

Shelby County Plan Commission

February 28, 2023 at 7:00 PM

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MEETING AGENDA

Shelby County Plan Commission
February 28, 2023 at 7:00 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the January 24, 2023 meeting.

OLD BUSINESS

RZ 23-02 – JANUARY REZONING: Negative Findings of Fact.

RZ 23-03 – JUGAAD LLC REZONING: Negative Findings of Fact.

RZ 22-19 – HERITAGE AGGREGATES LLC REZONING: Rezoning of 243.04-acres from the A1 (Conservation Agricultural) District and R1 (Single-Family Residential) District to the HI (High Impact) District to allow for expansion of aggregate mining operations. Located generally, north of CR 1200 S, south of Old SR 252, east of CR 100 W, and west of SR 9, Flat Rock, Washington Township.

NEW BUSINESS

VAC 23-01 – VACATION OF LOTS 41, 42, 43, 44, 45, & 46 IN MAPLETON SUBDIVISION: Located at 15 Hale Rd, 17 Hale Rd, & 1016 W Hendricks St, Shelbyville, Addison Township.

SD 23-01 – ARCHER SIMPLE SUBDIVISION: Subdivision of 0.74-acres into one 0.40-acre commercial lot and two 0.17-acre two-family residential lots and waiver of subdivision standards. Located at 15 Hale Rd, 17 Hale Rd, & 1016 W Hendricks St, Shelbyville, Addison Township.

RZ 23-04 – DAVIS REZONING: Rezoning of 14.74-acres from the A2 (Agricultural) District to the RE (Residential Estate) District to allow for two new single-family residential lots. Located east of and adjoining 453 E 700 S, Shelbyville, Washington Township.

RZ 23-05 – F AND A MARTIN HOLDINGS, LLC REZONING: Rezoning of 0.16-acres from the C1 (Neighborhood Commercial) District to the C2 (Highway Commercial) District to allow for operation of a restaurant. Located at 506 W Carey St, Fairland, Brandywine Township.

RZ 23-06 – IN RNG INTERCONNECT, LLC REZONING: Rezoning of 6.696-acres from the A1 (Conservation Agricultural) District to the I2 (High Intensity Industrial) District to allow for a natural gas injection facility. Located at 5445 S Smithland Rd, Shelbyville, Hendricks Township.

SD 23-03 – PILE FARMS SIMPLE SUBDIVISION: Subdivision of a 6.696-acre industrial lot from a 49.17-acre parent tract and waiver of subdivision standards. Located at 5445 S Smithland Rd, Shelbyville, Hendricks Township.

NORTHWEST SHELBY COUNTY ECONOMIC DEVELOPMENT AREA RESOLUTION: Resolution approving amendments to the Declaratory Resolution of the Shelby County Redevelopment Commission that established the Northwest Shelby County Economic Development Area.

DISCUSSION

None.

ADJOURNMENT

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

REZONING FINDINGS OF FACT

Applicant: Sharon January

Case #: RZ 23-02

Location: West of and adjoining 8111 N 850 W, Fairland, Moral Township.

1. The request is **NOT** consistent with the Shelby County Comprehensive Plan because:

The rezoning is not consistent with Land Use Goal 1, Strategy 1 identified in the Comprehensive Plan due to lack of improved roads to accommodate truck traffic, lack of sanitary sewer, and the existing residential character context.

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.

2. The request is **NOT** consistent with the current conditions and the character of structures and uses in each district because:

The property is adjacent to higher-density residential development in the unincorporated community of Brookfield and several residential estate lots.

3. The request is **NOT** consistent with the most desirable use for which the land in each district is adapted because:

The property is located a significant distance from the interstate, in an area lacking adequate roads and utilities, and within a residential area. Use of the property for industrial and trucking related uses would negatively impact surrounding residential properties. A few potential impacts include alteration to the aesthetic character of the area, noise from trucks, truck traffic, and impacts to groundwater and surrounding wells from fluids leaking from trucks in disrepair.

4. The request is **NOT** consistent with the conservation of property values throughout the jurisdiction because:

Development of the property for industrial purposes and the nuisance impacts associated with industrial and trucking related uses would negatively impact surrounding residential property values.

5. The request is **NOT** consistent with responsible growth and development because:

The property is not located within the Shelby County Northwest Economic Development Area (EDA) and the County has not proposed any road or utility improvements in the Pleasant View area outside the EDA. The narrow width of the existing road cannot safely accommodate the amount of truck generated by the proposed development or typical industrial development. Development of the property for industrial purposes and the nuisance impacts associated with industrial and trucking related uses would negatively impact surrounding residential properties.

REZONING FINDINGS OF FACT

Applicant: Jugaad LLC Rezoning

Case #: RZ 23-03

Location: East of and adjoining 9075 N Frontage Rd, Fairland, Moral Township.

1. The request is **NOT** consistent with the Shelby County Comprehensive Plan because:

The rezoning is not consistent with Land Use Goal 1, Strategy 1 identified in the Comprehensive Plan due to the existing residential character context.

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.

The rezoning is not consistent with Natural Resource Goal 2, Strategy 3 identified in the Comprehensive Plan due to proposed development occurring in a designated floodplain, removal of mature trees, and due to possible environmental impacts to the adjacent creek.

Natural Resources Goal 2: Protect and enhance local water-based resources, such as surface water, groundwater, and wetlands.

Strategy 3: Protect and enhance the county's land-based natural resources, such as floodplains, wooded areas, riparian areas and soils.

2. The request is **NOT** consistent with the current conditions and the character of structures and uses in each district because:

The property is adjacent to residential estate lots.

3. The request is **NOT** consistent with the most desirable use for which the land in each district is adapted because:

The property includes significant natural and water-based resources that if persevered, provide a natural based amenity to the community and prevents environmental impacts to wildlife, groundwater, and surface water of the creek associated with development of the site. Additionally, the petitioner did not provide adequate evidence of local demand for the proposed truck parking facility or benefit of the proposed development to the local community.

4. The request is **NOT** consistent with the conservation of property values throughout the jurisdiction because:

Development of the property would impact the aesthetic quality of the I-74 corridor, thereby potentially impacting property values throughout the jurisdiction.

5. The request is **NOT** consistent with responsible growth and development because:

The property is not located within the Shelby County Northwest Economic Development Area (EDA) and the County has not proposed any road or utility improvements in the Pleasant View area outside the EDA. Development of the property would remove, and impact desirable natural and water-based resources. Additionally, the petitioner did not provide adequate evidence of local demand for the proposed truck parking facility or benefit of the proposed development to the local community.

Property Details

Location: Generally, north of CR 1200 S, south of Old SR 252, east of CR 100 W, and west of SR 9, Flat Rock, Washington Township.

Property Size: 243.04-acres.

Current Land Use: Cropland/Single-Family Residential.

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

HI (High Impact)
This district is established for specific uses that can have a particularly high impact on adjacent areas.

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

Future Land Use per Comp Plan

Agriculture

The purpose of this category is to provide for traditional agricultural practices (such as crop production and livestock grazing) and modern agricultural practices (such as agricultural research facilities and CAFOs). Rural home sites may also occur within this category; however, the emphasis should remain on agriculture. New residential subdivisions that remove prime farmland from production should be discouraged. The residential density of this category should be one lot for every five acres.

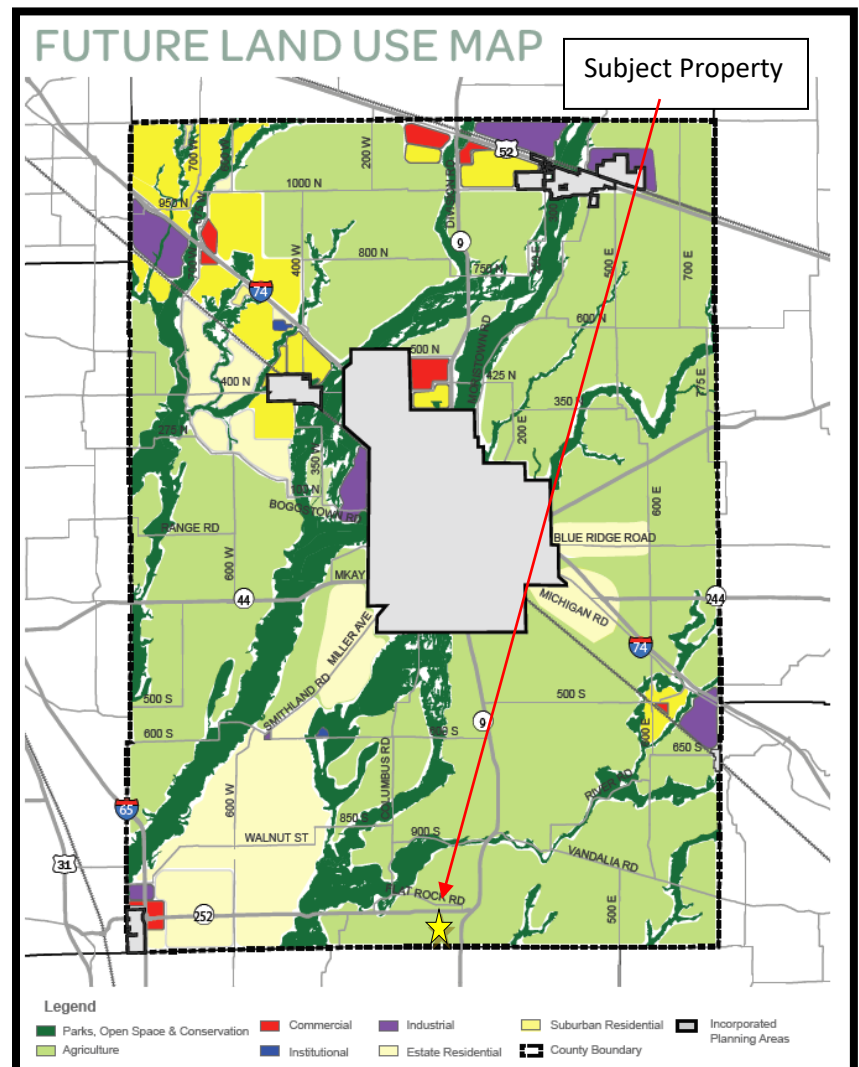
Staff Report

Case Number: RZ 22-19
Case Name: Heritage Aggregates LLC Rezoning - A1 (Conservation Agricultural) & R1 (Single-Family Residential) to HI (High Impact)

Request

Rezoning of 243.04-acres from the A1 (Conservation Agricultural) District and R1 (Single-Family Residential) District to the HI (High Impact) District to allow for expansion of aggregate mining operations.

Future Land Use Map



Property Details

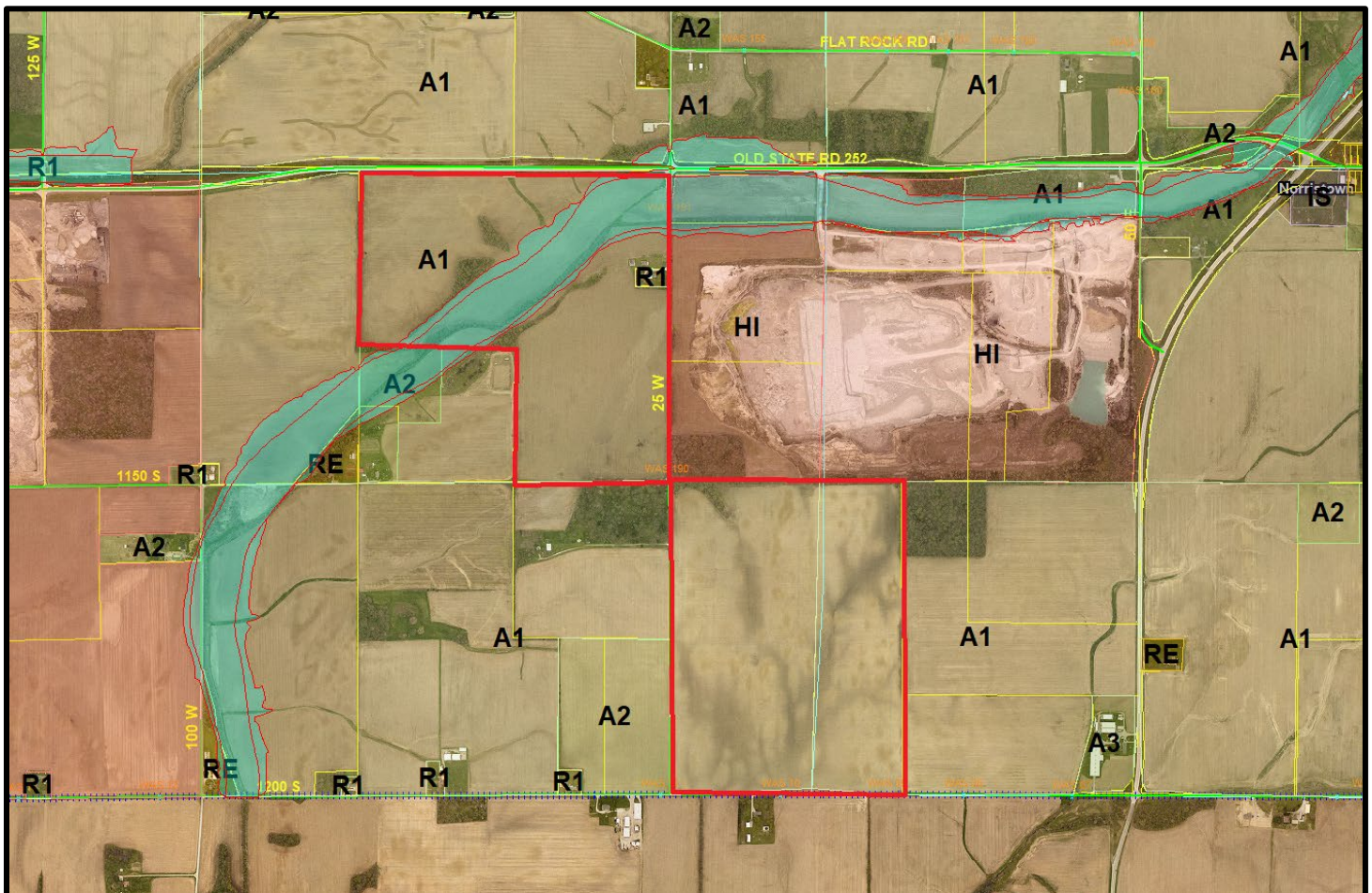
Parks, Open Space, & Conservation

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/Hi	Cropland/ Aggregate Mining
South	A1/A2/AP (Bartholomew County)	Cropland / Woodland / Single-Family Residential
East	A1	Cropland / Woodland
West	A1/A2	Cropland

Property Map



Case Description

- Heritage Aggregates intends to expand its stone quarry currently located near the intersection of SR 9 and Old SR 252 onto the subject property.
- The petitioner has provided a summary of proposed operations, including:
 - Progressive mining of the property starting at the existing stone quarry and expanding gradually south and west over a fifty-year timeframe.
 - Blasting and crushing of aggregate would occur on site, however all processing and sale of product would occur on the adjacent property which includes the existing stone quarry.
 - Temporary safety berms placed between all mining areas and adjacent property.
 - Hours of Operation: Mon – Sat, 5 AM – 8 PM expect during peak season which would be Mon – Sat, dawn to dusk. Exceptions allowed to operate outside of hours of operation.
 - Possible temporary asphalt batch plant located at the northwest corner of the property.
- Historical aerial photography indicates that mining operations began at the northeast corner of the existing quarry around 1950 and have expanded south and west. The existing quarry currently has the HI zoning designation, likely assigned to the property by the County when the County updated the County-wide zoning maps in 2008. The previous agricultural zoning of the property permitted stone quarries as a special use with BZA approval.
- Existing development adjoining the property includes a single-family residence on 40-acres located on CR 25 W and a single-family residence located south of the Bartholomew County line. All other adjoining property is used for agricultural production. Another mining operation currently operating west of the property owns the adjoining property to the west. Approximately ten residential properties are located within a mile of the subject property
- The USDA Soil Survey Classifies approximately 10% of the property as Prime Farmland, approximately 70% of the property as Prime Farmland if Drained, and approximately 10 % of the property as Not Prime Farmland.
- The Unified Development Ordinance (UDO) only permits mining operations in the HI District due to the potentially high impact that the use can have on adjacent areas. A few potential impacts of mining operations include alteration to the aesthetic character of the area, noise from mining operations and trucks, truck traffic, impacts to groundwater if property owner improperly stores or disposes of materials, impacts to air quality, and impacts to wildlife.
- Per the County Assessor, residential properties within the immediate blasting radius of stone quarries have a reduced assessed value. Blasting closer to priorities located on CR 1200 S and CR 100 W would likely reduce the assessed values of these properties, however, would likely not change the assessed value of the property located on CR 25 W already located within a blasting radius. Assessed value does not always reflect market value or perceived value of property.

- Staff and the petitioner have negotiated a set of commitments regarding use and development of the site. Staff and the petitioner have agreed upon most of the commitments. The commitments would prohibit any use of the site not consistent with the proposed quarry expansion. If commitments are approved as part of the rezoning, Shelby County would have the authority to enforce the commitments per the Enforcement and Penalty processes identified in the UDO. In summary, the commitments address the following:
 - Operation and development of the site consistent with the Operations Plan submitted with the rezoning application (commitments 1, 17)
 - Site security and safety (commitments 2, 22)
 - Restoration of the property after completion of mining operations (commitment 3)
 - Compliance with federal, state, and local codes and required permits (commitments 4, 5, 6, 7, 8, 12, 15, 16, 23, 24, 25, 26)
 - Hours of operation (commitment 9)
 - Site lighting (commitment 10)
 - Dust control (commitment 11)
 - Setbacks (commitment 13, 14)
 - Wildlife impacts (commitment 16)
 - Landscape buffers (commitment 18, 20, 21)
 - Stormwater (commitments 24)
 - Environmental impacts (commitment 23, 24, 25)
 - Floodplain (commitment 26)

- Staff and the petitioner have not agreed upon commitments regarding property line setbacks. The UDO does not designate the zoning districts adjoining the property as appropriate adjacent districts to the HI District. Therefore, Staff has recommended increasing required setbacks to further mitigate impacts to surrounding properties in these agricultural and residential zoning districts. The table below outlines the differences between Staff’s Proposed Commitments and Heritage Aggregates Proposed Commitments.

	<i>Proposed by Staff</i>	<i>Requested by Heritage Agg</i>
<i>Setback of aggregate stockpiles from edge of public road</i>	300 feet (double ordinance requirement)	150 feet (ordinance requirement)
<i>Setback of aggregate stockpiles from adjoining property</i>	200 feet (double ordinance requirement)	100 feet (ordinance requirement)
<i>Setback of aggregate stockpiles from residential structures</i>	500 feet	No requirement
<i>Setback of asphalt batch plant from Old SR 252</i>	300 feet (double ordinance requirements)	150 feet (ordinance requirement)
<i>Landscape buffer yards within site distance of residential structures in addition to required landscape buffers</i>	Yes	No

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**

Considerations Contradicting Rezoning:

- The Comprehensive Plan
 - Community Character Goal 2: Protect and promote our rural heritage and agricultural assets.
 - Strategy 1: Promote the county's agricultural heritage, natural resources, and quiet rural lifestyle as unique assets to attract new businesses and residents to Shelby County.
 - Natural Resources Goal 2: Protect and enhance local water-based resources, such as surface water, groundwater, and wetland.
 - Land Use Goal 1: Welcome and promote future development in appropriate areas of the County.
 - Future Land Use Recommendation: Agriculture
 - Strategy 3: Identify and promote development areas for all major land use types identified on the Future Land Use Map.
 - Land Use Goal 2: Ensure future development decisions enhance and don't detract from the County's rural character and agricultural function.
 - Strategy 1: Preserve prime farmland and agricultural road frontage in rural areas of the county.
 - Strategy 2: Conserve agricultural land.
- The UDO does not designate the zoning districts adjoining the property as appropriate adjacent districts to the HI District.
- Per the County Assessor, residential properties within the immediate blasting radius of stone quarries have a reduced assessed value.
- The subject property adjoins two residential properties and approximately ten residential properties are located within a mile of the subject property. A few potential impacts of mining operations to residential properties include

- noise from mining operations and trucks, truck traffic, impacts to groundwater if the property owner improperly stores or disposes of materials, and impacts to air quality.
- The USDA soil surveys classifies approximately 80% of the subject property as Prime Farmland or Prime Farmland if Drained. The mining operation would remove prime farmland from production in an area designated for agricultural use by the Comprehensive Plan.

Considerations Supporting Rezoning:

- The Comprehensive Plan
 - 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 2: Protect and enhance local water-based resources, such as surface water, groundwater, and wetland.
 - Economic Development Goal 2: Encourage diversity in business and industry throughout the County.
- Relatively few residential properties are located within a mile of the site. Any blasting near residential structures not already impacted by mining operations would occur near the end of the life of the mining operation in approximately fifty years.
- Proposed commitments address safety, nuisance, and environmental impacts.
- Proposed commitments regarding setbacks and landscaping would further mitigate impacts to properties in zoning districts not identified as appropriate adjacent zoning districts to the HI District.
- Mining began at the northeast corner of the adjacent existing quarry around 1950 and has expanded south and west. Further expansion of the quarry south and west onto the subject property represents a typical progression of mining operations as aggregate resources are depleted.
- Approximately 350-acres in the immediate area includes mining operations and approximately 600-acres in the immediate area lies within the HI District. Therefore, the rezoning would be consistent with the character of the area.
- The USDA Soil Survey Classifies only 10% of the subject property as Prime Farmland. However, the property includes adequate aggregate resources for expansion of the mining operation.
- The proposed commitments include a Reclamation Plan. The reclaimed site would provide a water-based amenity to the community.

Staff Recommendation

Staff recommends **Staff's Proposed Commitments** as part of any approval of the rezoning to mitigate impacts to adjacent property, mitigate environmental impacts, and to maintain the aesthetic character of the Old SR 252 corridor.

Applicant/Owner Information

Applicant/Owner: Heritage Aggregates LLC – Chad Roots, Director of Land
5400 W 86th St.
Indianapolis, IN 46286

2.37 HI District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The HI (High Impact) District is intended to be used as follows:</p> <p>Use, Type and Intensity</p> <ul style="list-style-type: none"> • All intensities of high impact uses <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, I1, I2, and HI <p>County Commissioners</p> <ul style="list-style-type: none"> • As a condition of rezoning, allow only the use petitioned for and presented <p>Plan Commission</p> <ul style="list-style-type: none"> • Use this zoning district for existing high impact developments and carefully for new high impact development • Be sensitive to environmental protection <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"> • amusement park • casino • race track-horses • race track-automobile • retail (type 6), special handling • shooting range <p>Industrial Permitted Uses</p> <ul style="list-style-type: none"> • biofuels production (e.g. ethanol plant) • electrical generation plant • gravel/sand mining • incinerator • junk yard • rendering plant • scrap metal yard • telecommunication facility • transfer station <p>Institutional Permitted Uses</p> <ul style="list-style-type: none"> • government operation (non-office) • jail • juvenile detention facility 	<p>Industrial Special Exception Uses</p> <ul style="list-style-type: none"> • construction materials landfill • sanitary landfill/refuse dump • storage tanks (hazardous) <p>Institutional Special Exception Uses</p> <ul style="list-style-type: none"> • prison

STATEMENT OF INTENT

PROPOSED OPERATIONS AREA IMPROVEMENT DETAILS FOR US AGGREGATES, INC. OPERATION OF FLAT ROCK QUARRY EXPANSION

US Aggregates, Inc. ("USAgg") seeks to rezone approximately 243.04 acres immediately adjacent to our existing mine operation located at 15 E. State Road 252, Flat Rock, IN 47234 in Washington Township in southeastern Shelby County.

The lands proposed for rezone include Parcel Numbers: 73-15-31-200-001.000-021 (122.04 AC); 73-15-31-200-002.000-021 (1.0 AC); 73-15-31-400-005.000-021 (80.0 AC); and 73-15-32-300-001.000-021 (40.0 AC); collectively, the "Property".

The Property contains a significant quantity of mineral aggregates ("Aggregates") and was acquired by USAgg as part of its long term business plan for its Aggregates operation. Aggregates will be extracted from the Property and sold from our adjoining existing operation at 15 E. State Road 252, Flat Rock, IN 47234.

