

Shelby County Plan Commission

April 25, 2023 at 7:00 PM

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*Amended 4/24

MEETING AGENDA

Shelby County Plan Commission
April 25, 2023 at 7:00 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the March 28, 2023 meeting.

BUSINESS CONTINUED TO MAY 23, 2023

SD 23-02 – DAVIS SIMPLE SUDIVISION: Simple Subdivision of 14.74-acres into a 9.5-acre lot and 4.74-acre lot. Located east of and adjoining 453 E 700 S, Shelbyville, Washington Township.

OLD BUSINESS

None.

NEW BUSINESS

RZ 23-09 – BRUNING REZONING: Rezoning of 10-acres from the A1 (Conservation Agricultural) District to the A2 (Agricultural) District. Located at 9721 N SR 9, Morristown, Van Buren Township.

SD 23-05 – BRUNING SIMPLE SUDIVISION: Simple Subdivision of 10-acres from a 39.97-acre parent tract and waiver of subdivision prerequisites. Located at 9721 N SR 9, Morristown, Van Buren Township.

RZ 23-10 – TITUS REZONING: Rezoning of 3-acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District. Located east of and adjoining 4439 W 950 N, Fountaintown, Moral Township.

SD 23-06 – TITUS SIMPLE SUDIVISION: Simple Subdivision of 3-acres from a 35.49-acre parent tract. Located east of and adjoining 4439 W 950 N, Fountaintown, Moral Township.

RZ 22-19 – HERITAGE AGGREGATES LLC – RECOMMENDATION ON MODIFIED COMMITMENTS: Recommendation on modification to commitments to reduce property line setbacks by the County Commissioners. 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. *Note this is not a public hearing.

SUNBEAM DEVELOPMENT / I-74 EAST COMMERCE PARK: Plan Commission review of a traffic study and determination that public street(s) are designed to effectively and safely convey the existing and added

traffic generated by the development, or whether the street will be prematurely degraded by the added traffic generated by the development. *Note this is not a public hearing.

DISCUSSION

Rules of Procedure.

Board Training Preferences.

ADJOURNMENT

The next regular meeting of the Shelby County Plan Commission is scheduled for Tuesday, **May 23, 2023 at 7:00 PM.**

Property Details

Location: 9721 N SR 9, Morristown, Van Buren Township.

Property Size: 10-acres.

Current Land Use: Agriculture.

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

A2 (Agricultural)

This district is established for general agricultural areas and buildings associated with agricultural production.

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.

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	Woodland
South	RE	Residential Estate
East	RE	Residential Estate
West	A1	Cropland

Staff Report

Case Number: RZ 23-09 / SD 23-05

Case Name: Bruning Rezoning – A1 (Conservation Agricultural) to A2 (Agricultural) & Bruning Simple Subdivision

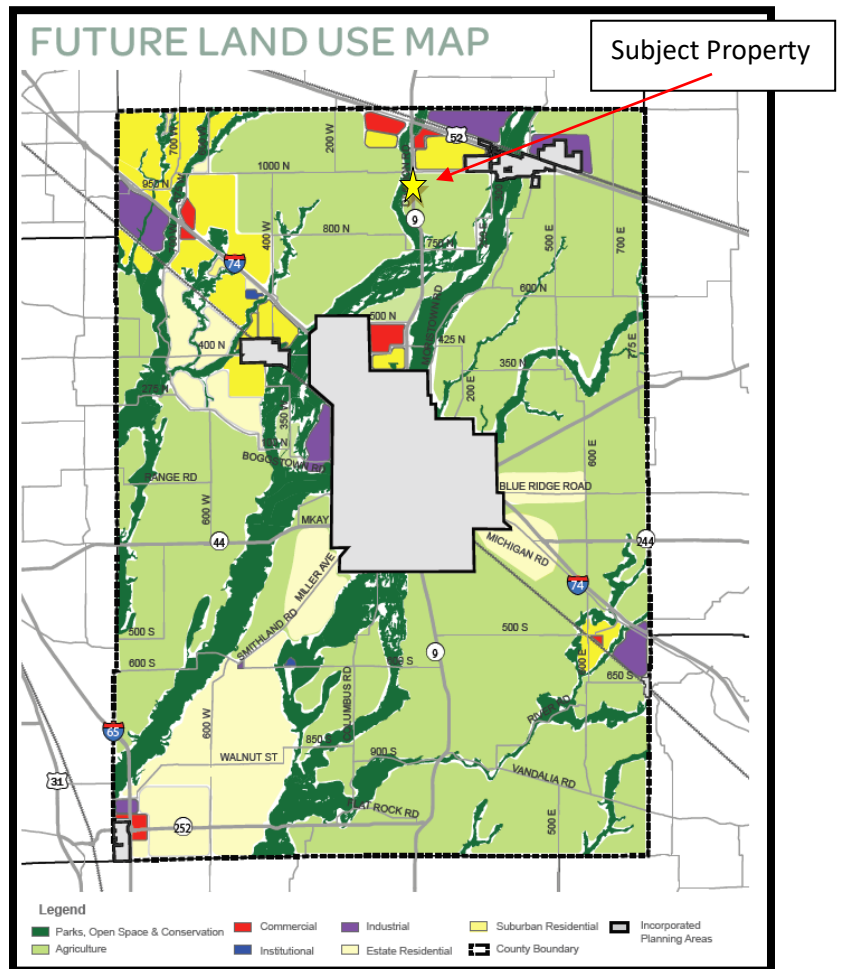
Requests

Rezoning of 10-acres from the A1 (Conservation Agricultural) District to the A2 (Agricultural) District to allow for a one-lot Simple Subdivision.

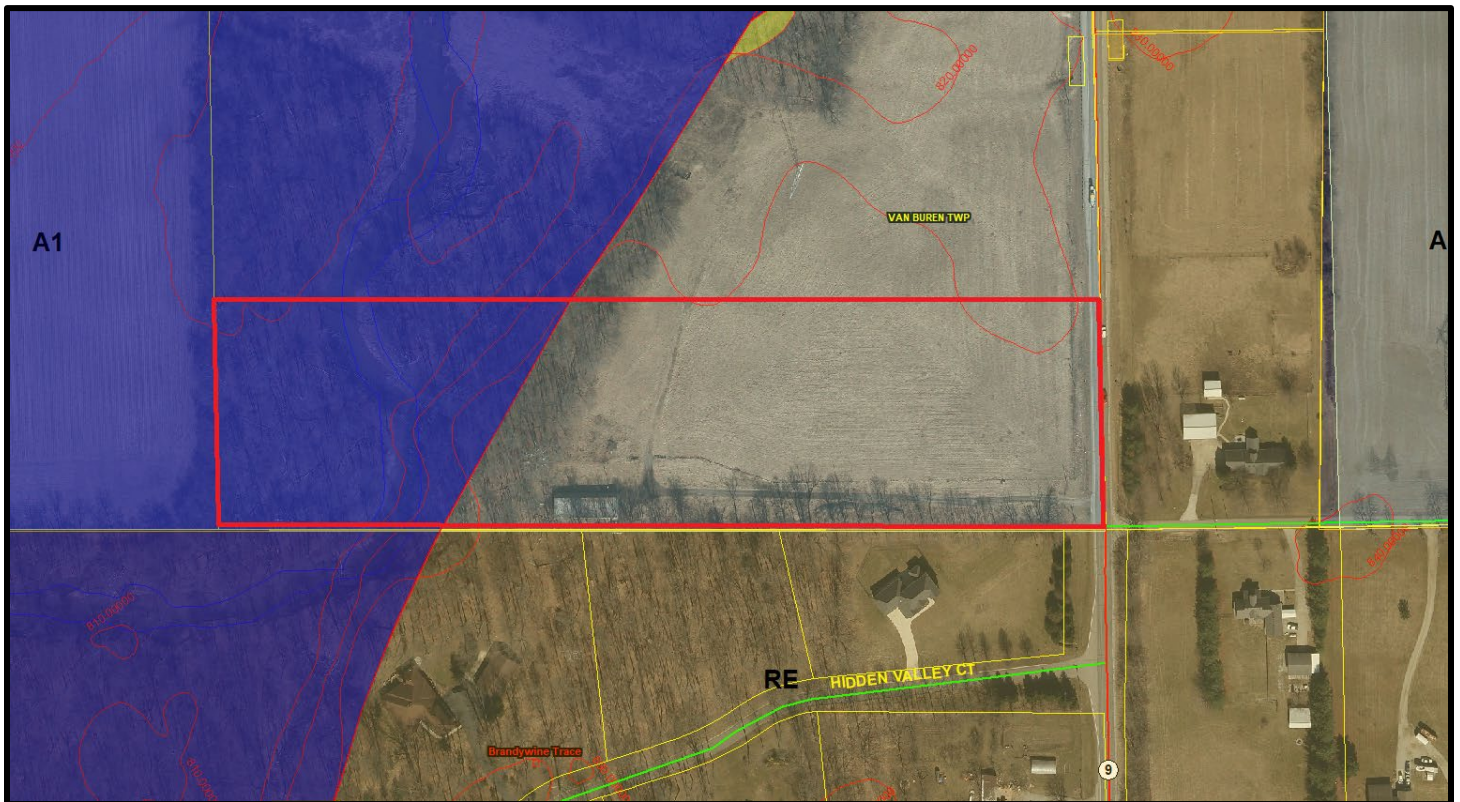
Simple Subdivision of 10-acres from a 39.97-acre parent tract.

Waiver of Simple Subdivision prerequisites to allow for Simple Subdivision of property zoned A2.

Future Land Use Map



Property Map



Case Description

- Approval of the requests would allow for development of one new 10-acre single-family residential lot.
- Approximately 3.5-acres at the rear of the property along Brandywine Creek lies within Federal Emergency Management Agency (FEMA) and Indiana Department of Natural Resources (IDNR) designated Flood Hazard Area Floodway. State Code and County Ordinance prohibit development of dwellings in the Floodway. The plat includes a No-Disturb Easement over the Flood Hazard Area with a note: Development including single-family dwellings, accessory structures, and alteration of land in the Designated Flood Hazard Area shall be prohibited.
- A driveway currently exists on the property near the south property line. The driveway does not comply with the 100-foot separation requirement from intersecting streets identified in the UDO. Use of this driveway for residential purposes would require a variance from the Board of Zoning Appeals.
- The USDA Soil Survey classifies most of the property outside of the Flood Hazard Area as either *Prime farmland if drained* or *Not Prime farmland*.
- The Technical Advisory Committee (TAC) / Site Plan Review Committee would review a detailed site plan including structure layout, elevation of development, drainage infrastructure, and septic system design for compliance with County codes prior to issuance on permits for a new single-family residence.

- The UDO requires RE zoning for properties in residential Simple Subdivisions to limit use of lots for intense agricultural uses that may pose a nuisance to adjacent residential properties. For example, the UDO allows agritourism and keeping of large numbers of animals on property in the A2 District, however, prohibits these uses in the RE District. The petitioner has requested a waiver to allow the lot to have the A2 zoning designation.
- Per the UDO, the remaining 29.97-acres would qualify as a building lot conditional on use of the property for agricultural purposes.

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

The surrounding area includes several residential lots under ten acres. Therefore, development of a ten-acre lot with one single-family residence would not conflict with existing residential development in the area.

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

Much of the property and remaining tract lie within designated flood hazard areas and/or include woodland, which limits large-scale 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 not conflict with surrounding development or the Comprehensive Plan. The TAC would review any proposed development for compliance with County codes.

5. The Comprehensive Plan

The residential density of the proposed lot and remaining tract would not exceed one lot for every five acres as recommended for agricultural areas by the Comprehensive Plan. Due to presence of the floodway, State Code and County Ordinance prohibit development of dwellings on the area of the property designated for parks, open space, and conservation by the Comprehensive Plan.

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 Simple Subdivision of property zoned A2.
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 the waiver would allow for agricultural use of property significantly exceeding the size of typical rural residential properties.

Staff Recommendation

APPROVAL primarily because the surrounding area includes several residential lots under ten acres. Therefore, development of a ten-acre lot with one single-family residence would not conflict with existing residential development in the area.

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:	Joseph and Loretta Bruning 8355 N 75 E Shelbyville, IN 46176	Surveyor:	Scott T Sumerford 3149 N Riley Hwy. Shelbyville, IN 46176
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Owner: Same

Property Details

Location: East of and adjoining 4439 W 950 N, Fountaintown, Moral Township.

Property Size: 3-acres.

Current Land Use: Cropland.

Current Zoning Classification

A1 (Conservation Agricultural)

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

Proposed Zoning Classification

RE (Residential Estate)

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

Future Land Use per Comp Plan

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.

