

# Shelby County Plan Commission

April 26, 2022 at 7:00 PM

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# MEETING AGENDA

Shelby County Plan Commission  
April 26, 2022 at 7:00 P.M.

## CALL TO ORDER

## ROLL CALL

## APPROVAL OF MINUTES

Minutes from the February 22, 2022 meeting.

## OLD BUSINESS

**RZ 22-04 – RISLEY REZONING:** Rezoning of 1.056 acres from the A1 (Conservation Agricultural) District to the R1 (Single-Family Residential) District to allow for a one-lot Simple Subdivision. Located on the south side of CR 750 S, 0.7-mile east of CR 300 E, Nobel Township.

**SD 22-03 – RISLEY SIMPLE SUBDIVISION:** Subdivision of 1.056 acres from an 80-acre parent tract and waiver of subdivision prerequisites. Located on the south side of CR 750 S, 0.7-mile east of CR 300 E, Nobel Township.

**RZ 22-05 – FAGEL REZONING:** Rezoning of 6.36 acres from the RE (Residential Estate) District to the I1 (Low Intensity Industrial) District to allow for future sale of the property for low-intensity industrial use. Located at 6925 S Carroll Rd, Indianapolis, Moral Township.

## NEW BUSINESS

**RZ 22-06 – MARTIN FARMS REZONING:** Rezoning of 15.117-acres from the A1 (Conservation Agricultural) District to the A2 (Agricultural) District. Located south of and adjoining 10303 N 150 E, Morristown, Van Buren Township.

**SD 22-04 – MARTIN FARMS SIMPLE SUBDIVISION:** Subdivision of 15.117-acres from a 115.58-acre parent tract and waivers of Simple Subdivision prerequisites and design standards. Located south of and adjoining 10303 N 150 E, Morristown, Van Buren Township.

**RZ 22-09 – SCHUNEMAN REZONING:** Rezoning of 12.45-acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District. Located on the south side of CR 1100 N, 0.4-mile east of CR 200 W, Van Buren Township.

**SD 22-05 – SCHUNEMAN SIMPLE SUBDIVISION:** Subdivision of 12.45-acres from an 81.43-acre parent tract. Located on the south side of CR 1100 N, 0.4-mile east of CR 200 W, Van Buren Township.

**RZ 22-08 – ROBERTSON REZONING:** Rezoning of 44.19-acres from the A1 (Conservation Agricultural)

District to the A4 (Agricultural Commercial) District to allow for occasional public auctions of agricultural and construction equipment. Located at 3145 W Old SR 252, Flat Rock, Washington Township.

**RZ 22-07 – P&E12 LLP REZONING:** Rezoning of 10-acres from the RE (Residential Estate) District to the A2 (Agricultural) District to reflect the historical use of the property. Located at 6535 W 600 N, Fairland, Sugar Creek Township.

## **DISCUSSION**

None.

## **ADJOURNMENT**

The next regular meeting of the Shelby County Plan Commission is scheduled for Tuesday, **May 24, 2022 at 7:00 PM.**

Property Details

**Location:** South side of CR 750 S, 0.7-mile east of CR 300 E, Nobel Township.

**Property Size:** 1.056-acres.

**Current Land Use:** Vacant.

**Current Zoning Classification**

A1 (Conservation Agricultural)

*This district is established for commercial and industrial uses directly related to agriculture and compatible with rural/agricultural areas.*

**Proposed Zoning Classification**

R1 (Single-Family Residential)

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

**Future Land Use per Comp Plan**

Agricultural

*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	A1	Cropland

# Staff Report

**Case Number:** RZ 22-04 / SD 22-03

**Case Name:** Risley Rezoning – A1 (Conservation Agricultural) to R1 (Single-Family Residential) & Risley Simple Subdivision

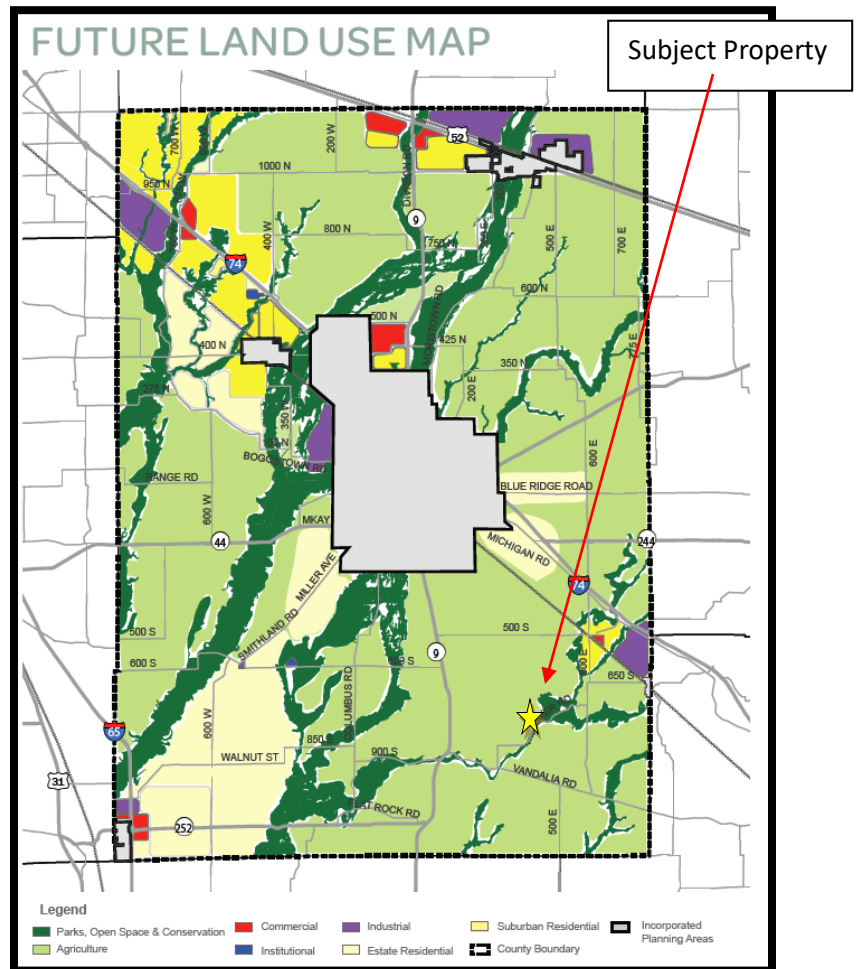
**Requests**

**Rezoning** of 1.056 acres from the A1 (Conservation Agricultural) District to the R1 (Single-Family Residential) District to allow for a one-lot Simple Subdivision.

**Simple Subdivision** of 1.056 acres from an 80-acre parent tract.

**Waiver** of Simple Subdivision prerequisites to allow for Simple Subdivision of property zoned R1.

**Future Land Use Map**



## Property Map

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## Case Description

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- Approval of the requests would allow for development of one single-family residential building lot.
- The plat states that a homesite previously existed on the proposed lot.
- The USDA Soil Survey classifies the site as 'Prime Farmland if Drained.'

## Staff Analysis Findings of Fact

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

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

Most residences in the area sit on lots under 2-acres.

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

Development of the property would increase the value of the property. The property includes area not currently used for crop production.

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

Development of the property for residential purposes has no perceivable impact on property values throughout the jurisdiction.

**4. Responsible Development and Growth**

Most residences in the area sit on lots under 2-acres.

**5. The Comprehensive Plan**

Approval of the rezoning would not result in the overall residential density of the area exceeding one lot for every five acres. Therefore, approval of the rezoning would not significantly conflict with the Agricultural land use recommendation of 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 for Simple Subdivision of property zoned R1.
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 R1 would allow for a smaller lot that does not incorporate land currently used for crop production.

**Staff Recommendation**

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**APPROVAL** of the **Rezoning, Simple Subdivision, and Waiver** primarily because the lot includes forested area desirable for a homesite.

*Applicant/Owner Information*

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Applicant:	Michael Risley 1025 Spring Hill Rd. Shelbyville, IN 46176	Surveyor:	Scott T Sumerford 3149 N Riley Hwy. Shelbyville, IN 46176
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Owner: Patricia Montgomery, Myra Crosby, & Peggy Risley  
3994 E 700 S  
Waldron, IN 46182

# FINAL PLAT FOR RISLEY SUBDIVISION

## SURVEYOR'S REPORT

The proposed subdivision lot will be used by the client for building a new home in the same vicinity as a corner farmstead. The lot is on site in size surrounding the wooded remains within the subject 80 acre half quarter section.

In accordance with Title 36, 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 discusses the surveyor's opinion of the cause and amount of uncertainty in those lines and corners because of the following:

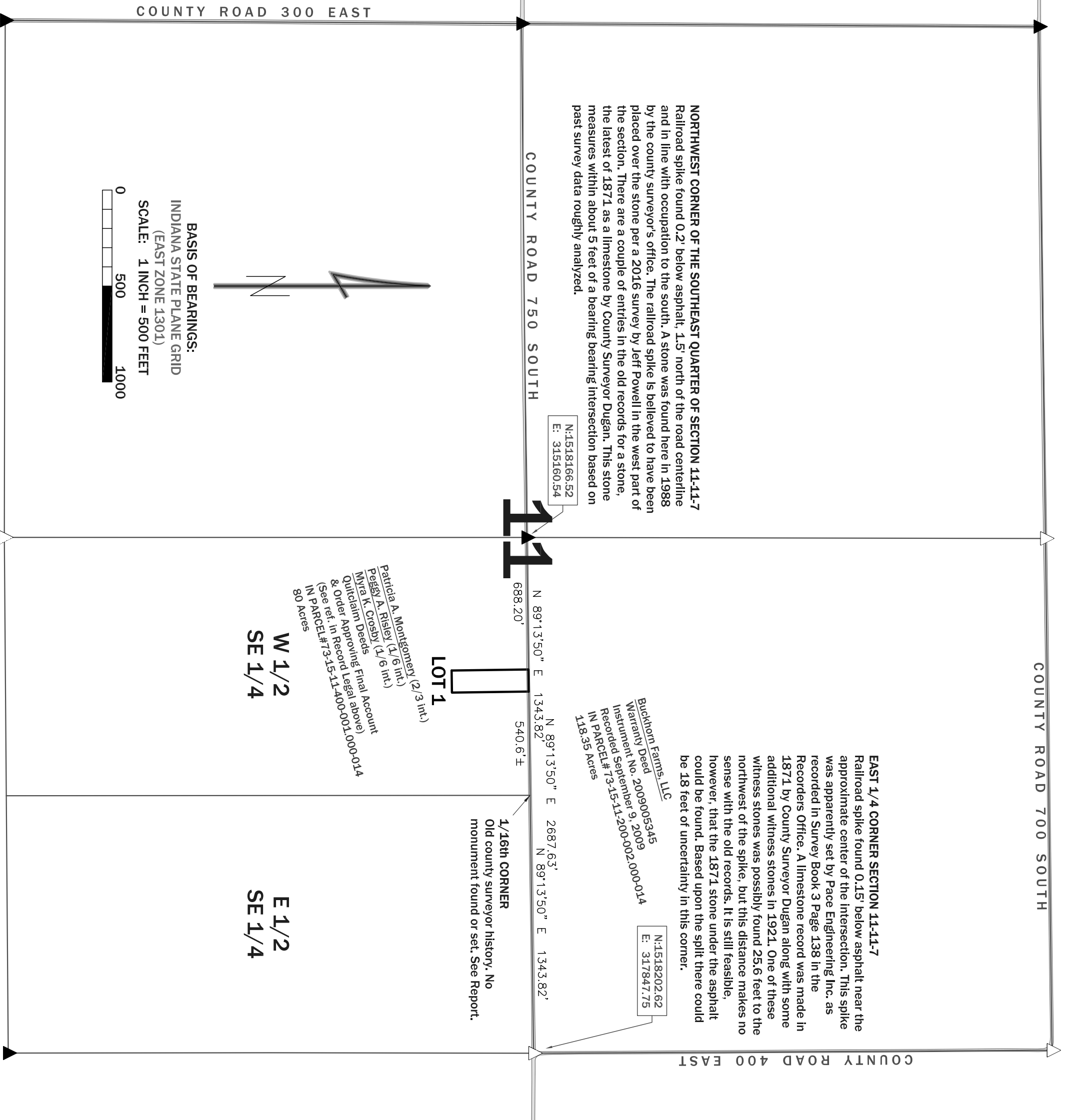
- Availability and condition of reference monuments.
- The north line of the southeast quarter section has been perpetuated with history as detailed. There were no monuments or evidence of the original survey. The north line of the quarter section was established by the north-south corner of the field (1/4 1/4th corner), but no longer any occupation remaining near this corner, therefore no excavation was attempted for the purposes of this Interior survey.
- Occupation or possession lines
- Lot 1 was made perpendicular to the north line of the quarter and boxed around what remains mostly unimproved and wooded.
- No discrepancies in title. Both the subject farm and Buckhorn Farms parcel on the north side of the road have common title to the quarter section line.
- Clearly or unambiguity of record descriptions
- Relative positional accuracy of measurements
- The lines and corners retraced or established by this survey have been executed meeting Title 36, Indiana Administrative Code 1-12-7 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 36, Article 1 of the Indiana Administrative Code.

DATE: March 22, 2022

Signed: Scott T. Sumnerford Registration Number: 39800017



**NOTES**  
- Lot 1 is being reconed to R1 (Single Family Residential) from an A1 (Conservation Agricultural) zoning.  
The rezoning was approved on \_\_\_\_\_ by the Commissioners of Shelby County.  
per Ordinance No. \_\_\_\_\_

- At least three deciduous trees with a caliper measurement over 4in shall be preserved on each lot.

- The subject property does not lie within a Flood Hazard Area per the effective FRM map Panel 18J49C02156, dated November 5, 2014. Lot 1 lies roughly 21.3 of 7 mile away from the Flat Rock Flood Hazard Area. The Flood Hazard Area is located in Section of 732.9 per the Indiana DNR Floodplain Portal based upon the best available flood zone data.

## OWNERSHIP CERTIFICATE

My, Patricia A. Montgomery of Shelby County, Indiana, Peggy A. Risley of Shelby County, Indiana and Myra K. Crosby of Deasler County, Indiana do hereby certify that we are the owners of the property described in the above captioned and that as such owners 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.

Patricia A. Montgomery \_\_\_\_\_ (Seal)

Peggy A. Risley \_\_\_\_\_ (Seal)

Myra K. Crosby \_\_\_\_\_ (Seal)

State of Indiana )  
County of Shelby )

I, \_\_\_\_\_, a Notary Public in and for said County and State, do hereby certify that

personally known to me to be the same persons whose name is subscribed to the above certificate appeared before me this day in person and acknowledge that they signed the above 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 Garbard

**LEGEND**  
INDIANA STATE PLANE  
GRID COORDINATE VALUE  
SCALE FACTOR = 0.99993956  
DATUM: NAD83(2011)

SECTION CORNER PERPETUATED ON CURRENT SHELVY COUNTY SURVEYOR THE SHEETS

SECTION CORNER PER OLDER COUNTY SURVEYOR RECORD BOOKS OR BEST AVAILABLE EVIDENCE

## RECORD DESCRIPTION OF PARENT TRACT

Quitclaim Deeds  
Instrument Nos. 2005000412 & 2005000413. Recorded January 18, 2005  
Dorothy R. Andrews and Nancy Rodman  
to  
Floyd E. Montgomery and Patricia A. Montgomery

Order Approving Final Account  
Shelby Circuit Court Cause No. 73C01-0608-ES-12  
Filed January 5, 2009 in Shelby County Clerk's Office  
Patricia A. Montgomery, Personal Representative of Floyd E. Montgomery Estate  
distributes (Floyd's 1/2 Interest) to  
Patricia A. Montgomery, Peggy A. Risley and Myra K. Crosby

The West Half of the Southeast Quarter of Section (14) Eleven, in Township (14) Eleven North, of Range (7) East, containing (80) eighty acres, more or less.