Prior to the extraction of Aggregates, the mining area will be prepared by removing overburden that is on top of the Aggregates. A minimum front setback of one hundred and fifty feet (150') from the Property to public roadways will be utilized and a minimum side setback of one hundred feet (100') will be utilized to property lines. The overburden will be excavated using construction equipment typical on most construction sites, such as excavators, haul trucks, and dozers. The overburden will likely be stored on the Property and utilized for construction of berms and future reclamation purposes. Once the mining area is prepared, equipment will be utilized to extract the in-situ Aggregate. The Aggregate will be crushed and hauled to the existing, adjoining mine operation for processing and sale.

Blasting and/or explosives will be used as part of the operation and will be within the existing and routine operation as currently utilized and in accordance with the Mine Safety and Health Administration ("MSHA") rules and regulations. Hours of operation will be from 5:00 a.m. to 8:00 p.m., Monday through Saturday, except during peak season, where the operations will operate from dawn until dusk. No operations shall occur on Sundays. Notwithstanding the forgoing to the contrary, mineral extraction operations may be conducted outside these hours only (i) to supply materials for inclusion in a public (municipal, county, state, or federal) project; (ii) to respond to an emergency involving a matter of public interest that requires immediate use of USAgg's materials; or (iii) to meet exceptional demands caused by special projects requiring work outside normal hours. Except in the case of emergencies, USAgg will make a good faith effort to notify the Shelby County Plan Commission in advance of all operations outside the stated hours.

Any lighting used in the project shall be focused downward towards the mining areas. The mining operations will be conducted behind berms which will help mitigate light and noise impact on adjoining properties.

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: Heritage Aggregates, LLC

Case #: _____

Location: 11123, ~11125, 11574 S 25 W. Flat Rock, IN

1. The request **is** consistent with the Shelby County Comprehensive Plan because: The Comprehensive Plan identifies this area as Agricultural. The zoning change request promotes economic development as the use will allow for continued and expanded production of resources (aggregates) for local use, employment, construction and growth.
2. The request **is** consistent with the current conditions and the character of structures and uses in each district because: The zoning change / request is consistent with immediately adjoining property uses (also mining use, also zoned similarly). More than one user is currently utilizing this zoning in the immediate area. Reclamation of the property will be conducive to recreational use.
3. The request **is** consistent with the most desirable use for which the land in each district is adapted because: The use requested promotes employment opportunity, expanded production of needed resources for the local community and a tax base to a higher degree than its present use as agricultural lands.
4. The request **is** consistent with the conservation of property values throughout the jurisdiction because: The zoning change / request will have not impact on property values as there will be no impact to the adjacent agricultural land. Further the anticipated reclamation use of the property to a recreational use will enhance surrounding property in the future.
5. The request **is** consistent with responsible growth and development because: The rural nature of the property makes the zoning approval a responsible location for this type of zoning. Further the zoning and use of the immediate area makes for a logical extension of the requested zoning classification. The use is an expansion of existing adjacent uses.

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?

**COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE
IN CONNECTION WITH A REZONING**

In accordance with I.C. 36-7-4-1015, the owner (“Owner”) of the real estate located in Shelby County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of the parcel of real estate:

Legal Description: See Exhibit A attached hereto and incorporated herein by reference (the “Real Estate”).

Statement of COMMITMENTS:

1. Owner shall operate all mineral extraction activities on the Real Estate consistent with the Operations Plan prepared by US Aggregates, Inc. (“USAgg”) dated as of October 25, 2022, attached hereto as Exhibit B (the “Site Plan”), and the Proposed Operations Area Improvement Details prepared by USAgg, attached hereto as Exhibit C (jointly, with the Site Plan, the “Operation Plans”).
2. Owner shall comply with the Security Plan attached hereto as Exhibit D and incorporated herein by reference at all times mineral extraction activities occur on the Real Estate.
3. Owner shall restore and reclaim the Real Estate upon cessation of mineral extraction activities on the Real Estate in accordance with the Reclamation Plan attached hereto as Exhibit E and incorporated herein by reference (the “Reclamation Plan”). All required perimeter landscaping and mounding shall remain in place until removal is approved by Shelby County Plan Commission (the “Plan Commission”) or such other governmental agency that has zoning jurisdiction over the Real Estate.
4. Owner shall only use explosives on the Real Estate for blasting to remove stone or other material from the Real Estate in accordance with the Mine Safety and Health Administration (“MSHA”) rules and regulations.
5. Prior to conducting mineral extraction activities on the Real Estate, Owner shall (i) obtain all necessary and required permits and approvals from all applicable local, state and federal governmental agencies (collectively, the “Required Permits”), and (ii) submit copies of all Required Permits to the Plan Commission.
6. Specific state and federal permits that shall be obtained include the following:
 - a. A "Rule 5 Storm Water Run-Off Associated with Construction Activity Permit" pursuant to 327 IAC 15-5, which will include an erosion control plan, submission of an NOI letter to the Indiana Department of Environmental Management (“IDEM”) and compliance with all requirements of the general permit rule.
 - b. A Source Specific Operating Agreement (“SSOA”) permit pursuant to 326 IAC 2-9-7 regarding the emission of particulate matter, including dust. The SSOA is administered by IDEM, and requires annual compliance certification.
 - c. A Mine Safety and Health Administration (“MSHA”) mine ID number. Acquisition of the ID number results in not less than one inspection per year by MSHA for compliance with permissible noise exposure limits and noise levels and other safety issues involving employees on site.
7. Owner shall at all times during mineral extraction activities on the Real Estate maintain in good standing, as applicable, all operational permits required by all applicable local, state and federal governmental agencies.
8. The removal of minerals will require dewatering on the Real Estate. Any dewatering shall only be permitted after amendment of all existing permits, as needed, and the acquisition of any additional

permits from IDEM, IDNR or the United States Army Corps of Engineers, as applicable.

9. Hours of operation will be from 5:00 a.m. to 8:00 p.m. Monday through Saturday, except during the construction season, during which hours of operation may commence at dawn and end at dusk. No operations shall occur on Sunday. Notwithstanding the forgoing to the contrary, mineral extraction operations may be conducted outside these hours only (i) to supply materials for inclusion in a public (state, federal or municipal) project; (ii) to respond to an emergency involving a matter of public interest that requires the immediate use of USAgg's materials, such as by way of illustration, flooding or emergency road or structural repair; or (iii) to meet exceptional demands caused by special projects requiring work outside normal hours. Owner shall make a good faith effort to provide the Plan Commission or such other governmental agency that has zoning jurisdiction over the Real Estate with notice of operations outside the stated hours.
10. Illumination levels at the property line of the Real Estate shall not exceed 30 lux, and all lighting shall be designed and installed to minimize spillage of light onto surrounding property
11. Owner shall minimize dust and airborne particulate by water and water products, and shall keep a water truck on site during mineral extraction operations.
12. Owner shall submit detailed site plans to the Indiana Mineral Aggregates Association's Technical Advisory Committee ("TAC") for its approval prior to the commencement of mineral extraction operations on the site.
13. No aggregate stockpile shall be located within 300-feet of the edge of pavement of any public road, within 200-feet of any adjoining property in a lower intensity zoning district, or within 500-feet of any residential structure in the County not otherwise owned by USAgg.
14. Any asphalt batch plant to be operated on site shall be located northwest of the designated flood hazard area and setback at least 200-feet from any property line and setback at least 600-feet from the edge of pavement of Old SR 252.
15. Any deed conveying any portion of the Real Estate shall cross-reference these Commitments.
16. Prior to commencement of mineral extraction operations on the Real Estate, Owner shall review the IDNR's Database to determine if there are any species or habitats in the area that are of interest. If the review identifies threatened and/or endangered species on the Real Estate, the Owner shall comply with guidelines from IDNR on the Real Estate.
17. All mining extraction activities, structural development, outdoor storage areas, and parking, loading, and maneuvering areas (excluding access drives) shall be setback in accordance with Exhibit C. Required Landscaping and mounding may be installed within the setback.
18. Prior to commencement of mineral extraction operations within 400-feet of the edge of pavement of any public road, Owner shall install a landscaping buffer yard within the setback area. The buffer yard shall include:
 - a. Mound: A mound shall be installed roughly parallel to the property lines. Mounding shall be at least 10-feet in height from existing land grade.
 - b. Vegetation: A diverse, effective, and permanent vegetation cover capable of self-regeneration and plant succession.
19. Prior to commencement of mineral extraction operations within 300-feet of any adjoining property in a lower-intensity zoning district, Owner shall install a landscaping buffer yard within the setback area. The buffer yard shall be installed within 800 feet site distance of any residential structure not owned by USAgg and shall include:
 - a. Mound: A mound shall be installed roughly parallel to the property lines along any lot including a residential structure not owned by USAgg. Mounding shall be at least 10-feet

in height from existing land grade.

- b. Vegetation: A diverse, effective, and permanent vegetation cover capable of self-regeneration and plant succession.
20. All other landscape requirements from the Unified Development Ordinance are not applicable.
21. Safety mounds shall be installed progressively around the perimeter of any active mining areas
22. All areas designated for the storage of hazardous materials or objectionable substances shall be constructed in a manner to prevent a release from the storage area.
23. Sediment shall be held in a containment area. The containment area shall comply with the IDEM requirements for clean water discharge.
24. Any area used for the bulk delivery, fueling of vehicles, or transfer of liquids shall be within a containment area. All containment areas shall comply with the hazardous material storage under IDEM and/or MSHA regulations as appropriate.
25. Mining activities and containment areas shall be prohibited in any area designated as a Flood Hazard Area by the Federal Emergency Management Agency (FEMA) or Indiana Department of Natural Resources (IDNR). Applicable Floodplain Development Permits shall be obtained from IDNR and/or Shelby County prior to any other development activities in a designated Flood Hazard Area.

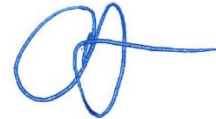
These COMMITMENTS shall be binding on the owner, subsequent owners, and other persons acquiring an interest in the Real Estate. These COMMITMENTS may be modified or terminated by a decision of the Plan Commission made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon the grant of rezoning petition by the Shelby County Commissioners.

These COMMITMENTS may be enforced jointly and severally by the Board of Commissioners of Shelby County or the Shelby County Plan Commission.

The undersigned hereby authorizes the Plan Commission to record this Commitment in the office of the Recorder of Shelby County, Indiana, upon final approval of petition #_____.

**HERITAGE AGGREGATES, LLC
d/b/a US AGGREGATES, INC.**

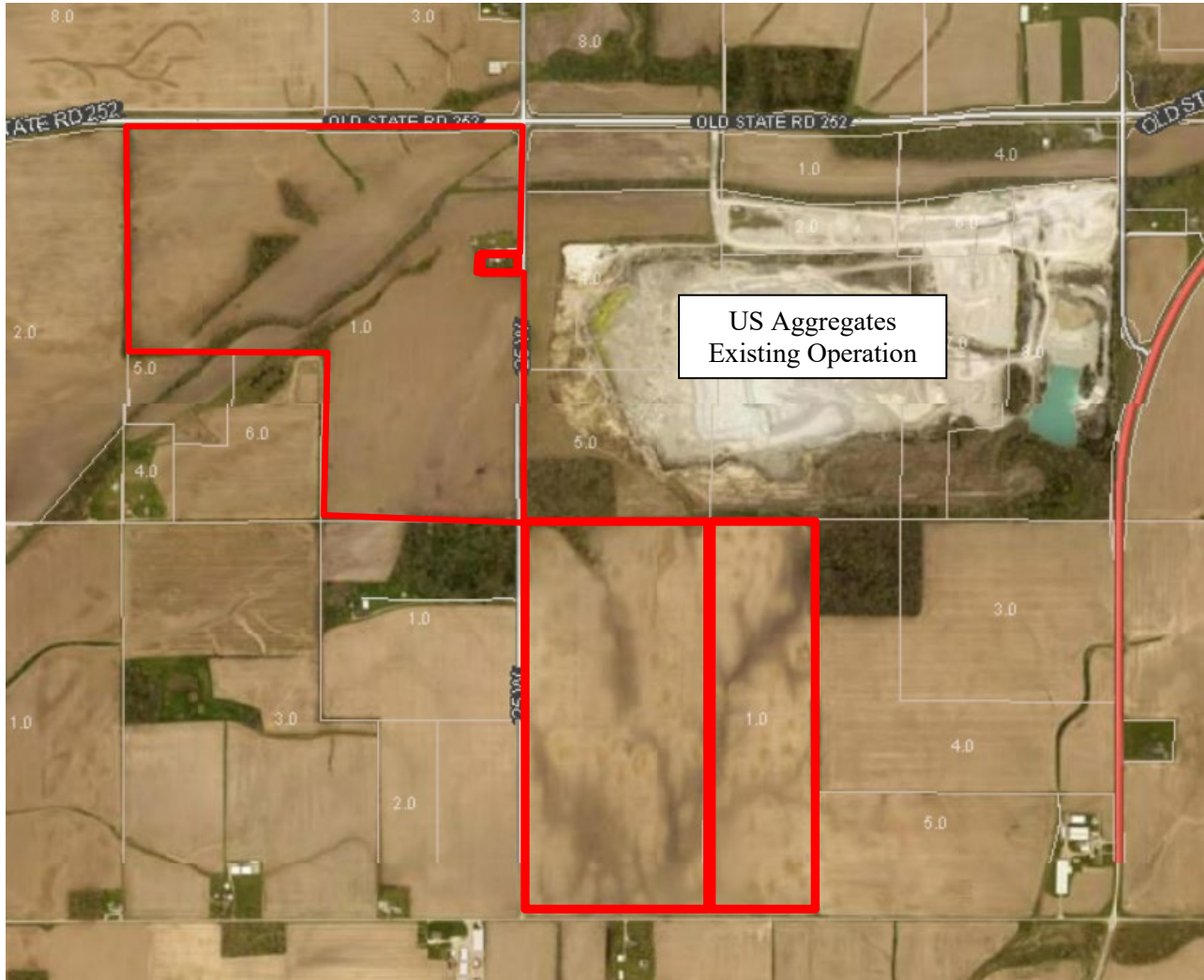


By: _____

Chad Roots, Director of Land

Exhibit A
Legal Description

**LEGAL DESCRIPTION OF US AGGREGATES, INC.
OPERATION OF FLAT ROCK QUARRY EXPANSION**



*Rezoning requests noted in red outline; legal descriptions follow.

TRACT: 73-15-31-200-001.000-021

The West Half of the Northeast Quarter of Section 31 in Township 11 North of Range 7 East, Washington Township, Shelby County, Indiana, containing 80 acres, more or less.

ALSO, a strip of land 93 rods long off of the entire North end of the East Half of the Northwest Quarter of Section 31 in Township 11 North of Range 7 East, containing 46 acres, more or less, and containing in both tracts hereby described 126 acres, more or less.

EXCEPT THEREFROM:

A part of the West Half of the Northeast Quarter of Section 31, Township 11 North, Range 7 East, Shelby County, Indiana, described as follows:

Commencing at a stone that marks the Northeast corner of the above described Half Quarter Section; thence South along the East line thereof 863.0 feet to a railroad spike and the true point of beginning; thence South with said East line 145.0 feet to a railroad spike; thence South 90°00' West 301.6 feet to an iron stake; thence North 00°00' East 145.0 feet to an iron stake; thence North 90°00' East 301.6 feet to the point of beginning, containing 1.00 acre more or less.

ALSO EXCEPT:

A part of the Northeast Quarter and the East Half of the Northwest Quarter of Section 31 and a part of the East Half of the Southeast Quarter of Section 30, all in Township 11 North, Range 7 East, Shelby County, Indiana, being more particularly described as follows:

Beginning at the Northeast corner of said Section 31; thence South 00°08'56" West 15.118 meters (49.60 feet) along the East line of said Section 31; thence South 51°30'39" West 2.929 meters (9.61 feet); thence North 89°49'46" West 5.000 meters (16.40 feet); thence North 51°10'11" West 6.403 meters (21.01 feet); thence North 89°49'46" West 380.000 meters (1,246.72 feet); thence South 8°45'48" West 60.688 meters (199.11 feet) to the East boundary of County Road 25 West; thence North 89°47'47" West 5.029 meters (16.50 feet) to the West line of the East Half of the Northeast Quarter of said Section 31; thence South 0°12'13" West 69.990 meters (229.63 feet) along said West line; thence North 89°47'47" West 5.029 meters (16.50 feet) to the West boundary of said County Road 25 West; thence North 35°24'50" West 6.155 meters (20.19 feet); thence North 0°15'31" East 80.000 meters (262.47 feet); thence North 8°16'20" West 20.224 meters (66.35 feet); thence North 0°15'31" East 15.000 meters (49.21 feet); thence North 55°09'21" West 17.545 meters (57.56 feet); thence North 89°49'46" West 75.000 meters (246.06 feet); thence South 85°24'25" West 60.208 meters (197.53 feet); thence North 89°49'46" West 260.000 meters (853.02 feet); thence North 85°03'57" West 60.208 meters (197.53 feet); thence North 89°49'46" West 336.792 meters (1,104.96 feet) to the West line of the East Half of the Northwest Quarter of said Section 31; thence North 0°03'50" East 9.089 meters (29.82 feet) along said West line to the Northwest corner of the East Half of the Northwest Quarter of said Section 31; thence North 89°43'59" East 411.888 meters (1,351.34 feet) along the North line of said Half-Quarter Section to the Northeast corner of the East Half of the Northwest Quarter of said Section 31; thence South 89°56'07" East 40.5,879 meters (1,331.62 feet) along the North line of the West Half of the Northeast Quarter of said Section 31 to the Northeast corner of the West Half of the Northeast Quarter of said Section 31; thence North 0°12'13" East 50.011 meters (164.08 feet) along the West line of the East Half of the Southeast Quarter of said Section 30; thence South 89°47'47" East 5.029 meters (16.50 feet) to the East boundary of County Road 25 West; thence South 26°52'39" East 3.371 meters (11.06 feet); thence South 11°18'11" East 22.439 meters (73.62 feet); thence South 79°42'17" East 28.443 meters (93.32 feet); thence South 89°49'46" East 320.000 meters (1,049.87 feet); thence North 86°21'23" East 47.466 meters (155.73 feet) to the East line of said Section 30; thence South 0°22'07" West 23.210 meters (76.15 feet) along said East line to the point of beginning and containing 0.8552 hectares (2.113 acres), more or less, in said Section 30, and containing 1.8268 hectares (4.514 acres), more or less, in said Section 31, and containing in all 2.6820 hectares (6.627 acres), more or less. The portion of the above-described real estate which is not already embraced within public rights of way contains 0.8300 hectares (2.051 acres), more or less, in said Section 30, and containing 1.7182 hectares (4.246 acres), more or less, in said Section 31, and containing in all 2.5482 hectares (6.297 acres), more or less.

TRACT: 73-15-31-400-005.000-021
&
TRACT: 73-15-32-300-001.000-021

The East half of the Southeast Quarter of Section 31, Township 11 North, Range 7 East, containing 80 acres, more or less.

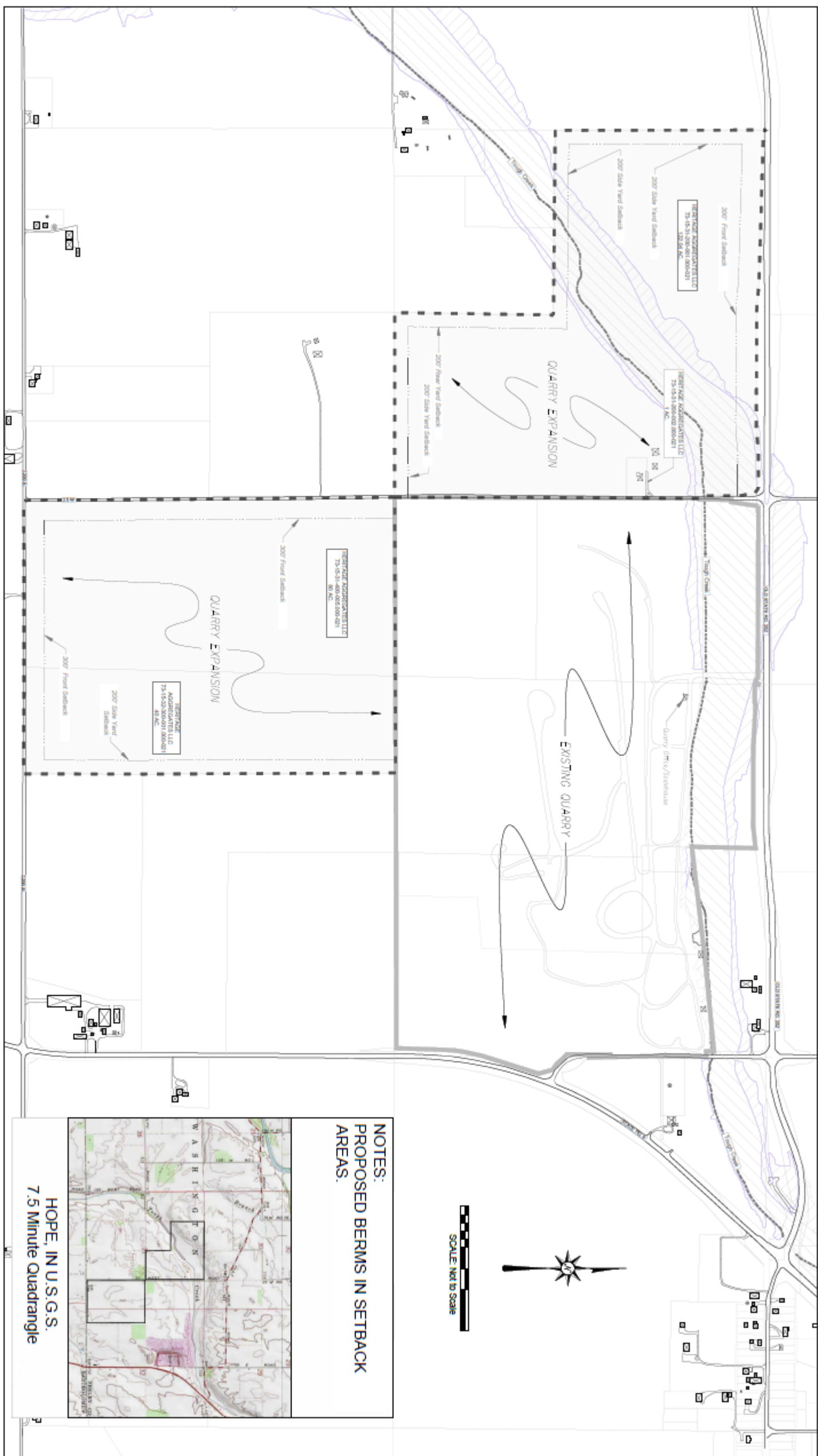
ALSO: The West 1/2 of the West 1/2 of the Southwest Quarter of Section 32, Township 11 North, Range 7 East, containing 40 acres, more or less.

TRACT: 73-15-31-200-002.000-021

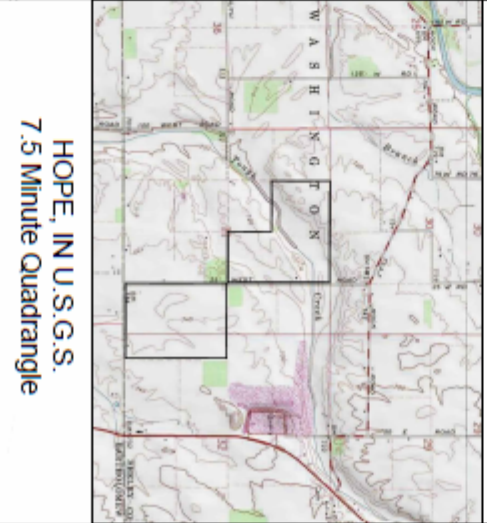
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Commencing at the stone that marks the Northeast corner of the above described half quarter section; thence South along the East line thereof 863.0 feet to a railroad spike and the true point of beginning; thence South with said East line 145.0 feet to a railroad spike; thence South 90 degrees no minutes West 301.6 feet to an iron stake; thence North no degrees no minutes East 145.0 feet to an iron stake; thence North 90 degrees no minutes East 301.6 feet to the Point of Beginning; subject to the right of way of the public highway on the East side of the Tract.

Exhibit B - Site Plan



NOTES:
PROPOSED BERMS IN SETBACK
AREAS.