Surrounding Development

	Zoning	Land Use
North	A1	Cropland
South	A1	Cropland
East	A1	Cropland
West	RE	Residential Estate

Staff Report

Case Number: RZ 23-10 / SD 23-06

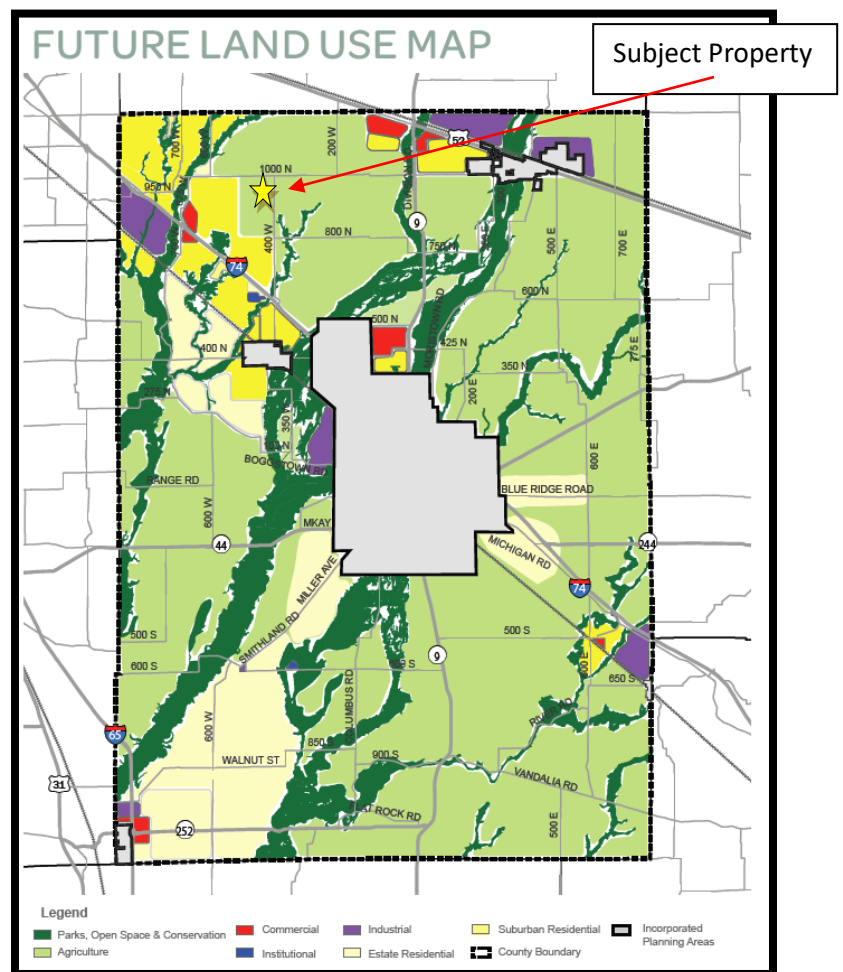
Case Name: Titus Rezoning – A1 (Conservation Agricultural) to RE (Residential Estate) & Titus Simple Subdivision

Requests

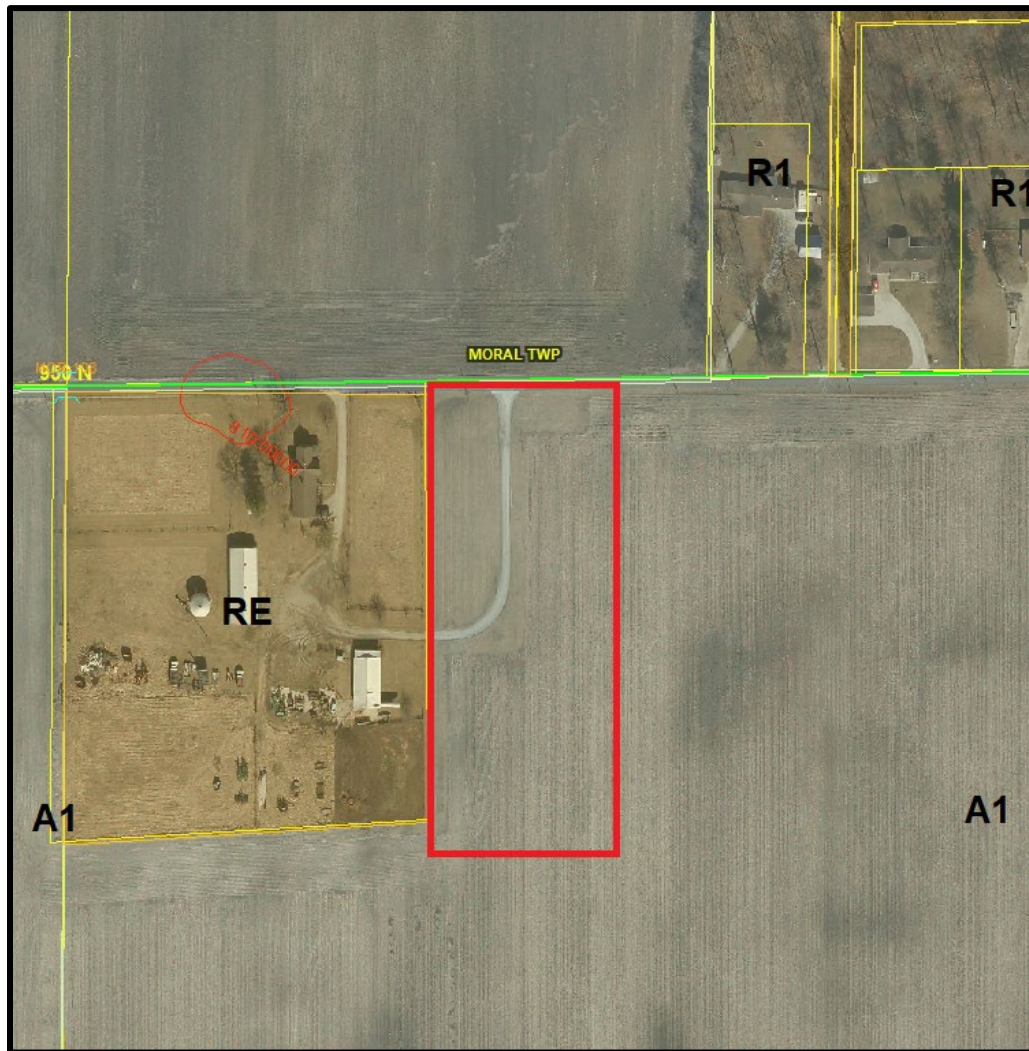
Rezoning of 3-acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for a one-lot Simple Subdivision.

Simple Subdivision of 3-acres from a 35.49-acre parent tract.

Future Land Use Map



Property Map



Case Description

- Approval of the requests would allow for development of one new 3-acre single-family residential lot.
- An existing driveway provides access to CR 950 N. The driveway complies with all development standards for residential driveways included in the UDO.
- The USDA Soil Survey classifies the property as *Prime farmland if drained*.
- The Technical Advisory Committee (TAC) / Site Plan Review Committee would review a detailed site plan including structure layout, elevation of development, drainage infrastructure, and septic system design for compliance with County codes prior to issuance on permits for a new single-family residence.
- Per the UDO, the remaining 32.49-acres would qualify as a building lot conditional on use of the property for agricultural purposes.

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

The surrounding area includes several residential lots under three acres. Therefore, development of a three-acre lot with one single-family residence would not conflict with existing residential development in the area.

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

The property currently includes a driveway and adjoins a residential lot, which renders the property desirable for residential development.

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 not conflict with surrounding development or the Comprehensive Plan. The TAC would review any proposed development for compliance with County codes.

5. The Comprehensive Plan

The residential density of the proposed lot and remaining tract would not exceed one lot for every five acres as recommended for agricultural areas by the Comprehensive Plan.

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.
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.

Staff Recommendation

APPROVAL primarily because the surrounding area includes several residential lots under three acres. Therefore, development of a three-acre lot with one single-family residence would not conflict with existing residential development in the area.

Applicant/Owner Information

Applicant:	TJ Titus 11633 N 100 W Fountaintown, IN 46130	Surveyor:	Scott T Sumerford 3149 N Riley Hwy. Shelbyville, IN 46176
Owner:	Same		

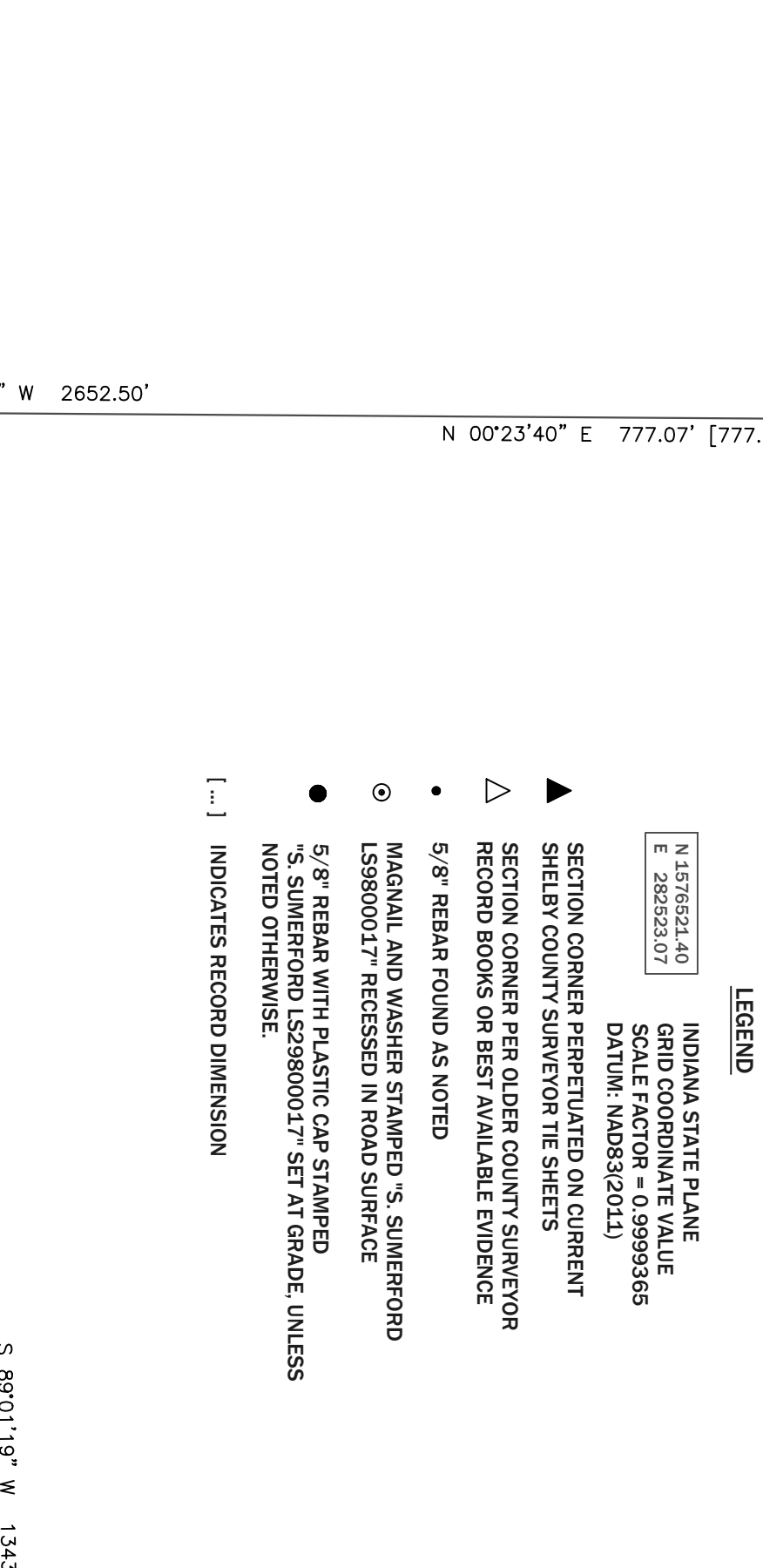
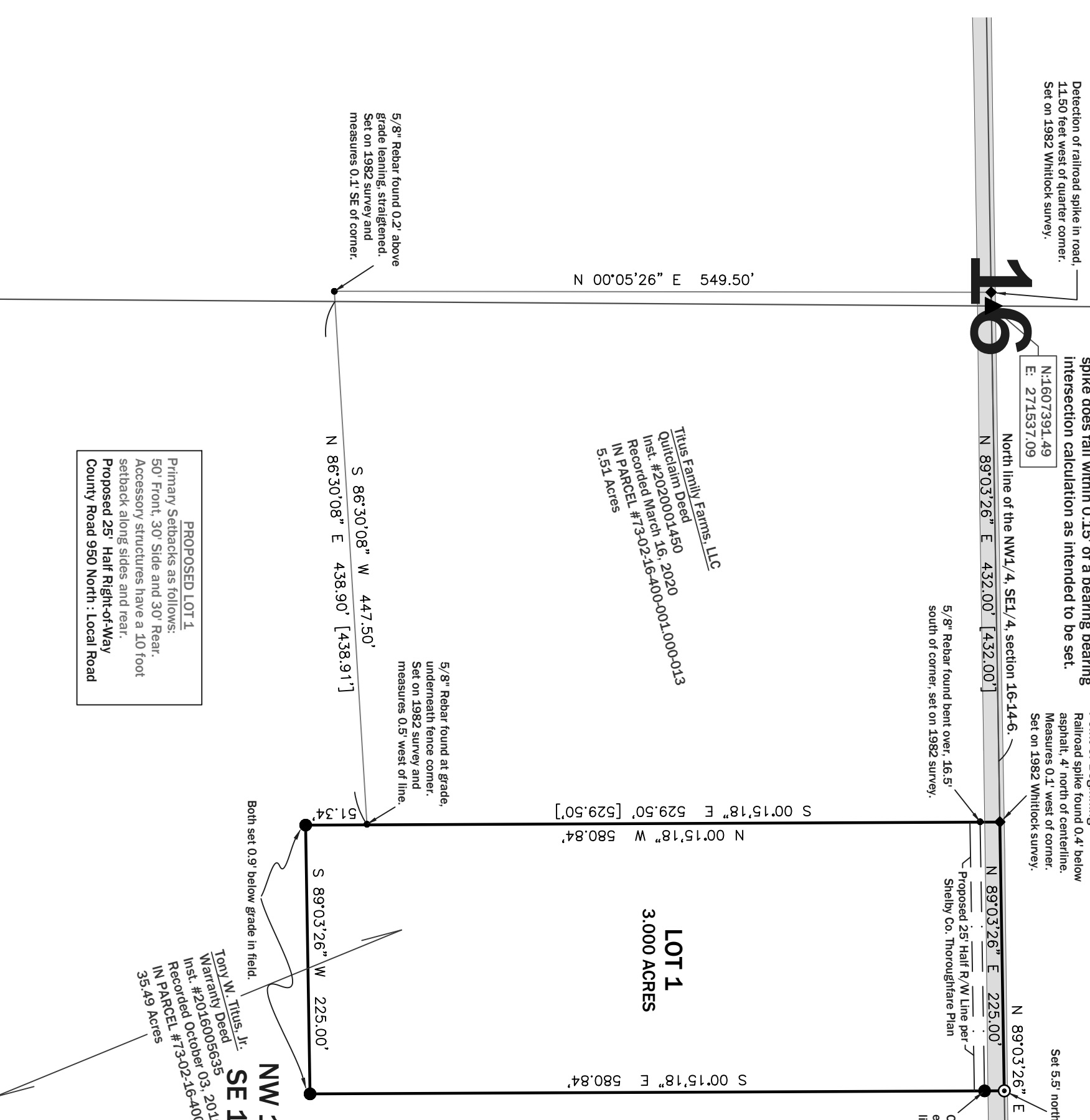
FINAL PLAT FOR