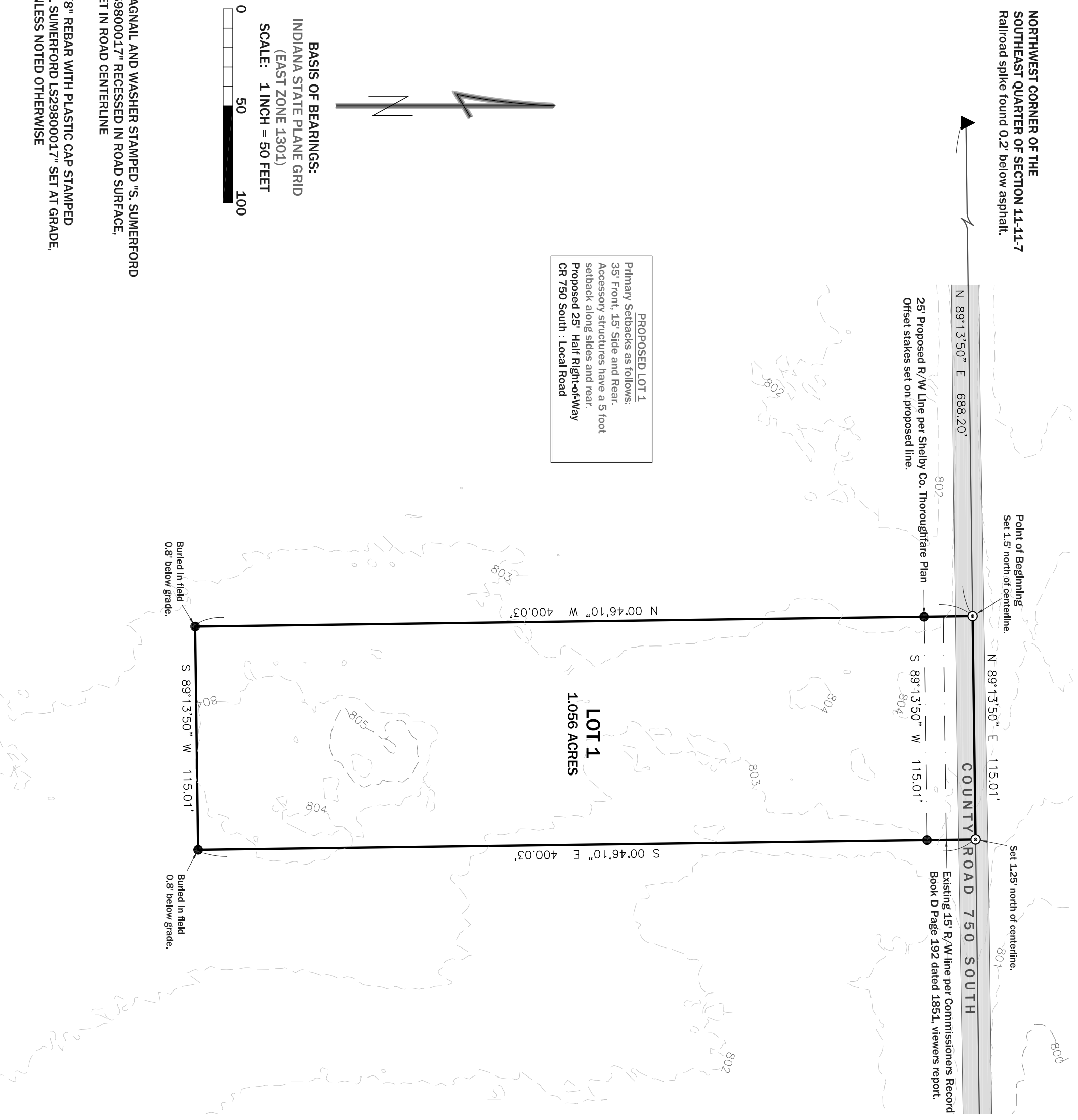
## LEGAL DESCRIPTION OF LOT 1

Part of the west half of the southeast quarter of Section Eleven (14), Township Eleven (14) North, Range Seven (7) East, Township, Shelby County, Indiana being part of Survey Job #141414-009 by Scott T. Sumnerford, RLS#29800017, certified March 22, 2022 and being more particularly described as follows:

Commencing at the southeast corner of the southeast quarter of said section 14-14-7, said point marked by a railroad spike over a stone, thence along the north line of said southeast quarter, North 89°13'50" East (back of bearings being Indiana State Plane East Zone) 888.20 feet to a magall and washer stamped "S. Sumnerford 9800017" at the point of beginning of the herein described tract:

Thence commencing North 89°13'50" East 115.01 feet to a magall and washer stamped "S. Sumnerford 9800017"; thence at right angles, South 00°46'14" East 400.03 feet to a buried capped rebar stamped "S. Sumnerford 29800017"; thence parallel with the north line of said southeast quarter, South 89°13'50" West 115.01 feet to a buried capped rebar stamped "S. Sumnerford 29800017"; thence at right angles, North 00°46'14" West 400.03 feet to the point of beginning, containing 1.056 acres.

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



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

Indiana Registered Surveyor No. 29800017

Copyright © 2022 by Scott T. Sumnerford  
This document is only considered an original copy if an inked seal and original signature is affixed.

LAST DATE OF FIELDWORK: March 08, 2022  
CERTIFICATION DATE: March 22, 2022  
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.

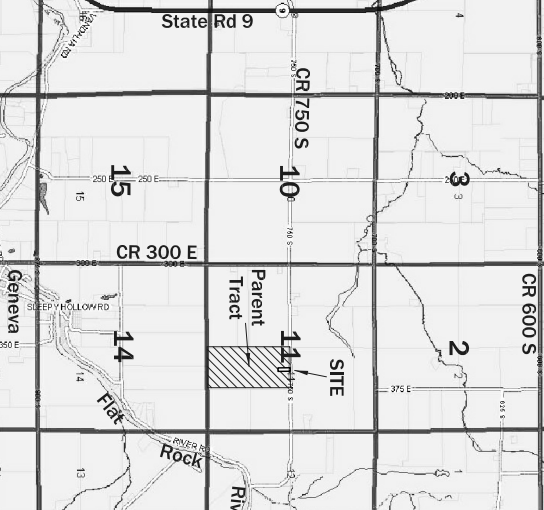
NAME: \_\_\_\_\_  
Prepared By: Scott T. Sumnerford

CLIENT  
Michael Risley  
1025 Spring Hill Road  
Shelbyville, IN 46176

PROJECT  
Subdividing 1 acre from an 80 acre parent tract in the location of a former home site for the purpose of building a new home.

INDIANA TITLE 365  
**BOUNDARY SURVEY**

JOB LOCATION  
PART OF THE WEST HALF OF THE SOUTHEAST QUARTER, SECTION 11 TOWNSHIP 11 NORTH, RANGE 7 EAST, NOBLE TOWNSHIP, SHELBY COUNTY, IN





## Property Details

**Location:** 6925 S Carroll Rd,  
Indianapolis, Moral Township.

**Property Size:** 6.36-acres.

**Current Land Use:** Residential  
Estate.

**Current Zoning Classification**  
RE (Residential Estate)

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

**Proposed Zoning Classification**  
I1 (Low Intensity Industrial)

*This district is established for low intensity industrial uses, light manufacturing facilities and business parks.*

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

**Future Land Use per Comp Plan**  
Industrial

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

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

*Continued next page...*

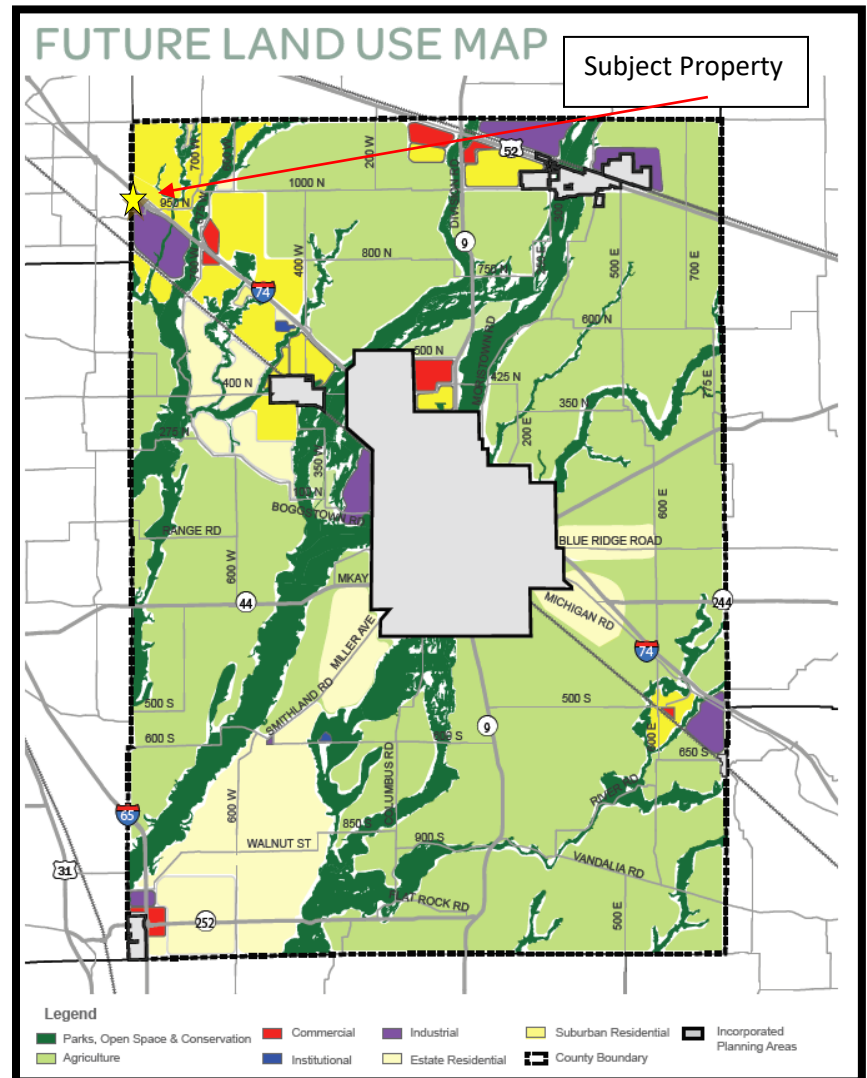
# Staff Report

**Case Number:** RZ 22-05  
**Case Name:** Fagel Rezoning - RE (Residential Estate) to I1 (Low Intensity Industrial)

## Request

**Rezoning** of 6.36 acres from the RE (Residential Estate) District to the I1 (Low Intensity Industrial) District to allow for future sale of the property for low-intensity industrial use.

## Future Land Use Map



## Property Details

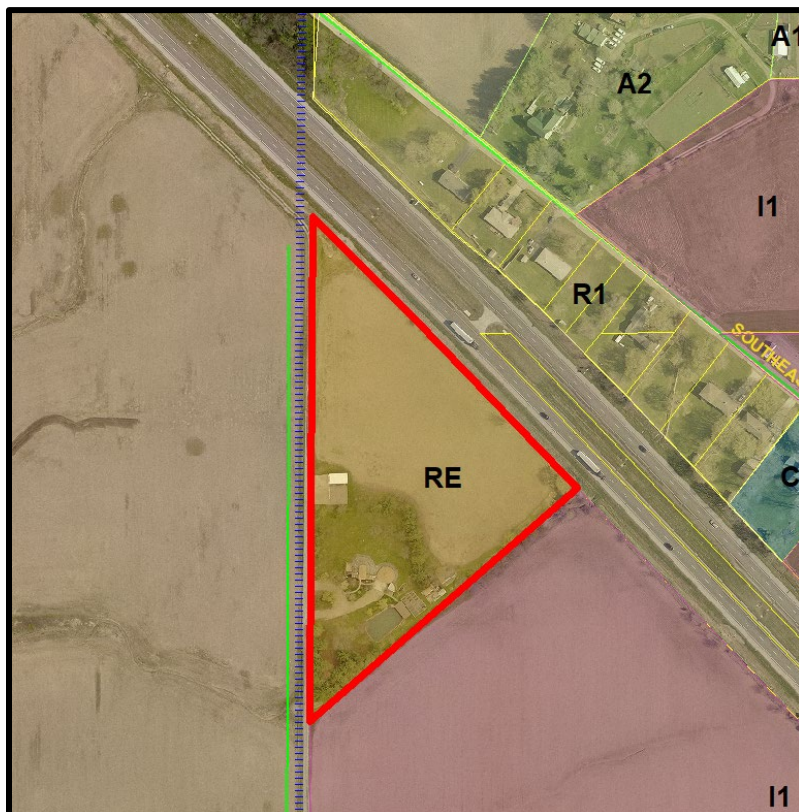
### Focus Area #1- Northwest Corner

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

### Surrounding Development

	Zoning	Land Use
North	NA	I-74
South	I1	Warehouse
East	NA	I-74
West	DA (Dwelling Ag.)	Cropland

## Property Map



## Case Description

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- The petitioner currently resides on the property, however, has requested the rezoning to allow for future sale of the property for low-intensity industrial use. A company that stores and maintains semi-trucks has expressed interest in developing the property.
- Subsequent to approval of a rezoning, the UDO would allow for continued use of the property for residential purposes as a legal, non-conforming use. However, at the time the use changes to an industrial use the property could not revert to residential use.
- Due to the speculative nature of the zoning request, staff recommends Plan Commission approval of a Development Plan for the end-industrial user of the property. The Development Plan would include all elements included on the Site Plan reviewed by the Technical Review Committee. The Plan Commission must approve any Development Plan in compliance with the UDO, however a public hearing would give the public the opportunity to ask questions or voice concerns on the particular aspects of each project and give the members of the Plan Commission the opportunity to offer suggestions on site design.
- Approval of the rezoning would allow for all uses permitted in the I1 District. However, as a stipulation of approval Staff recommends prohibiting use of the property for a paintball facility or governmental operations, which the UDO permits in the I1 District. Use of the property for a paintball facility would conflict with the provisions of the Comprehensive Plan and the regulations of the IS (Institutional) District should apply to governmental operations.
- Planned utility providers include the following – Electric: Rush Shelby Energy, Sanitary Sewer: Citizens Energy, Water: Citizens Energy, Gas: Citizens Energy, Fiber Optic: Lumen Technologies, Telephone: AT&T.
- The property is located within the Shelby County Northwest Economic Development Area (EDA) and Tax Increment Financing District (TIF). Establishment of the TIF will capture incremental real property tax within the EDA to fund utility and road improvements currently under construction in the EDA.

## Staff Analysis Findings of Fact

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

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

The property adjoins the Five Below Warehouse development to the south and property planned for industrial development to the west. Therefore, development of the property for low-intensity industrial use would not conflict with current and future adjacent development.

Industrial development adjoining both the southeast and west property lines and the interstate adjoining the northeast property line render the property most desirable for industrial use.

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

The County has funded and begun utility and road improvements to service the property.

The property is located within the Shelby County Northwest Economic Development Area, Industrial Future Land Use Area identified in the Comprehensive Plan, and Focus Area #1 – Northwest Area identified in the Comprehensive Plan. With public input through the comprehensive planning process, the County has established these areas to allow for the extension of water and sewer utilities and to attract industrial development to the northwest portion of the County near the I-74 / Pleasant View Interchange.

### Staff Recommendation

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Staff recommends **APPROVAL** primarily because existing conditions and the Comprehensive Plan render the property desirable for future industrial development.

Staff recommends the following stipulations:

1. Development Plan Approval as required by section 9.08 *Development Plan* of the Unified Development Ordinance shall be required prior to issuance of an Improvement Location Permit for any non-residential permanent construction, installation, addition, alteration, or relocation of a new structure, and/or permanent alteration to the land.
2. The property shall not be used for a paintball facility or governmental operations.

### Applicant/Owner Information

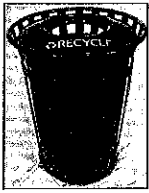
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Applicant:	David B & Patricia A Fagel 6925 S Carroll Rd. Indianapolis, IN 46259	Owner:	Same
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# Low Intensity Industrial (I1) District

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

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



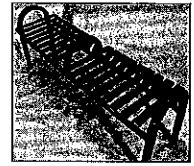
# OCCOutdoors, Inc. Site Furnishings

6925 S. Carroll Road, Indianapolis, IN 46259

Phone 317-862-2584 Toll free 800-821-7670 Fax 317-862-9422

E-mail OCCContact@OCCOutdoors.com

Web www.OCCOutdoors.com



Project \_\_\_\_\_ Description \_\_\_\_\_ Date \_\_\_\_\_

I AM REQUESTING RETURNING MY  
PROPERTY FOR A FUTURE SALE OF  
PROPERTY!