<p>LEGEND</p> <p>HI ZONED PROPERTY PROPOSED HI ZONED PROPERTY PROPERTY SETBACKS DRAINAGE DITCH/CREEK INDR - FLOOD PLAN INDR - FRINGE FLOOD PLAN</p> <p>IN MAP 2021 PARCELS IN MAP 2021 CENTERLINES DRIVEWAYS ROADWAYS STRUCTURES PROPOSED HI ZONED PROPERTY</p>	
<p>SCALE Not to Scale</p> <p>DATE 12-22-2022</p> <p>DRAWN BY: RDT, modified by CER</p> <p>ACAD FILE Flat Rock 2022_Zoning Change Map.dwg</p>	<p>US AGGREGATES</p> <p>US AGGREGATES, INC 5400 W. 86th St. INDIANAPOLIS, IN 46268</p>
<p>PROJECT TITLE: REZONING MAP</p> <p>FOR US AGGREGATES FLAT ROCK QUARRY WASHINGTON TWP. SHELBY COUNTY, IN</p>	

Exhibit C

PROPOSED OPERATIONS AREA IMPROVEMENT DETAILS FOR US AGGREGATES, INC. OPERATION OF FLAT ROCK QUARRY EXPANSION

US Aggregates, Inc. (“USAgg”) seeks to rezone approximately 243.04 acres immediately adjacent to our existing mine operation located at 15 E. State Road 252, Flat Rock, IN 47234 in Washington Township in southeastern Shelby County.

The lands proposed for rezone include Parcel Numbers: 73-15-31-200-001.000-021 (122.04 AC); 73-15-31-200-002.000-021 (1.0 AC); 73-15-31-400-005.000-021 (80.0 AC); and 73-15-32-300-001.000-021 (40.0 AC); collectively, the “Property”.

The Property contains a significant quantity of mineral aggregates (“Aggregates”) and was acquired by USAgg as part of its long term business plan for its Aggregates operation. Aggregates will be extracted from the Property and sold from our adjoining existing operation at 15 E. State Road 252, Flat Rock, IN 47234.

Prior to the extraction of Aggregates, the mining area will be prepared by removing overburden that is on top of the Aggregates. A minimum front setback of one hundred and three hundred feet (300’) from the Property to public roadways will be utilized and a minimum side setback of two hundred feet (200’) will be utilized to property lines. The overburden will be excavated using construction equipment typical on most construction sites, such as excavators, haul trucks, and dozers. The overburden will likely be stored on the Property and utilized for construction of berms and future reclamation purposes. Once the mining area is prepared, equipment will be utilized to extract the in-situ Aggregate. The Aggregate will be crushed and hauled to the existing, adjoining mine operation for processing and sale.

Blasting and/or explosives will be used as part of the operation and will be within the existing and routine operation as currently utilized and in accordance with the Mine Safety and Health Administration (“MSHA”) rules and regulations. Hours of operation will be from 5:00 a.m. to 8:00 p.m., Monday through Saturday, except during peak season, where the operations will operate from dawn until dusk. No operations shall occur on Sundays. Notwithstanding the forgoing to the contrary, mineral extraction operations may be conducted outside these hours only (i) to supply materials for inclusion in a public (municipal, county, state, or federal) project; (ii) to respond to an emergency involving a matter of public interest that requires immediate use of USAgg’s materials; or (iii) to meet exceptional demands caused by special projects requiring work outside normal hours. Except in the case of emergencies, USAgg will make a good faith effort to notify the Shelby County Plan Commission in advance of all operations outside the stated hours.

Any lighting used in the project shall be focused downward towards the mining areas. The mining operations will be conducted behind berms which will help mitigate light and noise impact on adjoining properties.

Exhibit D

Security Plan

SECURITY PLAN FOR US AGGREGATES, INC. OPERATION OF FLAT ROCK QUARRY EXPANSION

1. Safety mounds shall be installed progressively around the perimeter of any active mining areas.
2. Entrances to the Real Estate will be gated and locked to prevent the passage of vehicular traffic at all times, except during operating hours when employees of the operator of the operation are present.
3. "No Trespassing" signs will be prominently posted along all boundaries of the Real Estate.
4. All equipment used on the Real Estate will have keys removed while not in use and keys secured during those times outside of operational hours.
5. Owner shall arrange for regular patrols of the site if requested by any governmental agency.

Exhibit E

Reclamation Plan

RECLAMATION PLAN FOR US AGGREGATES, INC. OPERATION OF FLAT ROCK QUARRY EXPANSION

This Reclamation Plan (the "Plan") provides the guidelines for the reclamation and beautification of the Real Estate upon the conclusion of mining operations. To the extent possible, time frames for implementation of the guidelines are included. The guidelines, however, may be implemented during mining if feasible.

These guidelines are based on the Guiding Principles (the "Principles") of the Environmental Stewardship Council (the "ESC") of the Indiana Mineral Aggregates Association, published on June 1, 2000. The Principles were drafted after ESC contacted several consulting firms and two universities. The Principles were drafted over a period of six months, after which they were adopted through a series of hearings and meeting over approximately a one year period.

1. Reclamation Principles. The following reclamation principles and guidelines will be adhered to with respect to the reclamation and restoration of the Real Estate upon the conclusion of mining operations.
 - 1.1. Stabilization of Soil and Loose Rock.
 - 1.2. Slope Materials. Sufficient volumes of overburden will be maintained on the Real Estate to ensure the reclamation plan can be completed. All overburden placed on the real estate will be placed graded and stabilized to minimize soil erosion, surface disturbance, and stream or river contamination. Sufficient water-retarding siltation control structures and diversion ditches will be utilized, if necessary, to control runoff.
 - 1.3. Grading Slopes. Upon completion of reclamation, no vertical or near vertical high walls will remain in unconsolidated deposits. Any ridges, peaks or slopes created by excavation, overburden removal or replacement will be graded to a slope that provides for stability, prevents erosion, and supports vegetation. The grading of any slopes will be compatible with the surrounding topography.
 - 1.4. Depending on the mineral produced and the topography and the geology of the site, it may be necessary to retain bedrock highwalls as permanent features at the completion of mining and reclamation. Final mined faces will be designed and configured to minimize the possibility of rock falls and slope failure.
 - 1.5. Post Mining Vegetation.
 - 1.5.1. A vegetative cover will be established on all portions of the affected Real Estate that is not covered by water or existing vegetation. The re-vegetation will provide a diverse, effective and permanent vegetation cover capable of self-regeneration and plant succession.

- 1.5.2. Ground Cover. Soil stabilizers and or mulch will be applied, as necessary, to promote seed germination and prevent washing away of seeds. Soil materials will be prepared utilizing appropriate standard agricultural methods. Seedbed preparation will be accomplished along the contour of all slopes and the soil material loosened to a depth sufficient to promote proper seed germination.
 - 1.5.3. Vegetative Material. Quick germinating, rapid-growing vegetative species capable of stabilizing the surface soil and preventing erosion will be sown. Vegetative materials will consist of grasses, legumes, herbaceous or woody plants, shrubs and trees. Specific material will be chosen based on soil test results, post-mining land use, long-term erosion control, growth rates, ability to provide permanent vegetative cover, self-regeneration and plant succession capabilities, potential soil rebuilding abilities, and potential benefits to wildlife.
2. Site Specific Guidelines. The following guidelines are specific to the Real Estate. The Reclamation Principles contained above shall be utilized when complying with the site specific guidelines.
 - 2.1 Use of Reclaimed Property. Since the anticipated time horizon for cessation of mining operations is greater than fifty years, specific uses for the reclaimed area have not yet been identified. The goal with respect to the reclamation of the areas is to make such areas suitable for potential recreational use and/or development that may be consistent with the surrounding area and the local Comprehensive Plan.
 - 2.2 A final Site Specific Reclamation Plan will be submitted to the County for approval prior to the reclamation of the site.

**COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE
IN CONNECTION WITH A REZONING**

In accordance with I.C. 36-7-4-1015, the owner (“Owner”) of the real estate located in Shelby County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of the parcel of real estate:

Legal Description: See Exhibit A attached hereto and incorporated herein by reference (the “Real Estate”).

Statement of COMMITMENTS:

1. Owner shall operate all mineral extraction activities on the Real Estate consistent with the Operations Plan prepared by US Aggregates, Inc. (“USAgg”) dated as of October 25, 2022, attached hereto as Exhibit B (the “Site Plan”), and the Proposed Operations Area Improvement Details prepared by USAgg, attached hereto as Exhibit C (jointly, with the Site Plan, the “Operation Plans”).
2. Owner shall comply with the Security Plan attached hereto as Exhibit D and incorporated herein by reference at all times mineral extraction activities occur on the Real Estate.
3. Owner shall restore and reclaim the Real Estate upon cessation of mineral extraction activities on the Real Estate in accordance with the Reclamation Plan attached hereto as Exhibit E and incorporated herein by reference (the “Reclamation Plan”). All required perimeter landscaping and mounding shall remain in place until removal is approved by Shelby County Plan Commission (the “Plan Commission”) or such other governmental agency that has zoning jurisdiction over the Real Estate.
4. Owner shall only use explosives on the Real Estate for blasting to remove stone or other material from the Real Estate in accordance with the Mine Safety and Health Administration (“MSHA”) rules and regulations.
5. Prior to conducting mineral extraction activities on the Real Estate, Owner shall (i) obtain all necessary and required permits and approvals from all applicable local, state and federal governmental agencies (collectively, the “Required Permits”), and (ii) submit copies of all Required Permits to the Plan Commission.
6. Specific state and federal permits that shall be obtained include the following:
 - a. A "Rule 5 Storm Water Run-Off Associated with Construction Activity Permit" pursuant to 327 IAC 15-5, which will include an erosion control plan, submission of an NOI letter to the Indiana Department of Environmental Management (“IDEM”) and compliance with all requirements of the general permit rule.
 - b. A Source Specific Operating Agreement (“SSOA”) permit pursuant to 326 IAC 2-9-7 regarding the emission of particulate matter, including dust. The SSOA is administered by IDEM, and requires annual compliance certification.
 - c. A Mine Safety and Health Administration (“MSHA”) mine ID number. Acquisition of the ID number results in not less than one inspection per year by MSHA for compliance with permissible noise exposure limits and noise levels and other safety issues involving employees on site.
7. Owner shall at all times during mineral extraction activities on the Real Estate maintain in good standing, as applicable, all operational permits required by all applicable local, state and federal governmental agencies.
8. The removal of minerals will require dewatering on the Real Estate. Any dewatering shall only be permitted after amendment of all existing permits, as needed, and the acquisition of any additional

permits from IDEM, IDNR or the United States Army Corps of Engineers, as applicable.

9. Hours of operation will be from 5:00 a.m. to 8:00 p.m. Monday through Saturday, except during the construction season, during which hours of operation may commence at dawn and end at dusk. No operations shall occur on Sunday. Notwithstanding the forgoing to the contrary, mineral extraction operations may be conducted outside these hours only (i) to supply materials for inclusion in a public (state, federal or municipal) project; (ii) to respond to an emergency involving a matter of public interest that requires the immediate use of USAgg's materials, such as by way of illustration, flooding or emergency road or structural repair; or (iii) to meet exceptional demands caused by special projects requiring work outside normal hours. Owner shall make a good faith effort to provide the Plan Commission or such other governmental agency that has zoning jurisdiction over the Real Estate with notice of operations outside the stated hours.
10. Illumination levels at the property line of the Real Estate shall not exceed 30 lux, and all lighting shall be designed and installed to minimize spillage of light onto surrounding property
11. Owner shall minimize dust and airborne particulate by water and water products, and shall keep a water truck on site during mineral extraction operations.
12. Owner shall submit detailed site plans to the Indiana Mineral Aggregates Association's Technical Advisory Committee ("TAC") for its approval prior to the commencement of mineral extraction operations on the site.
13. No aggregate stockpile shall be located within 150-feet of the edge of pavement of any public road, within 100-feet of any adjoining property in a lower intensity zoning district.
14. Any asphalt batch plant to be operated on site shall be located northwest of the designated flood hazard area and setback at least 200-feet from any property line and setback at least 300-feet from the edge of pavement of Old SR 252.
15. Any deed conveying any portion of the Real Estate shall cross-reference these Commitments.
16. Prior to commencement of mineral extraction operations on the Real Estate, Owner shall review the IDNR's Database to determine if there are any species or habitats in the area that are of interest. If the review identifies threatened and/or endangered species on the Real Estate, the Owner shall comply with guidelines from IDNR on the Real Estate.
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26. All of the commitments contained herein are subject to compliance with State and Federal law, and as such shall considered to be expanded or modified automatically such that Owner's obligations hereunder shall conform with State and Federal laws and regulations as they may be modified, increased or decreased, from time to time. No commitment contained herein shall be enforceable if compliance with or enforcement of the commitment would constitute a violation of State or Federal laws or regulations.

These COMMITMENTS shall be binding on the owner, subsequent owners, and other persons acquiring an interest in the Real Estate. These COMMITMENTS may be modified or terminated by a decision of the Plan Commission made at a public hearing after proper notice has been given.

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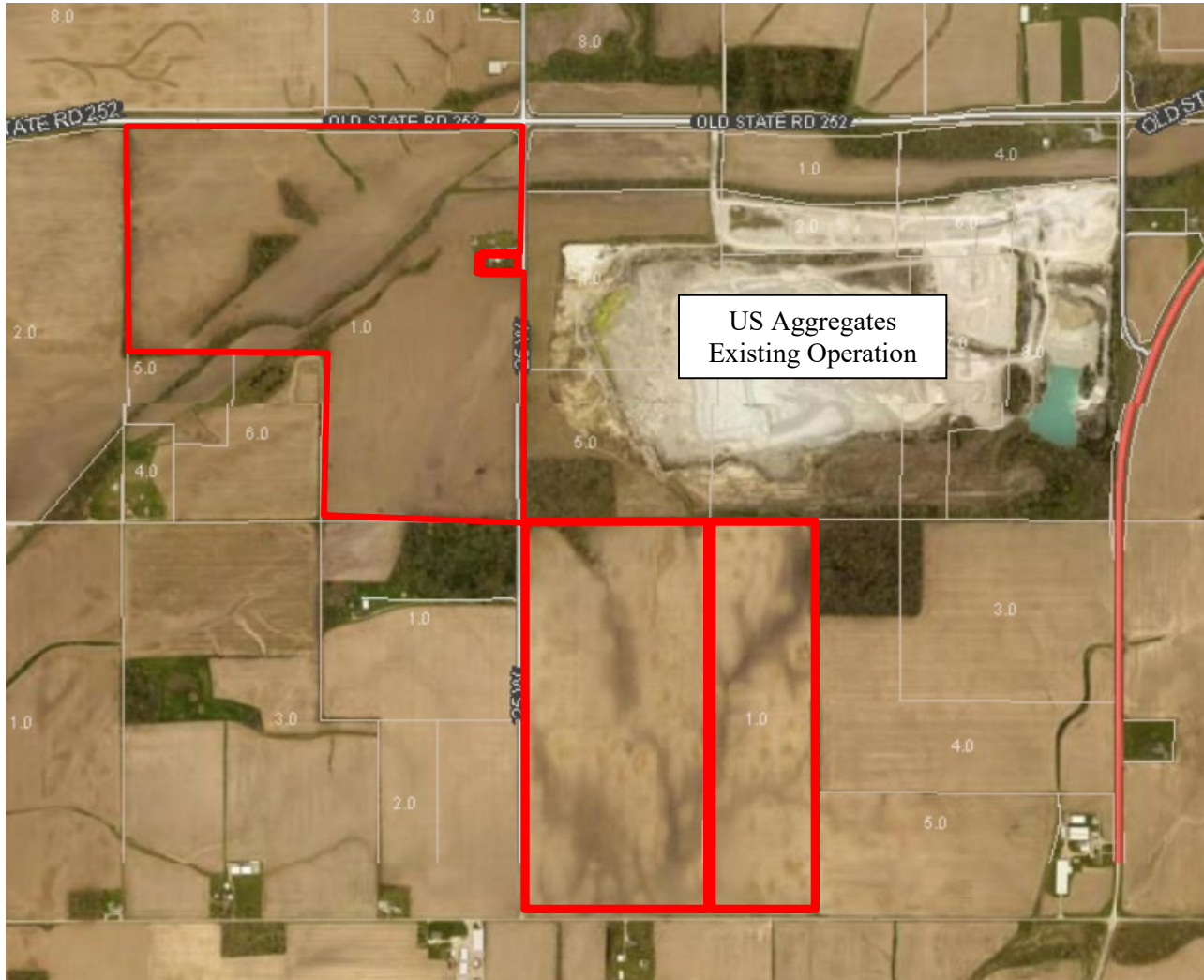
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**HERITAGE AGGREGATES, LLC
d/b/a US AGGREGATES, INC.**

By: _____

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ALSO EXCEPT:

A part of the Northeast Quarter and the East Half of the Northwest Quarter of Section 31 and a part of the East Half of the Southeast Quarter of Section 30, all in Township 11 North, Range 7 East, Shelby County, Indiana, being more particularly described as follows:

Beginning at the Northeast corner of said Section 31; thence South 00°08'56" West 15.118 meters (49.60 feet) along the East line of said Section 31; thence South 51°30'39" West 2.929 meters (9.61 feet); thence North 89°49'46" West 5.000 meters (16.40 feet); thence North 51°10'11" West 6.403 meters (21.01 feet); thence North 89°49'46" West 380.000 meters (1,246.72 feet); thence South 8°45'48" West 60.688 meters (199.11 feet) to the East boundary of County Road 25 West; thence North 89°47'47" West 5.029 meters (16.50 feet) to the West line of the East Half of the Northeast Quarter of said Section 31; thence South 0°12'13" West 69.990 meters (229.63 feet) along said West line; thence North 89°47'47" West 5.029 meters (16.50 feet) to the West boundary of said County Road 25 West; thence North 35°24'50" West 6.155 meters (20.19 feet); thence North 0°15'31" East 80.000 meters (262.47 feet); thence North 8°16'20" West 20.224 meters (66.35 feet); thence North 0°15'31" East 15.000 meters (49.21 feet); thence North 55°09'21" West 17.545 meters (57.56 feet); thence North 89°49'46" West 75.000 meters (246.06 feet); thence South 85°24'25" West 60.208 meters (197.53 feet); thence North 89°49'46" West 260.000 meters (853.02 feet); thence North 85°03'57" West 60.208 meters (197.53 feet); thence North 89°49'46" West 336.792 meters (1,104.96 feet) to the West line of the East Half of the Northwest Quarter of said Section 31; thence North 0°03'50" East 9.089 meters (29.82 feet) along said West line to the Northwest corner of the East Half of the Northwest Quarter of said Section 31; thence North 89°43'59" East 411.888 meters (1,351.34 feet) along the North line of said Half-Quarter Section to the Northeast corner of the East Half of the Northwest Quarter of said Section 31; thence South 89°56'07" East 40.5,879 meters (1,331.62 feet) along the North line of the West Half of the Northeast Quarter of said Section 31 to the Northeast corner of the West Half of the Northeast Quarter of said Section 31; thence North 0°12'13" East 50.011 meters (164.08 feet) along the West line of the East Half of the Southeast Quarter of said Section 30; thence South 89°47'47" East 5.029 meters (16.50 feet) to the East boundary of County Road 25 West; thence South 26°52'39" East 3.371 meters (11.06 feet); thence South 11°18'11" East 22.439 meters (73.62 feet); thence South 79°42'17" East 28.443 meters (93.32 feet); thence South 89°49'46" East 320.000 meters (1,049.87 feet); thence North 86°21'23" East 47.466 meters (155.73 feet) to the East line of said Section 30; thence South 0°22'07" West 23.210 meters (76.15 feet) along said East line to the point of beginning and containing 0.8552 hectares (2.113 acres), more or less, in said Section 30, and containing 1.8268 hectares (4.514 acres), more or less, in said Section 31, and containing in all 2.6820 hectares (6.627 acres), more or less. The portion of the above-described real estate which is not already embraced within public rights of way contains 0.8300 hectares (2.051 acres), more or less, in said Section 30, and containing 1.7182 hectares (4.246 acres), more or less, in said Section 31, and containing in all 2.5482 hectares (6.297 acres), more or less.

TRACT: 73-15-31-400-005.000-021
&
TRACT: 73-15-32-300-001.000-021

The East half of the Southeast Quarter of Section 31, Township 11 North, Range 7 East, containing 80 acres, more or less.

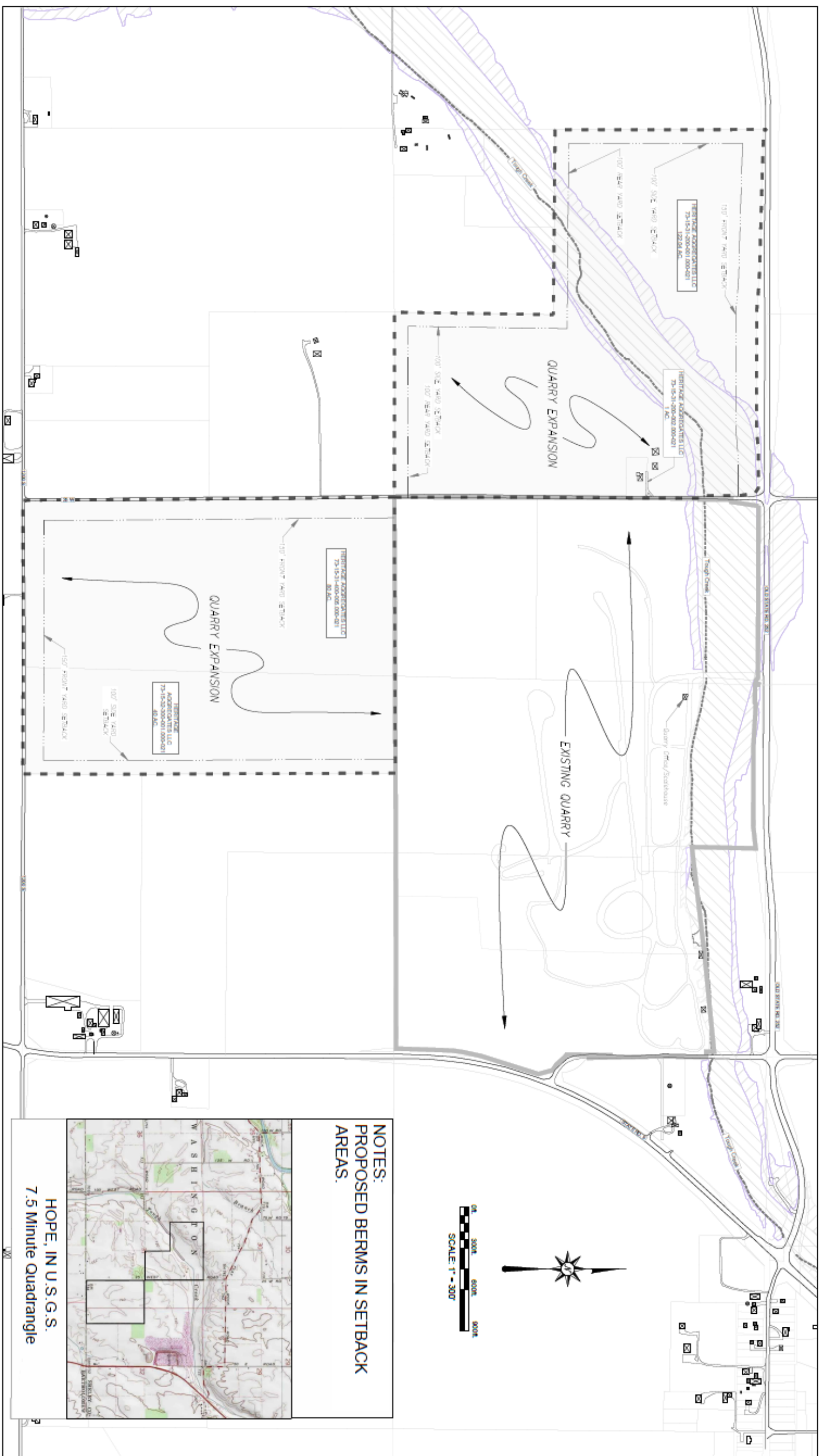
ALSO: The West 1/2 of the West 1/2 of the Southwest Quarter of Section 32, Township 11 North, Range 7 East, containing 40 acres, more or less.