TITUS SIMPLE SUBDIVISION

COUNTY ROAD 950 NORTH
WARRANTY DEED
RECORDED: NW 1/4, SE 1/4 OF SECTION 16, TOWNSHIP 14 N, RANGE 6 EAST, MORAL COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION OF PARENT TRACT
Warranty Deed
Instrument No. 2016005635, Recorded October 3, 2016
Tory W. Titus and Teresa B. Titus
to
Tory W. Titus, Jr.

CENTER OF SECTION 17-14-7
NW CORNER, SE 1/4, SECTION 17-14-7
Railroad spike found 0.67' below asphalt and 4.5'



PROPOSED LOT 1
INDIANA STATE PLANE
SCALE FACTOR = 0.9999366
DATE: MARCH 20, 2013
SECTION CORNER PERPETUATED ON CURRENT SHELBY COUNTY SURVEYOR TIE SHEETS

LEGAL DESCRIPTION LOT 1
Part of the northwest quarter of the southeast quarter of Section 16, Township Fourteen (14) North, Range Six (6) East, Moral Township, Shelby County, Indiana, being part of the Titus property as described in Instrument No. 2016005635, recorded October 3, 2016 in the Office of the Shelby County Recorder, and being a portion of the southeast quarter of said Section 16, Township Fourteen (14) North, Range Six (6) East, Moral Township, Shelby County, Indiana, as shown and described in Instrument No. 2013003948, recorded June 18, 2013 in the Office of the Shelby County Recorder, said point being the point of beginning of the herein described tract:

Commencing at the northwest corner of the southeast quarter of said section 16-14-6, said point being marked by a railroad spike; thence along the north line of the northwest quarter of said southeast quarter, North 89° 02'26\"/>

OWNERSHIP CERTIFICATE
I, Tory W. Titus, Jr. of Shelby County, Indiana, do hereby certify that I am the owner of the property described in the above captioned and that as such owner have caused the property to be surveyed and subdivided as shown on the hereon drawn plat, as my own free and voluntary act and deed.

Notary Public
Scott T. Sumnerford
Registration Number: 98000127
DATE: April 25, 2023

EAST QUARTER CORNER SECTION 16-14-6
Railroad spike found 0.457' below asphalt
in the approximate road intersection. The
spike was set over a recovered stone by
the county surveyor's office in 1980. The
corner measures 0.7' north of a
midpoint between section corners.



SURVEYOR'S REPORT

This project is being done to create a new buildable parcel next to the existing farmstead on the 5.51 acre tract located at 4439 W 950 N. The 5.51 acre farmstead was previously split back in 1982 per a John Whittock survey on file in the County Auditor's Office. The client wants to utilize the eastern half of the existing loop driveway for access to the new building lot and is trying to minimize the loss of tillable ground for this project.

In accordance with Title 865, Article 1, Chapter 12, Section 12.2 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 because of surveyor's opinion of the cause and amount of uncertainty in these lines and corners because of the following:

- A) Availability and condition of reference monuments.
- The parent tract is the quarter quarter section, minus the 5.51 acre parcel in the northwest corner. The quarter section has been completely perpetuated by the county surveyor and established based upon theoretical positions. See the adjacent discussion on the plat. There could have been a potential deflection at the center of section historically, due to the relationship to the road centerline. There is, however, no definite stone history or records of previous road bed excavation performed at the center of section.
- There are railroad spikes and rebars still existing from the 1982 Whittock survey of the 5.51 acre tract in the corner. One spike at the Point of Beginning to Lot 1 was found to be within 0.1 feet of the original published dimension, but the spike is not a controlling call within the 1982 description. There was one offset rebar found bent over along the road, and two at the back corners, near the fence corners which were also somewhat disturbed. These were not held for controlling the title lines. The back ones measured 0.6 feet short of original distance apart.
- The rear corners of proposed Lot 1 were intentionally buried in the field to allow continued farming around the east and south sides of the future home site.
- B) Occupation or possession lines
- There is farm fencing along the west side of Lot 1 as called out for the east boundary line to the adjacent 5.51 acre tract.
- C) Clarity or ambiguity of record descriptions
- No discrepancies in title were encountered for the proposed lot.
- 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 4-12-7 and falls under a Suburban Survey Classification with a relative positional accuracy of 0.13 feet + 100 ppm.

SURVEY CERTIFICATION
I hereby certify that this survey was performed under my direct supervision and to the best of my knowledge and belief was executed to minimum standards of practice as contained in Rule 12.2 of Title 865, Article 1, of the Indiana Administrative Code.
DATE: April 25, 2023

Notary Public
Scott T. Sumnerford
Registration Number: 98000127
DATE: April 25, 2023

INDIANA TITLE 865
BOUNDARY SURVEY
JOB LOCATION
PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, SECTION 16 TOWNSHIP 14 NORTH, RANGE 6 EAST, MORAL TWP., SHELBY COUNTY, IN

CLIENT
Tony Titus, Jr.
11633 N 100 W
Fountaintown, IN 46130

PROJECT
Simple Subdivision procedure for dividing off a 3 acre lot for a proposed home site.

LAST DATE OF FIELDWORK
April 8, 2023
April 25, 2023
CERTIFICATION DATE
NOTES/REVISIONS
NONE TO DATE

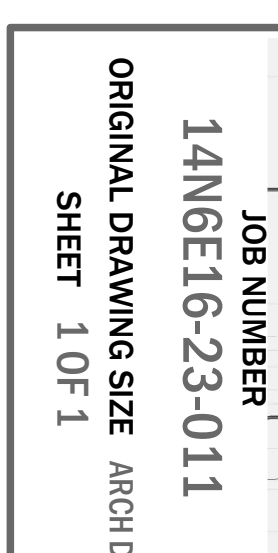
INDIANA STATE PLANE GRID (EAST ZONE 1301)
SCALE: 1 INCH = 100 FEET

I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO RETRACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

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

JOB NUMBER
14NB0E16-23-011
ORIGINAL DRAWING SIZE ARCH D
SHEET 1 OF 1



Shelby County Plan Commission

To: Shelby County Plan Commission

From: Desiree Calderella, Planning Director

Reconsideration of Commitments Regarding Setbacks

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

Background

On February 28, 2023 the Plan Commission voted 8-1 to forward a Favorable Recommendation to the County Commissioners to rezone 243.04-acres of property located in Washington Township from A1 (Conservation Agricultural) and R1 (Single-Family Residential) to HI (High Impact) to allow for expansion of aggregate mining operations. The approval included a set of commitments regarding use and development of the property. These commitments included setbacks exceeding ordinance requirements for mining activities, aggregate stockpiles, and an asphalt batch plant.

On March 20, 2023 the County Commissioners voted 2-1 to send the rezoning back to the Plan Commission for reconsideration of the commitments regarding setbacks. Indiana Code requires that the Plan Commission review any change to commitments proposed by the Commissioners which may result in less restrictive commitments than recommended by the Plan Commission.

Summary of Proposed Setbacks

The attached document outlines the commitments regarding setbacks proposed by Staff which the Plan Commission adopted, the setbacks proposed by Heritage Aggregates, and the purpose of the increased setbacks.

Plan Commission Decision

Per the Plan Commission attorney, the Plan Commission should consider the evidence previously presented to make a decision on amending the setbacks and is not required to accept new evidence from the petitioner or public. The decision is limited to setbacks, not any other commitments or

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rezoning approval. If the Plan Commission chooses to not amend their recommendation on commitments regarding setbacks, the Commissioners can override the decision of the Plan Commission.

The Plan Commission has the following options when making a recommendation on the commitments regarding setbacks:

- Recommend no change to the setbacks originally recommended by the Plan Commission.
- Recommend modification of one or more setbacks to reflect the setbacks requested by Heritage Aggregates.
- Recommend modification of all setbacks to reflect the setbacks requested by Heritage Aggregates.

In accordance with Indiana Code and County Ordinance, when considering a rezoning the **Plan Commission shall pay reasonable regard to the Current Conditions and the Character of Current Structures and Uses in Each District**. Commitments regarding setbacks would mitigate impacts associated with the quarry on current agricultural uses, rural homesteads, and roadways in the area.

	<i>Proposed by Staff</i>	<i>Requested by Heritage Agg</i>	<i>Purpose of Increased Setbacks</i>
<i>Setback from public roadways (Exhibit C)</i>	300 feet (2X ordinance req)	150 feet	County Ordinance does not define adjacent agricultural zoning districts as appropriate adjacent districts to the HI District. However, note that the HI District permits uses that may be considered less compatible with adjacent agricultural uses such as amusement parks, incinerators, junk yards, and rendering plants. The increased setback would not serve the practical purpose of mitigating aesthetic, environmental, noise, and smell impacts associated with these uses on agricultural production or farmsteads. The proposed commitments limit use of the property to a quarry by the petitioner and any future property owner.
<i>Setback from property lines (Exhibit C)</i>	200 feet (2X ordinance req)	100 feet	
<i>Setback of aggregate stockpiles from edge of pavement of public road (#13)</i>	300 feet (2X ordinance req)	150 feet	Mining activities would occur within the hole of the quarry and behind berms, and therefore would not impact the rural aesthetic character of the area or result in a significant amount of dust migrating over the property line. However, view of stockpiles over the berm close to the road and property lines would impact the rural aesthetic character of the area and could result in migration of dust over the property line. This is evident by the aggregate stockpiles close to the SR 252 on adjacent property.
<i>Setback of aggregate stockpiles from adjoining property (#13)</i>	200 feet (2X ordinance req)	100 feet	
<i>Setback of aggregate stockpiles from residential structures (#13)</i>	500 feet	150 feet from property line	Serves the same purpose as above, however aesthetic and dust impacts have a greater impact on residential homesites than crop production and roadways.
<i>Landscape buffer yards within 800-foot site distance of residential structures in addition to required landscape buffers (#19)</i>	Yes	No	
<i>Setback of asphalt batch plant from edge of pavement of Old SR 252 (#14)</i>	600 feet (4X ordinance req)	300 feet (2X ordinance requirement)	The Comprehensive Plan identifies Old SR 252 as a principal arterial. Protecting the aesthetic quality of highly traveled roads protects the aesthetic character of the County, and therefore protects property values and economic vitality throughout the County. Asphalt batch plants are larger than most buildings, therefore justifying a larger setback than the in-ground quarry.