***One source for all your site furnishings! Made in the USA!***

**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: DAVID B. + PATRICIA A. FAGEL

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

Location: 6925 J. CARROLL ROAD, INDIANAPOLIS, IN 46259

1. The request is consistent with the Shelby County Comprehensive Plan because: the property is in the PLEASANT VIEW TIF/EDS ZONE AND ADJACENT PROPERTY IS ZONED LIGHT COMMERCIAL.
2. The request is consistent with the current conditions and the character of structures and uses in each district because: PROPERTY IS SUITABLE FOR A COMMERCIAL OFFICE AND/OR LIGHT INDUSTRIAL COMMERCIAL BUSINESS.
3. The request is consistent with the most desirable use for which the land in each district is adapted because: IT FITS INTO THE CURRENT COMPREHENSIVE PLAN FOR THE AREA.
4. The request is consistent with the conservation of property values throughout the jurisdiction because: IT FITS INTO THE CURRENT COMPREHENSIVE PLAN FOR THE AREA.
5. The request is consistent with responsible growth and development because: A TIFE ZONE HAS BEEN ESTABLISHED FOR THE AREA AND FITS INTO THE CURRENT COMPREHENSIVE PLAN.

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

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

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

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

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

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





Property Details

**Location:** South of and adjoining 10303 N 150 E, Morristown, Van Buren Township.

**Property Size:** 15.117-acres.

**Current Land Use:** Agriculture / Natural Resources.

**Current Zoning Classification**

**A1 (Conservation Agricultural)**  
*This district is established for commercial and industrial uses directly related to agriculture and compatible with rural/agricultural areas.*

**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**

**Suburban Residential**  
*This purpose of this category is for the transition of land use from agricultural and estate residential uses to low to medium-density, single-family residential subdivisions as water and sewer facilities become available.*

**Surrounding Development**

	Zoning	Land Use
North	A1/RE	Cropland / Estate Res.
South	A1/RE	Cropland / Estate Res.
East	A1/A2	Cropland / Estate Res.
West	A1	Cropland

# Staff Report

**Case Number:** RZ 22-06 / SD 22-04  
**Case Name:** Martin Farms Rezoning – A1 (Conservation Agricultural) to A2 (Agricultural) & Martin Farms Simple Subdivision

## Requests

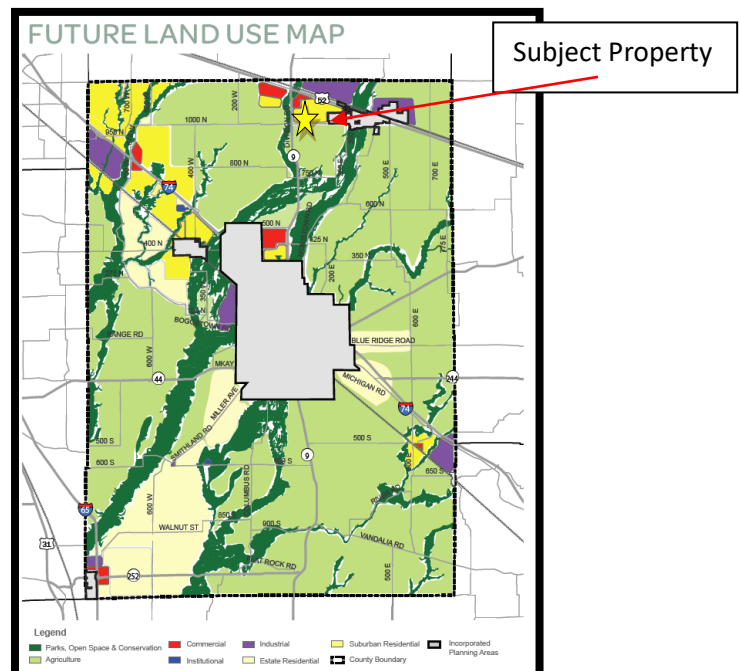
**Rezoning** of 15.117-acres from the A1 (Conservation Agricultural) District to the A2 (Agricultural) District to allow for a one-lot Simple Subdivision.

**Simple Subdivision** of 15.117-acres from a 115.58-acre parent tract.

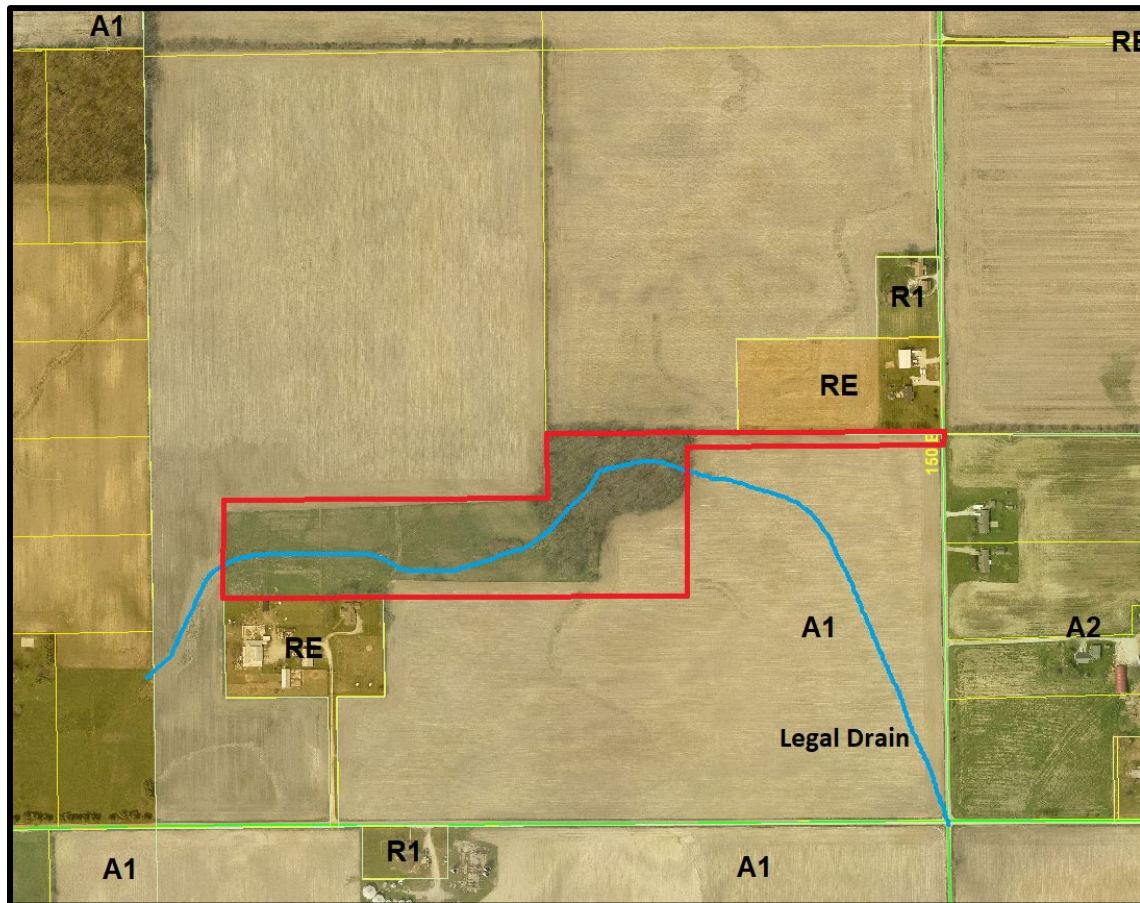
**Waivers:**

1. Of Simple Subdivision prerequisites to allow for Simple Subdivision of property zoned A2.
2. Of subdivision design standards to allow side lot lines not within a 15-degree angle to the right-of-way.
3. Of subdivision design standards to allow a lot width of 50-feet (minimum 120-feet required measured at the front setback line).

## Future Land Use Map



## Property Map



## Case Description

- Approval of the requests would allow for development of one single-family residential building lot.
- Historical aerial photography ranging from 1985 to present shows forested area, pasture area, and cropland within the same portions of the property as currently present.
- The application for rezoning indicates that the petitioner intends to use the area of the property not occupied by the building site for agricultural purposes.
- The lot would include a 50-foot fee-simple access strip to N 150 E.
- The Woodridge Open Ditch Legal Drain runs from east to west through the center of the property. The legal drain includes a 75-foot easement measured from top-of-bank along each side of the ditch. Development of structures and residential driveways cannot occur within the easement unless approved by the County Drainage Board.
- The USDA Soil Survey classifies approximately 15% of the property as 'Prime Farmland', 10% of the property as 'Prime Farmland if Drained', and 75% of the property as 'Not Prime Farmland'.

## 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 property would exceed the size of most residential lots in the area and most of the land would remain used for agricultural purposes. Therefore, approval of the rezoning would not conflict with the rural character of the area.

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

Development of the property would increase the value of the property and allow most of the property to remain used for agricultural purposes.

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

The property would exceed the size of most residential lots in the area and most of the land would remain used for agricultural purposes. Therefore, approval of the rezoning would not have a perceivable impact on property values throughout the jurisdiction.

**4. Responsible Development and Growth**

The property would exceed the size of most residential lots in the area and most of the land would remain used for agricultural purposes. Therefore, approval of the rezoning would not conflict with the rural character of the area.

**5. The Comprehensive Plan**

The Comprehensive Plan recommends residential use of the property. Approval of the rezoning would allow for development of a portion of the property for residential use.

**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 A2.
3. The subdivision of land satisfies the standards of Article 07: Design Standards, pending approval of waivers to allow to allow side lot lines not within a 15-degree angle to the right-of-way and to allow a lot width of 50-feet.
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 A2 would allow for continued agricultural use of the property in an area relatively isolated from residential development.

7. The uncultivated portion of the 115.58-acre parent tract lies within the center of the property. Waivers from lot line angle and lot width requirements allow for an access strip to N 150 E to develop this portion of the property as a residential building lot.

### Staff Recommendation

---

**APPROVAL** of the **Rezoning, Simple Subdivision, and Waivers** primarily because approval would allow for residential development of a small portion of the property while allowing most of the property to remain used for agricultural purposes.

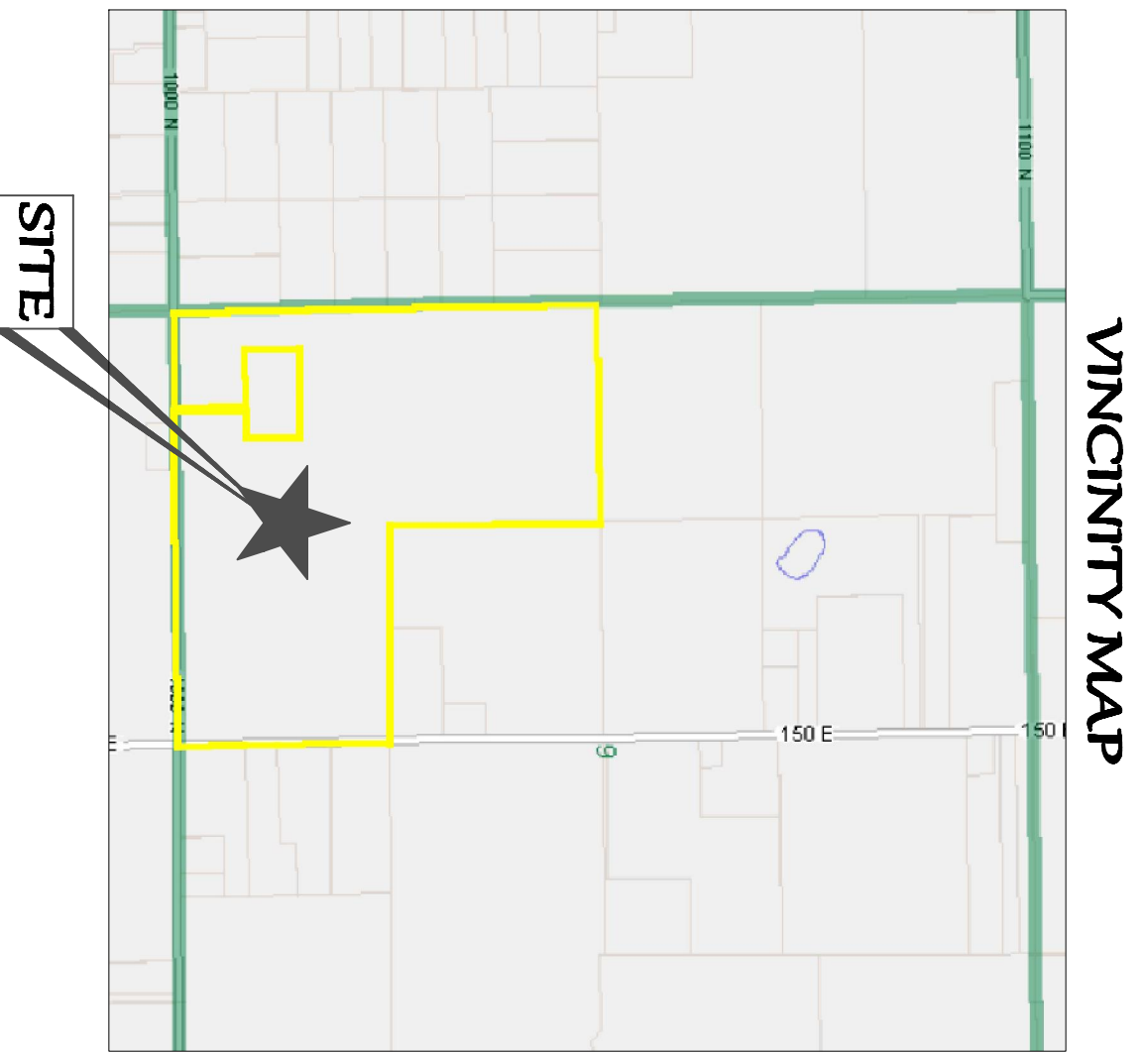
### *Applicant/Owner Information*

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Applicant:	Andrew Fansler 2414 W SR 44 Shelbyville, IN 46176	Surveyor:	McAllister Land Consulting 465 Meadow Lane Madison, IN 47250
Owner:	Martin Farms Indiana Two, LLC 620 W Hallam St. Aspen, CO 81611		

## Exhibit A

1. The request is consistent with the Shelby County Comprehensive Plan because the property is going to remain in agriculture. The change of zoning from A1 to A2 is to allow the owner to build one residential structure on the property and still allow them to utilize the pasture and crop land.
2. The request is consistent with the current conditions and the character of structures and uses in each district because it will remain in agriculture. Again, as I stated above the use will remain the same other than allowing one residential structure to be built on the property.
3. The request is consistent with the most desirable use for which the land in each district is adapted because the land will remain in agriculture. The intended use will allow the owner to build one residential structure and can raise livestock and row crop the balance of the land.
4. The request is consistent with the conservation of property values throughout the jurisdiction because it will allow one new residential structure to be built on over 16 acres of land. The structure will be built several feet from the road and be protected by woods. This area has several houses on 2 acre lots and the 16-acre lot will add value.
5. The request is consistent with responsible growth and development because it will allow one residential structure on a lot over 16 acres. The area is continuing to allow development in agriculture, residential and energy production. This lot will allow the owner to build a residential property and also continue to have livestock or row crop.