TRACT: 73-15-31-200-002.000-021

A part of the West half of the Northeast quarter of Section 31, Township 11 North, Range 7 East, Shelby County, Indiana; described as follows:

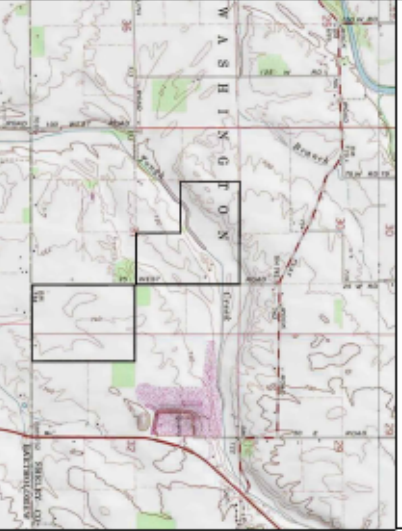
Commencing at the stone that marks the Northeast corner of the above described half quarter section; thence South along the East line thereof 863.0 feet to a railroad spike and the true point of beginning; thence South with said East line 145.0 feet to a railroad spike; thence South 90 degrees no minutes West 301.6 feet to an iron stake; thence North no degrees no minutes East 145.0 feet to an iron stake; thence North 90 degrees no minutes East 301.6 feet to the Point of Beginning; subject to the right of way of the public highway on the East side of the Tract.

Exhibit B - Site Plan



NOTES:
PROPOSED BERMS IN SETBACK
AREAS.

HOPE, IN U.S.G.S.
7.5 Minute Quadrangle



<p>LEGEND</p> <p>HI ZONED PROPERTY PROPOSED HI ZONED PROPERTY PROPERTY SETBACKS DRAINAGE DITCH/CREEK INDR - FLOOD PLAIN INDR - FRINGE FLOOD PLAIN</p>		<p>IN MAP 2021 PARCELS IN MAP 2021 CENTERLINES DRIVEWAYS ROADWAYS STRUCTURES PROPOSED HI ZONED PROPERTY</p>	
<p>SCALE: 1" = 300'</p> <p>DATE: 10-14-2022</p> <p>DRAWN BY: RDT</p> <p>ACAD FILE: Flat Rock 2022_Zoning Change Map.dwg</p>		<p>US AGGREGATES</p> <p>US AGGREGATES, INC 5400 W. 86th St. INDIANAPOLIS, IN 46268</p>	
<p>PROJECT TITLE: REZONING MAP</p> <p>FOR US AGGREGATES FLAT ROCK QUARRY WASHINGTON TWP. SHELBY COUNTY, IN</p>			

Exhibit C

PROPOSED OPERATIONS AREA IMPROVEMENT DETAILS FOR US AGGREGATES, INC. OPERATION OF FLAT ROCK QUARRY EXPANSION

US Aggregates, Inc. (“USAgg”) seeks to rezone approximately 243.04 acres immediately adjacent to our existing mine operation located at 15 E. State Road 252, Flat Rock, IN 47234 in Washington Township in southeastern Shelby County.

The lands proposed for rezone include Parcel Numbers: 73-15-31-200-001.000-021 (122.04 AC); 73-15-31-200-002.000-021 (1.0 AC); 73-15-31-400-005.000-021 (80.0 AC); and 73-15-32-300-001.000-021 (40.0 AC); collectively, the “Property”.

The Property contains a significant quantity of mineral aggregates (“Aggregates”) and was acquired by USAgg as part of its long term business plan for its Aggregates operation. Aggregates will be extracted from the Property and sold from our adjoining existing operation at 15 E. State Road 252, Flat Rock, IN 47234.

Prior to the extraction of Aggregates, the mining area will be prepared by removing overburden that is on top of the Aggregates. A minimum front setback of one hundred fifty feet (150’) from the Property to public roadways will be utilized and a minimum side setback of one hundred feet (100’) will be utilized to property lines. The overburden will be excavated using construction equipment typical on most construction sites, such as excavators, haul trucks, and dozers. The overburden will likely be stored on the Property and utilized for construction of berms and future reclamation purposes. Once the mining area is prepared, equipment will be utilized to extract the in-situ Aggregate. The Aggregate will be crushed and hauled to the existing, adjoining mine operation for processing and sale.

Blasting and/or explosives will be used as part of the operation and will be within the existing and routine operation as currently utilized and in accordance with the Mine Safety and Health Administration (“MSHA”) rules and regulations. Hours of operation will be from 5:00 a.m. to 8:00 p.m., Monday through Saturday, except during peak season, where the operations will operate from dawn until dusk. No operations shall occur on Sundays. Notwithstanding the forgoing to the contrary, mineral extraction operations may be conducted outside these hours only (i) to supply materials for inclusion in a public (municipal, county, state, or federal) project; (ii) to respond to an emergency involving a matter of public interest that requires immediate use of USAgg’s materials; or (iii) to meet exceptional demands caused by special projects requiring work outside normal hours. Except in the case of emergencies, USAgg will make a good faith effort to notify the Shelby County Plan Commission in advance of all operations outside the stated hours.

Any lighting used in the project shall be focused downward towards the mining areas. The mining operations will be conducted behind berms which will help mitigate light and noise impact on adjoining properties.

Exhibit D

Security Plan

SECURITY PLAN FOR US AGGREGATES, INC. OPERATION OF FLAT ROCK QUARRY EXPANSION

1. Safety mounds shall be installed progressively around the perimeter of any active mining areas.
2. Entrances to the Real Estate will be gated and locked to prevent the passage of vehicular traffic at all times, except during operating hours when employees of the operator of the operation are present.
3. “No Trespassing” signs will be prominently posted along all boundaries of the Real Estate.
4. All equipment used on the Real Estate will have keys removed while not in use and keys secured during those times outside of operational hours.
5. Owner shall arrange for regular patrols of the site if requested by any governmental agency.

Exhibit E

Reclamation Plan

RECLAMATION PLAN FOR US AGGREGATES, INC. OPERATION OF FLAT ROCK QUARRY EXPANSION

This Reclamation Plan (the "Plan") provides the guidelines for the reclamation and beautification of the Real Estate upon the conclusion of mining operations. To the extent possible, time frames for implementation of the guidelines are included. The guidelines, however, may be implemented during mining if feasible.

These guidelines are based on the Guiding Principles (the "Principles") of the Environmental Stewardship Council (the "ESC") of the Indiana Mineral Aggregates Association, published on June 1, 2000. The Principles were drafted after ESC contacted several consulting firms and two universities. The Principles were drafted over a period of six months, after which they were adopted through a series of hearings and meeting over approximately a one year period.

1. Reclamation Principles. The following reclamation principles and guidelines will be adhered to with respect to the reclamation and restoration of the Real Estate upon the conclusion of mining operations.
 - 1.1. Stabilization of Soil and Loose Rock.
 - 1.2. Slope Materials. Sufficient volumes of overburden will be maintained on the Real Estate to ensure the reclamation plan can be completed. All overburden placed on the real estate will be placed graded and stabilized to minimize soil erosion, surface disturbance, and stream or river contamination. Sufficient water-retarding siltation control structures and diversion ditches will be utilized, if necessary, to control runoff.
 - 1.3. Grading Slopes. Upon completion of reclamation, no vertical or near vertical high walls will remain in unconsolidated deposits. Any ridges, peaks or slopes created by excavation, overburden removal or replacement will be graded to a slope that provides for stability, prevents erosion, and supports vegetation. The grading of any slopes will be compatible with the surrounding topography.
 - 1.4. Depending on the mineral produced and the topography and the geology of the site, it may be necessary to retain bedrock highwalls as permanent features at the completion of mining and reclamation. Final mined faces will be designed and configured to minimize the possibility of rock falls and slope failure.
 - 1.5. Post Mining Vegetation.
 - 1.5.1. A vegetative cover will be established on all portions of the affected Real Estate that is not covered by water or existing vegetation. The re-vegetation will provide a diverse, effective and permanent vegetation cover capable of self-regeneration and plant succession.

- 1.5.2. Ground Cover. Soil stabilizers and or mulch will be applied, as necessary, to promote seed germination and prevent washing away of seeds. Soil materials will be prepared utilizing appropriate standard agricultural methods. Seedbed preparation will be accomplished along the contour of all slopes and the soil material loosened to a depth sufficient to promote proper seed germination.
 - 1.5.3. Vegetative Material. Quick germinating, rapid-growing vegetative species capable of stabilizing the surface soil and preventing erosion will be sown. Vegetative materials will consist of grasses, legumes, herbaceous or woody plants, shrubs and trees. Specific material will be chosen based on soil test results, post-mining land use, long-term erosion control, growth rates, ability to provide permanent vegetative cover, self-regeneration and plant succession capabilities, potential soil rebuilding abilities, and potential benefits to wildlife.
2. Site Specific Guidelines. The following guidelines are specific to the Real Estate. The Reclamation Principles contained above shall be utilized when complying with the site specific guidelines.
 - 2.1 Use of Reclaimed Property. Since the anticipated time horizon for cessation of mining operations is greater than fifty years, specific uses for the reclaimed area have not yet been identified. The goal with respect to the reclamation of the areas is to make such areas suitable for potential recreational use and/or development that may be consistent with the surrounding area and the local Comprehensive Plan.
 - 2.2 A final Site Specific Reclamation Plan will be submitted to the County for approval prior to the reclamation of the site.

Property Details

Location: 15 Hale Rd, 17 Hale Rd, & 1016 W Hendricks St, Shelbyville, Addison Township.

Property Size: 0.74-acres.

Current Land Use: Vacant / Commercial.

Current Zoning Classification

M1 (Multiple-Family Residential)
This district is established for small-scale, two and three-family housing units.

Plan Commission: Use this zoning district for existing developments and carefully for new multiple-family residential development.

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 multiple-family residential development.

Future Land Use per Comp Plan

Incorporated Planning Area – Single-Family Residential

Single-family residential can indicate a few varieties of densities including high, medium and low densities.

Staff Report

Case Number: VAC 23-01 / SD 23-01
Case Name: Vacation of Lots 41, 42, 43, 44, 45, & 46 in Mapleton Subdivision & Archer Simple Subdivision

Request

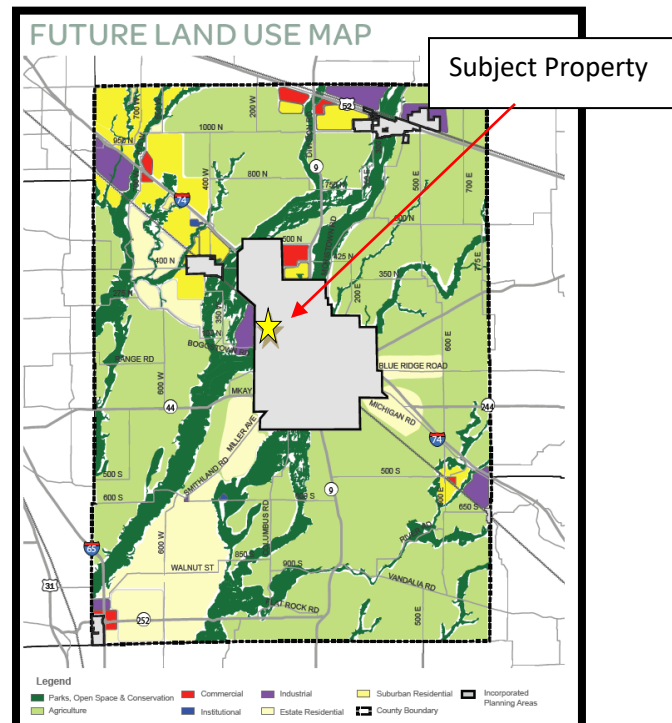
Vacation of Lots 41, 42, 43, 44, 45, & 46 in Mapleton Subdivision to allow for replat of the lots into the Archer Simple Subdivision.

Simple Subdivision of 0.74-acres into two 0.171-acre two-family residential lots and one 0.398-acre commercial lot.

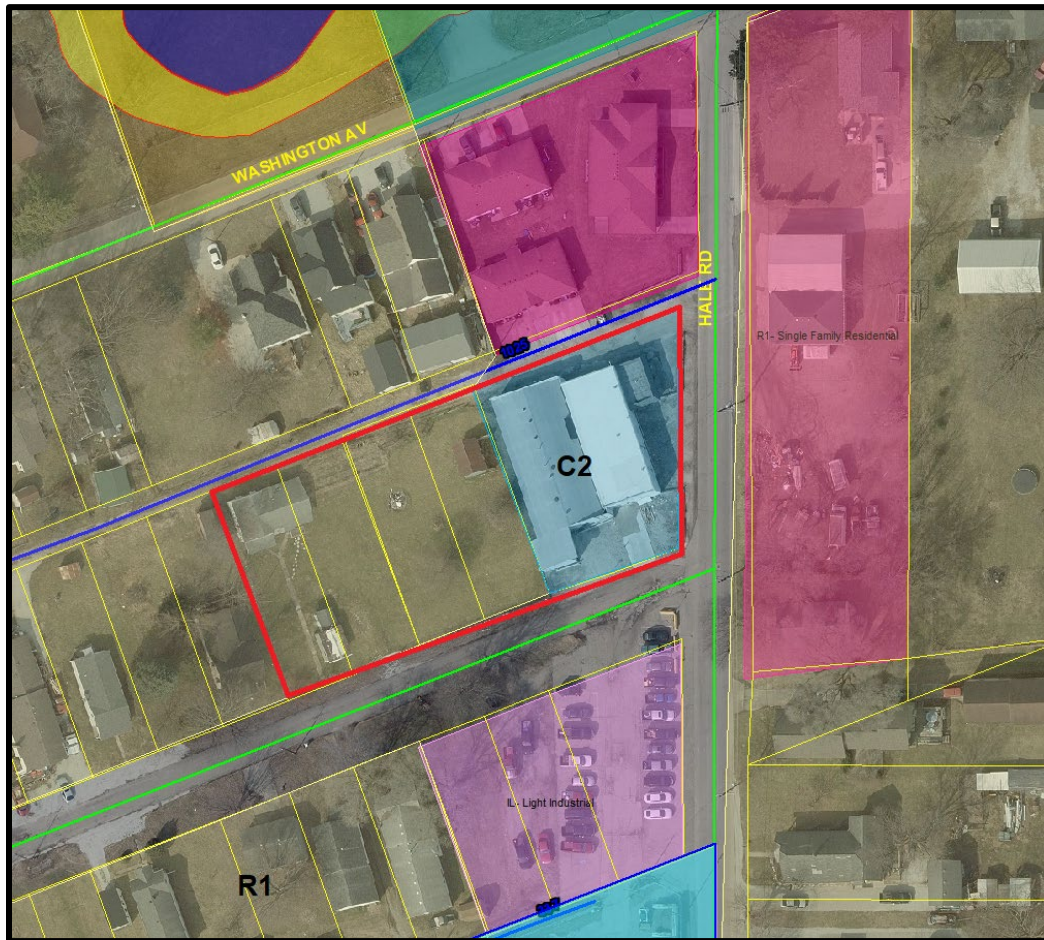
Waivers to allow:

1. Simple Subdivision of a parent tract under 6-acres
2. Simple Subdivision of property zoned C1 and M1
3. Lot area of 7448.76 sq. ft. for two lots in the M1 District (minimum lot area of 14,500 sq. ft. required)
4. Lot width of 61.5' for two lots in the M1 District (minimum lot width of 80-feet required)
5. Lot area of 17,336.88 sq. ft. for a lot in the C2 District (minimum lot area of 20,000 sq. ft. required)

Future Land Use Map



Property Map



Case Description

- On January 24, 2023 the Plan Commission approved a rezoning of the western portion of the property from R1 (Single-Family Residential) to M1 and C2 to allow for the development of two duplexes and for the expansion of an existing commercial building.
- The property currently consists of six lots in the Mapleton Subdivision, originally platted in 1911. For the petitioner to rearrange the lots lines to create three lots (one for the commercial building and one for each of the duplexes), the UDO requires that the Plan Commission first approve a vacation of the six lots in the Mapleton Subdivision. A vacation legally removes property from a subdivision and voids any easements, covenants, or restrictions attached to the property by the subdivision. The Mapleton Subdivision does not include any easements, covenants, or restrictions.
- Subsequent to approval of the vacation, the Plan Commission may approve a new Simple Subdivision of the property to create the three lots.

- The proposed Simple Subdivision creates a 0.398-acre lot for the commercial building and two, 0.171-acre lots for each of the proposed duplexes.
- The petitioner intends to provide access to the duplexes from Hendricks Street and from the public alley which runs along the north side of the properties.
- The petitioner intends to sign a waiver of remonstrance to future annexation of the property to allow for connection of the duplexes to City of Shelbyville sanitary sewer.
- Members of the Site Plan/Technical Advisory Committee (TAC) would review a detailed site plan prior to issuing construction permits for the duplexes. The petitioner intends to construct the duplexes in compliance with all applicable development standards of the Unified Development Ordinance.

Staff Analysis Findings of Fact

Simple Subdivision: 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 waivers to allow for Simple Subdivision of a parent tract under 6-acres and Simple Subdivision of property zoned C1 and M1.
3. The subdivision of land satisfies the standards of Article 07: Design Standards.
4. The subdivision of land satisfies any other applicable provisions of the Unified Development Ordinance, pending approval of waivers from lot area and lot width requirements.
5. The subdivision of land satisfies the construction requirements of Shelby County's Construction Standards.
6. Approval of the waivers would allow for the rearrangement of lots lines of property included in a previously established legal-nonconforming subdivision to allow for development reflecting modern design standards.

Staff Recommendation

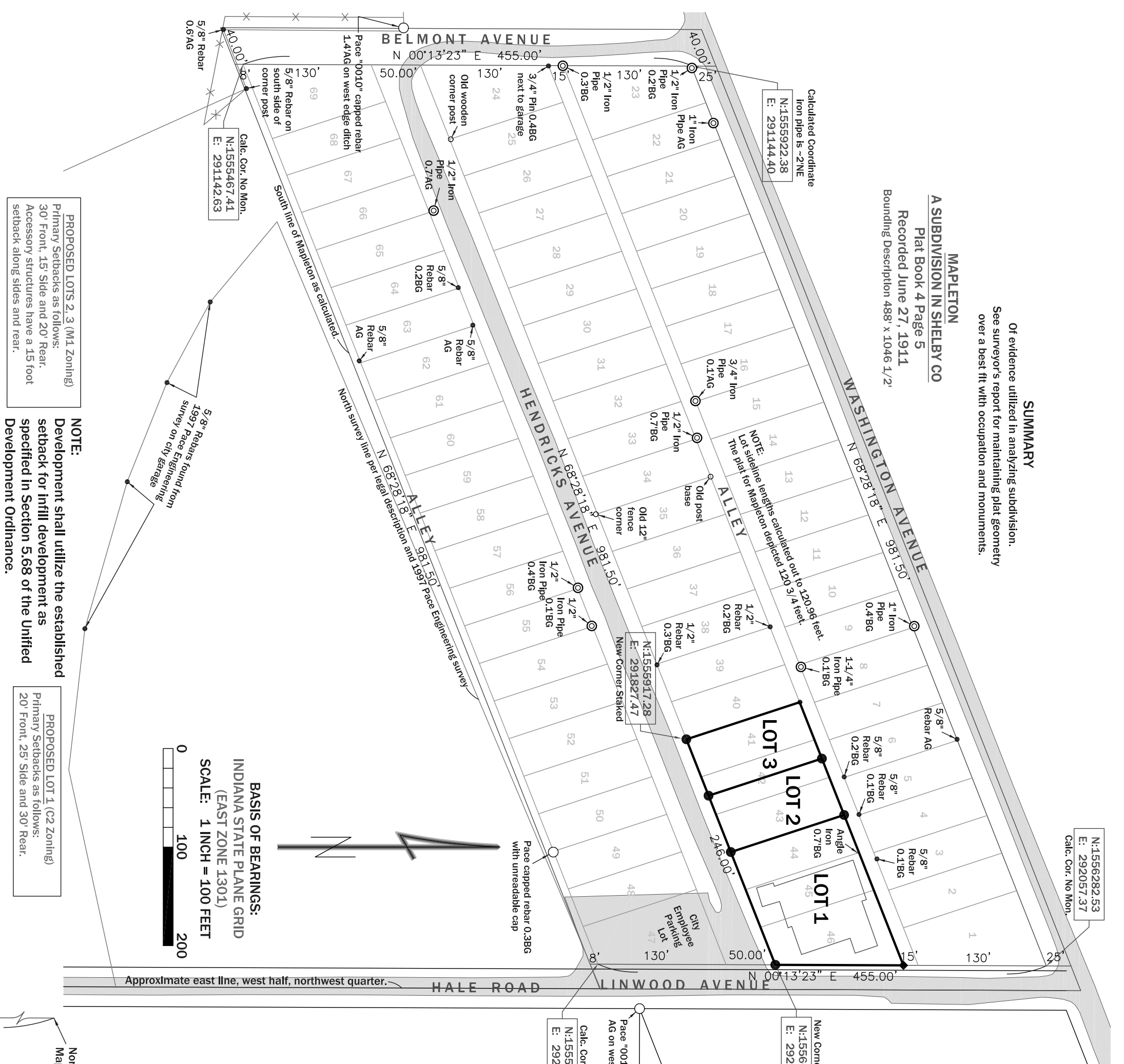
Staff recommends **APPROVAL** primarily because the new lots would allow for new development that does not conflict with the existing character of the area.

Applicant/Owner Information

Applicant:	Steven Apple 15 Hale Rd. Shelbyville, IN 46176	Owner:	Same
Surveyor:	Scott T. Sumerford 3149 N Riley Hwy. Shelbyville, IN 46176		

Of evidence utilized in analyzing subdivision.
See surveyor report for maintaining plat geometry over a best fit with occupation and monuments.

MAPLETON
A SUBDIVISION IN SHELBY CO
Part Book 4 Page 5
Recorded June 27, 1911
Bounding Description 489 x 1046 1/2'



PROPOSED LOTS 2, 3 (M1 Zoning)
Primary Sublots as follows:
307' Front, 35' Side and 20' Rear
15' Front, 25' Side and 15' Rear
Setback along sides and rear.

PROPOSED LOT 1 (C2 Zoning)
Primary Sublots as follows:
207' Front, 25' Side and 30' Rear

NOTE:
Development shall utilize the established setback for mill development as specified in Section 558 of the Unified Development Ordinance.

BASIS OF BEARINGS:
INDIANA STATE PLANE GRID
(EAST ZONE 1301)
SCALE: 1 INCH = 100 FEET

0 100 200

ARCHER SIMPLE SUBDIVISION

FINAL PLAT FOR

LEGAL DESCRIPTIONS OF CURRENT OWNERSHIP

United Liability Company Warranty Deed
Instrument No. 2022001325, Recorded February 16, 2021
Vassar Rentals, LLC
to
Steve Apple, Margie Apple and Steven David Apple, II
Lots Forty-one (41), Forty-two (42), Forty-three (43) and Forty-four (44) in Mapleton, a subdivision in Shelby County, Indiana.
The address of such real estate is commonly known as 15-17 Hale Road, Shelbyville, IN 46176.

United Liability Company Warranty Deed
Instrument No. 2022005049, Recorded August 4, 2022
Paxton Rentals, LLC
to
Steve Apple and Margie Apple
Lots Forty-one (41), Forty-two (42), Forty-three (43) and Forty-four (44) in Mapleton, a subdivision in Shelby County, Indiana.
More commonly known as 1016 West Hendricks Avenue, Shelbyville, Indiana 46176.

LEGAL DESCRIPTION OF LOT 1

All of Lots Numbered Forty-four (44), Forty-five (45) and Forty-six (46) in Mapleton, a subdivision recorded June 27, 1911 in Plat Cahaba 4 Page 5 and located in the west half of the northwest quarter of Section 5k (6), Township Thirteen (13) North, Range Seven (7) East in Addison Township, Shelby County, Indiana, being part of survey Job #2N17E22-2411 by Scott T. Sumnerford, RLS#2980017, certified February 28, 2023 and being more particularly described with metes and bounds.

Commencing at the northeast corner of Lot 1, Mapleton, thence along the east line of said Lot (1) and the east end of an alley and the east line of said Lot Numbered Forty-six (46), South 00° 13'23" West 123.00 feet to the southeast corner of said Lot (46), South 00° 13'23" West 154.00 feet to the northwest corner of said Lot (44), North 18° 07'39" East 164.00 feet to the northeast corner of said Lot (46), said point marked by a capped rebar, thence along the east line of said Lot (44), South 00° 13'23" West 130.00 feet to the point of beginning, containing 0.398 acres.

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

LEGAL DESCRIPTION OF LOT 2

The east sublot along the north line of said Hendricks Avenue, South 68° 28'18" West 123.00 feet to the southwest corner of said Lot (44), said point marked by a capped rebar, thence along the west line of said Lot (44), North 18° 07'39" West 120.96 feet to the northwest corner of said Lot (46), thence along the south line of an alley, North 68° 28'18" East 164.00 feet to the northeast corner of said Lot (46), said point marked by a capped rebar, thence along the east line of said Lot (44), South 00° 13'23" West 130.00 feet to the point of beginning, containing 0.398 acres.