Shelby County Plan Commission

To: Shelby County Plan Commission

From: Desiree Calderella, Planning Director

Traffic Study for Sunbeam Development / I-74 East Commerce Park

Plan Commission Decision

Section 5.65 of the Unified Development Ordinance requires that the Plan Commission review a traffic study for any development that generates more than ten (10) semi-tractor trailer trips to and from the site per day and not located on or within 1,260 feet of a highway or major arterial street. Prior to issuance of an Improvement Location Permit for the project, the Plan Commission must make a determination based on the study that the public street(s) are designed to effectively and safely convey the existing and added traffic generated by the development.

Project Overview

The development plans for the I-74 East Commerce Park include four warehouses ranging in size from approximately 700,000 sq. ft. to 1,100,000 sq. ft. Most traffic will access the site from I-74, south through a newly constructed roundabout, and south along newly improved CR 850 W to Sunbeam Drive. The County will construct the roundabout and upgrade and widen McGregor Rd. and CR 850 W.

Traffic Study

The traffic study submitted by the developer evaluates the need for dedicated turn lanes or a passing blister at the main driveways of the proposed I-74 East Commerce Park.

T E C H N I C A L M E M O R A N D U M

DATE: April 21, 2023
TO: Shelby County Commissioners & Shelby County Highway Department
FROM: Rahul Rajbhara, PE, PTOE, American Structurepoint, Inc.
RE: Turn Lane Warrant Analysis - CR 850 West & McGregor Road
CC: Christopher King, PE, Runnebohm Construction Company, Inc.

Introduction

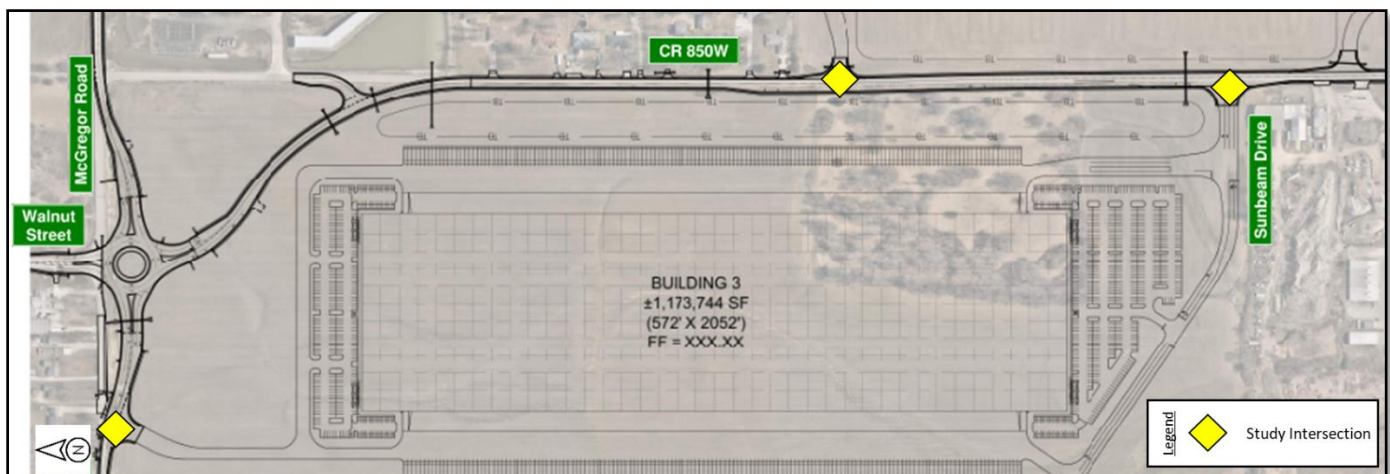
American Structurepoint prepared a Traffic Operations Analysis (dated 10/14/2022) for the intersection of McGregor Road & Walnut Street in Shelby County, Indiana. This TOA memorandum included traffic forecasting and capacity analysis to determine recommendations at the subject location in order to accommodate traffic generated by the proposed Pleasant View Commerce Park.

The purpose of this Turn Lane Warrant Analysis is to evaluate the need for dedicated turn lanes or a passing blister at the main driveways of the proposed Sunbeam development (buildings 1, 2, 3 and 4 – see site plan in **Attachment A**) along McGregor Road and CR 850 West, and to document the assumptions, methodology and analysis.

Study Area

The following intersections (highlighted below) were considered for the turn lane warrant analysis:

- McGregor Road & Building 3 Entrance
- CR 850 W & Building 4 North Entrance
- CR 850 W & Sunbeam Drive



Turn Lane Warrant Analysis

A turn lane warrant analysis was conducted at the above-mentioned driveways based upon the sum of Design Year (2042) background traffic and proposed Pleasant View Commerce Park generated traffic volumes to determine if a dedicated left-turn or right-turn lane or a passing blister is warranted at the study intersections. The following section describes turn lane warrant criteria described in the current Indiana Design Manual (2013).

i. Right-Turn Lane Warrant

The *Indiana Design Manual (IDM)* outlines the following guidelines where an exclusive right-turn lane should be considered:

1. *at an unsignalized intersection on a 2-lane urban or rural highway which satisfies the criteria shown in Figure 46-4A (of the IDM)*
2. *at an unsignalized intersection on a high-speed 4-lane urban or rural highway which satisfies the criteria shown in Figure 46-4B (of the IDM)*
3. *at an intersection where a capacity analysis determines that a right-turn lane is necessary to meet the level-of-service criteria*
4. *for uniformity of intersection design along the highway if other intersections have right-turn lanes*
5. *at an intersection where the accident experience, existing traffic operations, sight-distance restrictions, or engineering judgment indicates a significant conflict related to a right-turning vehicle*

Item 1 from the IDM was considered for the right-turn lane warrant analysis along McGregor Road and CR 850 West. Based upon the right-turn volumes and total DHV, the AM and PM peak hour values were plotted on IDM Figure 46-4A as shown in **Attachment 2**. Based upon this criterion, a dedicated southbound right-turn lane is warranted at the intersection of CR 850 W & Sunbeam Drive.

ii. Left-Turn Lane Warrant

The *Indiana Design Manual (IDM)* outlines the following guidelines where an exclusive left-turn lane should be considered:

1. *at each intersection on an arterial, where practical;*
2. *at each intersection on a divided urban or rural highway with a median wide enough to accommodate a left-turn lane, provided that adequate spacing exists between intersections;*
3. *at a unsignalized intersection on a 2-lane urban or rural highway which satisfies the criteria shown in Figure 46-4C (of the IDM), Volume Guidelines for Left-Turn Lane on a Two-Lane Highway;*
4. *at an intersection where capacity analysis determines that a left-turn lane is necessary to meet the level-of-service criteria, including multiple left-turn lanes;*
5. *at a signalized intersection where the design hour left-turning volume is 60 veh/h or more for a single turn lane, or where capacity analysis determines the need for a left-turn lane;*
6. *for uniformity of intersection design along the highway if other intersections have left-turn lanes in order to satisfy driver expectancy;*
7. *at an intersection where the accident experience, existing traffic operations, sight-distance restrictions, or engineering judgment indicates a significant conflict related to left-turning vehicles;*
8. *at a median opening where there is high volume of left turns, or where vehicular speeds are 50 mph or higher.*

Item 3 from the *IDM* was considered for the left-turn lane warrant analysis along McGregor Road and CR 850 West. Based upon this criterion, a dedicated westbound left-turn lane is warranted at the intersection of McGregor Road & Building 3 Entrance.

iii. Passing Blister Warrant

A passing blister warrant is generally considered at 3-legged/t-intersections where a left-turn lane is not warranted. The *Indiana Design Manual (IDM)* outlines the following guidelines where a passing blister may be considered:

1. at a 2-lane State highway with design-year AADT of 5000 or greater.
2. at a 2-lane State highway with a design-year AADT of less than 5000, if:
 - a. There is an existing passing blister.
 - b. There are 20 or more left-turning vehicles during the design hour.
 - c. Accident reports or site evidence such as skid marks in the through lane displaying emergency braking, indicate potential problems with left-turning vehicles.
 - d. The shoulder indicates heavy use (e.g., dropped shoulder, severe pavement distress).

Item 2 from the *IDM* was considered for the passing blister warrant analysis at the CR 850 West intersections. Based on the design year peak hour volumes, southbound left-turning volumes at Building 4 North Entrance drive are expected to exceed 20 vehicles during a typical weekday AM peak hour. Therefore, a passing blister is warranted at the intersection of CR 850 W & Building 4 North Entrance.

Due to close proximity of the building 4 north drive and Sunbeam Drive along CR 850 W, a continuous southbound right-turn lane starting at the building 4 north drive is recommended, which will function as a de-facto passing blister.

iv. Turn Lane Lengths

Turn lane length calculations were performed for left-turn and right-turn lanes warranted at the study intersections based on the design year 2042 traffic volumes. The *Indiana Design Manual (IDM)* provides guidance on turn lane length calculations for both signalized and unsignalized intersections. Calculations were performed based on the anticipated DHV and the resulting number of vehicles arriving every minute. A summary of the minimum turn bay length to provide for vehicle stacking/storage, deceleration length and desired length is provided in the findings and recommendations section.

Detailed calculations for the warranted turn lanes are provided in **Attachment 2**.

Additional Driveways

The scope of this turn lane warrant study was limited to the major driveways (ingress/egress points). However, a high-level review was performed for the other driveways proposed for Sunbeam development on both McGregor Road and CR 850 W.

- McGregor Road

Per the information provided by the developer, it is anticipated that the two driveways for building 1 on McGregor Road will be gated (restricted access). Assuming main ingress/egress point for building 1 will be via Sunbeam Drive from CR 850 W, exclusive turn lanes may not to be required from a traffic flow standpoint. Further analysis should be performed once the site is constructed and traffic patterns change to confirm.

- CR 850 W

Based on a review of the forecasted traffic volumes at the south drive for building 4, dedicated turn lanes are not anticipated to be warranted. With the assumption that no significant development (growth in traffic) occurs south of the Pleasant View Commerce Park on CR 850 W, traffic volumes at the south drive are expected to low during the peak hours on a typical weekday.

Findings & Recommendations

Based upon the design year traffic volumes at the three study intersections evaluated in this study, the following findings and recommendations were derived.

Scenarios Analyzed	Turn Lane Warrants	IDM Warrant Criteria Met?		
		#1. McGregor Rd. & Building 3 Entrance	#2. CR 850 W & Building 4 North Dr.	#3. CR 850 W & Sunbeam Dr.
Design Year (2042) Total Traffic Volumes	Left	✓	✗	✗
	Right	✗	✗	✓
	Passing Blister	N/A	✓	✗

Intersection	Approach/ Turn Lane	Turn Bay Length (in feet)		
		Minimum (Storage only)	Deceleration Only*	Desired (Storage + Deceleration*)
#1. McGregor Road & Building 3 Drive	WB/ Left-turn	75	280	325
#3. CR 850 W & Sunbeam Drive	SB/ Right-turn	125	320	425**

*Includes taper of 100 feet.

** Proposed design length is higher than 425 feet. See proposed design exhibit in **Attachment 1**.

Note: minimum taper length of 50 feet should be provided.