**VINCINITY MAP**

THIS PLAT SHALL BE VOID IF NOT RECORDED WITHIN THREE (3) MONTHS OF THE SURVEY CERTIFICATION DATE, AS STIPULATED IN INDIANA RULE 12.  
FIELD WORK DONE ON 1/16/2022

**MARTIN ESTATES**  
**LOT 1**  
10291 N 150 E Morrisstown, IN 46161

**NORTHWEST CORNER**  
SOUTHWEST QUARTER  
SECTION 9, T4N, R7E  
VAN BUREN TWP, SHELBY CO  
1<sup>ST</sup> CONC CORNER POST FOUND  
SHELBY CO. RECORDS

**NORTHEAST CORNER**  
SOUTHWEST QUARTER  
SECTION 9, T4N, R7E  
VAN BUREN TWP, SHELBY CO.  
5/8<sup>TH</sup> REBAR FOUND  
SHELBY CO. RECORDS

SETBACK LINES PER SHELBY COUNTY UNIFIED  
DEVELOPMENT ORDINANCE  
FRONT - 60 FEET MEASURED FROM PROPOSED ROW  
SIDE & REAR - 40 FEET FOR PRIMARY STRUCTURE  
AND 10 FEET FOR ACCESSORY STRUCTURES

**A-1 ZONE**  
BASIS OF BEARING  
BASED ON INDIANA EAST GRID ZONE  
NAD 83 PER GPS OBSERVATIONS

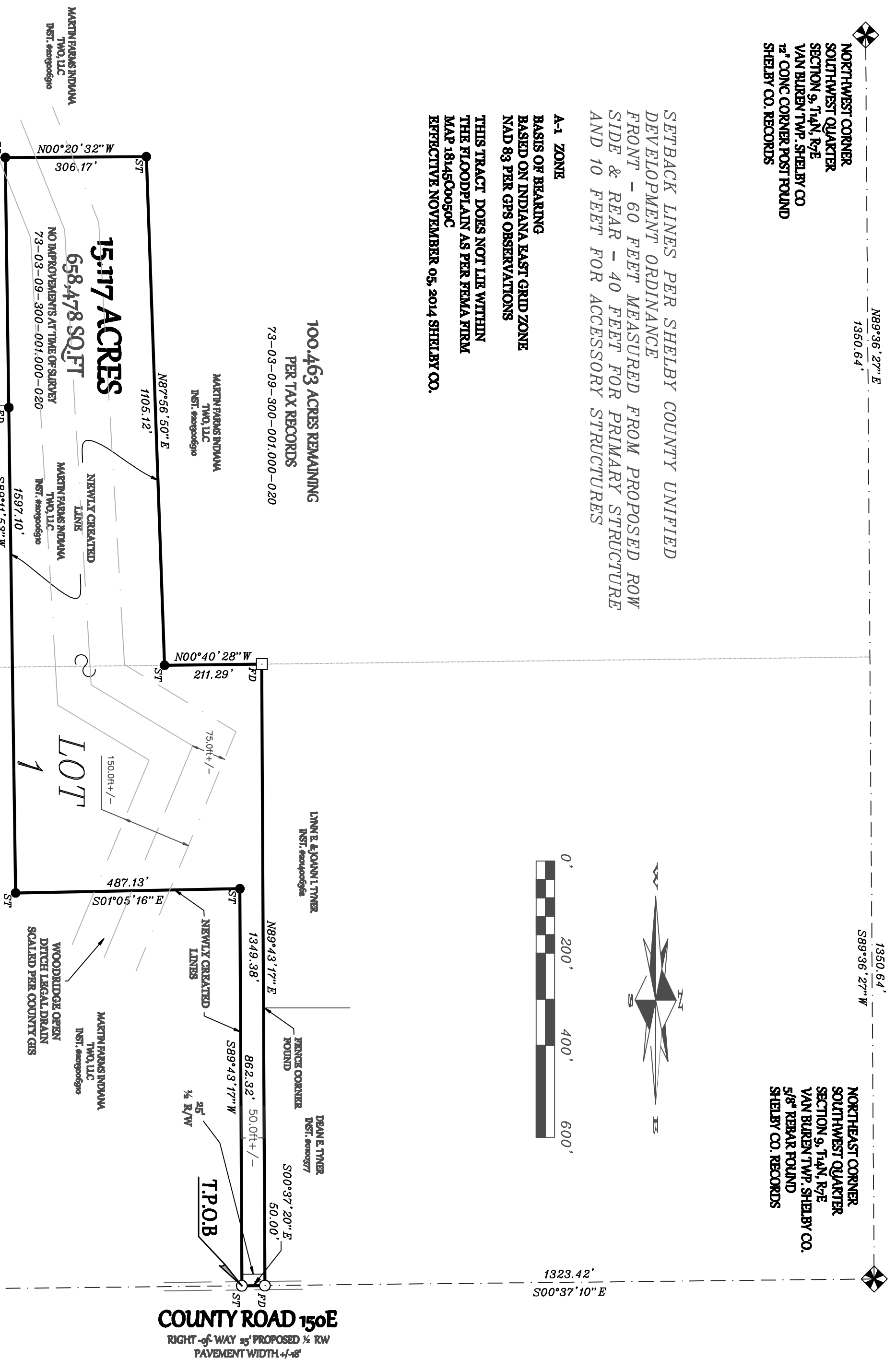
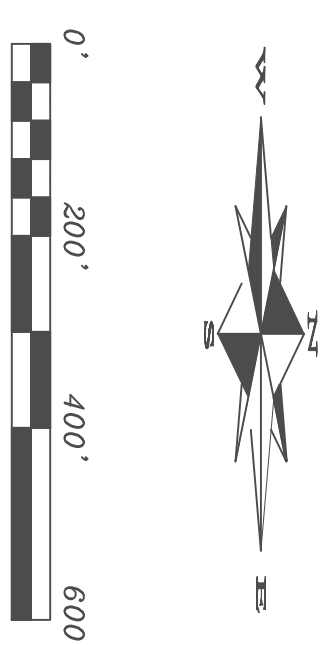
THIS TRACT DOES NOT LIE WITHIN  
THE FLOODPLAIN AS PER FEMA FIRM  
MAP 1845C0050C  
EFFECTIVE NOVEMBER 05, 2014 SHELBY CO.

**100.463 ACRES REMAINING**  
PER TAX RECORDS  
73-03-09-300-001.000-020

- NOTES:**
- 1) THIS SURVEY IS NOT CERTIFIED TO ANY FUTURE TRANSACTIONS OR CHANGE IN TITLE.
  - 2) NO UTILITIES WERE LOCATED UNLESS SHOWN, UNLESS SIGNED BELOW.
  - 3) THIS SURVEY IS CONSIDERED "PRO FORMA" UNLESS SIGNED BELOW.
  - 4) BUILDING LINES AND SET BACK LINES ARE NOT SHOWN, THERE ARE NO GUARANTEES BUILDINGS OR STRUCTURES ARE NOT WITHIN THIS AREA.

**LEGEND**

- BOUNDARY LINE**  
FD FARM STYLE FENCE LINE  
FD CONC. R MARKER
- SPIKE FOUND**  
FD SPIKE FOUND
- REBAR FOUND**  
FD REBAR FOUND
- NAIL FOUND**  
FD NAIL FOUND
- SET PULISH 5/8" STEEL PIN W/ PLASTIC CAP**  
ST SET PULISH 5/8" STEEL PIN W/ PLASTIC CAP
- SET NAIL**  
ST SET NAIL
- CONC CORNER POST FOUND**  
FD CONC CORNER POST FOUND
- ABOVE GRADE**  
A.G. ABOVE GRADE
- BELOW GRADE**  
B.G. BELOW GRADE
- CALCULATED BEARING AND/OR DISTANCE**  
(C) CALCULATED BEARING AND/OR DISTANCE
- RECORD BEARING AND/OR DISTANCE**  
(R) RECORD BEARING AND/OR DISTANCE
- NOTE: ALL MONUMENTS FILISH EXCEPT AS NOTED ORIGIN/REFERENCE IS UNKNOWN UNLESS NOTED



REVISION	DESCRIPTION

**MARTIN FARMS SURVEY**  
ORIGINAL SURVEY  
SOUTHWEST QUARTER SEC 9, T4N, R7E  
VAN BUREN TOWNSHIP  
SHELBY COUNTY, IN

**CLIENT**  
MARTIN FARMS INDIANA TWO LLC

**McALLISTER**  
**LAND CONSULTING**

465 MEADOW LANE MADISON, IN 47250  
812-274-0860 812-801-9373  
mcallisterlandconsulting@gmail.com

**E M Lang**  
**Surveying**

13720 SPANGLER RD. DILLSBORO, INDIANA  
465 MEADOW LN. MADISON, IN 47250  
Tel: 812-496-5421 emlmacsurvey@gmail.com

IN ASSOCIATION WITH

ALL RIGHTS RESERVED

EXCEPT FOR USES EXPRESSLY PERMITTED IN WRITING, THIS DOCUMENT IS SOLELY THE PROPERTY OF E M LANG & McALLISTER LAND CONSULTING

DATE: 02/08/2022

SCALE: 1"=200'

DRAWN: BM/ND

CHK'D: EML

PN#22 SHELBYCOMARTISEC9

ACAD:MARTINFARMS2022.DWG

**P1012**

THIS PLAT SHALL BE VOID IF NOT RECORDED WITHIN THREE (3) MONTHS OF THE SURVEY CERTIFICATION DATE, AS STIPULATED IN INDIANA RULE 12.  
FIELD WORK DONE ON 1/16/2022

**SURVEY DESCRIPTION**

BEING PART OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 14 NORTH, RANGE 7 EAST, VAN BUREN TOWNSHIP, SHELBY COUNTY, INDIANA, AND BEING PART OF THE LANDS CONVERTED TO THE MARTIN FARMS INDIANA TWO, LLC (INST#2013006910). RECORDS OF THE RECORDER'S OFFICE OF SHELBY COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" REBAR FOUND MARKING THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER, THENCE WITH THE EAST LINE OF SAID QUARTER SECTION N00°37'09"W FOR A DISTANCE OF 123.42 FEET TO A MAG NAIL SET ON THE APPROXIMATE CENTERLINE OF COUNTY ROAD 150E; THENCE LEAVING SAID ROAD AND SAID EAST LINE WITH NEWLY CREATED LINES FOR THE FOLLOWING SIX (6) COURSES AND DISTANCES:

- 1) S89°43'17"W FOR A DISTANCE OF 862.32 FEET TO A REBAR SET;
  - 2) S01°05'16"E FOR A DISTANCE OF 1597.10 FEET TO A 5/8" REBAR FOUND, PASSING A 5/8" REBAR FOUND 1054.23 FEET;
  - 3) S89°11'53"W FOR A DISTANCE OF 1597.10 FEET TO A 5/8" REBAR FOUND, PASSING A 5/8" REBAR FOUND 1054.23 FEET;
  - 4) N00°20'32"W FOR A DISTANCE OF 306.17 FEET TO A REBAR SET;
  - 5) N87°56'50"E FOR A DISTANCE OF 1105.12 FEET TO A REBAR SET TO THE SIXTEENTH LINE;
  - 6) THENCE ALONG SAID SIXTEENTH LINE N00°40'28"W FOR A DISTANCE OF 214.29 FEET TO A 12" CONCRETE POST FOUND; THENCE LEAVING SAID SIXTEENTH LINE WITH THE SOUTH LINE OF THE LANDS CONVERTED TO LYNN E. & JOANN I. TYNER (INST. #2014006362) AND DEAN E. TYNER (INST. #0100377) RESPECTIVELY, N89°43'17"E FOR A DISTANCE OF 1349.38 FEET TO A MAG NAIL FOUND ON THE APPROXIMATE CENTERLINE OF COUNTY ROAD 150 E, AND THE EAST LINE OF SAID QUARTER SECTION; THENCE ALONG SAID ROAD AND EAST LINE S00°37'20"E FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.
- CONTAINING 16.17 ACRES MORE OR LESS, AND BEING SUBJECT TO ALL LEGAL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

ALL "REBAR SET" ARE 5/8" DIAMETER, 30" LONG, STEEL REBAR, WITH YELLOW PLASTIC CAP STAMPED ERIC M. LANG LSH#21000192

**NOTARY CERTIFICATE**

STATE OF INDIANA  
COUNTY OF JEFFERSON

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED: MARTIN FARMS INDIANA TWO, LLC AND ACKNOWLEDGE THE EXECUTION OF THE FOREGOING INSTRUMENT AS HIS/HER VOLUNTARY ACT AND DEED, FOR THE PURPOSES THEREIN EXPRESSED.

WITNESS MY HAND AND NOTARIAL SEAL  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

PRINTED NAME \_\_\_\_\_

SIGNATURE \_\_\_\_\_

COUNTY OF RESIDENCE: \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

PROPERTY REZONED FROM A1 (CONSERVATION AGRICULTURAL) TO A2 (AGRICULTURAL) PER ORDINANCE # \_\_\_\_\_ BY THE COMMISSIONERS OF SHELBY COUNTY. SUBDIVISION OF THE PROPERTY IS APPROVED WITH WAIVERS FROM THE 120-FOOT LOT WIDTH REQUIREMENT, TO ALLOW SIDE LOT LINES NOT WITHIN A 15-DEGREE ANGLE OF THE RIGHT-OF-WAY, AND TO ALLOW FOR SUBDIVISION OF PROPERTY ZONED A2

**SURVEYOR'S REPORT AND DECLARATION OF SURVEY**

TO: MARTIN FARMS INDIANA TWO, LLC AND THE SHELBY COUNTY PLAN COMMISSION  
THE PURPOSE OF THIS SURVEY IS TO PROVIDE AN ORIGINAL SURVEY TO DIVIDE FROM THE LANDS OF MARTIN FARMS INDIANA TWO, LLC (INST#2013006910) THE FILE FOR THIS SURVEY IS LOCATED IN THE OFFICE OF E. M. LANG SURVEYING, PROJECT NO. 22 SHELBYCOMARTISE09 LOCATED IN SECTION 9, T4N, R7E, VAN BUREN TOWNSHIP, SHELBY COUNTY, INDIANA.

IN ACCORDANCE WITH TITLE 865, ARTICLE 11, CHAPTER 12 OF THE INDIANA ADMINISTRATIVE CODE ESTABLISHING MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN INDIANA, THE FOLLOWING OPINIONS AND OBSERVATIONS ARE SUBMITTED REGARDING UNCERTAINTIES IN THE LOCATIONS OF THE LINES AND CORNERS ESTABLISHED BY THIS SURVEY AS A RESULT OF:

1. RANDOM ERRORS IN MEASUREMENTS;
  2. AVAILABILITY, CONDITION AND INTEGRITY OF REFERENCE MONUMENTS;
  3. DISCREPANCIES IN RECORD DESCRIPTIONS;
  4. INCONSISTENCIES IN THE LINES OF OCCUPATION AS RELATED TO SURVEY LINES.
- THERE ARE NO KNOWN UNCERTAINTIES UNLESS STATED WITHIN OR ON THE ATTACHED PLAT.
- THERE MAY BE UNWRITTEN RIGHTS ASSOCIATED WITH THESE UNCERTAINTIES.

1. MEASUREMENTS:  
THE RELATIVE POSITIONAL ACCURACY OF THE MEASUREMENTS TAKEN WHILE CONDUCTING THIS SURVEY IS WITHIN THE SPECIFICATIONS FOR A "RURAL" CLASS SURVEY (0.26 FEET, PLUS 200 PARTS PER MILLION) AS DEFINED BY IAC 865.

2. REFERENCE MONUMENTS:  
REFERENCE MONUMENTS WERE FOUND AS SHOWN ON THE PLAT AND WERE USED TO RESOLVE THIS SURVEY.

3. RECORD DOCUMENTS:  
THE RECORD DOCUMENTS FOR THE SUBJECT PARCEL & ADJOINING PARCELS WERE REVIEWED. THERE ARE NO CONFLICTS DUE TO RECORD DOCUMENTS.

4. LINES OF OCCUPATION:  
THE LINES OF OCCUPATION ARE AS SHOWN HEREON.

OWNERSHIP SHOWN HEREON IS PER SHELBY COUNTY RECORDS OR AS INDICATED IN TITLE WORK PROVIDED BY OTHERS. THE WITHIN SURVEY WAS PERFORMED WITHOUT BENEFIT OF EVIDENCE OF SOURCE OF TITLE AND IS SUBJECT TO ANY STATEMENT OF RECORD REVEALED BY SHELBY COUNTY RECORDS THAT AND DESIGNATION WAS PREPARED BY SHELBY COUNTY SURVEYOR CONDUCTED ON JANUARY 16, 2022 UNDER MY DIRECT SUPERVISION BY BRIAN MCALLISTER

THE REMAINDER OF THE NORTH LINE AND EAST LINES WERE ESTABLISHED FROM AN ALIGNMENT OF FOUND SECTION CORNER MONUMENTS AND FOUND PROPERTY MONUMENTS.  
ALL MONUMENTS SET OR FOUND ARE SHOWN HEREON.

**OWNERS CERTIFICATE**

I, THE UNDERSIGNED, OWNER OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY CERTIFY THAT I HAVE LAID OFF AND PLATTED, AND DO HEREBY LAY OFF AND PLAT SAID REAL ESTATE IN ACCORDANCE WITH THE WITHIN PLAT.

REPRESENTATIVE \_\_\_\_\_

MARTIN FARMS INDIANA TWO, LLC

WITNESS MY HAND THIS \_\_\_\_\_ DAY  
OF \_\_\_\_\_, 2022.

APPROVED BY THE SHELBY COUNTY PLAN COMMISSION

PRESIDENT: TERRY SMITH

SECRETARY: SCOTT GABBARD

**SURVEYOR'S CERTIFICATE**

I, ERIC M. LANG, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA.

THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY COMPLETED BY ME ON FEBRUARY 8, 2022, THAT ALL THE MONUMENTS SHOWN HEREON ACTUALLY EXIST, AND THAT ALL OTHER REQUIREMENTS SPECIFIED HEREIN, DONE BY ME HAVE BEEN MET.