Commencing at the northeast corner of Lot 1, Mapleton, thence along the east line of said Lot (1) and the east end of an alley and the east line of said Lot Numbered Forty-six (46), South 00° 13'23" West 123.00 feet to the southeast corner of said Lot (46), South 00° 13'23" West 154.00 feet to the northwest corner of said Lot (44), North 18° 07'39" East 164.00 feet to the northeast corner of said Lot (46), said point marked by a capped rebar, thence along the east line of said Lot (44), South 00° 13'23" West 130.00 feet to the point of beginning, containing 0.398 acres.

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

LEGAL DESCRIPTION OF LOT 3

All of Lot Numbered Forty-three (43) and the west half of Lot Numbered Forty-two (42), in Mapleton, a subdivision recorded June 27, 1911 in Plat Cahaba 4 Page 5 and located in the west half of the northwest quarter of Section 5k (6), Township Thirteen (13) North, Range Seven (7) East in Addison Township, Shelby County, Indiana, being part of survey Job #2N17E22-2411 by Scott T. Sumnerford, RLS#2980017, certified February 28, 2023 and being more particularly described with metes and bounds.

Commencing at the northeast corner of Lot 1, Mapleton, thence along the east line of said Lot (1) and the east end of an alley and the east line of said Lot Numbered Forty-six (46), South 00° 13'23" West 123.00 feet to the southeast corner of said Lot (46), South 00° 13'23" West 154.00 feet to the northwest corner of said Lot (44), North 18° 07'39" East 164.00 feet to the northeast corner of said Lot (46), said point marked by a capped rebar, thence along the east line of said Lot (44), South 00° 13'23" West 130.00 feet to the point of beginning, containing 0.171 acres.

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

NOTES

- Property previously described as Lots 41, 42, 43, 44, 45 & 46 in Mapleton Subdivision, Addison Township, Shelby County, IN, The Shelby County Plan Commission approved a vacation of these lots on February 28, 2023.
- Lot 1 is zoned C2 (Highway Commercial) and is being zoned by another 41 feet on the west side.
- Lots 2 and 3 are being rezoned to M1 (Multiple Family Residential) from an R1(Single Family Residential) zoning.
- The zoning was approved on _____ by the Commissioners of Shelby County.
- Per Ordinance No. _____
- Warners required for County Simple Subdivision Process:
To allow for simple subdivision of a parent tract under 6 acres.
Lot area of 7448.76 sq. ft. for two lots in the M1 District (minimum lot area of 14,500 sq. ft. required)
Lot width of 64.5' for two lots in the M1 District (minimum lot width of 80-foot required)
Lot area of 17,336.88 sq. ft. for a lot in the C2 District (minimum lot area of 20,000 sq. ft. required)
- Landscaping to comply with all applicable standards of the Unified Development Ordinance, or applicable variances shall be obtained.
- The subject property does not lie within a special flood hazard area per effective FEMA Flood Insurance Rate Map, Panel Number 1814500183C effective date of November 5, 2014. The property does not lie within a flood zone according to the 2022 Indiana Best Available Floodplain Layer. The nearest floodplain is on the north side of Old Franklin Road from the Big Blue River.

SURVEYORS REPORT

This mixed use project is reconfiguring existing subdivision lots to better suit the client's plans for redevelopment. The Mapleton lots are generally 41 feet wide in this old subdivision. The client is adding one more lot to this commercial property and taking three of the interior lots turning them into two, for residential duplex construction.

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.

- This survey covers Lots 41-46 of the Mapleton Subdivision platted back in 1911 by Edward Clark. The plat was actually recorded twice with two different versions the days apart of each other. The first one had lot lines running north-south, but was quickly vacated as a plat with the second version depicting perpendicular centerlines to the streets. There were iron stakes depicted at the four main subdivision corners, the same corners depicted with calculated coordinates on this drawing. None of these original monuments could be recovered. There were very few documented retracement surveys within this subdivision, and none of which are recorded within the public records. There was a variety of survey monuments scattered about, a few iron pipes and some rebars from other Pace Engineering surveys. None of the discovered monuments were held as controlling in terms of being in an original corner position. Also none could be analyzed in determining some kind of precision factor to be applied to the original published dimensions in terms of excess and deficiencies. The outer subdivision boundary is thus difficult to ascertain with any kind of certainty.
- The east subdivision boundary is the half quarter line down the center of Hale Road. Since section 6 is a fractional section and being also dissected by Big Blue River, the subdivision of the quarter has been unfortunately reliant upon theoretical splits and pro-rated calculations based upon original survey notes. The east line was held in rough agreement with Hale Place Subdivision across the road and monumented evidence of the line on south down Hale Road. The north boundary of the subdivision calls for the center of the Shelbyville and Marietta Free Grave Road. The resulting lines are potentially 2 feet from the center of the physical pavement now along Old Franklin Road. Some of this is because of the hand-drawn of street right-of-way widths as further discussed in section C) below. The south subdivision boundary is on the south side of an unnamed alley. It is also adjacent to the City Highway Garage property to the south which was never surveyed with the subdivision lots. The garage legal description also has some interesting issues too. The west boundary of Mapleton is virtually invisible. There are random fence lines, a mending/repair drainage ditch and some old 1909s Pace Engineering surveys west and south of Mapleton that just do not work out well with the Pace monumentation as recovered.
- The platation utilized for the subject retracement work was to take the mix of survey monuments interior to the subdivision and hold the original platted dimensions as a best centered fit. The angle seen along Old Franklin Road and the other street and alleys was also reestablished in a best fit scenario. This universal angle was 68 degrees according to the original plat description. A 1911 survey, done two months after the plat by William Isley, measured 69° 30' at the south boundary. (See Isley Book-18 Page 27, Co. Surveyor's Office.) Pace Engineering had an angle of 69° 20' 21". Even closer on a survey had an angle of 68° 08' 30" the resulting angle on this subject This tends to grow a little larger towards the west end of the subdivision.

B) Occupation or possession lines

- There are just a few old lines of occupation around the subdivision. All work out reasonably well with the depicted solution. One noted exception is the occupation at the alley between lots 4 and 5. There is more like 3 feet of discrepancy. The subject property does have an apparent fence by the neighbor across the line. The owner of Lot 40 has recently constructed a wood privacy fence that is roughly 1.5 feet off the north end.

C) Clarity or ambiguity of record descriptions

- The Mapleton plat was put together in 1911, but does not indicate whether a surveyor or sons was involved. By the bounding legal description, it was determined that all the street and alley right-of-way widths were measured "along the line", not in the customary perpendicular manner. For instance, the actual width of Hendricks Avenue is not 50 feet that might normally be inferred. The only way the dimensions add up with the bounding dimensions is using a slant distance on the west and east ends. Hendricks Avenue measures therefore 46.44 feet wide. This also somewhat explains what happened along Hale Road. Linwood Avenue, now Hale Road was shown as 40 feet wide. On the subject Hale Place Plat, only the eastern half of "Hale Street" is shown as 20 feet. For the overall east-west dimension of 1048.5 feet for Mapleton to work out, half of Linwood has to be 25 feet wide as a slant width. Same on the west end with Detroit Avenue. An extra 5 feet was added to the west side of Hale Road to accommodate this theory.
- Legal descriptions are designated as lots and no discrepancies in title were encountered.

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 1-12-27 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: February 28, 2023

Signed: _____
Scott T. Sumnerford Registration Number: 9800017

OWNERSHIP CERTIFICATE

We, Steve Apple, Margie Apple and Steven David Apple, II do hereby certify that as owners of the property described in the above captioned subdivision, we have caused the property to be surveyed and subdivided as shown on the hereon drawn plat, as our own free and voluntary act and deed.

Steve Apple _____ (Seal)
Margie Apple _____ (Seal)
Steven David Apple, II _____ (Seal)

State of Indiana)
County of Shelby)

_____ a Notary Public in and for said County and State, do hereby certify that personally known to me to be the same persons whose names is subscribed to the above certificate appeared before me this day in person and acknowledge that they signed the same certificate as their own free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this _____ day of _____

Notary Public _____ (Seal)

PLAN COMMISSION APPROVAL

Approved by the Shelby County Plan Commission in accordance with all applicable Subdivision Regulations.

By: _____ Date _____
President, Terry Smith

By: _____ Date _____
Secretary, Scott Gabbard

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

Indiana Registered Surveyor No. 29800017

Copyright © 2023 by Scott T Sumnerford
This document is to be printed on original copy if an inked seal and original signature is affixed.

LAST DATE OF FIELDWORK February 07, 2023
CERTIFICATION DATE February 28, 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
Steven Apple
15 Hale Road
Shelbyville, IN 46176

PROJECT
Simple Subdivision process for rearranging six lots in Mapleton for new commercial use and residential lots for building duplexes.

INDIANA TITLE 865
BOUNDARY SURVEY

JOB LOCATION
LOTS 41-46 MAPLETON, LOCATED IN PART OF THE WEST HALF OF THE NORTHWEST QUARTER SECTION 6-12-7 ADDISON TWP., SHELBY COUNTY, IN.

JOB NUMBER
12N7E6-22-111

ORIGINAL DRAWING SIZE ARCH D SHEET 1 OF 1

Property Details

Location: East of and adjoining 453 E 700 S, Shelbyville, Washington Township.

Property Size: 14.74-acres.

Current Land Use: Cropland.

Current Zoning Classification

A2 (Agricultural)

This district is established for general 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

Agriculture

The purpose of this category is to provide for traditional agricultural practices (such as crop production and livestock grazing) and modern agricultural practices (such as agricultural research facilities and CAFOs). Rural home sites may also occur within this category; however, the emphasis should remain on agriculture. New residential subdivisions that remove prime farmland from production should be discouraged. The residential density of this category should be one lot for every five acres.

Staff Report

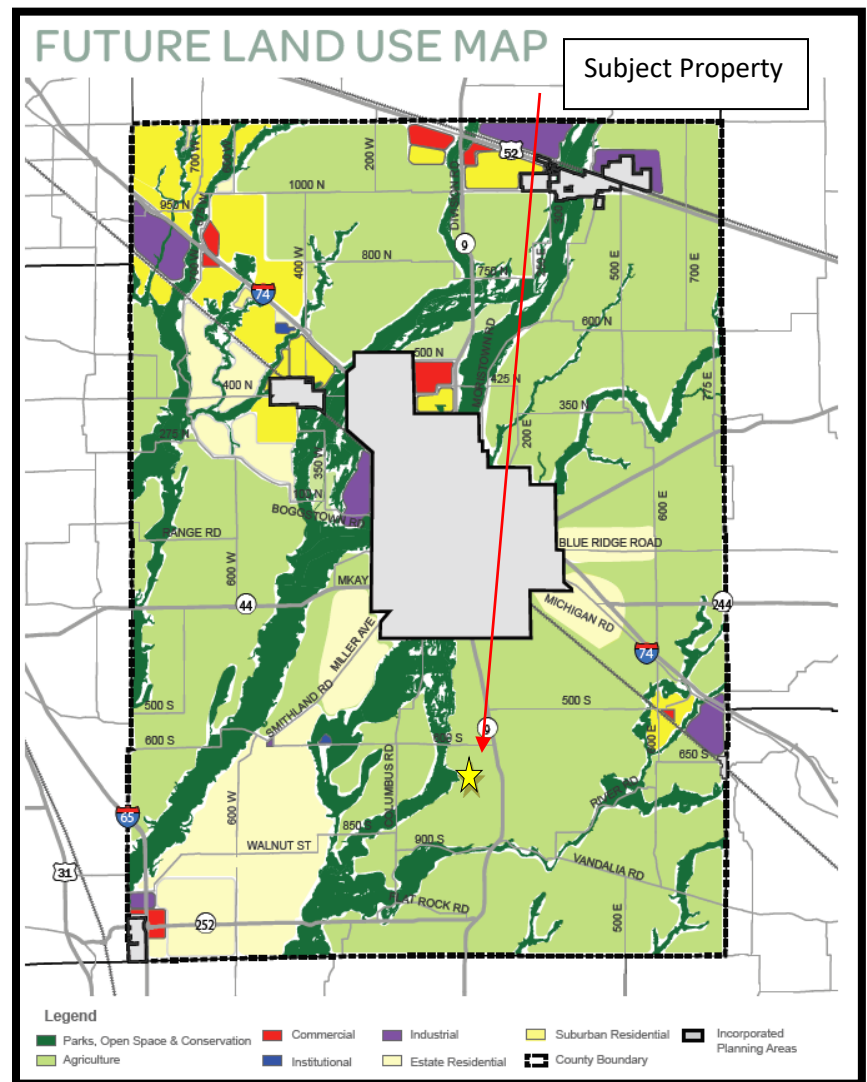
Case Number: RZ 23-04

Case Name: Davis Rezoning – A2 (Agricultural) to RE (Residential Estate)

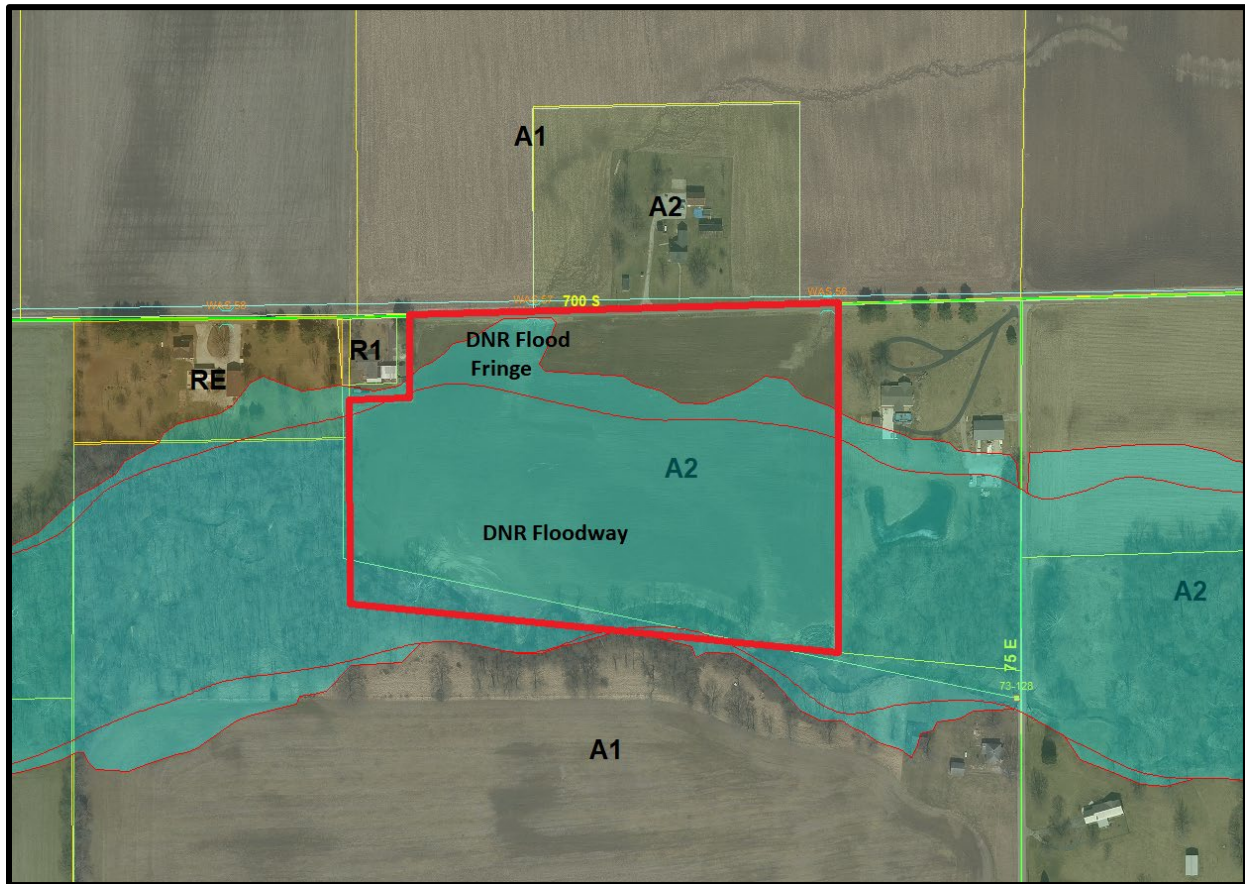
Request

Rezoning of 14.74-acres from the A2 (Agricultural) District to the RE (Residential Estate) District to allow for a two-lot Simple Subdivision.

Future Land Use Map



Property Map



Case Description

- The petitioner plans to subdivide the property into a 9.5-acre lot and 4.74-acre lot to list for sale as single-family building lots.
- If the rezoning is approved, the petitioner would apply for a Simple Subdivision at a subsequent Plan Commission meeting.
- Most of the property lies within an Indiana Department of Natural Resources (IDNR) Best Available Data Flood Hazard Area.
- Approximately one-acre of each proposed lot lies outside of the Flood Hazard Area. One-acre generally provides adequate area for a typical single-family dwelling, accessory structures, and septic system. Soil tests would further determine development feasibility.
- The USDA Soil Survey classifies most of the property within the Flood Hazard Area as *Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season* or *Not Prime Farmland*. The survey classifies most of the property outside of the Flood Hazard Area as *Prime farmland if drained*.

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

Most residential properties in the area exceed five acres. Therefore, development of two residences on 14.74-acres would not conflict with the residential density of the area.

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

Most of the property lies within flood prone areas which limits large-scale productive agricultural use of the property. Residential development of the property would provide a more economically sensible use of the property.

3. The Conservation of Property Values throughout the Jurisdiction

Development of the property for residential purposes would have no perceivable impact on property values throughout the County.

4. Responsible Development and Growth

Approval of the rezoning would allow for use of land not conducive to large-scale agricultural production for residential development. However, residential development in areas subject to flooding can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Therefore, development should not occur in the designated flood hazard area.

5. The Comprehensive Plan

Approval of the rezoning would allow for use of land not conducive to large-scale agricultural production for residential development.

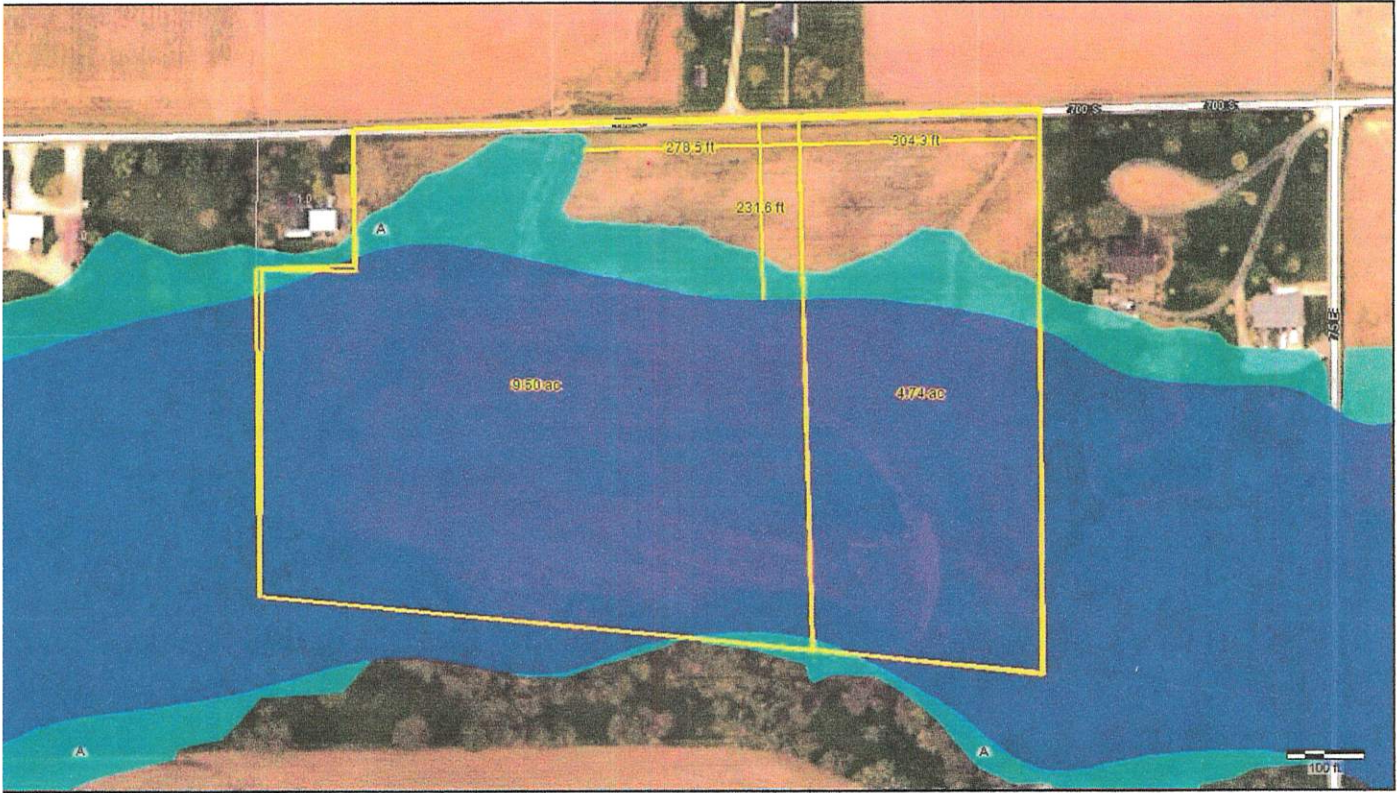
Staff Recommendation

APPORVAL primarily because the rezoning would allow for use of land not conducive to large-scale agricultural production for residential development.

Recommended Stipulation: Development including single-family dwellings, accessory structures, and alteration of land in the Designated Flood Hazard Area shall be prohibited.

Applicant/Owner Information

Applicant:	Matt Davis 6652 W Base Rd. Greensburg, IN 47240	Owner:	Gary Davis 4978 E 875 S St. Paul, IN 47272
Surveyor:	Scott T Sumerford 3149 N Riley Hwy. Shelbyville, IN 46176		



Type notes here	Printed 01/26/2023	The purpose of this map is to display the geographic location of a variety of data sources frequently updated from local government and other agencies. Neither WTH Technology nor the agencies providing this data make any warranty concerning its accuracy or merchantability. And no part of it should be used as a legal description or document.
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- General
- Payments
- Bills
- Deductions
- Assessments

Owner and General Parcel Information

Property Card	Show Property Card
Tax History Data	Show Tax History
Owner Name	DAVIS, GARY F
State Parcel Number	73-15-08-200-012.000-021
Parcel Number	73-15-08-200-012.000-021
Map Number	003-25026-00
Legal Description	PT NW NE 8 11 7 (5.74 + 9.00) 14.74 AC SURVEY
Acreage	14.740000
Instrument Number	
Book Number	
Page Number	
Location Address	E 700 S SHELBYVILLE, IN 46176-0000
Owner Address	4978 E 875 S SAINT PAUL, IN 47272

Payment History Information

Property Details

Location: 506 W Carey St, Fairland,
Brandywine Township.

Property Size: 0.16-acres.

Current Land Use: Vacant
Commerical.

Current Zoning Classification

C1 (Neighborhood Commerical)

This district is established for the provision of small-scale retail goods and services required for regular or daily convenience of nearby neighborhoods and agricultural areas.

Proposed Zoning Classification

C2 (Highway Commerical)

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.