Attachment 1
Sunbeam Development Site Plan
Preliminary Roadway Layout

BUILDING 1 SUMMARY

SITE ZONING	I1
SITE ACREAGE	1,176.83 AC
TOTAL BUILDING AREA	1,019,304 SF
MIN. STANDARD PARKING REQUIRED	700 SPACES
MIN. 1.1 SPACES PER EMPLOYEE ON THE LARGEST SHIFT	14 SPACES
STANDARD PARKING SPACES PROPOSED	700 SPACES
ACCESSIBLE PARKING SPACES REQUIRED	20 SPACES
ACCESSIBLE PARKING SPACES PROPOSED	20 SPACES
TOTAL PARKING PROPOSED	720 SPACES
PARKING RATIO	1 / 1,416 SF
FUTURE PARKING SPACES	102 SPACES
TRAILER PARKING SPACES PROPOSED	253 SPACES

BUILDING 2 SUMMARY

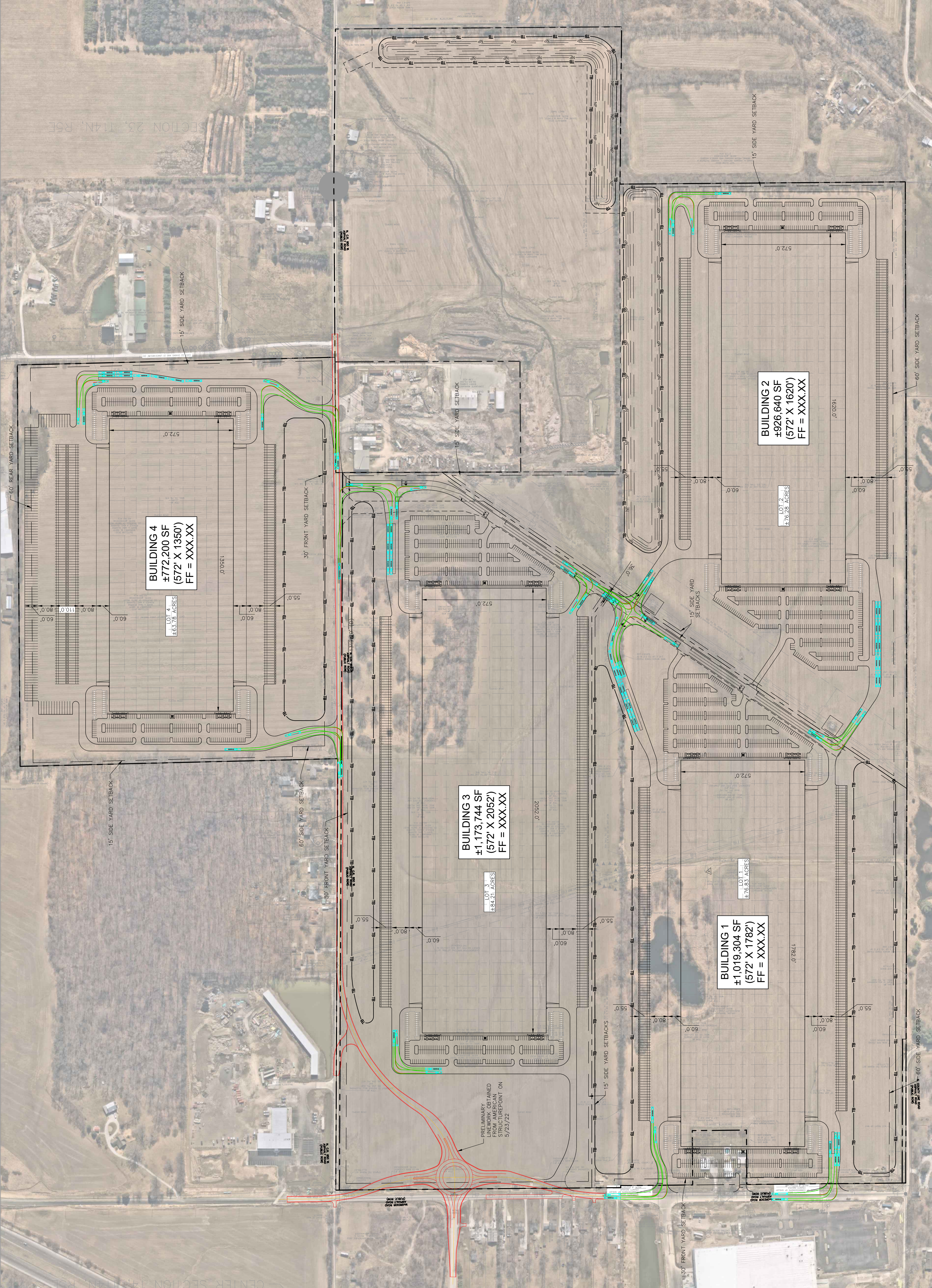
SITE ZONING	I1
SITE ACREAGE	1,762.28 AC
TOTAL BUILDING AREA	926,640 SF
MIN. STANDARD PARKING REQUIRED	698 SPACES
MIN. 1.1 SPACES PER EMPLOYEE ON THE LARGEST SHIFT	14 SPACES
STANDARD PARKING SPACES PROPOSED	698 SPACES
ACCESSIBLE PARKING SPACES REQUIRED	20 SPACES
ACCESSIBLE PARKING SPACES PROPOSED	20 SPACES
TOTAL PARKING PROPOSED	718 SPACES
PARKING RATIO	1 / 1,291 SF
FUTURE PARKING SPACES	103 SPACES
TRAILER PARKING SPACES PROPOSED	222 SPACES

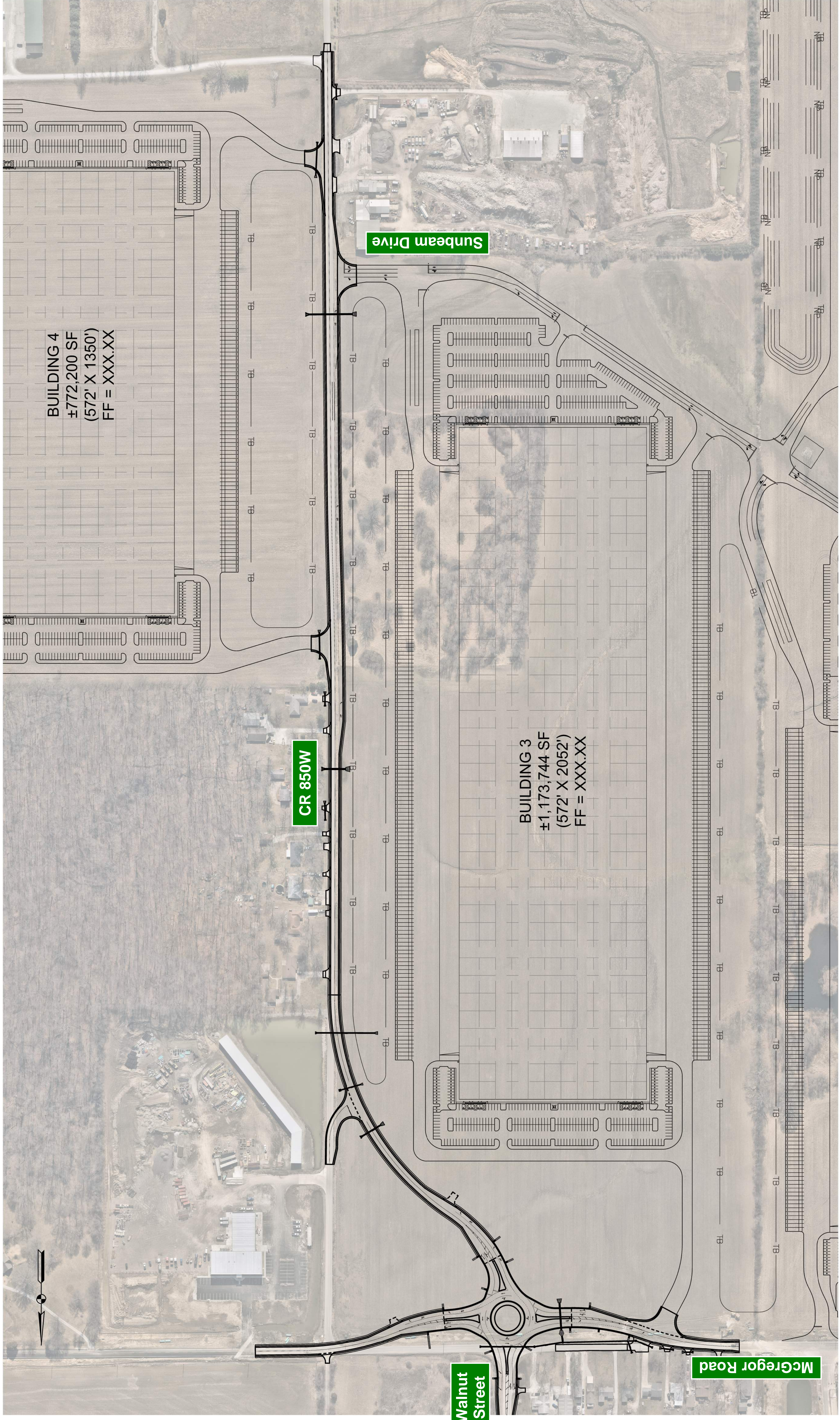
BUILDING 3 SUMMARY

SITE ZONING	I1
SITE ACREAGE	1,842.21 AC
TOTAL BUILDING AREA	1,173,744 SF
MIN. STANDARD PARKING REQUIRED	666 SPACES
MIN. 1.1 SPACES PER EMPLOYEE ON THE LARGEST SHIFT	14 SPACES
STANDARD PARKING SPACES PROPOSED	666 SPACES
ACCESSIBLE PARKING SPACES REQUIRED	20 SPACES
ACCESSIBLE PARKING SPACES PROPOSED	20 SPACES
TOTAL PARKING PROPOSED	679 SPACES
PARKING RATIO	1 / 1,729 SF
FUTURE PARKING SPACES	104 SPACES
TRAILER PARKING SPACES PROPOSED	300 SPACES

BUILDING 4 SUMMARY

SITE ZONING	I1
SITE ACREAGE	463.78 AC
TOTAL BUILDING AREA	774,600 SF
MIN. STANDARD PARKING REQUIRED	462 SPACES
MIN. 1.1 SPACES PER EMPLOYEE ON THE LARGEST SHIFT	9 SPACES
STANDARD PARKING SPACES PROPOSED	462 SPACES
ACCESSIBLE PARKING SPACES REQUIRED	20 SPACES
ACCESSIBLE PARKING SPACES PROPOSED	20 SPACES
TOTAL PARKING PROPOSED	482 SPACES
PARKING RATIO	1 / 1,602 SF
FUTURE PARKING SPACES	104 SPACES
TRAILER PARKING SPACES PROPOSED	406 SPACES





DATE	REVISION	NOT FOR CONSTRUCTION		SHELBY COUNTY, INDIANA		BRIDGE FILE	
						HORIZONTAL SCALE	
						VERTICAL SCALE	
						SURVEY BOOK	
						DESIGNATION	
						2003058	
						SHEETS	
						1 of 1	
						PROJECT	
						2003058	
						CONTRACT	
						N/A	
						PROJECT	
						2003058	
						CONTRACT	
						N/A	
						PROJECT	
						2003058	

RECOMMENDED FOR APPROVAL

DESIGN ENGINEER

DATE

DRAWN:

CHECKED:

Attachment 2
Turn Lane Warrant Analysis

Turn Lane Warrant - CR 850 W & Bldg. 4 North Drive

Project Name: McGregor Road & CR 850 W Turn Lane Warrant Study

Project Number: 2021.01339

Direction: NB & SB

Intersection: CR 850 W & Bldg. 4 North Drive

Date: 4/20/2023

Major Street: CR 850 W

Minor Street: Bldg. 4 North Drive

of approach lanes: 1
of approach lanes: 1

2042 Build		2042 Background												
	AM	PM	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
	139	252	2	1	40	18	223	148				1		14
												2		39
	20	20					20							



Right Turn Lane Warrant - CR 850 W & Bldg. 4 North Drive

Project Name: McGregor Road & CR 850 W Turn Lane Warrant Study

Project Number: 2021.01339

Direction: Northbound

Date: 4/20/2023

Intersection: CR 850 W & Bldg. 4 North Drive

Major Street: CR 850 W
 Minor Street: Bldg. 4 North Drive

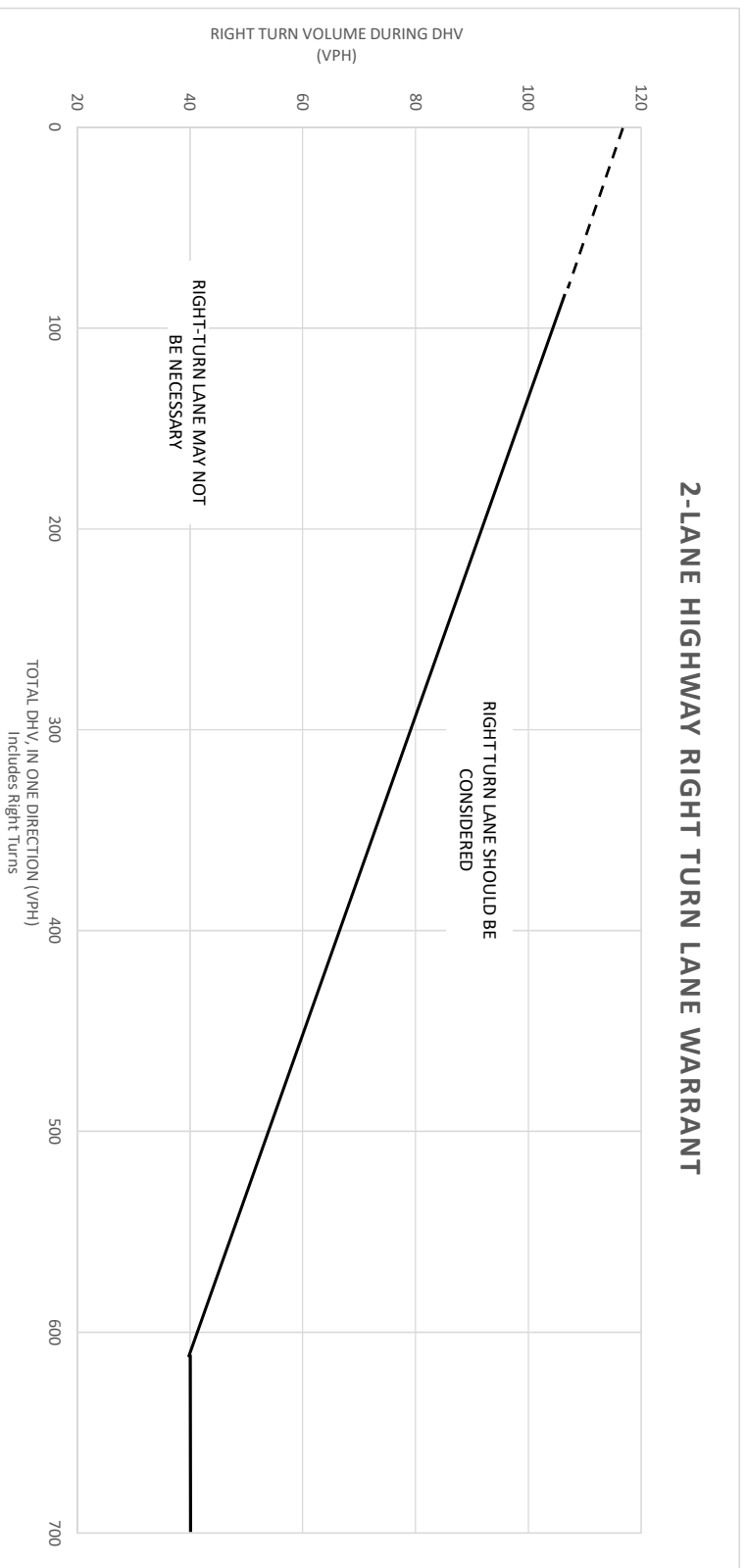
of approach lanes: 1
 # of approach lanes: 1

SC3 - 2042 Build

Total DHV (Including RTs):
 Right Turns
 Right Turn Lane Warranted?