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.

ERIC M. LANG LS. 21000192 DATED 2/8/2022

REVISION	DESCRIPTION

**E M Lang Surveying**  
13720 SPANGLER RD. DILLSBORO, INDIANA 465 MEADOW LN. MADISON, IN 47250  
Tel: 812-496-5421 emllangsurvey@gmail.com

**McALLISTER LAND CONSULTING**  
465 MEADOW LANE MADISON, IN 47250  
812-274-0860 812-801-9373  
mcallisterlandconsulting@gmail.com

**MARTIN FARMS SURVEY**  
ORIGINAL SURVEY  
SOUTHWEST QUARTER SEC 9, T4N, R7E  
VAN BUREN TOWNSHIP  
SHELBY COUNTY, IN

CLIENT  
MARTIN FARMS INDIANA TWO LLC

ALL RIGHTS RESERVED  
EXCEPT FOR USES EXPRESSLY PERMITTED IN WRITING, THIS DOCUMENT IS SOLELY THE PROPERTY OF E.M. LANG & McALLISTER LAND CONSULTING

DATE: 02/08/2022  
SCALE: 1"=200'  
DRAWN: BM/ND  
CHK'D: EML  
PN#22 SHELBYCOMARTISE09  
ACAD:MARTINFARMS2022.DWG

**P2012**

Property Details

**Location:** South side of CR 1100 N, 0.4-mile east of CR 200 W, Van Buren Township.

**Property Size:** 12.45-acres.

**Current Land Use:** Woodland.

**Current Zoning Classification**  
 A1 (Conservation Agricultural)  
*This district is established for commercial and industrial uses directly related to agriculture and compatible with rural/agricultural areas.*

**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**  
 Agricultural  
*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	A1	Cropland

# Staff Report

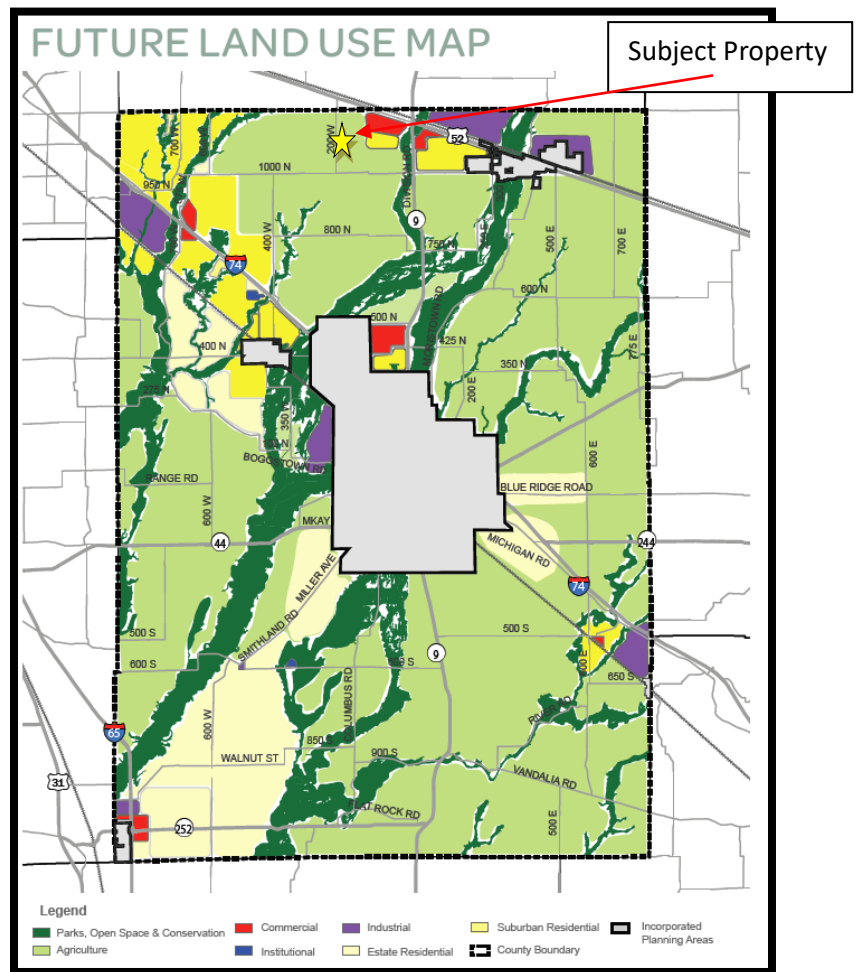
**Case Number:** RZ 22-09 / SD 22-05  
**Case Name:** Schuneman Rezoning – A1 (Conservation Agricultural) to RE (Residential Estate) & Schuneman Simple Subdivision

## Requests

**Rezoning** of 12.45-acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for a one-lot Simple Subdivision.

**Simple Subdivision** of 12.45-acres from an 81.43-acre parent tract.

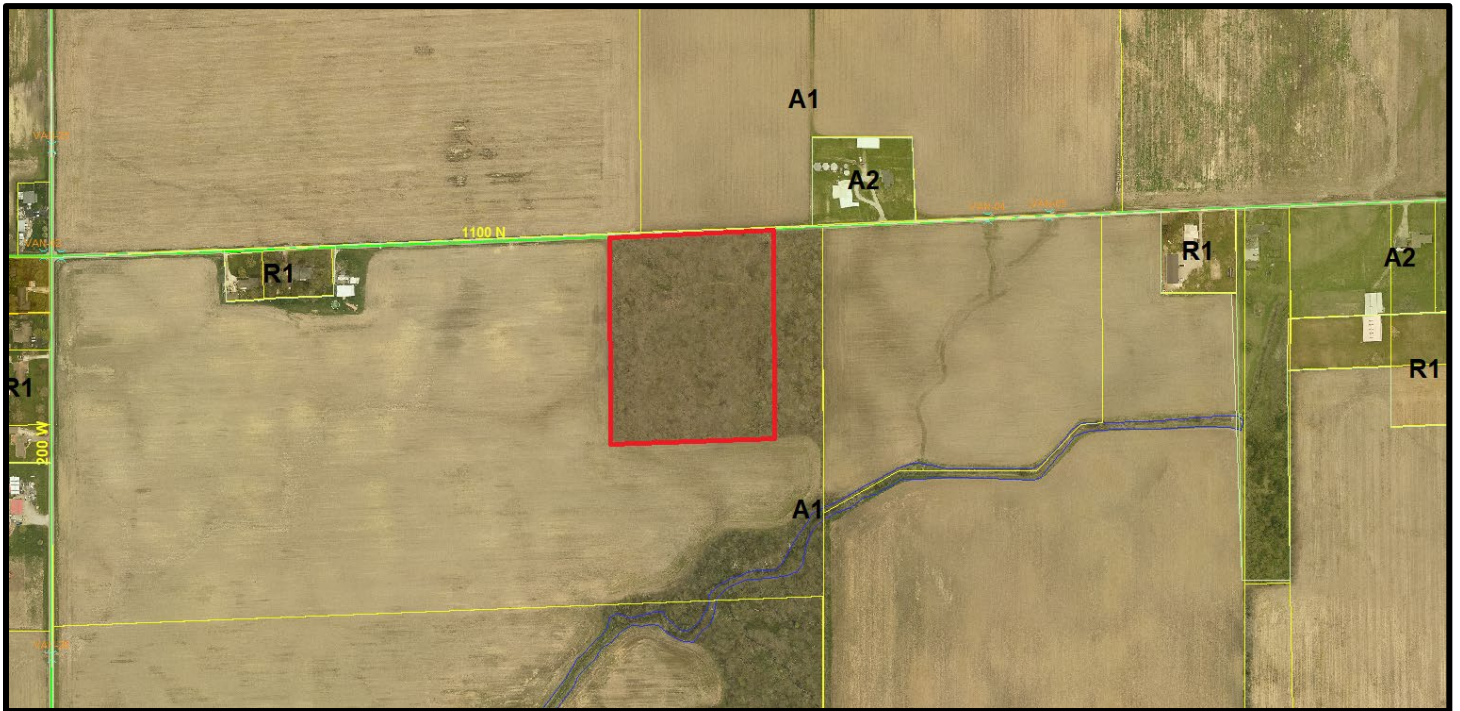
## Future Land Use Map





## Property Map

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## Case Description

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- Approval of the requests would allow for development of one single-family residential building lot.
- Historical aerial photography shows forested area covering the property since at least 1985.
- The USDA Soil Survey classifies the site as 'Prime Farmland if Drained.'

## 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 property would exceed the size of most residential lots in the area. Therefore, development of the property would not conflict with the residential density of the area.

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

Development of the property would increase the value of the property. The property has not been used for crop production for over 35 years.

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

Development of the property for residential purposes has no perceivable impact on property values throughout the jurisdiction.

**4. Responsible Development and Growth**

The property exceeds the size of most residential lots in the area. Therefore, development of the property would not conflict with the residential density of the area.

**5. The Comprehensive Plan**

Approval of the rezoning would not result in the overall residential density of the area exceeding one lot for every five acres. Therefore, approval of the rezoning would not conflict with the Agricultural land use recommendation of 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**

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**APPROVAL** of the **Rezoning** and **Simple Subdivision** primarily because development of the property would not conflict with the residential density of the area.

*Applicant/Owner Information*

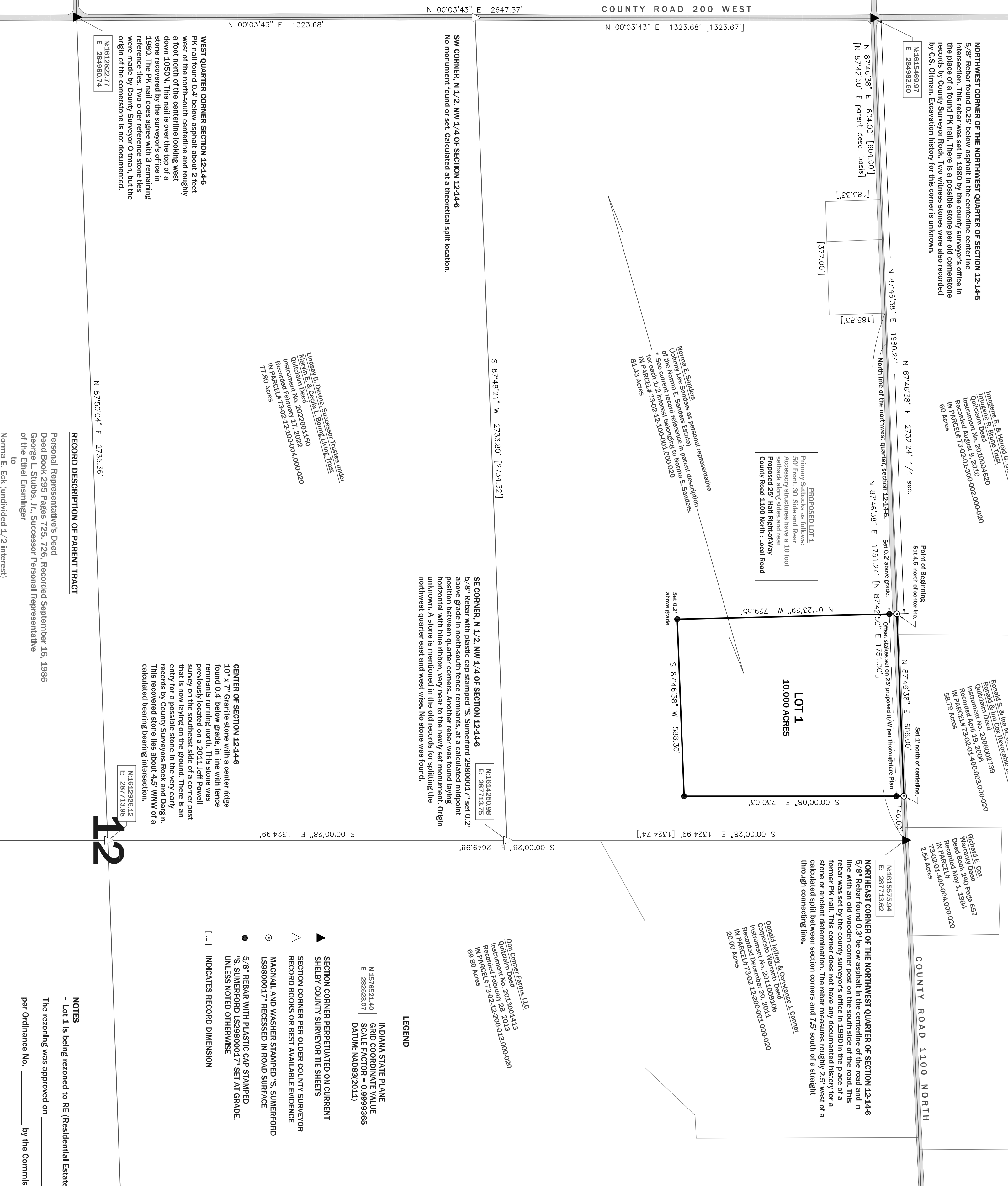
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Applicant:	Brandon Schuneman 11302 Bloomfield Dr. Indianapolis, IN 46259	Surveyor:	Scott T Sumerford 3149 N Riley Hwy. Shelbyville, IN 46176
------------	---	-----------	---

Owner:	Johnny Lee Sanders, Per. Rep. Norma E Sanders Estate 1855 W 1100 N Fountaintown, IN 46130
--------	---

FINAL PLAT FOR

SCHUNEMAN SUBDIVISION



NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 12-14-6 5/8" Rebar found 0.25' below asphalt in the centerline centerline intersection. This rebar was set in 1980 by the county surveyor's office in the place of a found PK nail. There is a possible stone per old cornerstone by C.S. Quinn. Excavation history for this corner is unknown.

Indiana E. & Harold G. Greene as Trustees of Indiana State Trust Indenture No. 2010-0046200 Instrument No. 2010-002-000-020 Recorded February 9, 2010 at 10:00 AM in Public Records of Shelby County, Indiana at 10:00 AM

Richard E. Cox as Trustee of Richard E. Cox and M. M. Cox as Trustees of Richard E. Cox and M. M. Cox as Trustees of Indiana State Trust Indenture No. 2010-0046200 Instrument No. 2010-002-000-020 Recorded February 9, 2010 at 10:00 AM in Public Records of Shelby County, Indiana at 10:00 AM

Richard E. Cox as Trustee of Richard E. Cox and M. M. Cox as Trustees of Richard E. Cox and M. M. Cox as Trustees of Indiana State Trust Indenture No. 2010-0046200 Instrument No. 2010-002-000-020 Recorded February 9, 2010 at 10:00 AM in Public Records of Shelby County, Indiana at 10:00 AM

Proposed Lot 1 50' Front, 30' Side and Rear, 10' Lot setback along sides and rear. Proposed 25' Half Right-of-Way County Road 1100 North, Local Road

Proposed Lot 1 Primary setbacks as follows: 50' Front, 30' Side and Rear, 10' Lot setback along sides and rear. Proposed 25' Half Right-of-Way County Road 1100 North, Local Road

Proposed Lot 1 Primary setbacks as follows: 50' Front, 30' Side and Rear, 10' Lot setback along sides and rear. Proposed 25' Half Right-of-Way County Road 1100 North, Local Road

Proposed Lot 1 Primary setbacks as follows: 50' Front, 30' Side and Rear, 10' Lot setback along sides and rear. Proposed 25' Half Right-of-Way County Road 1100 North, Local Road

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SURVEYOR'S REPORT The client is proposing to build a new home within the wooded portion of the Sanders farm consisting of an 83 acre parent tract in the north half of the quarter section. This simple subdivision of 10 acres is being executed by Sanders to convey to the client after final approval. In accordance with Title 865, Article 1, Chapter 12, Section 12 of the Indiana Administrative Code, the following report explains the theory of location applied in retracing the lines and corners of the surveyed property and discusses the surveyor's opinion of the cause and amount of uncertainty in those lines and corners because of the following:

- A) Availability and condition of reference monuments.
- The northwest quarter section is well defined by past history as explained in the drawing. Apparently the parent tract was surveyed in the past with modern dimensions around the half quarter, and within 0.5 feet at worst case.
B) Occupation or possession lines
- County Road 1100N does not run in a straight line. The northwest corner of Lot 1 ends up well north of the road centerline.
C) Clarity or ambiguity of record descriptions
- Though it does not affect this subdivision project, the south line of the Sanders parent tract legal description does not call out the half quarter section line. The Deane/Boring parcel to the south does give control to the line, by describing the south half quarter section in its written title. The fact or call in the Sanders description is viewed as a probable over sight. No other discrepancies in title were encountered with the other adjoining title holders.
D) Relative positional accuracy of measurements
- The lines and corners retraced or established by this survey have been executed meeting Title 865, Indiana Administrative Code 1-12-7 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 or practice as contained in Rule 12, of Title 865, Article 1 of the Indiana Administrative Code. DATE: April 26, 2022

Signed: Scott T. Sumnerford Registration Number: 39800017

OWNERSHIP CERTIFICATE I, Johnny Lee Sanders of Shelby County, Indiana, as Personal Representative of the Norma E. Sanders Estate 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.