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

Future Land Use per Comp Plan

Town of Fairland Incorporated
Planning Area

Staff Report

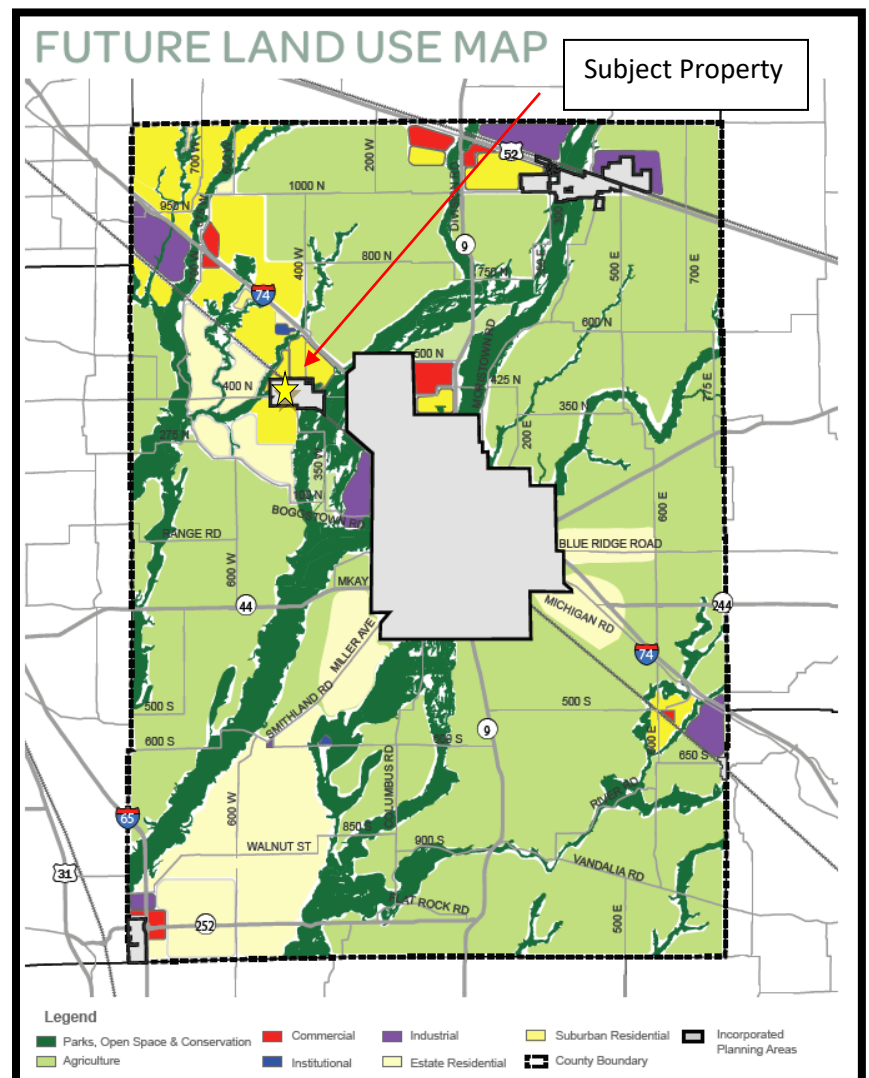
Case Number: RZ 23-05

Case Name: F and A Martin Holdings, LLC Rezoning –
C1 (Neighborhood Commerical) to C2
(Highway Commerical)

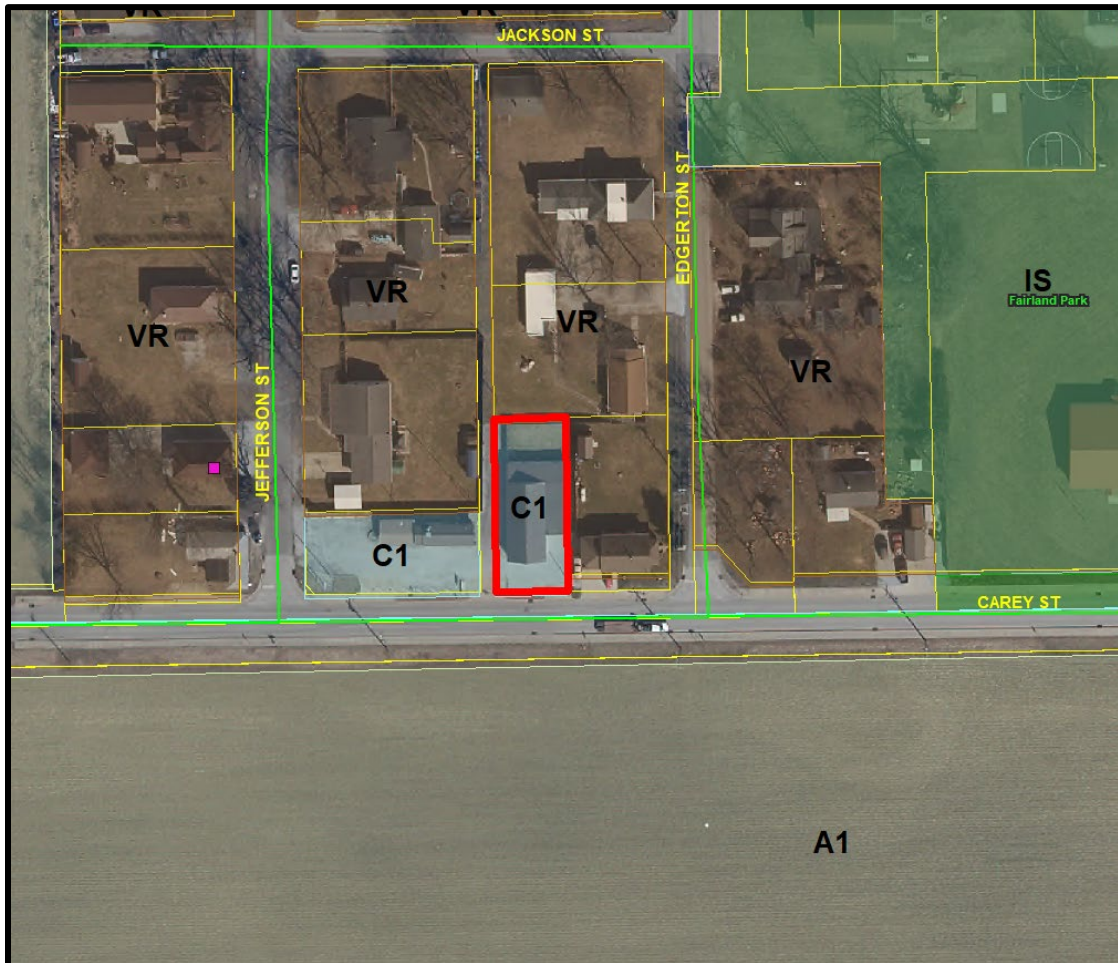
Request

Rezoning of 0.16-acres from the C1 (Neighborhood Commerical) District to the C2 (Highway Commerical) District to allow for operation of a restaurant.

Future Land Use Map



Property Map



Case Description

- The petitioner intends to operate a pizza restaurant within a 2,700 sq. ft. commercial building currently located on the property.
- Per County Assessor's records, the 2,700 sq. ft. commercial building has existed on the property since 1945. The County assigned the property the C1 zoning designation when the County updated the County-wide zoning maps in 2008. The B2 (Business Two) zoning designation assigned to the property prior to 2008 would have allowed for operation of a restaurant.
- Historical uses of the property include a grocery/convenience store, sandwich shop, and gas station.
- The existing structure and structure on the adjacent property to the west currently utilize an aging septic system. The County Health Department has approved use of the existing septic system for a carry-out restaurant without customer seating.

- The lot does not comply with the 20,000 sq. ft. minimum lot area, 100-foot lot width, or 80-foot road frontage requirements for lots in the C2 District. Prior to operation of the restaurant, the Board of Zoning Appeals must approve a variance from these requirements.
- Per the UDO, a change in zoning and use of the property will require upgrade of driveway, parking, and maneuvering areas to comply with current ordinance standards, including paved surface and compliance with separation requirements. New lighting fixtures, trash receptacles, and signage must also comply with current ordinance standards. The petitioner can choose to apply for a variance to use the site as it currently exists.

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

The UDO does not define the adjacent VR (Village Residential) District as an appropriate adjacent district to the C2 District. However, the single-family residential structures on these lots have coexisted with commercial uses permitted in the C2 on the subject property for over seventy-five years. Also, the small size of the property would limit commercial use of the property to a scale that would not significantly adjacent residential properties.

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

The subject property has included a variety of commercial uses permitted in the C2 District over a seventy-five-year period. The property also has direct access to an arterial road which renders the property desirable for higher intensity commercial uses serving the traveling public as well as the nearby neighborhoods. Use of the property for a restaurant would provide a desirable service currently lacking in the Town of Fairland.

3. The Conservation of Property Values throughout the Jurisdiction

Use of the property in a similar manner as its historical use would not impact adjacent property values. Higher intensity uses permitted in the C2 District that do not reflect the historical use of the property should be prohibited to limit nuisance impacts to adjacent residential properties and to protect property values.

4. Responsible Development and Growth

Use of the property for a restaurant would provide a desirable service currently lacking in the Town of Fairland. The property has access to a major arterial road and utilities. The County Health Department must approve septic and food safety plans prior to operation of the restaurant.

5. The Comprehensive Plan

The Fairland Town Board has reviewed the rezoning petition and supports the rezoning request.

Staff Recommendation

Staff recommends **APPROVAL** primarily because The Fairland Town Board has reviewed the rezoning petition and supports the rezoning request. Staff recommends the following **stipulation**:

1. Use of the property for a pawn shop, quick cash/check cashing, and/or for restaurant or retail generating its primary source of revenue from liquor sales shall be prohibited.

Applicant/Owner Information

Applicant:	F & A Martin Holdings LLC 506 W Carey St. Fairland, IN 46126	Owner:	Same
------------	--	--------	------

2.31 C2 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The C2 (Highway Commercial) 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 commercial uses <p>Application of District</p> <ul style="list-style-type: none"> 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 Existing and new development Small to medium area zoning <p>Development Standards</p> <ul style="list-style-type: none"> Require 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, C1, C2, I1, and I2 <p>Plan Commission</p> <ul style="list-style-type: none"> Use this zoning district for existing developments and carefully for new commercial 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 aesthetics and the potential for light pollution, noise pollution, pedestrian safety, and vehicular safety 	<p>Commercial Permitted Uses</p> <ul style="list-style-type: none"> automobile oriented business bank machine/atm bar/tavern hotel/motel miniature golf office, medical restaurant restaurant with drive-up window retail (type 3), medium intensity retail (type 4) high intensity <p>Institutional Permitted Uses</p> <ul style="list-style-type: none"> bus station police, fire, or rescue station 	<p>Commercial Permitted Uses</p> <ul style="list-style-type: none"> retail (type 5) very high intensity

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: F and A Martin Holdings LLC

Case #: _____

Location: 506 W Carey St, Fairland, IN 46126

1. The request **is** consistent with the Shelby County Comprehensive Plan because: It is already an existing building to be used to bring small business to the community. The Town of Fairland is in favor of a Pizza Restaurant being ran out of the building.
2. The request **is** consistent with the current conditions and the character of structures and uses in each district because: The building has sat empty for many years. There are no other real restaurants in Fairland, this will be a welcome fixture in the community.
3. The request **is** consistent with the most desirable use for which the land in each district is adapted because: _____
A restaurant is welcome because it would make use of an empty building and provide a need for a food establishment in the area.
4. The request **is** consistent with the conservation of property values throughout the jurisdiction because: _____
This can only make the property value increase if a restaurant is placed there.
5. The request **is** consistent with responsible growth and development because: _____
Makes use of a vacant building and bring more tax dollars to a small community.

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?

Town of Fairland

P. O. Box 150
Fairland, IN 46126
contactus@fairlandin.org

Board Members

President – Jeremy Creech

Vice President – Jeremy Miller

Secretary –Rick Daily

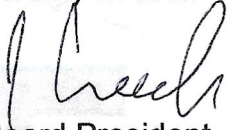
Clerk-Treasurer – Shea Fink

February 15, 2023

Shelby County Plan Commission,

We have reviewed the staff report and are pleased with the proposed development. We have no more stipulations. We are looking forward to F & A Martin Holdings LLC bringing a Pizza Restaurant in our community.

Thank you,
Jeremy Creech



Board President
Town of Fairland
317-374-3337
jcreech@fairlandin.org

Property Details

Location: 5445 S Smithland Rd,
Shelbyville, Hendricks Township.

Property Size: 6.696-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

I2 (High Intensity Industrial)
This district is established for high intensity industrial uses and heavy manufacturing facilities.

Plan Commission:

Use this zoning district for existing developments and carefully for new industrial development.

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

Future Land Use per Comp Plan Agriculture

The purpose of this category is to provide for traditional agricultural practices (such as crop production and livestock grazing) and modern agricultural practices (such as agricultural research facilities and CAFOs). Rural home sites may also occur within this category; however, the emphasis should remain on agriculture. New residential subdivisions that remove prime farmland from production should be discouraged. The residential density of this category should be one lot for every five acres.

Staff Report

Case Number: RZ 23-06 / SD 23-03
Case Name: IN RNG Interconnect, LLC Rezoning – A1 (Conservation Agricultural) to I2 (High Intensity Industrial) & Pile Farms Simple Subdivision

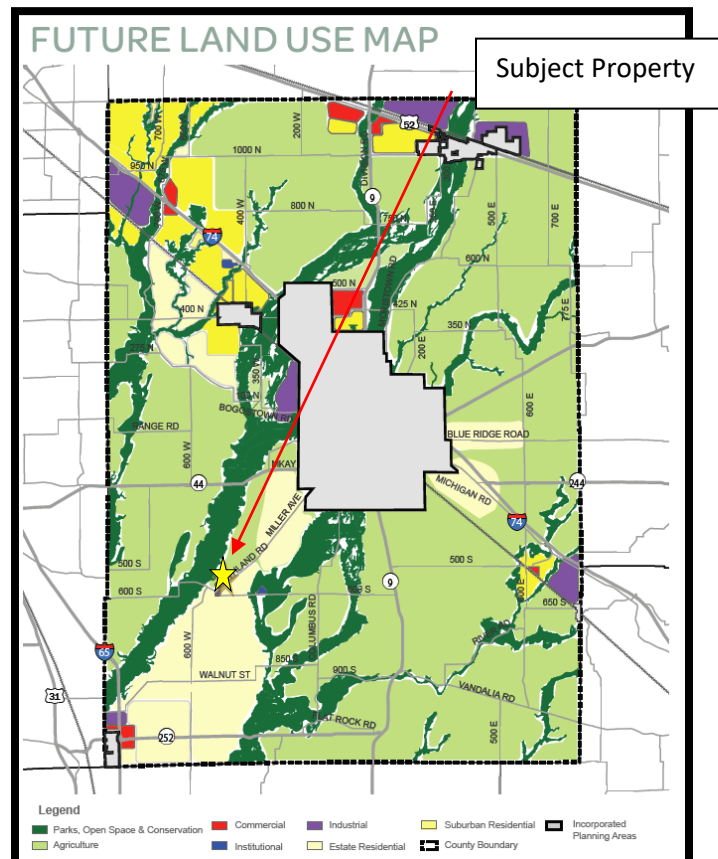
Request

Rezoning of 6.696-acres from the A1 (Conservation Agricultural) District to the I2 (High Intensity Industrial) District to allow for a natural gas injection facility.

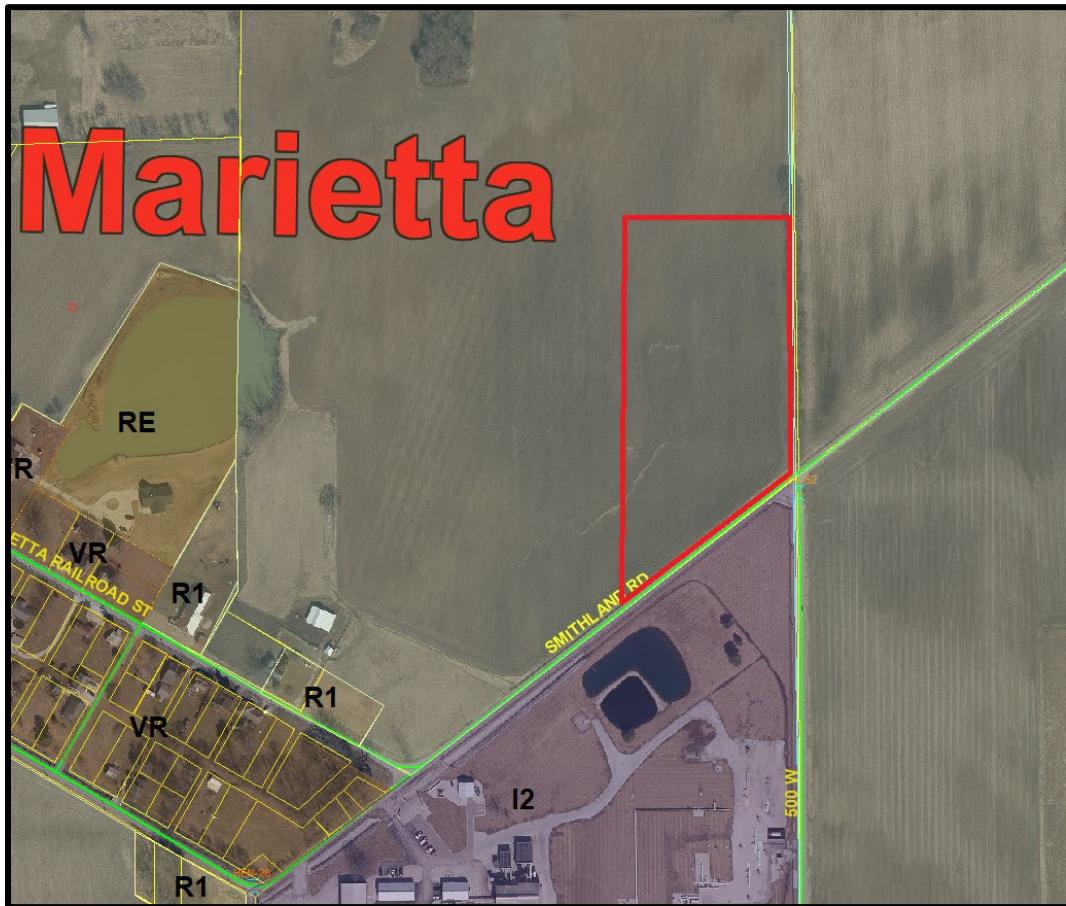
Simple Subdivision of a 6.696-acre industrial lot from a 49.17-acre parent tract.

Waiver of subdivision type standards to allow for Simple Subdivision of property zoned I2 (Simple Subdivisions only permitted for property zoned A3, A4, or RE).

Future Land Use Map



Property Map



Case Description

- The petitioner intends to develop a natural gas injection facility on site. The operation would involve injecting natural gas produced by animals at local farms into an existing TC Energy natural gas pipeline. The natural gas would be cleaned and compressed into tube trailers at the farm and delivered to the site by truck on a regular basis.
- The petitioner indicated that they currently have a business arrangement with a large dairy farm in Decatur County.
- Proposed development includes below grade pipelines and above grade decanters, compressors, a ANR metering and regulation station, filter separator, emergency generator, monitoring and control building, security fence, and paved parking and maneuvering areas.
- Notable development standards included in the UDO which would apply to the development include the following:
 - Landscape Buffer “B” along all property lines: One (1) canopy tree and two (2) ornamental or evergreen trees shall be planted for every sixty (60) feet of contiguous boundary with the adjacent lot. Each tree shall be planted within fifteen (15) feet of the property line, but no closer than five (5) feet to the property line.

- Ten (10) deciduous trees within the interior of the lot.
 - All site lighting must be full cut-off fixtures.
 - Paved driveway, parking, and maneuvering areas.
 - Above ground storage tank minimum setback requirements: not permitted in front of the monitoring and control building, a minimum of thirty (30) feet from the monitoring and control building, and a minimum of thirty (30) feet from property lines.
- The property lies approximately 1/10-mile from the unincorporated community of Marietta and adjacent to the Michigan Wisconsin Pipeline natural gas facility. The natural gas facility lies within the I2 zoning district.
 - The UDO permits utility facilities in the IS (Institutional) District, C2 (Highway Commercial) District, I1 (Low Intensity Industrial) District, I2 District, and HI (High Impact) District. Staff recommended that the petitioner apply to rezone the property to I2 to reflect the zoning of the adjacent natural gas utility facility to the south.
 - The USDA Soil Survey classifies the property as Prime Farmland if Drained.
 - The Site Plan/Technical Advisory Committee, which consists of the Planning Director, Building Inspector, County Surveyor, Health Department Environmental Technician, and a representative from the County Commissioners 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

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**
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**

Rezoning of the property to I2 to allow for use of the property for a natural gas injection utility facility would not deviate from the I2 zoning designation or gas utility use of adjacent property to the south.

The property also adjoins land used for agricultural production in the A1 (Conservation Agricultural) District. The UDO does not designate A1 as an appropriate adjacent zoning district to the I2 District, however, the proposed use would have minimal impact on adjacent properties relative to the majority of uses permitted in the I2 District. Other uses

permitted in the I2 District could pose negative impacts and would deviate from the character of the area, and therefore should be discouraged.

The rezoning would allow for a desirable gas utility use of property that includes an existing natural gas pipeline.

Land Use Goal 1, Strategy 1 states: Balance development patterns and character with available transportation and utility resources and existing character context. While the Plan designates the future land use of the property as agriculture, the existence of a natural gas line on the property and the adjacent natural gas facility support rezoning of the property for utility use. The proposed development would also use natural gas produced at farms.

Simple Subdivision: 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 for Simple Subdivision of property zoned I2.
3. The subdivision of land satisfies the standards of Article 07: Design Standards.
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.
6. Approval of a waiver to allow for Simple Subdivision of property zoned I2 would allow for development of one industrial lot which does not necessitate internal streets, public improvements, or common area required by an Industrial Park Subdivision.

Staff Recommendation

Staff recommends **APPROVAL** primarily because the existence of a natural gas pipeline on the property and the existence of a natural gas facility on adjacent property to the south support rezoning of the property for utility use. Staff recommends the following **stipulations**:

1. Use and development of the site shall be consistent with the Statement of Intent and 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.
2. Written approval of the project by the owner of the pipeline and permits from all applicable federal and state permitting agencies shall be submitted to the County prior to issuance of an Improvement Location Permit.

Applicant/Owner Information

Applicant:	IN RNG Interconnect, LLC 7675 Omnitech Place, Suite 190 Victor, NY 14564	Owner:	Pile Farms, LLC 5866 S 425 W Shelbyville, IN 46176
Surveyor:	SME-USA		

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 	

Industrial Uses

	OP	A1	A2	A3	A4	RE	R1	R2	VR	M1	M2	MP	VM	IS	C1	C2	I1	I2	HI
Industrial Uses																			
assembly																	P	P	
bio-diesel production		P	P	P	P	P													
bilofuel production																			P
construction material landfill																			S
distribution facility																	P	P	
electrical generation plant																			P
equipment rental																	P		
flex-space																	P	P	
food processing					P													P	
gravel/sand mining																			P
heavy equipment repair					P														
heavy manufacturing																		P	
incinerator																			P
junk yard																			P
light manufacturing																	P	P	
liquid fertilizer storage/distribution					P													P	
methane production				P															
outdoor storage					P														P
radio/TV station																		P	
recycling processing																			P
rendering plant																			S
research center																	P		
sanitary landfill/refuse dump																			S
scrap metal yard																			P
sewage treatment plant																		P	
sign painting/fabrication																			P
storage tanks (hazardous)																			S
storage tanks (nonhazardous)					P														P
telecommunication facility														P			P	P	P
testing lab																	P	P	
tool and die shop																	P	P	
transfer station																	P	P	P
utility facility, above ground														P	P	P	P	P	P
warehouse																	P	P	
warehouse storage facility																	P	P	
water treatment plant																		P	
welding					P												P	P	



February 22, 2023

Planning Commission
c/o Desiree Calderella
Shelby County
25 W Polk Street, Room 201
Shelbyville, IN 46176

Re: IN RNG Interconnect Application

Dear Sir/Madam:

The enclosed application documentation package is being submitted for the review and approval for Subdivision and Rezoning at the February 28, 2023 Planning Commission meeting. The REV LNG, LLC project team appreciates the time taken by your staff to review this application.

The current property owner is intending to sell approximately 6.5 acres to IN RNG Interconnect, LLC to construct a renewable gas injection site. Renewable natural gas will be produced at local farms, compressed into tube trailers, and then hauled to this site. The tube trailers will be connected to a decanter which effectively reduces the gas pressure prior to injection into the ANR transmission line on the north side of the property.

Most of the pipelines moving gas on site will be below grade. Equipment associated with this project that will be above grade include the decanters, compressors, ANR metering and regulation station, filter separator, emergency generator, and a monitoring and control building. The equipment is needed to manage gas pressure and meter the injection into the gas transmission main.

I am available to discuss any questions or comments regarding this permit application documentation package or any aspect of the project.

Sincerely,

Steven Wilkinson
Project Manager
REV LNG, LLC

**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: IN RNG Interconnect, LLC

Case #: _____

Location: 5445 S Smithland Road, Shelbyville, IN 46176

1. The request **is** consistent with the Shelby County Comprehensive Plan because: in accordance with the 2019 plan, the land is classified as Suitable for Development. The site is served by a Major Collector functional class road.

2. The request **is** consistent with the current conditions and the character of structures and uses in each district because: Existing area is a mix of agricultural, residential and the heavy industrial site across the street.