	AM	PM
Total DHV (Including RTs):	141	253
Right Turns	2	1
Right Turn Lane Warranted?	NO	NO

2-LANE HIGHWAY RIGHT TURN LANE WARRANT



AM & PM data point falls outside the limits of this graph



Left Turn Lane Warrant - CR 850 W & Bldg. 4 North Drive

Project Name: McGregor Road & CR 850 W Turn Lane Warrant Study

Project Number: 2021.01339

Direction: Southbound

Date: 4/20/2023

Intersection: CR 850 W & Bldg. 4 North Drive

Major Street: CR 850 W
 Minor Street: Bldg. 4 North Drive

of approach lanes: 1
 # of approach lanes: 1

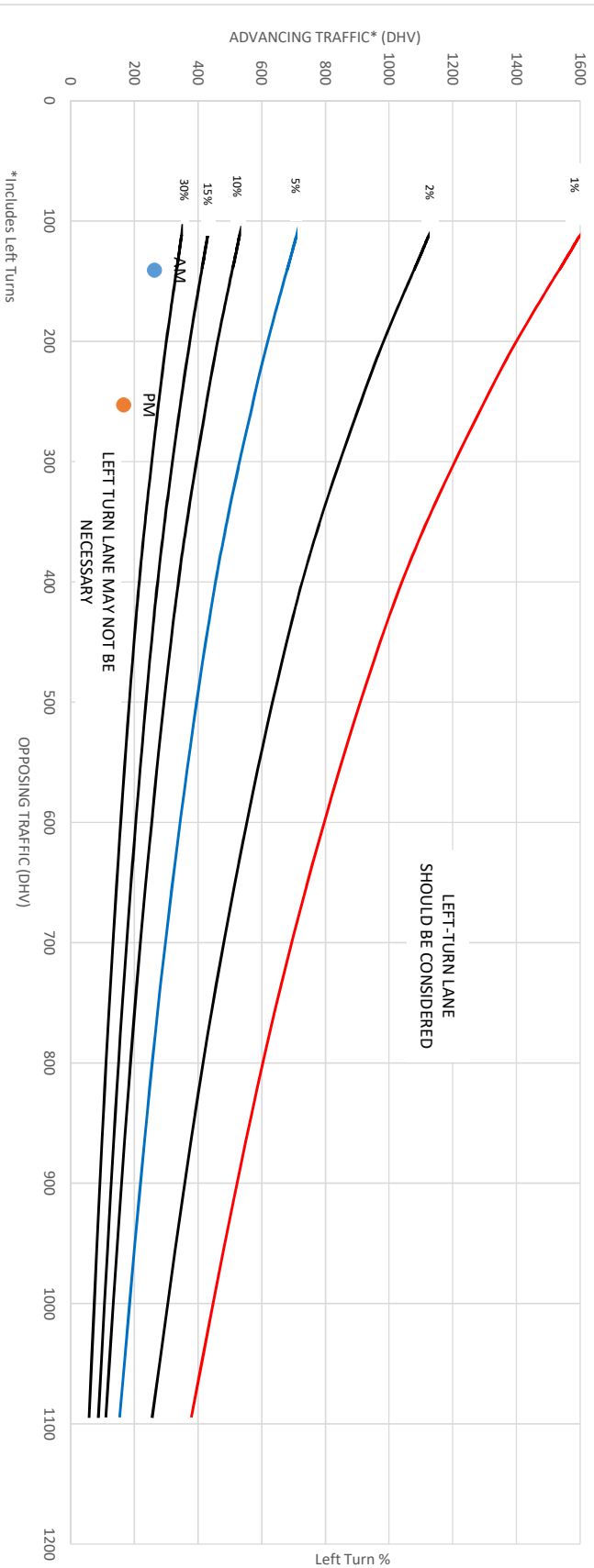
SC3 - 2042 Build

Opposing Traffic:	AM	PM
Advancing Traffic (including LTS):	141	253
Left Turns	263	166
% Left Turns:	40	18
	15.0%	11.0%

Left Turn Lane Warranted?

NO **NO**

2-LANE HIGHWAY LEFT TURN LANE WARRANT (= < 40 MPH OR 70 KPH POSTED SPEED)



Turn Lane Warrant - CR 850 W & Sunbeam Dr

Project Name: McGregor Road & CR 850 W Turn Lane Warrant Study

Project Number: 2021.01339

Direction: NB & SB

Intersection: CR 850 W & Sunbeam Dr

Date: 4/20/2023

Major Street: CR 850 W

Minor Street: Sunbeam Dr

of approach lanes: 1
of approach lanes: 1

2042 Build		2042 Background		AM		PM		AM		PM	
NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
11	81			75	153	60		3			
6	84			82	70	168		13			
NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
	20			20							
	20			20							



Right Turn Lane Warrant - CR 850 W & Sunbeam Dr

Project Name: McGregor Road & CR 850 W Turn Lane Warrant Study

Project Number: 2021.01339

Direction: Southbound

Date: 4/20/2023

Intersection: CR 850 W & Sunbeam Dr

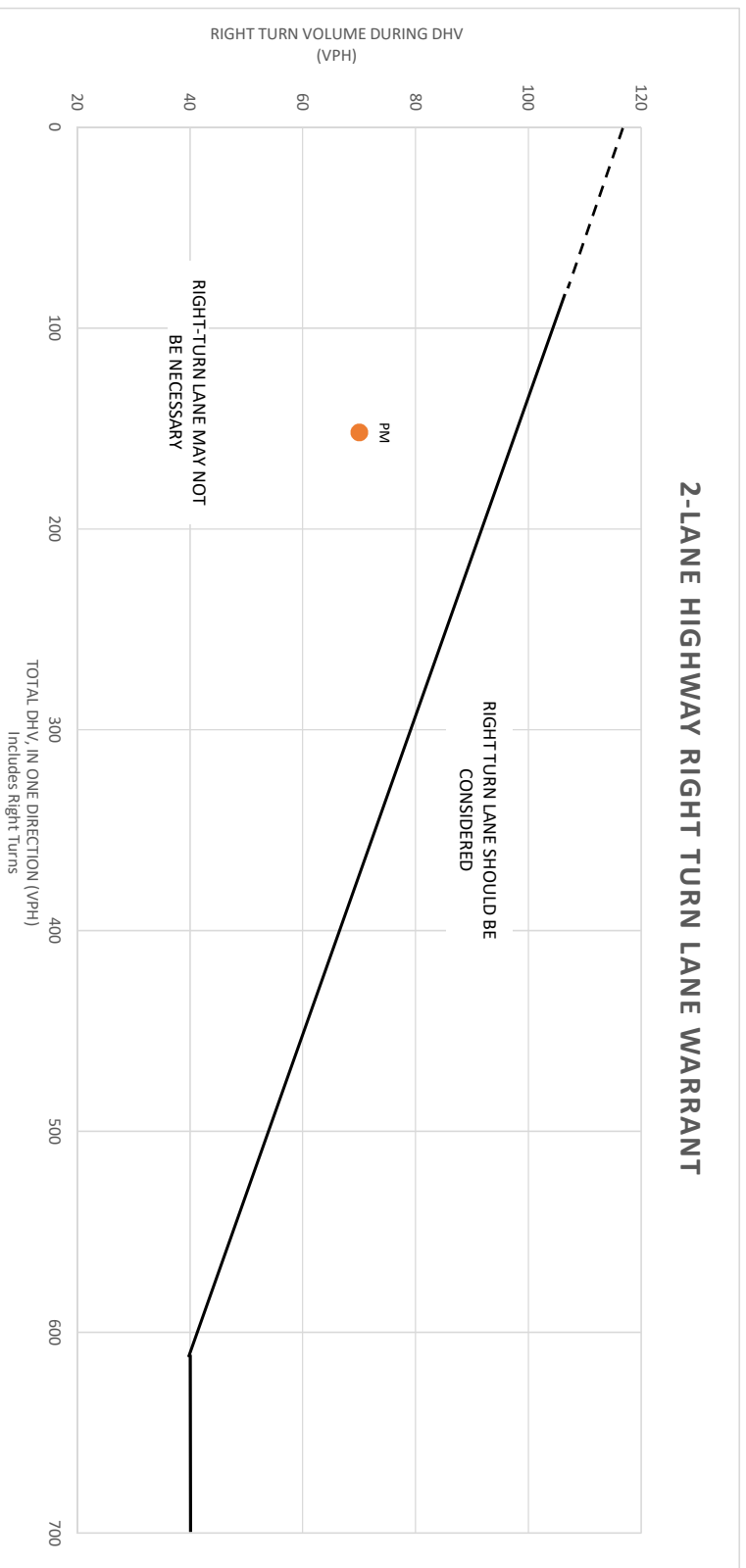
Major Street: CR 850 W
Minor Street: Sunbeam Dr

of approach lanes: 1
of approach lanes: 1

Sc3 - 2042 Build

Total DHV (Including RTs):
Right Turns
Right Turn Lane Warranted?

AM	PM
228	152
153	70
YES	NO



AM data point exceeds the limits of this graph



Left Turn Lane Warrant - CR 850 W & Sunbeam Dr

Project Name: McGregor Road & CR 850 W Turn Lane Warrant Study

Project Number: 2021.01339

Direction: Northbound

Date: 4/20/2023

Intersection: CR 850 W & Sunbeam Dr

Major Street: CR 850 W
Minor Street: Sunbeam Dr

of approach lanes: 1
of approach lanes: 1

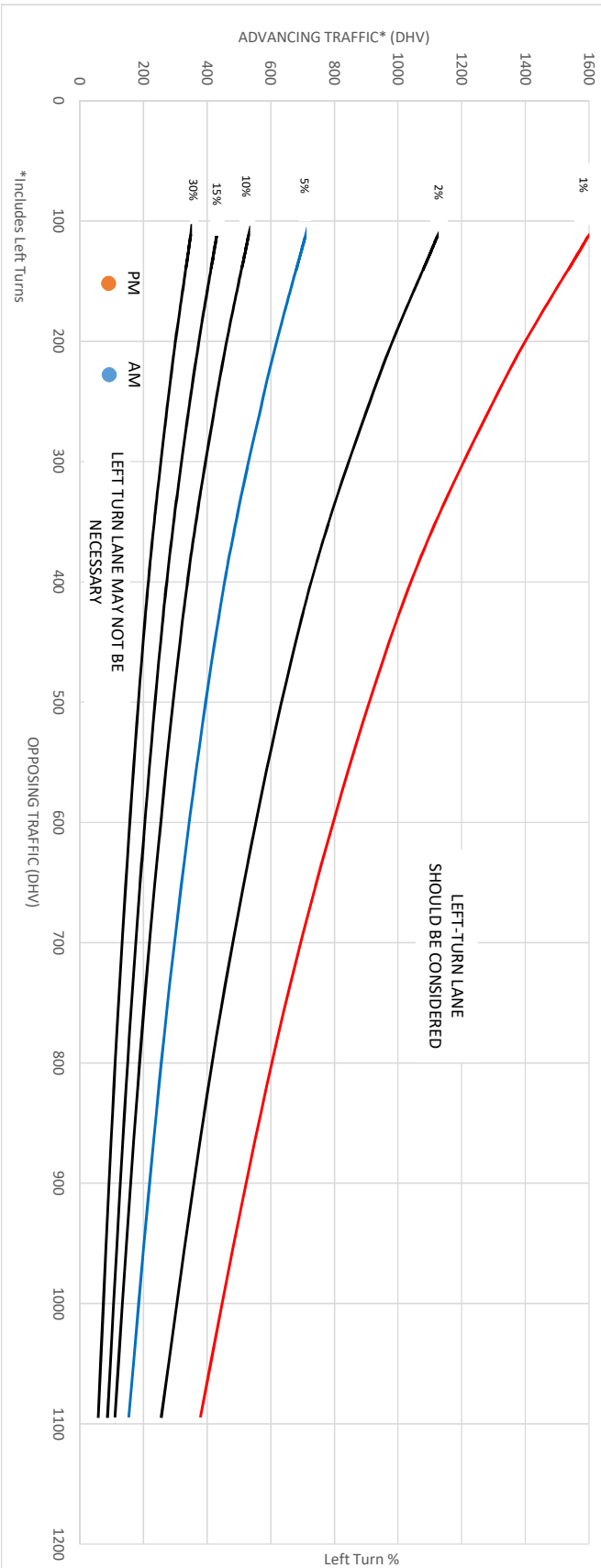
SC3 - 2042 Build

Opposing Traffic:	AM	PM
Advancing Traffic (including LTs):	228	152
Left Turns	92	90
% Left Turns:	11	6
	12.0%	7.0%

Left Turn Lane Warranted?