Johnny Lee Sanders as Personal Representative of the Norma E. Sanders Estate (Seal) State of Indiana ) County of Shelby )

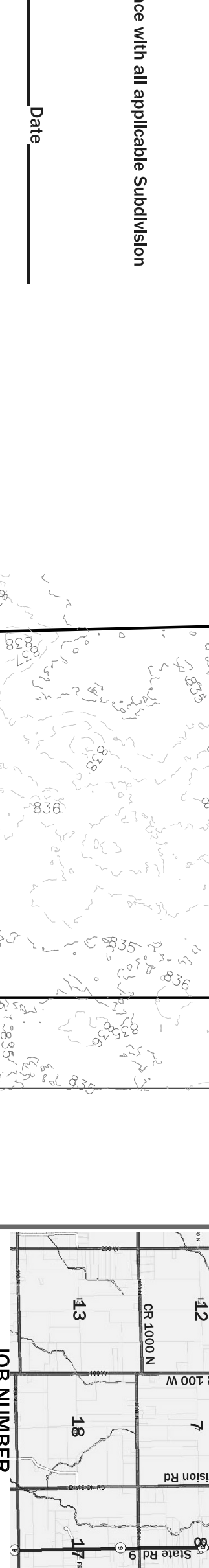
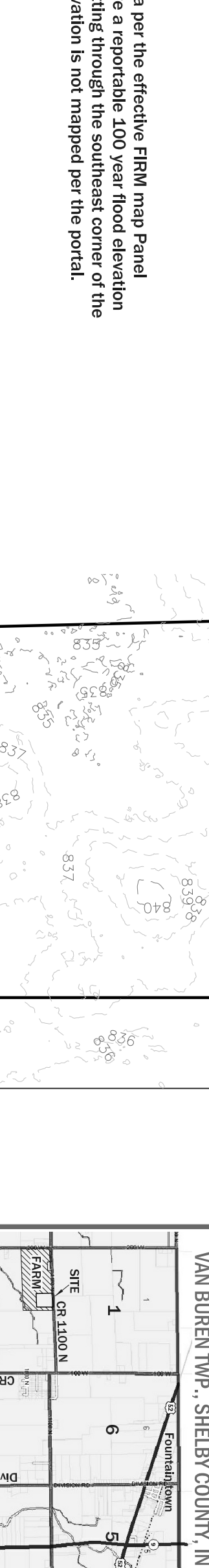
LEGEND INDIANA STATE PLANE GRID COORDINATE VALUE SCALE FACTOR = 0.99999365 DATUM: NAD83(2011)

SECTION CORNER PERPETUATED ON CURRENT SHELVY COUNTY SURVEYOR TIE SHEETS RECORD BOOKS OR BEST AVAILABLE EVIDENCE MAGNAIL AND WASHER STAMPED "S. SUMERFORD LS9800017" RECESSED IN ROAD SURFACE 5/8" REBAR WITH PLASTIC CAP STAMPED "S. SUMERFORD LS29800017" SET AT GRADE. UNLESS NOTED OTHERWISE INDICATES RECORD DIMENSION

NOTES - Lot 1 is being rezoned to RE (Residential Estate) from an A1 (Conservation Agricultural) zoning. The rezoning was approved on per Ordinance No. by the Commissioners of Shelby County.

PLAN COMMISSION APPROVAL Approved by the Shelby County Plan Commission in accordance with all applicable Subdivision Regulations. President, Terry Smith Secretary, Scott Garbard

INDIANA TITLE 865 BOUNDARY SURVEY JOB LOCATION PART OF THE NORTH HALF OF THE NORTHWEST QUARTER, SECTION 12 TOWNSHIP 14 NORTH, RANGE 6 EAST VAN BUREN TWP., SHELBY COUNTY, IN



JOB NUMBER 14N0612-22-016 ORIGINAL DRAWING SIZE ARCH D SHEET 1 OF 1

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

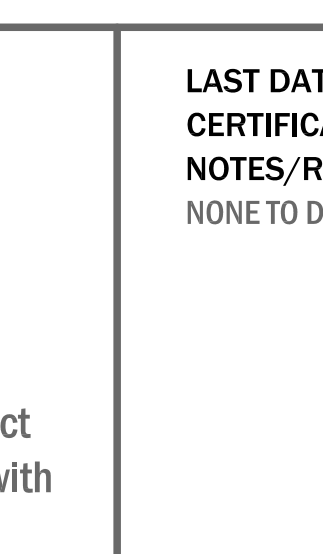
Indiana Registered Surveyor No. 29800017 Copyright © 2022 by Scott T. Sumnerford This document is to be considered an original copy if an inked seal and original signature is affixed.

LAST DATE OF FIELDWORK April 12, 2022 CERTIFICATION DATE April 26, 2022 NOTES/REVISIONS NONE TO DATE

CLIENT Brandon Schuneman 11302 Bloomfield Dr. Indianapolis, IN 46259 PROJECT Subdividing and purchasing a 10 acre tract from the Sanders parcel of 81.43 acres with the intentions of building a new home.

I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO RETRACE EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW. NAME: Prepared By: Scott T. Sumnerford

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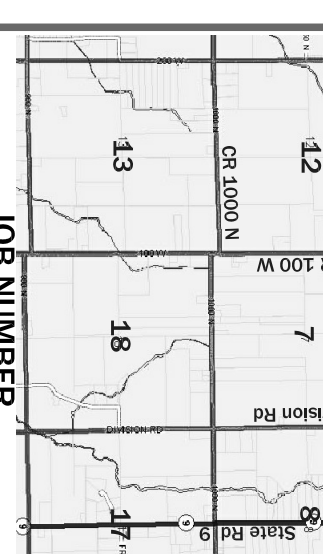
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JOB NUMBER 14N0612-22-016 ORIGINAL DRAWING SIZE ARCH D SHEET 1 OF 1

## Property Details

**Location:** 3145 W Old SR 252, Flat Rock, Washington Township.

**Property Size:** 44.19-acres.

**Current Land Use:** Agricultural Commercial.

**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**  
A4 (Agricultural Commercial)  
*This district is established for commercial and industrial uses directly related to agriculture and compatible with rural/agricultural areas.*

**Plan Commission:**  
*Use this zoning district for agricultural uses and other commercial and industrial uses that are supportive of agricultural operations.*  
*Protect the adjacent agricultural land and operations from uses that may conflict with their continued operation through the use of appropriate buffers and setbacks*  
*\*see attached district intent, permitted uses, special exception uses, and development standards.*

**Future Land Use per Comp Plan**  
Agricultural  
*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.*

*Continued on next page....*

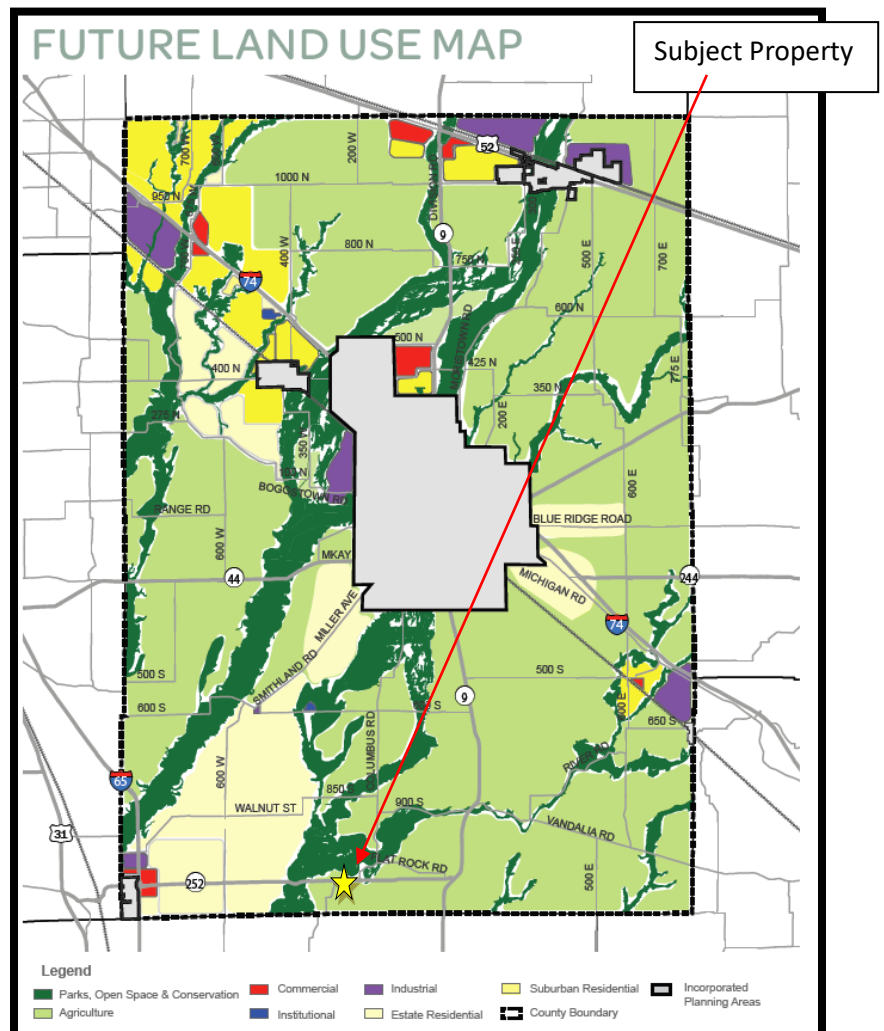
# Staff Report

**Case Number:** RZ 22-08  
**Case Name:** Robertson Rezoning – A1 (Conservation Agricultural) to A4 (Agricultural Commercial)

## Requests

**Rezoning** of 44.19-acres from the A1 (Conservation Agricultural) District to the A4 (Agricultural Commercial) District to allow for occasional public auctions of agricultural and construction equipment.

## Future Land Use Map



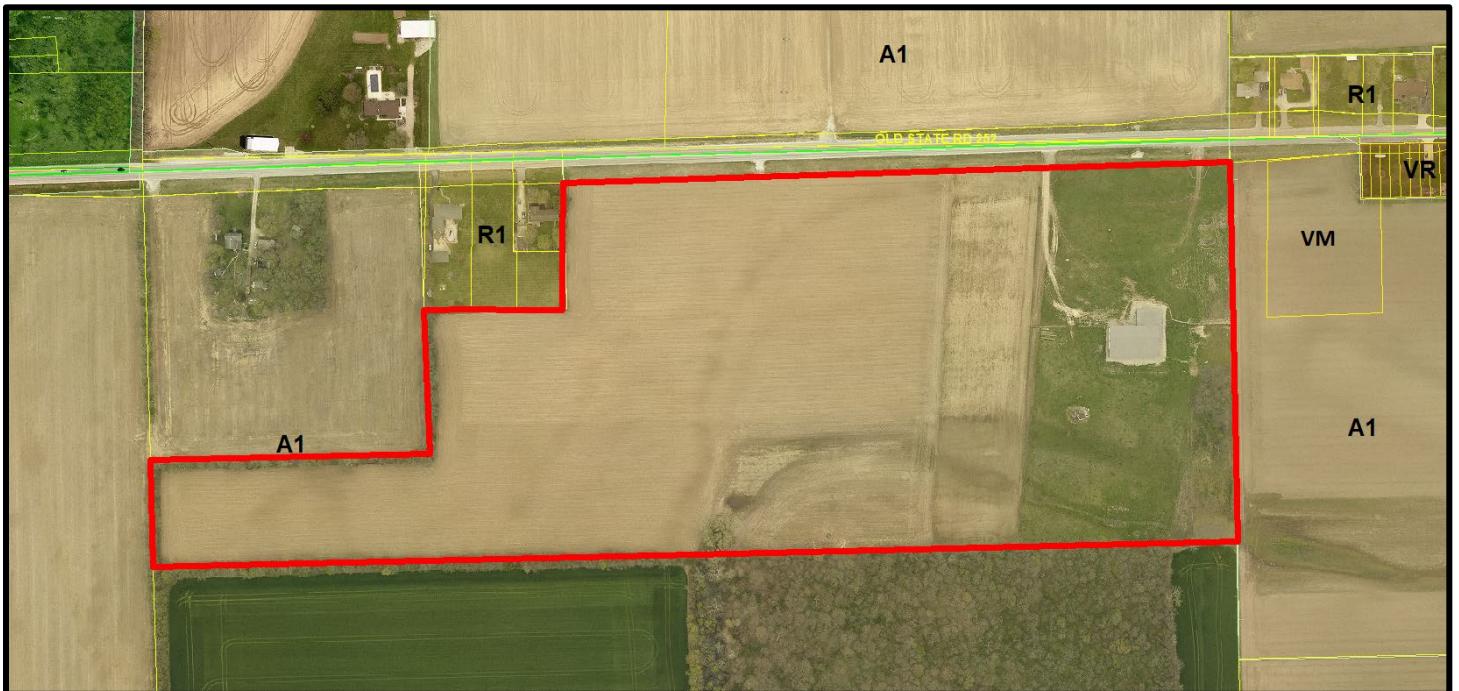
## Property Details

*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/Woodland
East	A1	Cropland
West	A1/R1	Cropland/Single-Family Res

## Property Map



## Case Description

- The petitioner currently uses the property for crop production and equipment storage. The petitioner plans to use the uncultivated portion of the property for occasional public auctions of agricultural and construction equipment and occasional flea markets.
- The property currently includes an 8,400 sq. ft. pole barn with plumbing, septic system, wood and wire fence, and gravel parking and maneuvering areas. The petitioner does not currently propose any additional development.

- The UDO does not permit direct sale of agricultural products or equipment from property in the A1 District. The UDO does permit *tools / equipment sales / rental, farm implement sales, heavy equipment repair, and outdoor storage* in the A4 District, which would allow for the public auction use. The UDO also permits *agricultural crop production* in the A4 District, which would allow for continued use of property for crop production. However, the UDO does not permit sale of non-agricultural products in the A4 District; therefore, the petitioner plans to request a use variance from the Board of Zoning Appeals to allow for this use.
- The site currently does not comply with the following development standards applicable to the A4 District. The petitioner plans to add paved ADA spaces and request variances from the driveway and landscaping requirements.
  - Section 5.20 C - All driveways shall consist of asphalt, concrete or other non-porous material approved by the Zoning Administrator.
  - Section 5.49 Buffer Yard Standards: Buffer Yard "B" along property lines adjoining R1. Buffer Yard "A" required along property lines adjoining A1.
  - Section 4.60 F 5: One ADA parking space required.

## Staff Analysis Findings of Fact

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

The UDO designates the A1 District as an appropriate adjacent district to the A4 District. Additional setbacks along the property lines adjoining the R1 District would mitigate potential nuisance impacts associated with higher intensity agricultural uses. Agricultural use of the property would not conflict with the rural character of the area.

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

Auction of equipment and other agricultural commercial activities would provide a needed service to owners/lessees of agricultural properties in the surrounding area. Old SR 252 provides customers with convenient access to the property.

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

Use of the property for agricultural commercial purposes in a rural area would have no perceivable impact on property values throughout the jurisdiction.

### 4. Responsible Development and Growth

The property includes facilities to support the proposed use including a well, septic system with adequate capacity for commercial use, and electric facilities. The property has access to SR 252 and a fiber optic line. Agricultural use of the property would not conflict with the rural character of the area.

### 5. The Comprehensive Plan

- Community Character Goal 2: Protect and promote our rural heritage and agricultural assets.
- Land Use Goal 1: Welcome and promote future development in appropriate areas of the County.
  - Strategy 1: Balance development patterns and character with available transportation and utility resources and existing character context.
  - Strategy 3: Identify and promote development areas for all major land use types identified on the Future Land Use Map. Future Land Use Map: Agricultural
  - Strategy 6: Focus resources on areas having infrastructure that will support development and encourage transition of developed areas without infrastructure to agricultural uses.
- 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.