3. The request **is** consistent with the most desirable use for which the land in each district is adapted because: _____
The comprehensive plan depicted this area to remain agricultural. This project supports local dairy operations and future dairy projects.
_____ The land close to the the natural gas pipelines will not be usable for future residential/commercial projects due to clearances needed, that could leave it un-farmable.

4. The request **is** consistent with the conservation of property values throughout the jurisdiction because: _____
The site will be constructed and operated in accordance with all federal, state, and local regulations.
_____ This project will not materially change the character of the area and therefore not impact property values in a negative manner.

5. The request **is** consistent with responsible growth and development because: _____
Project will use land not available for typical development.
_____ By maintaining regulatory compliance, the project will provide a positive economic impact from employment and tax revenue.

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?



Orientation
Scale

Project

REV LNG - PILE FARMS

Project Location

**SHELBYVILLE, INDIANA
46176**

Sheet Name

Surveyor's Seal

REV	ISSUED FOR	DATE	BY

Date
01/17/2023

SME Project No.
091305.00

Project Manager:
J. EVANS

Field Chief:
N. MARK

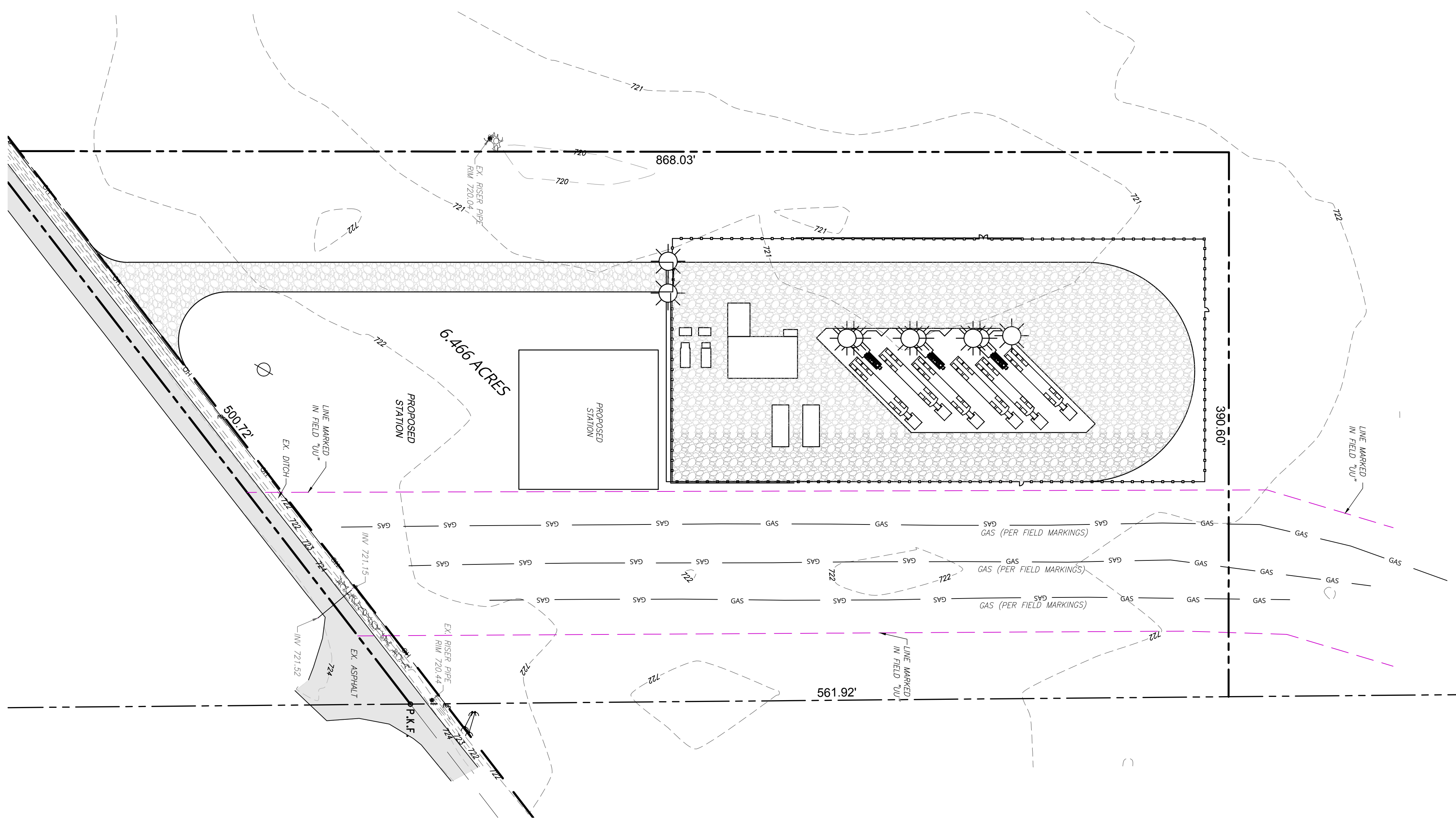
CADD:
N. MARK/S. WILSON

Checked By:
S. WILSON

Reviewed By:
N. MARK

Sheet No.
TOPOGRAPHIC SURVEY

THESE DRAWINGS ARE THE PROPERTY OF SME AND ARE NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM. WITHOUT THE WRITTEN PERMISSION OF SME.



D&N FARMS
INST #303910
ZONED A1

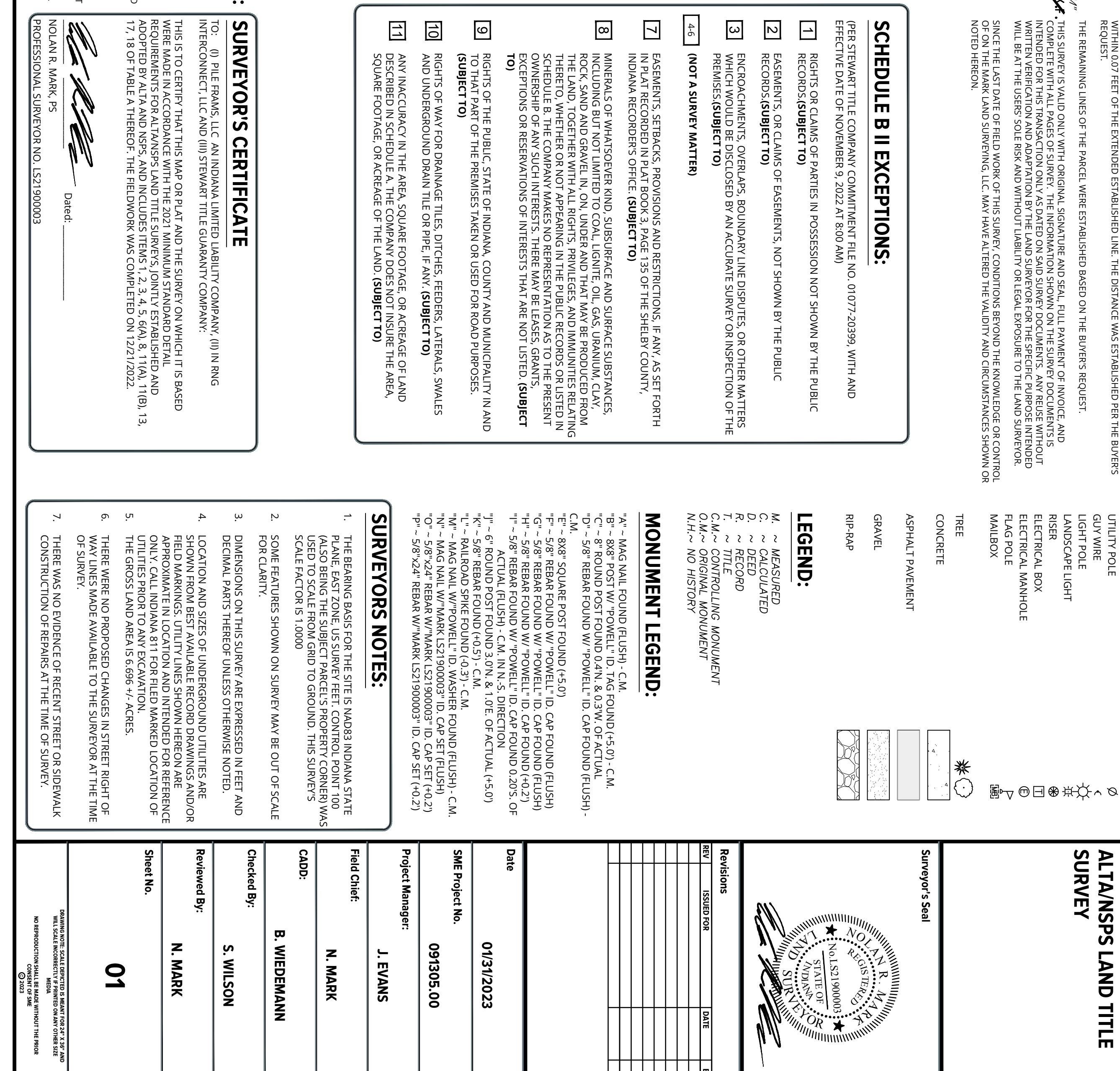
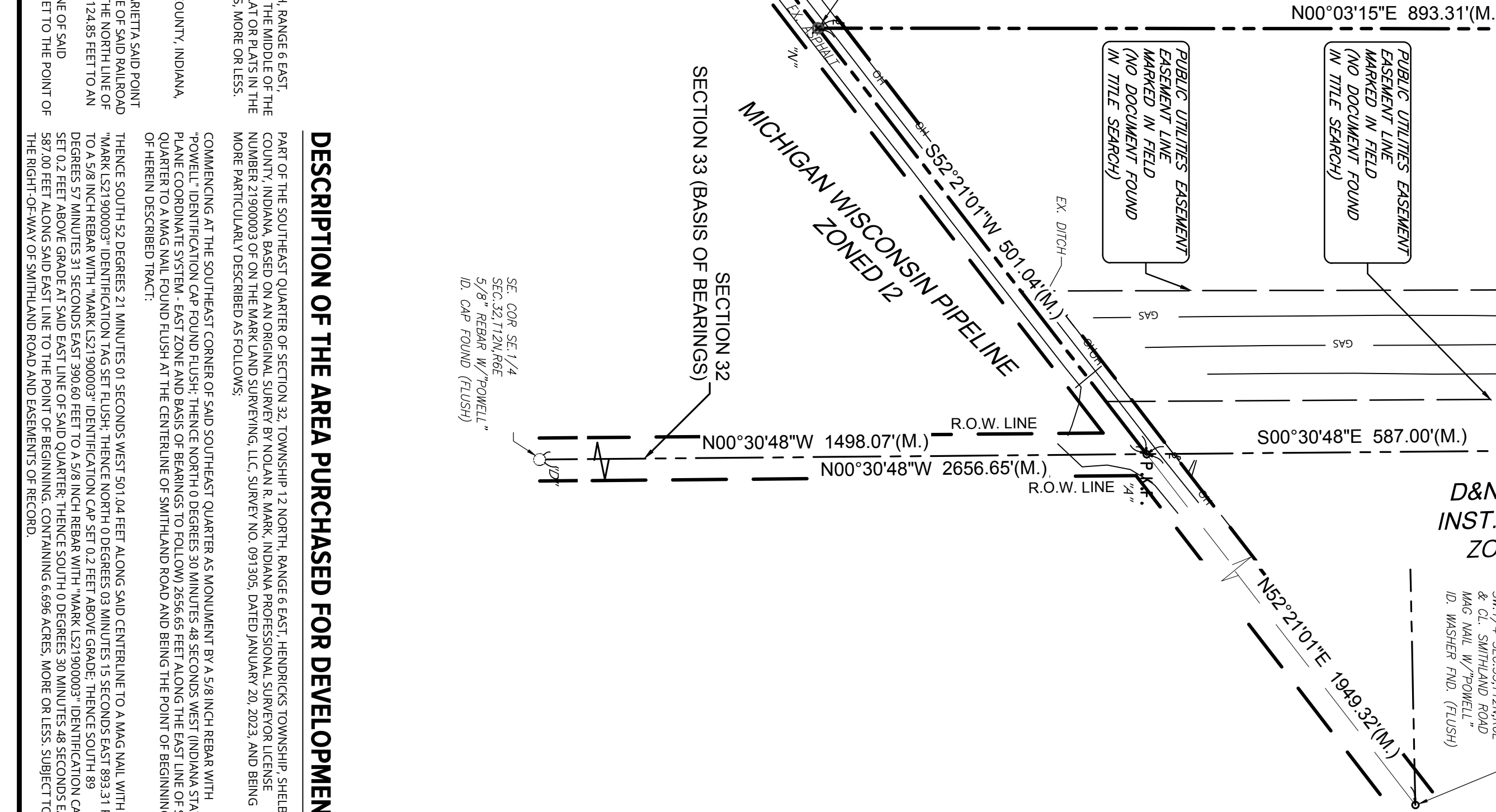
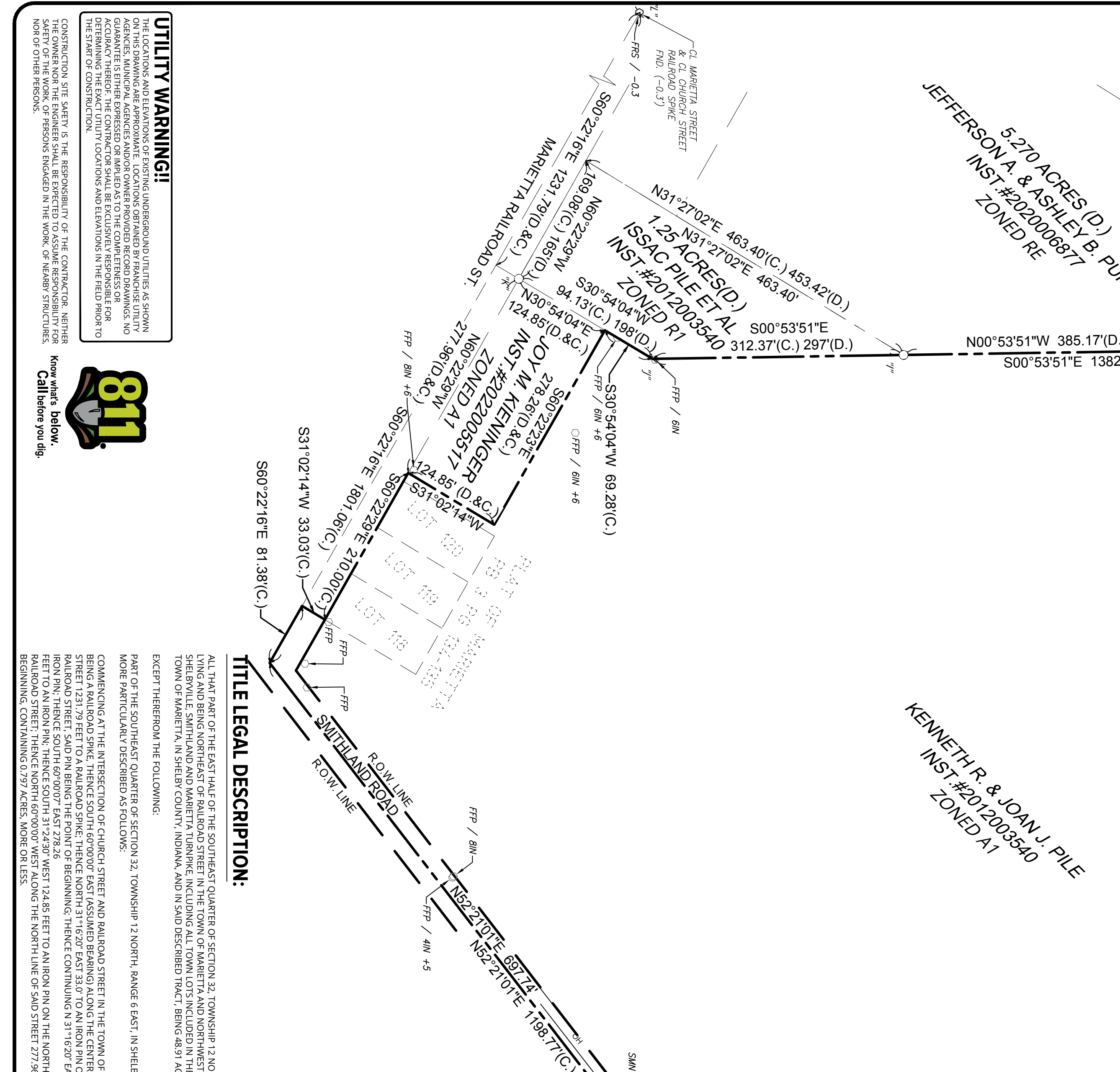
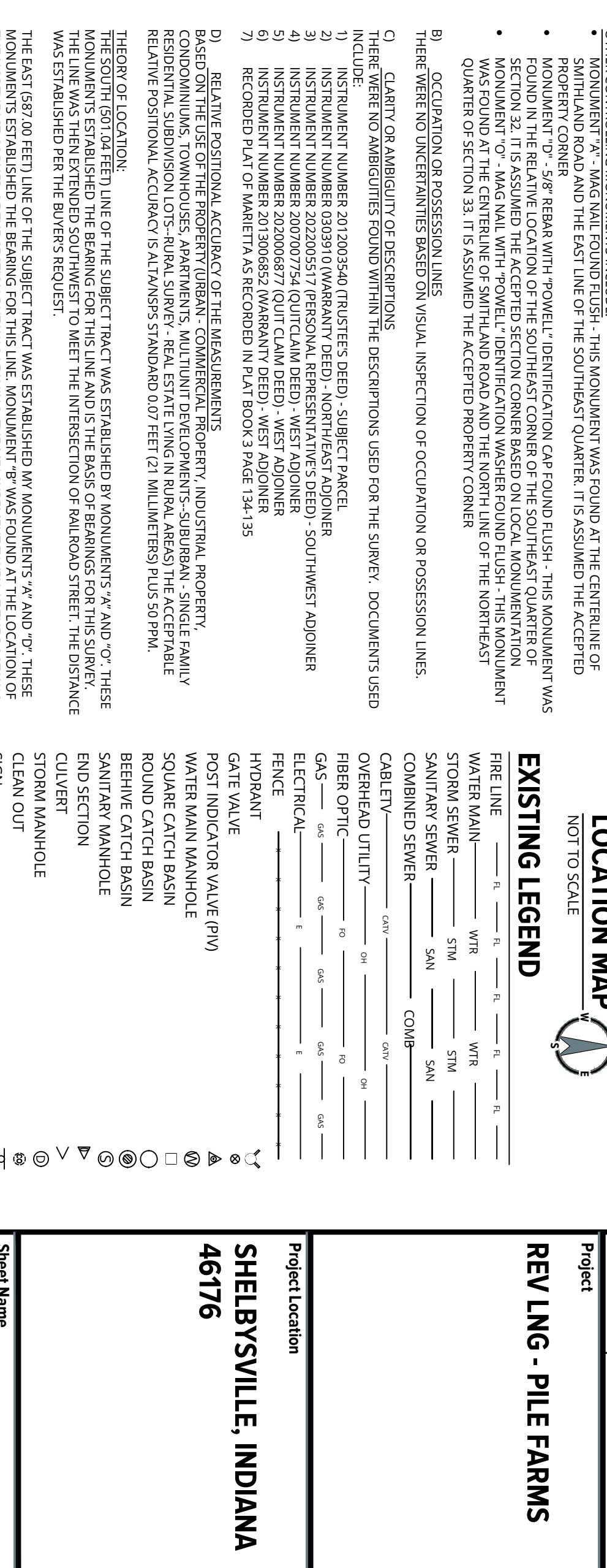
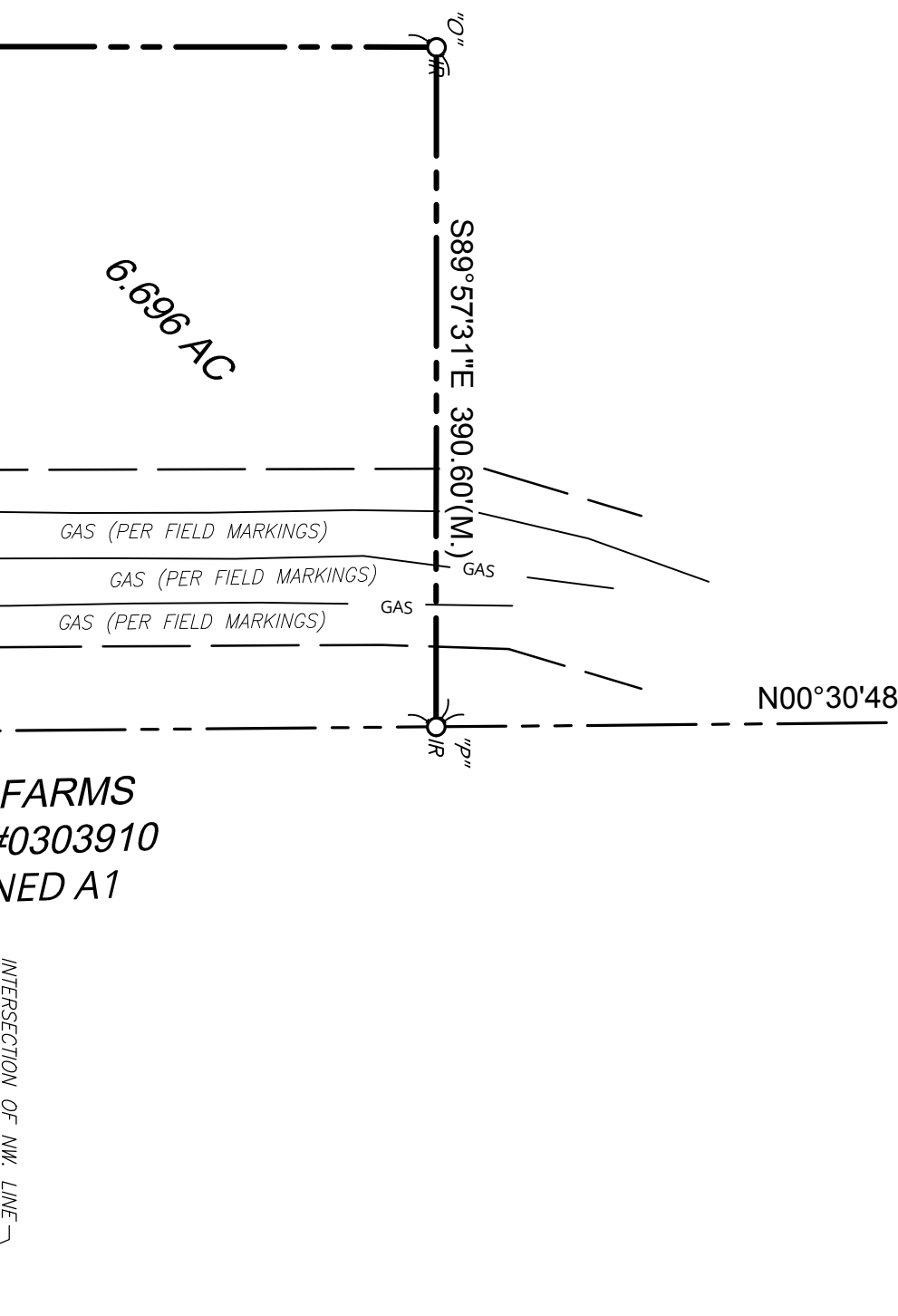
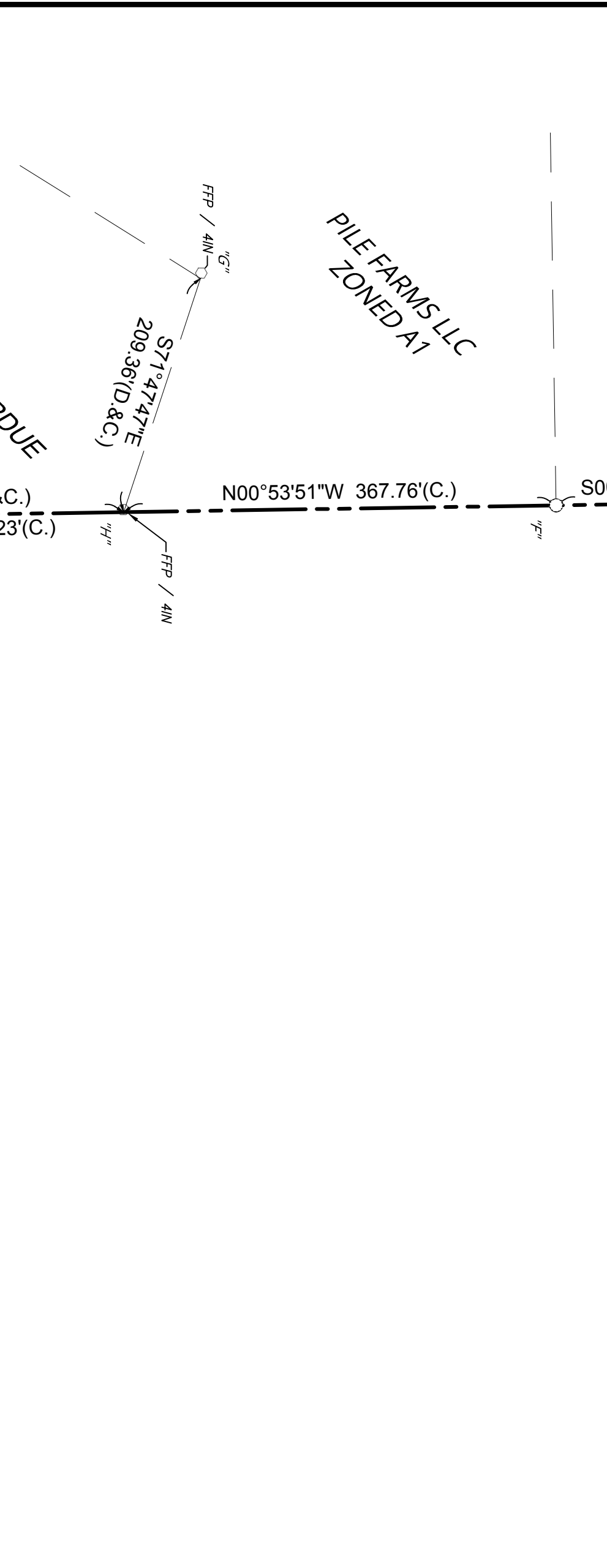
JEFFERSON A & ASHLEY B. PURDUE
INST #202006877
ZONED RE