NO NO

2-LANE HIGHWAY LEFT TURN LANE WARRANT (=<40 MPH OR 70 KPH POSTED SPEED)



*Includes Left Turns

Turn Lane Warrant - McGregor Road & Bldg. 3 Drive

Project Name: McGregor Road & CR 850 W Turn Lane Warrant Study

Project Number: 2021.01339

Direction: EB & WB

Intersection: McGregor Road & Bldg. 3 Drive

Major Street: McGregor Road

Date: 4/20/2023

Minor Street: Bldg. 3 Drive

of approach lanes: 1
of approach lanes: 1

2042 Build		2042 Background									
AM	PM	AM	PM								
NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
3		15					350	8	40	370	
6		33					350	5	18	368	
NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
							139			100	
							86			116	



Right Turn Lane Warrant - McGregor Road & Bldg. 3 Drive

Project Name: McGregor Road & CR 850 W Turn Lane Warrant Study

Project Number: 2021.01339

Direction: Eastbound

Intersection: McGregor Road & Bldg. 3 Drive

Date: 4/20/2023

Major Street: McGregor Road

Minor Street: Bldg. 3 Drive

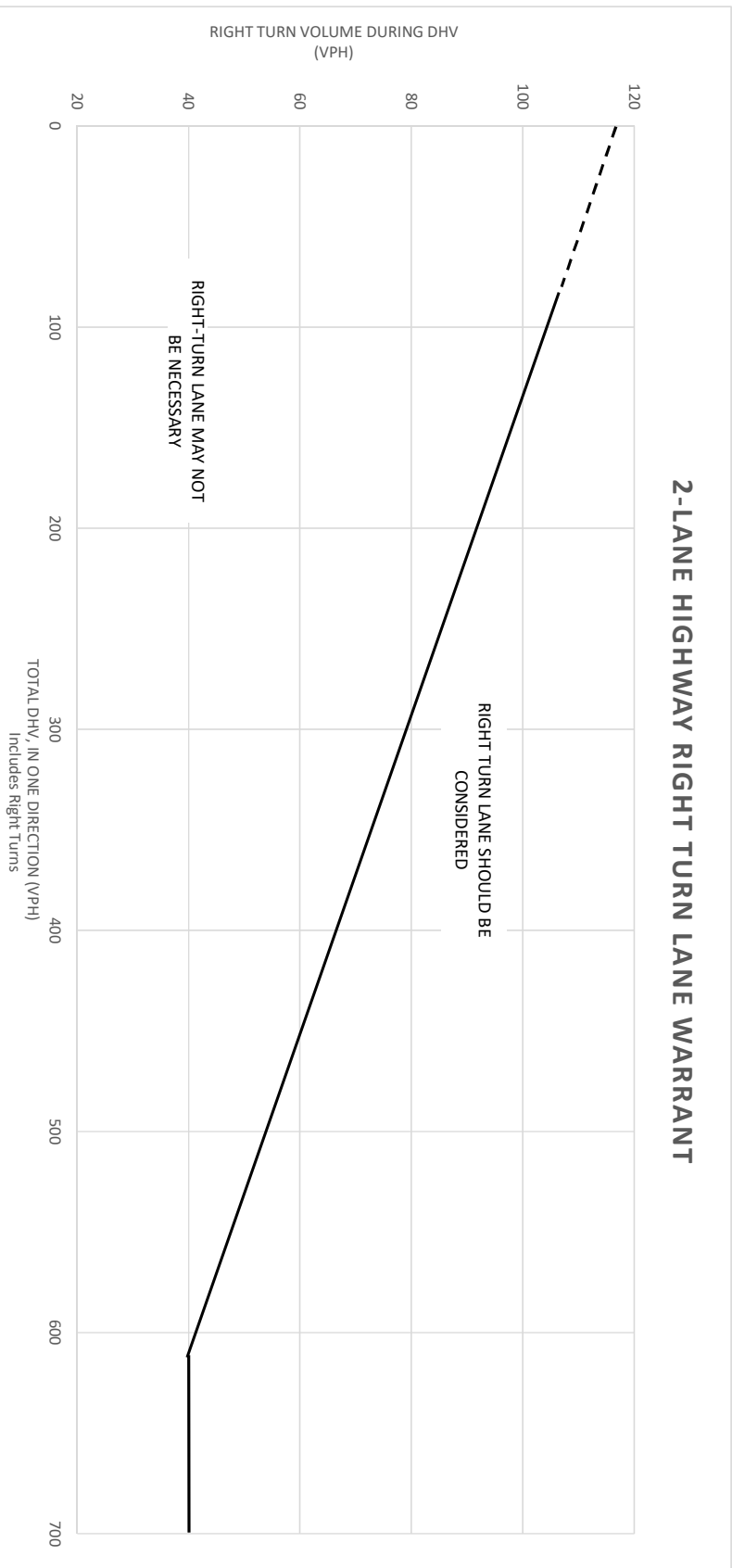
of approach lanes: 1
of approach lanes: 1

SC3 - 2042 Build

Total DHV (Including RTs):
Right Turns
Right Turn Lane Warranted?

	AM	PM
Total DHV (Including RTs):	358	355
Right Turns	8	5
Right Turn Lane Warranted?	NO	NO

2-LANE HIGHWAY RIGHT TURN LANE WARRANT



Left Turn Lane Warrant - McGregor Road & Bldg. 3 Drive

Project Name: McGregor Road & CR 850 W Turn Lane Warrant Study

Project Number: 2021.01339

Direction: Westbound

Intersection: McGregor Road & Bldg. 3 Drive

Date: 4/20/2023

Major Street: McGregor Road
 Minor Street: Bldg. 3 Drive

of approach lanes: 1
 # of approach lanes: 1

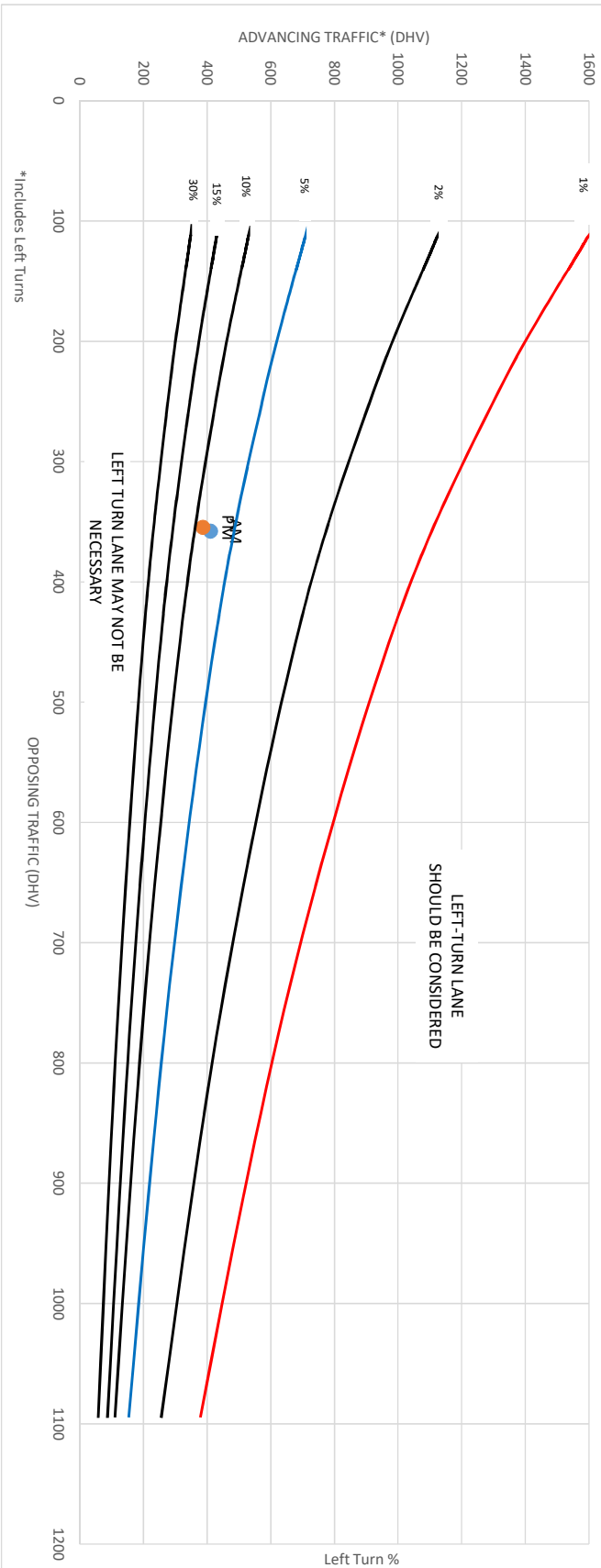
SC3 - 2042 Build

Opposing Traffic:	AM	PM
Advancing Traffic (including LTS):	358	355
Left Turns	410	386
% Left Turns:	40	18
	10.0%	5.0%

Left Turn Lane Warranted?

YES NO

2-LANE HIGHWAY LEFT TURN LANE WARRANT (= < 40 MPH OR 70 KPH POSTED SPEED)



*Includes Left Turns

Storage Lengths and Lane Configurations

Location	Parameter	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
McGregor Rd & Building 3 Access	Lane Configuration							↶	↷	
	AM Peak Volumes							59	317	
	Veh Stored / Cycle							1	5	
	IDM Recommended Storage Length							39		
	IDM Recommended Deceleration Length							280		
	PM Peak Volumes							24	337	
	Veh Stored / Cycle							0	6	
	IDM Recommended Storage Length							16		
	IDM Recommended Deceleration Length							280		
	Turn Bay Length (Minimum)							75	-	
Turn Bay Length (IDM Recommended)							280	-		
CR 850 W & Sunbeam Drive	Lane Configuration			↶		↷				
	AM Peak Volumes			75		153				
	Veh Stored / Cycle			-		3				
	IDM Recommended Storage Length			-		102				
	IDM Recommended Deceleration Length			-		320				
	PM Peak Volumes			82		70				
	Veh Stored / Cycle			-		1				
	IDM Recommended Storage Length			-		47				
	IDM Recommended Deceleration Length			-		320				
	Turn Bay Length (Minimum)		0	-	-			125		
Turn Bay Length (Desired)		0	-	-			320			

TURNING DHV (vph)	L_s (ft)
≤ 60	50 to 75
60 < DHV ≤ 120	100
120 < DHV ≤ 180	150
> 180	≥ 200

Note: See Section 46-4.02(02) for minimum storage-length criteria.

Design Speed (mph)	L_D , Full-Width Auxiliary Lane (ft)
60	530
55	480
50	435
45	385
40	320
35	280
30	235
25	200

RECOMMENDED STORAGE LENGTH, L_s , FOR UNSIGNALIZED INTERSECTION

Bylaws & Rules of Procedure

Shelby County Plan Commission

ARTICLE ONE NAME AND RULES

- 101 NAME: The legal name of the Board shall be the “Shelby County Plan Commission”.
- 102 RULES OF PROCEDURE: Procedures provided by statute, county ordinances, the Unified Development Ordinance, or these by-laws, shall govern the conduct of the Board meetings.
- 103 MEETING VERSUS HEARING: Within these Rules of Procedure, the word ‘meeting’ refers to all business conducted by the Board and the word ‘hearing’ refers to each individual petition.