### Staff Recommendation

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**APPROVAL** primarily because approval would not conflict with the Comprehensive Plan and the auction of equipment and other agricultural commercial activities would provide a needed service to owners/lessees of agricultural properties in the surrounding area,

#### Recommended Stipulations:

1. All uses of the property, other than agricultural production, shall be setback at least 80-feet from all property lines adjoining property in the R1 (Single-Family Residential) District.
2. A State Design Release, or written verification from the State that a State Design Release is not required, for the existing building and any applicable remodel permits shall be obtained prior to public use of the property.

#### *Applicant/Owner Information*

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Applicant:	Eric Robertson 2740 W 1200 S Flat Rock, IN 47234	Owner:	Same
Attorney:	Andrew Sumerford 251 E Ohio Street, Suite 830 Indianapolis, IN 46204		

## View of Property for Old SR 252



Staff Photograph – April 2022



# Agricultural Commercial (A4) District

## 2.09 A4 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The A4 (Agricultural Commercial) District is intended to be used as follows:</b></p> <p><b>Use, Type and Intensity</b></p> <ul style="list-style-type: none"> <li>Commercial and industrial uses directly related to agricultural operations and compatible with the character of the area</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>Existing or new development</li> <li>Spot zoning adjacent to existing agricultural land</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>Enact development standards to minimize the impacts on adjacent properties while encouraging economic vitality within the Agricultural Commercial District</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>OP, A1, A2, A3, A4, RE, and IS</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>Use this zoning district for agricultural uses and other commercial and industrial uses that are supportive of agricultural operations</li> <li>Protect the adjacent agricultural land and operations from uses that may conflict with their continued operation through the use of appropriate buffers and setbacks</li> </ul> <p><b>Board of Zoning Appeals</b></p> <ul style="list-style-type: none"> <li>Protect the adjacent land and uses by through the use of appropriate buffers and setbacks</li> <li>Be sensitive to the potential for water pollution and other negative impacts to nearby agricultural, residential, and commercial land</li> </ul> <p><b>BZA standard added per Ord. 2020-26. See Appendix B.07</b></p>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>agricultural tourism</li> </ul> <p><b>Agricultural Permitted Uses</b></p> <ul style="list-style-type: none"> <li>agricultural crop production</li> <li>equestrian exercise facility</li> <li>equestrian training facility</li> <li>grain elevator</li> <li>processing of agricultural products</li> <li>raising of farm animals</li> <li>sale of agricultural products</li> <li>stable (private)</li> <li>storage of agricultural products</li> </ul> <p><b>Commercial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>farm implement sales</li> <li>farmers market</li> <li>equestrian trailer sales</li> <li>plant nursery</li> <li>research laboratory</li> <li>stable</li> <li>tack shop</li> <li>testing laboratory</li> <li>tools/equipment sales/rental</li> <li>veterinarian clinic/hospital</li> <li>veterinarian supply</li> </ul> <p><b>Industrial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>bio-diesel production ≤ 5,000 gallons per year</li> <li>food processing</li> <li>heavy equipment repair</li> <li>liquid fertilizer storage/distribution</li> <li>outdoor storage</li> <li>storage tanks (nonhazardous)</li> <li>welding</li> </ul>	<p><b>Commercial Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>kennel</li> </ul>

## **STATEMENT OF INTENT**

The applicant's intended use as sought through this Application for Rezoning is to adapt the property for occasional public auctions of agricultural and construction equipment. Pursuant to a Petition for a Use Variance, to be filed in conjunction with this Rezoning Application, applicant desires to also hold occasional flea markets during appropriate weather on unimproved portions of the property. Apart from this the agricultural use will continue in the tillable areas.

# 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: Eric Robertson

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

Location: S.R. 252, on south side of highway and west of Flat Rock

1. The request **is** consistent with the Shelby County Comprehensive Plan because: Although the current Comprehensive Plan appears to project continued agricultural use for the subject area, the site is adjacent to the village of Flat Rock and rezoning would be consistent with the Plan's goal of investment in and improvement of our existing town.
2. The request **is** consistent with the current conditions and the character of structures and uses in each district because: The subject site is adjacent to the Town of Flat Rock and the forthcoming Dollar General Store. The proposed rezone is for a use of a consistent character.
3. The request **is** consistent with the most desirable use for which the land in each district is adapted because: \_\_\_\_\_  
The subject property already contains a structure suitable for the proposed use and the property's location on a state highway with considerable traffic makes it a desirable location for the use.
4. The request **is** consistent with the conservation of property values throughout the jurisdiction because: \_\_\_\_\_  
The proposed rezoning is for a use(s) (equipment auction and flea market) which would be held only occasionally, not create a noise/visual nuisance, etc.
5. The request **is** consistent with responsible growth and development because: \_\_\_\_\_  
The proposed rezoning places the proposed use in an area with appropriate and adequate transportation facilities, and any increase in vehicular traffic will be negligible.

### 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.

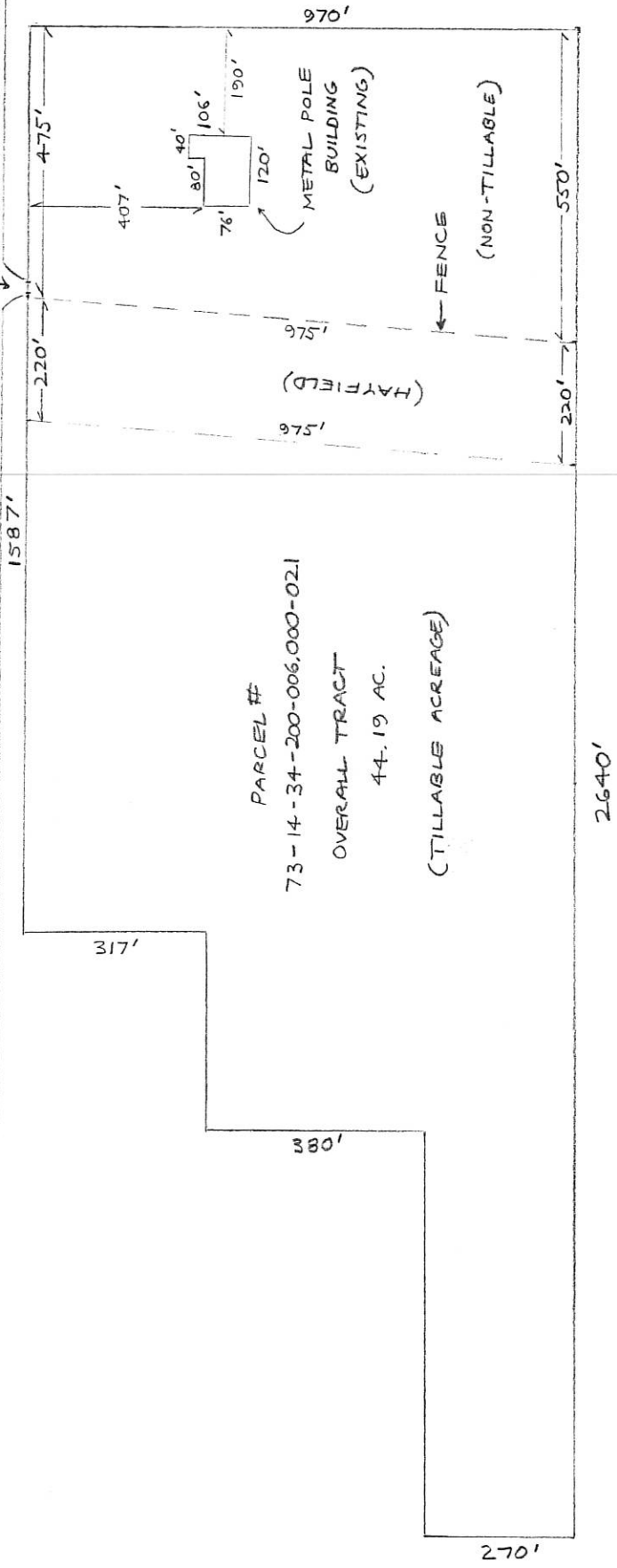
**Finding 5:** Why is the change in zoning designation consistent with responsible growth and development?

ERIC ROBERTSON  
SITE PLAN



STATE ROAD 252

ACCESS DRIVE



## Property Details

**Location:** 6535 W 600 N, Fairland, Sugar Creek Township.

**Property Size:** 10-acres.

**Current Land Use:** Estate Residential / Agricultural / Commercial.

### Current Zoning Classification

RE (Residential Estate)

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

### Proposed Zoning Classification

A2 (Agricultural)

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

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

### Future Land Use per Comp Plan

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

### Surrounding Development

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

# Staff Report

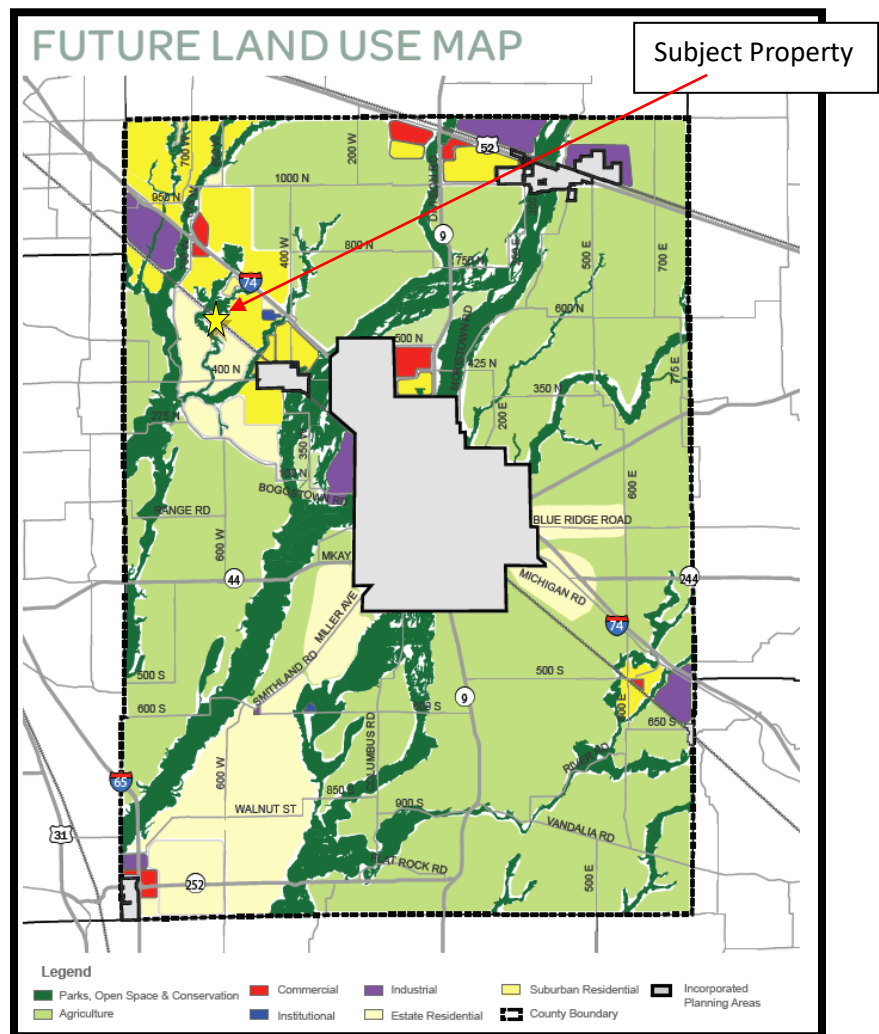
**Case Number:** RZ 22-07

**Case Name:** P&E12 LLP Rezoning – RE (Residential Estate) to A2 (Agricultural)

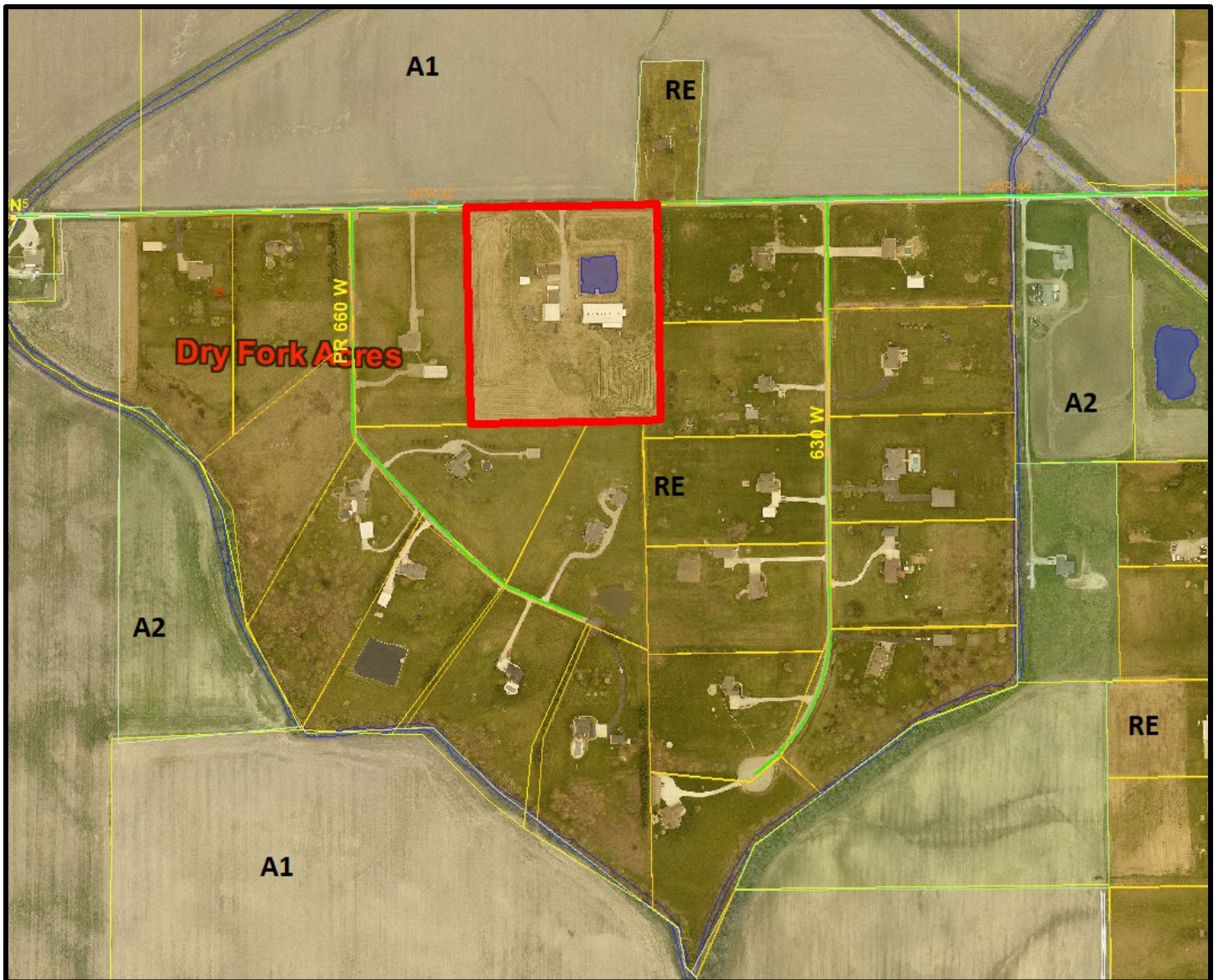
## Requests

**Rezoning** of 10-acres from the RE (Residential Estate) District to the A2 (Agricultural) District to reflect the historical use of the property.

## Future Land Use Map



## Property Map



## Case Description

- Approval of the rezoning would allow for use and development of the property in compliance with UDO standards applicable to development in the A2 District. Key differences in standards between the RE District & A2 District are listed in the table on the following page.
- The residential neighborhood of Dry Fork Acres adjoins the property on three sides. Dry Fork Acres consists of +/- 5-acre residential lots mostly developed in the late 1990s and early 2000s. The subject property sits at a higher elevation than most of the lots, which results in high visibility of the activities occurring on the property from adjacent residential lots.