4.60 ACRES (D)
BONNIE LOU & JOHN R. SCOTT
INST #201506852
ZONED A1

PILE FARMS LLC
ZONED A1

KENNETH R & JOAN J. PILE
INST #2012003540
ZONED A1

SECTION 33 (BASIS OF BEARINGS)



TITLE LEGAL DESCRIPTION:

ALL THAT PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 12 NORTH, RANGE 6 EAST, LYING AND BEING NORTHEAST OF RAILROAD STREET IN THE TOWN OF HARBETTA AND NORTHWEST OF THE MIDDLE OF THE TOWN OF HARBETTA IN SHELBY COUNTY, INDIANA, AND IN SAID DESCRIBED TRACT, BEING 4.81 ACRES, MORE OR LESS, EXCEPT THEREFROM THE FOLLOWING:

PART OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 12 NORTH, RANGE 6 EAST, IN SHELBY COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF CHURCH STREET AND RAILROAD STREET IN THE TOWN OF HARBETTA SAID POINT BEING A BALBOARD SPKEL, THENCE SOUTH 60°00'00" EAST ASSUMED BEARING ALONG THE CENTRALLINE OF SAID RAILROAD STREET 1231.179 FEET TO A BALBOARD SPKEL, THENCE NORTH 31°16'29" EAST 33.10 TO AN IRON PIN ON THE NORTH LINE OF RAILROAD STREET, SAID POINT BEING THE POINT OF BEGINNING, THENCE CONTINUING N 31°16'29" EAST 124.88 FEET TO AN IRON PIN, THENCE SOUTH 31°24'30" WEST 124.85 FEET TO AN IRON PIN ON THE NORTH LINE OF SAID RAILROAD STREET, THENCE NORTH 60°00'00" WEST ALONG THE NORTH LINE OF SAID STREET 277.96 FEET TO THE POINT OF BEGINNING, CONTAINING 0.79 ACRES, MORE OR LESS.

DESCRIPTION OF THE AREA PURCHASED FOR DEVELOPMENT:

PART OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 12 NORTH, RANGE 6 EAST, HENDRICKS TOWNSHIP, SHELBY COUNTY, INDIANA, BASED ON AN ORIGINAL SURVEY BY NOELAN R. MARK, INDIANA PROFESSIONAL SURVEYOR LICENSE NUMBER 21900003 ON THE MARK LAND SURVEYING, LLC SURVEY NO. 091305, DATED JANUARY 20, 2023, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER AS MONUMENT BY A 5/8 INCH REBAR WITH POINT OF BEGINNING ON THE POINT OF BEGINNING, THENCE NORTH 0 DEGREES 30 MINUTES 48 SECONDS WEST (INDIANA STATE QUARTER TO A MAG NAIL POINT FLUSH AT THE CENTRALLINE OF SMITHLAND ROAD AND BEING THE POINT OF BEGINNING OF HEREIN DESCRIBED TRACT:

THENCE SOUTH 52 DEGREES 21 MINUTES 01 SECONDS WEST 501.04 FEET ALONG SAID CENTRALLINE TO A MAG NAIL WITH MARK L521900003 IDENTIFICATION TAG SET FLUSH, THENCE NORTH 0 DEGREES 59 MINUTES 15 SECONDS EAST 893.31 FEET TO A 5/8 INCH REBAR WITH MARK L521900003 IDENTIFICATION TAG SET 0.2 FEET ABOVE GRADE, THENCE SOUTH 89°52'00" WEST 897.02 FEET ALONG GRADE AT SAID EAST LINE OF SAID QUARTER, THENCE SOUTH 0 DEGREES 30 MINUTES 48 SECONDS EAST 87.00 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING, CONTAINING 6.896 ACRES, MORE OR LESS, SUBJECT TO THE RIGHT-OF-WAY OF SMITHLAND ROAD AND EASEMENTS OF RECORD.



EXISTING LEGEND

- CONTOUR
- INDEX CONTOUR
- WATER MAIN
- STORM SEWER
- SANITARY SEWER
- CABLETV
- OVERHEAD UTILITY
- FIBER OPTIC
- GAS
- ELECTRICAL
- CHAIN LINK FENCE
- WOOD FENCE
- HYDRANT
- GATE VALVE
- POST INDICATOR VALVE (PIV)
- WATER MAIN MANHOLE
- SQUARE CATCH BASIN
- ROUND CATCH BASIN
- BEHIND CATCH BASIN
- SAID SECTION
- GULLERY
- STORM MANHOLE
- CLEAN OUT
- SIGN
- UTILITY POLE
- GUYPWIRE
- LIGHT POLE
- LANDSCAPE LIGHT
- RESER
- ELECTRICAL BOX
- ELECTRICAL MANHOLE
- FLAG POLE
- TOP OF CURB
- GUTTER
- EX. GRADE
- EDGE OF ASPHALT
- TOP OF WALL
- BOTTOM OF WALL
- TREE
- CONCRETE
- ASPHALT PAVEMENT
- GRAVEL
- RIP-RAP

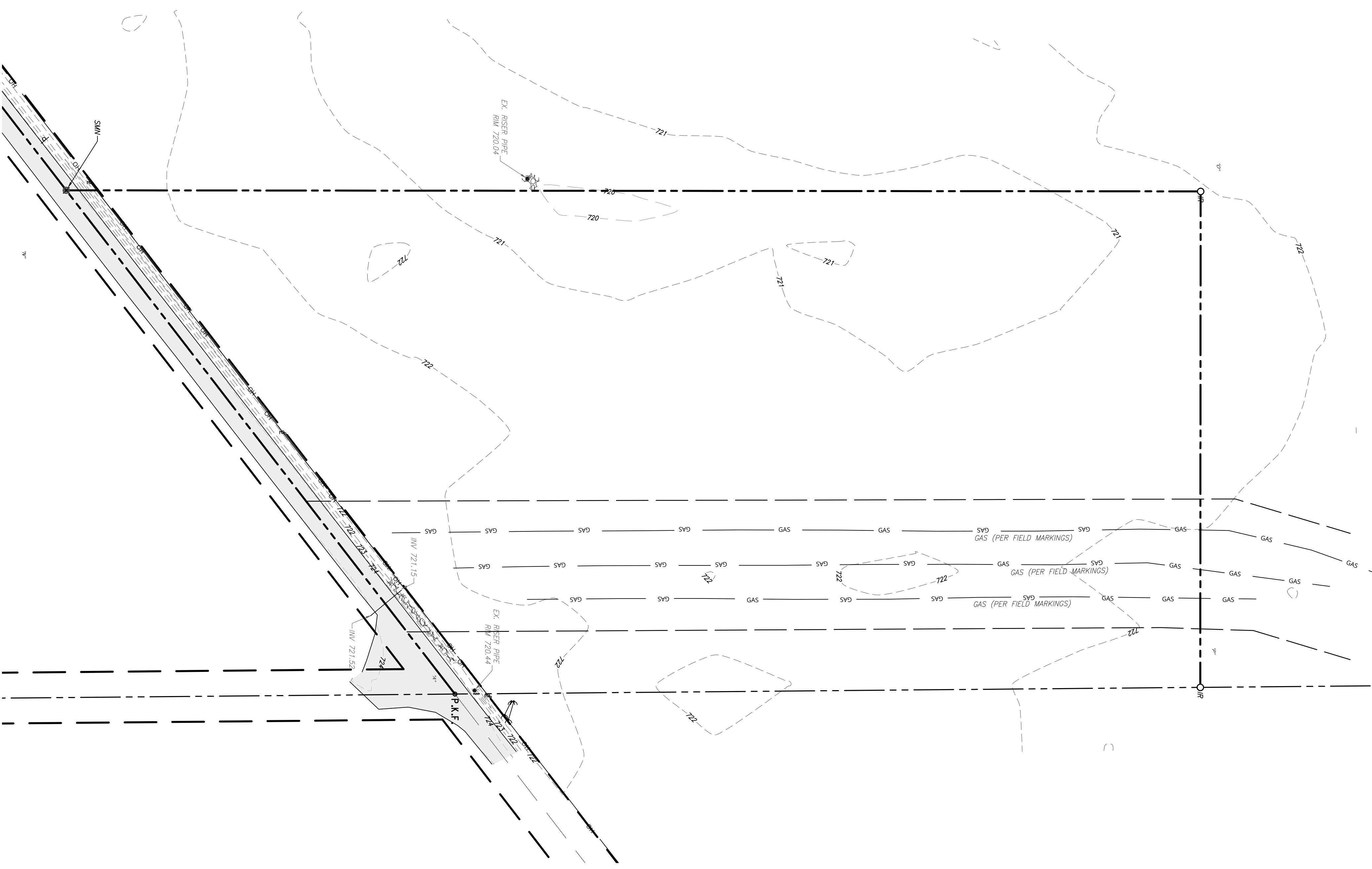
NOTES

1. ALL ELEVATIONS ARE EXISTING ELEVATIONS.
2. SITE IS LOCATED WITHIN ZONE "X" PER THE FLOOD INSURANCE RATE MAP, MAP NUMBER 18145C0175C, WITH AN EFFECTIVE DATE OF 11/05/2014.
3. SITE IS LOCATED APPROXIMATELY 0.7 MILES FROM BIG BLUE RIVER.
4. THE LOCATION OF THE EXISTING UTILITIES AS SHOWN WERE OBTAINED FROM MUNICIPAL AND UTILITY RECORDS AND FIELD SURVEY. THE USER SHALL MAKE REGARDING THE COMPLETENESS OR EXACTNESS OF THE UTILITIES LOCATION. IT IS THE CONTRACTORS RESPONSIBILITY TO VERIFY IN THE FIELD THE LOCATION OF ALL UTILITIES.

SOIL INFORMATION

Br - Brookston silty clay loam, 0 to 2 percent slopes
 Mm - Miami clay loam, 0 to 12 percent slopes, severely
 Wh - Whitaker loam

SOIL INFORMATION TAKEN FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE SOIL SURVEY



UTILITY WARNING!!

THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS PLAN WERE OBTAINED FROM MUNICIPAL AND UTILITY RECORDS AND FIELD SURVEY. THE USER SHALL MAKE REGARDING THE COMPLETENESS OR EXACTNESS OF THE UTILITIES LOCATION. IT IS THE CONTRACTORS RESPONSIBILITY TO VERIFY IN THE FIELD THE LOCATION OF ALL UTILITIES.

CONSTRUCTION SITE SAFETY IS THE RESPONSIBILITY OF THE CONTRACTOR. NEITHER THE ENGINEER NOR THE ENGINEER SHALL BE EXPECTED TO ASSUME RESPONSIBILITY FOR THE SAFETY OF PERSONS ENGAGED IN THE WORK OF NEARBY STRUCTURES.



SME
 www.sme-usa.com

Orientation: N, S, E, W
 Scale: 0, 50, 100
 GRAPHIC SCALE: 1" = 50'

Project: **REV LING - PILE FARMS**

Project Location: **SHELBYVILLE, INDIANA 46176**

Sheet Name: **TOPOGRAPHIC SURVEY**

Surveyor's Seal

Revisions	ISSUED FOR	DATE	BY

Date: **01/31/2023**

SME Project No.: **091305.00**

Project Manager: **J. EVANS**

Field Chief: **N. MARK**

CADD: **B. WIEDEMANN**

Checked By: **S. WILSON**

Reviewed By: **N. MARK**

Sheet No.: **02**

DATE PLOTTED: **Feb 01, 2023 - 1:13pm - gosia.krawczyk**

FILE LOCATION: **\\sme-inc\p2\WIP\091305.00\CAD\Design Files\SUR\Drawings\Topo-Alta-Bndry\Rev2\091305.00-ALTA.dwg**

Page 66 of 74

Shelby County Plan Commission

Memo

To: Shelby County Plan Commission

From: Desiree Calderella, Planning Director

Northwest Shelby County Economic Development Area Resolution – Amendment to Declaratory Resolution

Background

The Shelby County Redevelopment Commission has passed a Resolution Amending its Declaratory Resolution which established an Economic Development Area (EDA) and Tax Increment Financing District (TIF) in northwest Shelby County. *The amendment splits the allocation area into two allocation areas for the purposes of tracking tax funds from two separate areas within the EDA.*

State redevelopment statute requires that the Plan Commission pass a resolution approving the amendment. The Plan Commission must determine that the Amended Resolution conforms to the Shelby County Comprehensive Plan. The Plan Commission adopted a resolution determining that the original resolution conformed to the Comprehensive Plan in January of 2021.

Staff Analysis

The Amended Resolution does not change the boundaries or intent of the Economic Development Area. The Plan Commission previously determined that establishment of the Economic Development Area conforms to the Comprehensive Plan.

Staff recommends that the Plan Commission adopt the Resolution approving amendments to the Declaratory Resolution of the Shelby County Redevelopment Commission that established the Northwest Shelby County Economic Development Area.

25 W Polk St, Shelbyville, IN 46176
T: 317-392-6338 W: <https://www.co.shelby.in.us/plan-commission/>

RESOLUTION NO. 2022-1

**RESOLUTION OF THE SHELBY COUNTY REDEVELOPMENT COMMISSION
AMENDING THE DECLARATORY RESOLUTION AND THE
DEVELOPMENT PLAN FOR THE NORTHWEST SHELBY COUNTY
ECONOMIC DEVELOPMENT AREA**

WHEREAS, the Shelby County Redevelopment Commission (the “Commission”) pursuant to IC 36-7-14 (the “Act”) serves as the governing body of the Shelby County Redevelopment District (the “District”); and

WHEREAS, the Commission has previously adopted and confirmed resolutions (collectively, the “Declaratory Resolution”) which established and amended an economic development area known as the Northwest Shelby County Economic Development Area (the “Economic Development Area”), designated all of such area as an allocation area pursuant to Section 39 of the Act, known as the Northwest Shelby County Allocation Area (the “Northwest Shelby County Allocation Area”) and approved a development plan for the Economic Development Area (the “Plan”) pursuant to the Act; and

WHEREAS, the Commission now desires to amend the Declaratory Resolution and Plan (i) to remove the area described on Exhibit A attached hereto from the Northwest Shelby County Allocation Area, (ii) to designate the area described on Exhibit A attached hereto as a separate allocation area pursuant to Section 39 of the Act to be known as the 2022 Allocation Area (the “2022 Allocation Area”), and (iii) to adopt a supplement to the Plan attached hereto as Exhibit B (the “2022 Plan Supplement”) (clauses (i), (ii) and (iii), collectively, the “2022 Amendments”); and

WHEREAS, the 2022 Amendments and supporting data were reviewed and considered at this meeting; and

WHEREAS, Section 39 of the Act has been created and amended to permit the creation and expansion of “allocation areas” to provide for the allocation and distribution of property taxes for the purposes and in the manner provided in said Section; and

WHEREAS, this Commission deems it advisable to apply the provisions of said Section 39 of the Act to the 2022 Amendments; and

WHEREAS, the Commission now desires to approve the 2022 Amendments.

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Redevelopment Commission, governing body of the Shelby County Redevelopment District, as follows:

1. The 2022 Amendments promote significant opportunities for the gainful employment of its citizens, attraction of major new business enterprises to Shelby County, Indiana (the “County”), retention and expansion of significant business enterprises existing in the

boundaries of the County, and meet other purposes of Sections 2.5, 41 and 43 of the Act, including without limitation benefiting public health, safety and welfare, increasing the economic well-being of the County and the State of Indiana (the "State"), and serving to protect and increase property values in the County and the State.

2. The 2022 Plan Supplement for the 2022 Allocation Area cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed under Sections 2.5, 41 and 43 of the Act because of lack of development, cessation of growth, deteriorating improvements and age.

3. The public health and welfare will be benefited by the 2022 Amendments.

4. It will be of public utility and benefit to amend the Declaratory Resolution and the Plan for the Economic Development Area as provided in the 2022 Amendments and to continue to develop the Economic Development Area, including the 2022 Allocation Area, as under the Act.

5. The accomplishment of the 2022 Plan Supplement for the 2022 Allocation Area will be a public utility and benefit as measured by the attraction or retention of permanent jobs, an increase in the property tax base, improved diversity of the economic base and other similar public benefits.

6. The Declaratory Resolution and the Plan, as amended by this Resolution and the 2022 Plan Supplement, conform to the comprehensive plan of development for the County.

7. The 2022 Amendments are reasonable and appropriate when considered in relation to the Declaratory Resolution and Plan and the purposes of the Act.

8. The findings and determinations set forth in the Declaratory Resolution and the Plan are hereby reaffirmed.

9. In support of the findings and determinations set forth in Sections 1 through 7 above, the Commission hereby adopts the specific findings set forth in the 2022 Plan Supplement.

10. The Commission does not at this time propose to acquire any specific parcel of land or interests in land within the boundaries of the 2022 Allocation Area. If at any time the Commission proposes to acquire specific parcels of land, the required procedures for amending the Plan, as amended by the 2022 Plan Supplement, under the Act will be followed, including notice by publication to affected property owners and a public hearing.

11. The Commission finds that no residents of the Economic Development Area will be displaced by any project resulting from the 2022 Plan Supplement, and therefore finds that it does not need to give consideration to transitional and permanent provision for adequate housing for the residents.

12. The 2022 Amendments are hereby in all respects approved.

13. The area described in Exhibit A is hereby removed from the Northwest Shelby County Allocation Area, and is hereby designated as a separate “allocation area” pursuant to Section 39 of the Act to be known as the “2022 Allocation Area,” for purposes of the allocation and distribution of property taxes for the purposes and in the manner provided by said Section. Any taxes imposed under I.C. 6-1.1 on real property subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in said allocation area shall be allocated and distributed as follows:

Except as otherwise provided in said Section 39, the proceeds of taxes attributable to the lesser of the assessed value of the property for the assessment date with respect to which the allocation and distribution is made, or the base assessed value, shall be allocated to and when collected paid into the funds of the respective taxing units. Except as otherwise provided in said Section 39, property tax proceeds in excess of those described in the previous sentence shall be allocated to the redevelopment district and when collected paid into an allocation fund for the 2022 Allocation Area hereby designated as the “2022 Allocation Fund” and may be used by the redevelopment district to do one or more of the things specified in Section 39(b)(3) of the Act, as the same may be amended from time to time. Said allocation fund may not be used for operating expenses of the Commission. Except as otherwise provided in the Act, before June 15 of each year, the Commission shall take the actions set forth in Section 39(b)(4) of the Act.

14. The foregoing allocation provision shall apply to the 2022 Allocation Area. The Commission hereby finds that the adoption of this allocation provision will result in new property taxes in the 2022 Allocation Area that would not have been generated but for the adoption of the allocation provision, as specifically evidenced by the findings set forth in Exhibit B. The base assessment date for the 2022 Allocation Area is January 1, 2022.

15. The provisions of this Resolution shall be subject in all respects to the Act and any amendments thereto, and the allocation provisions herein relating to the 2022 Allocation Area shall expire on the date that is twenty-five (25) years after the date on which the first obligation is incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues derived from the 2022 Allocation Area.

16. This Resolution, together with any supporting data, shall be submitted to the Shelby County Plan Commission (the “Plan Commission”) and the Board of Commissioners of the County (the “Board”) as provided in the Act, and if approved by the Plan Commission and the Board, shall be submitted to a public hearing and remonstrance as provided by the Act, after public notice as required by the Act.

17. The officers of the Commission are hereby authorized to make all filings necessary or desirable to carry out the purposes and intent of this Resolution.

18. The provisions of this Resolution shall be subject in all respects to the Act and any amendments thereto.


Adopted the 28th day of November, 2022.

SHELBY COUNTY REDEVELOPMENT
COMMISSION

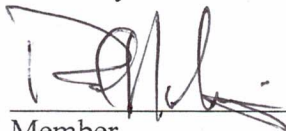
President



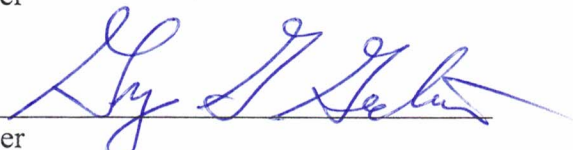
Vice President



Secretary



Member



Member

EXHIBIT A

Description of the 2022 Allocation Area

The 2022 Allocation Area consists of the following parcels:

PARCEL ID NUMBERS:

73-01-14-300-001.000-013

73-01-23-100-001.000-013

73-01-23-200-001.000-013

73-01-14-300-018.000-013

73-01-14-300-002.000-013

EXHIBIT B

2022 Plan Supplement

The Plan is hereby supplemented by adding the following projects to the Plan:

All or any portion of the design and construction of infrastructure improvements, including without limitation, utility improvements and/or streetscape development, in or directly serving and benefiting the 2022 Allocation Area, which will support a development project by Sunbeam Development Corporation (the "Developer"). The estimated cost of these improvements is \$7,000,000.

Based on representations of the Developer, the Commission has determined that the development will not proceed as planned without the contribution of tax increment revenues to be derived from the 2022 Allocation Area to the projects described above.

DMS 24349320v1

RESOLUTION NO. _____

**RESOLUTION OF THE SHELBY COUNTY PLAN COMMISSION
APPROVING AMENDMENTS TO THE DECLARATORY RESOLUTION
AND DEVELOPMENT PLAN FOR THE NORTHWEST SHELBY COUNTY
ECONOMIC DEVELOPMENT AREA**

WHEREAS, the Shelby County Plan Commission (the “Plan Commission”) is the body charged with the duty of developing a general plan of development for Shelby County, Indiana (the “County”); and

WHEREAS, the Shelby County Redevelopment Commission (the “Redevelopment Commission”) on November 28, 2022, approved and adopted a resolution (the “Resolution”) approving certain amendments to the declaratory resolution and development plan for the Northwest Shelby County Economic Development Area (the “Plan Supplement”); and

WHEREAS, the Redevelopment Commission has submitted the Resolution and the Plan Supplement to this Plan Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE SHELBY COUNTY PLAN COMMISSION, THAT:

1. The Resolution and the Plan Supplement conform to the plan of development for the County.
2. This Plan Commission hereby approves the Resolution and the Plan Supplement. This resolution hereby constitutes the written order of the Plan Commission approving the Resolution and the Plan Supplement pursuant to I.C. § 36-7-14-16.
3. The Secretary of this Plan Commission is hereby directed to file a copy of the Resolution and the Plan Supplement with the minutes of this meeting.

SO RESOLVED BY THE SHELBY COUNTY PLAN COMMISSION this 28th day of February, 2023.

SHELBY COUNTY PLAN COMMISSION

President

ATTEST:

Secretary