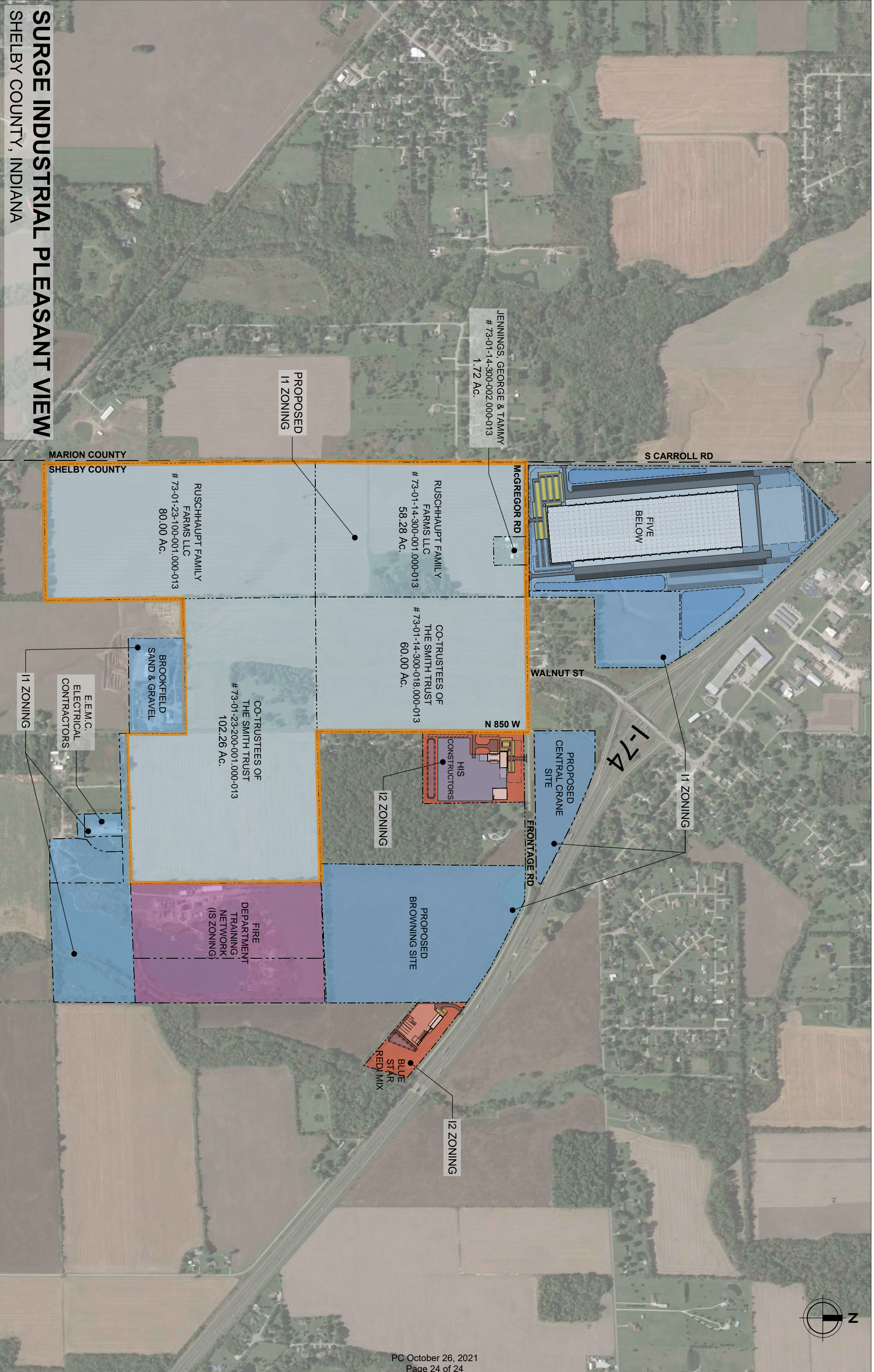
Finding 2: How is the proposed use, and/or other possible future uses permitted in the proposed zoning district, similar to surrounding structures and uses of land?

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?

SURGE INDUSTRIAL PLEASANT VIEW
SHELBY COUNTY, INDIANA



JENNINGS, GEORGE & TAMMY
73-01-14-300-002,000-013
1.72 AC.

PROPOSED
I1 ZONING

S CARROLL RD

MARION COUNTY
SHELBY COUNTY

RUSCHHAUPT FAMILY
FARMS, LLC
73-01-23-100-001,000-013
80.00 AC.

RUSCHHAUPT FAMILY
FARMS, LLC
73-01-14-300-001,000-013
58.28 AC.

MCGREGOR RD

FIVE
BELOW

CO-TRUSTEES OF
THE SMITH TRUST
73-01-14-300-018,000-013
60.00 AC.

WALNUT ST

N 850 W

CO-TRUSTEES OF
THE SMITH TRUST
73-01-23-200-001,000-013
102.26 AC.

BROOKFIELD
SAND & GRAVEL

E.M.C.
ELECTRICAL
CONTRACTORS

I1 ZONING

I-74

I1 ZONING

PROPOSED
CENTRAL CRANE
SITE

I2 ZONING

HIS
CONSTRUCTORS

FRONTAGE RD

FIRE
DEPARTMENT
TRAINING
NETWORK
(IS ZONING)

PROPOSED
BROWNING SITE

I2 ZONING

BLUE
STAR
REDMIX