RE		A2																	
<b>Permitted Uses</b>	<p><u>Permitted in RE:</u></p> <ul style="list-style-type: none"> <li>dwelling, single-family detached</li> <li>fair housing facility (small)</li> <li><b>home business (type 1)</b></li> <li>roadside sales</li> <li>hobby farming (max. 40% of the lot of less used for ag. purposes)</li> <li>stable (private)</li> <li>bio-diesel production ≤ 5,000 gallons per year</li> </ul>	<p><u>Additional Uses Permitted in A2:</u></p> <ul style="list-style-type: none"> <li>home business kennel</li> <li>home business (type 2)</li> <li><b>home business (type 3)</b></li> <li>agricultural crop production</li> <li>agricultural tourism</li> <li>farmers market</li> <li>orchard</li> <li>raising of farm and exotic animals</li> <li>storage of agricultural products</li> <li>tree farm</li> <li>vineyard</li> <li>stable</li> <li>winery</li> </ul>																	
<b>Accessory Structures</b>	<p>Not permitted in front yard</p> <p>Maximum height: 20 feet</p> <p>Size cannot exceed 2x the footprint of the residence</p>	<p>No size or location limits</p> <p>Maximum height: 30 feet</p> <p>No more than three</p>																	
<b>Home Business Standards</b>	<p>Employees: Must reside in house on property</p> <p>Use of large commercial and branded vehicles: Not permitted</p> <p>Customers: Not permitted on-site</p> <p>Must be conducted entirely within home</p> <p>Outdoor storage: Not permitted</p> <p>Signs: Prohibited</p>	<p>Employees: Up to 10</p> <p>Use of large commercial and branded vehicles: Permitted</p> <p>Customers: Permitted on-site, but no retail sales</p> <p>May be conducted in an accessory structure</p> <p>Outdoor storage: Permitted within a 1,000 sq. ft. privacy fence</p> <p>Small Sign: Permitted</p>																	
<b>Keeping of Animals</b>	<p>One (1) animal unit per fenced acre</p>	<p>Two (2) animal units per fenced acre</p>																	
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #333; color: white;">Animal Type</th> <th style="background-color: #333; color: white;">Animals Per Animal Unit</th> </tr> </thead> <tbody> <tr> <td>Cattle, Buffalo, and similar</td> <td style="text-align: center;">2</td> </tr> <tr> <td>Horse, Mule, Donkey, Camel, and similar</td> <td style="text-align: center;">1</td> </tr> <tr> <td>Horse (34 inches or less at withers)</td> <td style="text-align: center;">5</td> </tr> <tr> <td>Swine, Ostrich, Emu, and similar</td> <td style="text-align: center;">5</td> </tr> <tr> <td>Goat, Sheep, Llama, Alpaca, and similar</td> <td style="text-align: center;">5</td> </tr> <tr> <td>Chicken, Turkey, Pheasant, and similar</td> <td style="text-align: center;">25</td> </tr> <tr> <td>Mink and other similar fur-bearing animals</td> <td style="text-align: center;">25</td> </tr> </tbody> </table>			Animal Type	Animals Per Animal Unit	Cattle, Buffalo, and similar	2	Horse, Mule, Donkey, Camel, and similar	1	Horse (34 inches or less at withers)	5	Swine, Ostrich, Emu, and similar	5	Goat, Sheep, Llama, Alpaca, and similar	5	Chicken, Turkey, Pheasant, and similar	25	Mink and other similar fur-bearing animals	25
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- Property & Zoning History

- 1920 – Construction of oldest agricultural buildings, per the property tax card.
- 1960-1695 – Construction of the original home and other agricultural buildings, per the property tax card.
- 1972 – The original County zoning maps designated the property as zone A (Prime Agricultural Cropland).
- 1996 – The subject property and surrounding residential properties in Dry Fork Acres originally consisted of a large farm on two parcels. In 1996, the property owner rearranged these parcels into three parcels. The owner sold the subject property to one individual and sold the other two parcels to land developers. The developers created the current building lots in Dry Fork Acres and had sold most of the lots in the late 1990s.
- 2001 – The County updated the county-wide zoning maps and reassigned the subject property and Dry Fork Acres the A (Prime Agricultural Cropland) zoning designation.
- 2008 – The County updated the county-wide zoning maps and assigned the subject property and Dry Fork Acres the RE (Residential Estate) zoning designation.
  - Many properties in the County previously zoned agricultural obtained the RE zoning designation at this time. The County provided legal notice of the County-wide ordinance amendment in the newspaper, however, did not notify individual property owners. The minutes from the Plan Commission hearing on the maps and ordinance in 2008 state: *Dillon (the Planning Director) then summarized the process that she applied to assign zoning to all 28,000 parcels in unincorporated Shelby County and Fairland. She explained that she tried to assign zoning as to use and lot size so that there would be as few nonconforming uses and lots as possible. She indicated that she had provided members of the Plan Commission with copies of the township zoning maps and that these maps are available for the public to examine as well. Isolated lots with residences between five and twenty acres were typically assigned the A2 zoning designation, however lots of this size adjoining other residential lots typically obtained the RE zoning designation.*
- 2015 – Placement of current manufactured home, per the property tax card.
- 2017 – Construction of most recent agricultural building, per the property tax card.
- 2020 – The petitioner acquired the property.
- 2022 – The Plan Commission office received several complaints regarding operation of a business on the property. The petitioner then initiated the rezoning request to begin the process of legally establishing the business.



- The business operated on the property consists of storage of agricultural and construction equipment and mechanical equipment repair (see attached Land Use Certificate application). The business complies with all UDO development standards for Type 3 Home Based Businesses, other than the requirement that the operator of the business also resides on the property. The UDO permits Type 3 Home Based Businesses in the A2 District, but not in the RE District.
- The remaining approval process to legally establish the Type 3 Home Based Business will depend on the outcome of rezoning approval. Specifically:
  1. The rezoning is approved as presented:

The petitioner would apply to the BZA for a development standards variance to allow for a home-based business having an operator that does not reside on the property.
  2. The rezoning is denied:

The petitioner would apply to the BZA for a use variance to allow a Type 3 Home Based Business in the RE District and a development standards variance to allow for an operator that does not reside on the property.
  3. The rezoning is approved with Staff's recommended stipulation:

The petitioner may use and develop the property in compliance with UDO standards applicable to development in the A2 District, however per state code, would not have the option to request a variance from the stipulation prohibiting use of the property for a Type 3 Home Based Business. However, the petitioner may withdraw the rezoning request at any time before final approval and seek approval from the BZA to allow the business in the RE District.

### Staff Analysis Findings of Fact

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

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

- The UDO designates the RE District as an appropriate adjacent district to the A2 District.
- The property has historically been used for agricultural purposes.

- The property includes several agricultural buildings.
- The USDA soil survey designates the property as ‘Prime Farmland if Drained’
- The UDO states that the Plan Commission should use the A2 District to protect existing agricultural land.
- The owner desires to continue use of the property for agricultural purposes.
- 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.
  - Land Use Goal 1: Welcome and promote future development in appropriate areas of the County.
    - Strategy 6: Focus resources on areas having infrastructure that will support development and encourage transition of developed areas without infrastructure to agricultural uses.
  - 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.

***Considerations Contradicting Rezoning:***

- Residential lots in the County between five and twenty acres adjoining other residential lots are typically zoned RE.
- Several uses permitted in the A2 District could pose nuisance and traffic impacts to surrounding residential properties, thereby reducing the use, value, and enjoyment of these properties.
- 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.
    - Strategy 3: Identify and promote development areas for all major land use types identified on the Future Land Use Map. Future Land Use: Parks, Open Space, and Conservation

## Staff Recommendation

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**APPROVAL** primarily because (1) the UDO designates the adjoining RE District as an appropriate adjacent district to the A2 District, (2) the property includes several agricultural buildings and has been historically used for agricultural purposes.

However, several uses permitted in the A2 District could pose nuisance and traffic impacts to surrounding residential properties, thereby reducing the use, value, and enjoyment of these properties. Therefore, Staff recommends the following **stipulation**:

1. The following uses shall be prohibited: home business kennel, home business (type 3), agricultural tourism, farmers market, and winery.

### *Applicant/Owner Information*

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Applicant:	P&E12 LLP 6255 N 700 W Fairland, IN 46126	Owner:	Same
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Attorney:	Jacob Brattain, McNeely Law LLP 2177 Intelliplex Dr., Ste. 251 Shelbyville, IN 46176
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## View of Property from PR 660 W



Staff Photography – April 2022

## View of Property from PR 660 W



Staff Photography – April 2022

## View of Property from PR 630 W



Staff Photography – April 2022

## 2.05 A2 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The A2 (Agricultural) District is intended to be used as follows:</b></p> <p><b>Use, Type and Intensity</b></p> <ul style="list-style-type: none"> <li>• Low to medium intensity general agricultural operations</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>• Existing agricultural land</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>• Enact development standards to maximize protection of common agricultural practices</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>• OP, A1, A2, A3, A4, RE, R1, R2, VR, MP, VM, and IS</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>• Use this zoning district for existing agricultural land</li> <li>• Protect the land and operations within the Agricultural District from residential, commercial, and industrial encroachment through the use of appropriate buffers and setbacks</li> </ul> <p><b>Board of Zoning Appeals</b></p> <ul style="list-style-type: none"> <li>• Protect the integrity of land and operations within the Agricultural District</li> </ul> <p><b>BZA standard added per Ord. 2020-26. See Appendix B.07</b></p>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• agricultural tourism</li> <li>• farmers market</li> <li>• home business kennel</li> <li>• home business (type 1)</li> <li>• home business (type 2)</li> <li>• home business (type 3)</li> <li>• roadside sales</li> </ul> <p><b>Agricultural Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• agricultural crop production</li> <li>• hobby farming</li> <li>• orchard</li> <li>• raising of farm and exotic animals</li> <li>• stable (private)</li> <li>• storage of agricultural products</li> <li>• tree farm</li> <li>• vineyard</li> </ul> <p><b>Commercial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• stable</li> <li>• winery</li> </ul> <p><b>Industrial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• bio-diesel production ≤ 5,000 gallons per year</li> </ul> <p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• dwelling, single-family detached</li> <li>• fair housing facility (small)</li> </ul>	<p><b>Agricultural Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• confined feeding operation (small)</li> <li>• processing of agricultural products</li> </ul> <p><b>Commercial Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• kennel</li> </ul> <p><b>Residential Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• bed and breakfast</li> </ul>

# LAND USE CERTIFICATE APPLICATION

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

APPLICATION NUMBER: \_\_\_\_\_

Date: \_\_\_\_\_

Fee: \_\_\_\_\_

**1. Applicant:**  
Name: Phillip Mitchko  
Address: 6255 N 700 W Fairland, IN 46126  
  
Phone Number: 317-696-9737  
Fax Number: \_\_\_\_\_  
E-mail Address: Philpdm22@gmail.com

**Owner (if applicant, write applicant):**  
Name: Applicant  
Address: \_\_\_\_\_  
  
Phone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

**2. Location Information:**  
Address of Property: 6535 W 600 N fairland, In  
Township: Suger creek township

Subdivision & Lot #: \_\_\_\_\_

**3. Required Supplemental Materials:**  Site Plan (drawing of property with buildings, parking areas, etc. & distance from property lines)

**3. Existing Use of Property/Structures:** \_\_\_\_\_

**4. Business Description applicable to this Land Use Certificate:**

Brief Description of Business: Indoor/ outdoor storage, farming  
Ag equipment, materials, mechanic repairs

Complete Answers on Reverse Side of this Form

I have read the information above and hereby agree that the use commenced at the address indicated by me or my agent shall be in accordance with specifications given hereto. I further agree that as a consideration of an Land Use Certificate, I will be governed by the Unified Development Ordinance of Shelby County Indiana, as is now in effect. I further declare that the information contained on this form is complete and accurate and the required supplemental information listed above has been provided.

Signature of Applicant:  Date: 3/26/2022

**To Be Completed By Plan Commission Office**

Parcel Number: \_\_\_\_\_  
Flood Zone: Yes \_\_\_\_\_ No \_\_\_\_\_  
Zoning Classification: \_\_\_\_\_  
Approved By: \_\_\_\_\_

	Yes	No	Written Responses
Does the applicant reside at the residence?		✓	
Will the business have employees other than residents of the household?	✓		
If yes, number of employees:			3
Will the business utilize large vehicles (box truck, over-size pickup truck, van, etc.) parked outside daily or overnight?	✓		
Will the business utilize branded vehicles parked outside daily or overnight?		✓	
Will customers visit the property?	✓		
If yes, how many per week?			5
Will the business be conducted outside of the house (the house includes attached garage)?	✓		
If not, approx. what percentage of the floor area of the house will be dedicated to the business?			
Will the business have a customer parking area exceeding two spaces?		✓	
Will more than 14 vehicles (including customer vehicles, business vehicles, and personal vehicles) be on the property at any one time?		✓	
Will the business have loading facilities (ex. garage bay dedicated to loading and unloading large materials)?		✓	
Will the business require installation of additional electric or plumbing facilities?		✓	
If yes, describe utility service:			
Will the business have a sign?		✓	
If yes, size, location, materials:			
Will there be any change to the outside appearance of the property (outdoor storage of business materials, machinal equipment, etc.)?	✓		
If yes, describe changes:			Machine equipment, materials, farming
Hours of Operation:			7am-5pm

March 21, 2022

Shelby County Plan Commission  
25 W. Polk Street  
Shelbyville, IN 46176

*Re: Rezone Request for 6535 W 600 North, Fairland, IN 46126*

Dear Plan Commission Members:

This letter serves as a letter of intent for the proposed zoning map amendment for property commonly known as 6535 W 600 North, Fairland, IN 46126, also known as Parcel Number: 73-06-06-100-009.000-018 (the "Property"). McNeelyLaw LLP represents the owner of the Property, P&E12 LLP, ("P&E12 LLP"). The Property contains approximately ten (10) acres, and P&E12 LLP wishes to rezone the Property from RE to A2 zoning.

The Property has a rich agricultural history that is not reflected with the current zoning. In the 1970s, Butch Foreman bought a large farm that included the Property from John Koopman. Butch farmed the surrounding ground, and repaired heavy machinery and raised livestock on the Property. Butch surveyed off the Property, which contained the original farmhouse and agricultural accessory structures, around 1995. Butch sold the Property to Mike Himes and the remainder of the farm was sold to developers who divided it into 5-acre tracts. Mike continued to raise livestock at the Property, board horses in the large barn, and operated a small repair business out of a separate accessory structure until 2018. After Mike passed in 2019, P&E12 LLP purchased the Property.

Upon information and belief, the zoning of the Property was changed from agricultural to RE during a Shelby County map update around 2008. We cannot find records of any rezone request related to the Property, and no previous owners of the Property were aware of the rezone. In fact, all previous owners operated as if the Property was still zoned agricultural, as the current owner plans to continue.

To facilitate this proposed use of the Property, P&E12 LLP believes a rezone from the current zoning classification of RE to A2 would be most appropriate, because the Property meets the A2 lot size requirements, the Property has always been operated according to A2 zoning standards, and the A2 district allows for the continued use of the Property as it has been for generations.

At this time, P&E12 LLP is seeking a favorable recommendation to rezone the Property from its current RE zoning to A2. Returning the Property to agricultural zoning with an A2 designation is the most appropriate zoning designation for the Property and aligns with its past, present, and proposed future uses.

Very truly yours,

McNeelyLaw LLP

*Jacob S. Brattain*

Jacob S. Brattain



**APPLICATION FOR REZONING  
FINDINGS OF FACT**

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

Applicant: Jacob Brattain, McNeelyLaw LLP on behalf of P&E12 LLP

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

Location: 6535 W 600 North, Fairland, IN 46126

1. The request **is** consistent with the Shelby County Comprehensive Plan because: The Shelby County Comprehensive Plan states that agriculture will continue to have an important role in the county and that the county should find positive ways to support the need for measured growth while also enabling continued agricultural operations as an important need for the future of the county.
2. The request **is** consistent with the current conditions and the character of structures and uses in each district because: The Property has historically been zoned agricultural and continues to be used for purposes permitted under the A2 zoning. Agricultural land is adjacent to the Property, and all agricultural zoning districts and the RE district are appropriate adjacent zoning.
3. The request **is** consistent with the most desirable use for which the land in each district is adapted because: Shelby County recognizes that agriculture is an important part of our history and future, and this rezone will allow the Property to continue to be used for agricultural purposes, as it was historically and will be in the future.
4. The request **is** consistent with the conservation of property values throughout the jurisdiction because: The adjacent property values will not be diminished by the proposed use as the proposed use will remain the same as it has been for generations. In addition, the area is primarily agricultural, meaning the rezone will be consistent with adjacent uses.
5. The request **is** consistent with responsible growth and development because: The rezone will ensure that the agricultural nature of the Property is preserved and that no additional development inconsistent with agricultural districts occurs at the Property.

**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?