ARTICLE TWO MEMBERSHIP, OFFICERS, AND STAFF

- 201 QUALIFICATION OF MEMBERS:
- a. No members of an advisory plan commission may hold an elected office (as defined in IC 3-5-2-17); or any other appointed office, except as permitted by section IC 36-7-4-208, in municipal, county, or state government.
 - b. Members must be a resident of the jurisdictional area of the board or the member must be a resident of a municipality within the county and also an owner of real property located in whole or in part in the jurisdictional area of the board.
 - c. Member Appointments
 - i. One member appointed by the county commissioners from its membership.
 - ii. One member appointed by the county council from its membership.
 - iii. The county surveyor or the county surveyor’s designee.
 - iv. The county agricultural extension educator. If the county does not have an agricultural extension educator or the agricultural extension educator is not a resident of the county, then the county extension board shall select a resident of the county who is a property owner with agricultural interest to serve on the Board for a period not to exceed one (1) year. The county

agricultural extension educator who is not a resident of the county shall serve the commission in a nonvoting advisory capacity.

- v. Five citizen members appointed by the County Commissioners, of whom not more than three may be of the same political party. Each of the five members must be:
 - 1. A resident of an unincorporated area of the county;
 - 2. Or a resident of the county who is also an owner of real property in whole or in part in an unincorporated area of the county. However, a majority of the citizen member must reside in the unincorporated county.

202 TERM OF MEMBERSHIP:

- a. The terms of the commissioner member, council member, county surveyor or his/her designee, and the county agricultural extension educator coincide with the time he/she holds their elected or appointed position.
- b. Each citizen member appointment is for a four-year term of membership. A member is eligible for reappointment. If the term of an appointed member of the Board expires and the appointing authority does not make an appointment to fill the vacancy, the member may continue to serve until the member's successor is appointed. If a vacancy occurs among the members of the Board, the appointing authority shall appoint a member for the unexpired term of the vacating member.

203 REMOVAL OF MEMBERS: The appointing authority may remove an appointed citizen member for cause or if the member misses three (3) consecutive regular meetings of the Board. The appointing authority must mail notice of the removal, along with written reasons, to the member at his/her residence address. A member who is removed may appeal the removal within thirty days of receiving notice to circuit or superior court of the County.

204 ELECTION OF OFFICERS: At its first regular meeting in each year, the Board shall elect from its members a President, Vice-President and Secretary.

205 DUTIES OF THE PRESIDENT AND VICE PRESIDENT: The President shall preside over all Board meetings, determine points of order and procedure, and sign all official documents. The Vice-President shall have authority to act as President of the Board during the absence or disability of the President and shall automatically succeed to the office of President upon the resignation or death of the President.

201 DUTIES OF THE PLANNING DIRECTOR:

- a. The Director shall conduct roll call, read each petition into the record, and

provide technical assistant to the Board.

- b. The Director shall be responsible for recording minutes of all Board proceedings.
- c. The Director shall process applications for petitions, shall be responsible for the custody and preservation of the official file for each petition, shall establish the petition docket, and shall write the public notice for each petition.
- d. The Director shall prepare a staff report for each petition to be brought before the Board and an agenda for each meeting.

ARTICLE THREE MEETINGS

- 301 MEETING CALENDAR: The Plan Commission Director shall prepare an annual meeting calendar including the scheduled date for each hearing, filing deadline, and deadline to provide notice. The filing deadline shall be at least twenty-eight (28) days prior to the meeting at which a petition will be considered. The Plan Commission shall adopt the meeting calendar.
- 302 QUORUM: The presence of five members of the Board shall constitute a quorum. Five members are also required for quorum in case of a vacancy.
- 303 DISPENSION OF MEETINGS: Whenever there is a lack of business or whenever a quorum will not be available, the President or Plan Commission Director may dispense with a regular meeting by giving written notice to any petitioner and written or oral notice to all members.
- 304 SPECIAL MEETINGS: Special meetings of the Board may be called by the President or by two members of the Board giving written notice to all members at least three days prior to the meeting and provided that in all cases where notice by publication or notice to interested parties is required, such notice shall be in accordance with IC 5-3-1-2 and IC 5-3-1-4.
- 305 OFFICIAL ACTION: No action of the Board shall be official unless it is authorized at a regular or special meeting by a majority of the entire membership of the Board.
- 306 PARTICIPATION BY ELECTRONIC MEANS OF COMMUNICATION: Board members may participate in meetings and authorize official action by electronic mean of communication as specified in the most current resolution of the Shelby County Plan Commission establishing the policy by which members of the Plan Commission may participate by electronic means of communication.

ARTICLE FOUR PROCEDURE FOR PETITION TO THE BOARD

- 401 APPLICATION: Any petition to the Plan Commission shall be in writing on forms supplied by the Planning Director. These forms shall be executed and filed in the Office of the Plan Commission.
- 402 DOCKET: A docket shall be maintained by the Planning Director.
- 403 DATE OF HEARING: A petition, when filed, shall come up for hearing at the next regularly scheduled meeting of the Plan Commission after the application deadline.
- 404 NOTICE OF PUBLIC HEARING:
- a. The Planning Director shall write each notice of public hearing. The notice of public hearing shall contain at least the following information: 1) the substance of the petition; 2) the address of the subject property; 3) the name of the petitioner; 4) the time and place set for the hearing; 5) a statement that any interested party may voice an opinion upon said hearing date and/or file written comments concerning the petition; 6) the place where a copy of the proposal is on file 7) that the meeting may be continued from time to time.
 - b. Notification by Publication: The Planning Director shall publish in the local newspaper all public hearings in accordance with Indiana Code 5-3-1 and Indiana Code 5-3-1-4.
 - c. Notification to Interested Parties: The Plan Commission Director shall provide the mailing address of all interested parties to the petitioner prior to the notice deadline. Interested parties are defined as all property owners of record, as shown in the County Auditor's Office, of all land within six-hundred feet of any property line of the petition site (except when a property adjoins a county line, a county line road, or a body of water between counties, then all land within 660 ft of any property line, or owners of a depth of two properties, whichever is greater, shall receive notice).
 - d. Notice must be provided a minimum of ten (10) days prior to the public hearing. The petitioner shall be responsible for providing proof of notice to the Planning Director.
 - e. All costs of notification to interested parties shall be borne by the petitioner.
- 405 REPRESENTATION: The applicant must be present at the hearing or by electronic means of communication. No Board member may represent the petitioner at any meeting or hearing.

406 ADDITIONAL REQUIREMENTS FOR TEXT AMENDMENTS:

- a. Petitions to amend the text of the Unified Development Ordinance shall only be initiated by the Plan Commission, Planning Director on behalf of the Plan Commission, or the County Commissioners.
- b. Notice of petitions to amend the text of the Unified Development Ordinance in relation to Enforcement and Penalties shall include the entire text of the amendment.

**ARTICLE FIVE
CONDUCT & PROCEEDURE OF
MEETINGS**

501 ORDER OF BUSINESS: The order of business of regular meetings shall be as follows:

- a. Roll Call
- b. Approval of Minutes
- c. Requests of Continuance and Miscellaneous Requests
- d. Public Hearings
- e. Discussion
- f. Adjournment

The order of business may be changed by the President.

502 PUBLIC HEARINGS: The order and format of each public hearing shall be as follows:

- a. The President shall call up for public hearing and make a determination that the petitioner is present and desires to proceed, or in the alternative, that action to continue, withdraw, dismiss, or amend may be in order. The petitioner can make a request to amend, continue, or withdraw a petition at any time during the public hearing.
- b. The President shall ask the Planning Director to read the petition into the record.
- c. The petitioner(s) must appear in person or by electronic means of communication, but may be represented by agent or attorney, and shall generally have fifteen (15) minutes to present their supporting witnesses, evidence, statements, and arguments in favor of the matter being heard.
- d. Any person having interest in the petition being considered may appear in person,

by electronic means of communication, by agent, or by attorney and shall generally have two (2) minutes per person or fifteen (15) minutes total, whichever is greater, to present opposing witnesses, evidence, statements, and arguments and to ask any questions about the petition. Any person interested in any petition shall have the right to enter oral and written comments concerning the petition.

- e. The petitioner(s) shall generally have five (5) minutes to rebut any opposing witnesses, evidence, statements, and arguments and to answer questions posed by the public.
- f. The President shall close the public comment portion of the hearing and open up the hearing for questions from the Board of the petitioner(s), remonstrator(s), Planning Director, Board Attorney, and general public.
- g. The Board may discuss the evidence presented in open meeting.
- h. Any member of the Board may call for Official Action of the Board by vote (see section 508 for procedure regarding Official Action).
- i. The Board Attorney shall read the Board's Findings of Fact into the record unless the President or Planning Director requests that the Findings of Fact be prepared after the conclusion on the Meeting.

503 TESTIMONY AND ARGUMENT: Commentary from the public shall at all times be addressed to the Board through the President and shall not be permitted between opposing parties without consent of the President. The President shall have the authority to terminate repetitious and irrelevant testimony and shall have the authority to extend such time to interested parties as is appropriate in his/her sole judgment in the interest of affording a fair hearing to all.

504 BURDEN OF PROOF: In all petitions the burden of proof is upon the petitioner.

505 OPEN MEETING: No member of the Board shall communicate with any petitioner, advocate, opponent, any other Board member, or any other persons with interest in the petition concerning the merits of any petition pending before the Board at any time before final action thereon, except in open meeting of said Board. However, any member may discuss the merits of a petition with the Planning Director and/or Board Attorney prior to the open meeting.

506 RECUSALS: A member of the Plan Commission must recuse himself/herself if one of the following applies:

- a. The member is biased or prejudiced or otherwise unable to be impartial; or

- b. The member has a direct or indirect financial interest in the outcome of the zoning decision.

In the event that a member disqualifies himself/herself, he/she shall do so as soon as the conflict becomes apparent, and such fact shall be entered in the minutes of the Plan Commission. Any recused member must sit in the audience or outside the meeting room during the subject hearing.

507 ABSTENTIONS: An abstention will not count in favor or in opposition of the matter of proposition being considered.

508 OFFICIAL ACTION:

- a. A call for Official Action shall include either vote to approve or deny, vote to approve with stipulation(s) or deny, or vote to continue a petition. The Board shall vote on Official Action by ballot. Five members of the board must vote to approve a petition or to approve a petition with stipulations for the petition to pass. Five members of the board must vote to deny a petition for the petition to be denied. If the petition is not passed or denied, a member of the Board may call for a vote on an alternative Official Action. If the petition is not passed or denied, the hearing will automatically be continued to the next regularly scheduled meeting.
- b. No member of the Board shall vote on a petition if he /she is not present during the presentation of evidence during the hearing. The Secretary of the Board shall read each ballot aloud and indicate the vote of each member. The President shall declare the petition approved, approved with stipulations, denied, or continued.

509 FINDINGS OF FACT: All decisions of the Board with respect to map and text amendments, primary subdivision approval, and plat vacations shall be supported by written findings of fact which shall be made a matter of public record in the official file in the Office of the Plan Commission. Findings of Fact for any denial shall specify the reason for non-compliance.

510 PREVIOUSLY DENIED PETITIONS: No petition which has been denied by the Board shall again be docket on the Plan Commission agenda for a hearing within a period of twelve months from the date of said denial. The Planning Director shall have the authority and discretion to determine that an application containing major changes may justify re-filing within the aforementioned twelve-month period.

ARTICLE SIX DISPOSITION OF MATTERS

601 IN GENERAL: Generally, the final disposition of a petition is in the form of a vote by the Board approving, approving with conditions, or denying the petition.

602 WITHDRAWAL BY PETITIONER:

- a. A petitioner may withdraw their petition at any time before or during the hearing.
- b. Withdrawals shall be given in writing prior to the meeting and may be given orally at the meeting.
- c. Absence of the petitioner from the meeting shall be deemed a withdrawal.
- d. No petition which has been withdrawn by the petitioner shall again be placed before the Plan Commission for a hearing within a period of three months from the date of said withdrawal, except upon motion to permit re-docketing, adopted by a vote of the majority of the Board's members.

603 CONTINUANCES:

- c. A petitioner may request a continuance of their petition:
 - a. In writing prior to the meeting; or
 - b. Orally at any time during their hearing.
- d. The Planning Director may continue any petition prior to the meeting at his/her discretion.
- e. Any other interested party may request a continuance orally prior to the public hearing portion of the meeting. Interested parties may not request a continuance prior to the meeting.
- f. The party requesting the continuance shall have the burden of showing good and sufficient cause.
- g. It shall be within the discretion of the Planning Director to grant or deny requests for continuances made prior to the meeting by a petitioner.
- h. It shall be within the discretion of the President to grant or deny requests for continuances made at a meeting.
- i. The Board may on its own motion may continue the hearing of any petition at any time during the meeting.

- j. A continuance shall be automatically re-docketed to be heard at the next regularly scheduled meeting of the Plan Commission. Re-notification is not required.
- k. Only two continuances requested by the petitioner shall be permitted. All petitions not withdrawn by the petitioner and which do not qualify for a dismissal must be heard by the Board no later than three (3) meetings after the time of application.

ADOPTED this ___ day of _____ 2023 by a vote of _____ ayes and _____ nays of members of the Shelby County Advisory Plan Commission of Shelby County, Indiana.

, President

, Secretary

ATTEST:

Jason D. Clark
Plan Commission Attorney