

Shelby County Plan Commission

May 26, 2020 at 7:00 PM

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MEETING AGENDA

Shelby County Plan Commission
May 26, 2020 at 7:00 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the April 28, 2020 meeting.

BUSSINESS CONTINUED TO JUNE 23, 2020

SD 20-01 – JORDAN SIMPLE SUBDIVISION: Two-lot Simple Subdivision & Waivers of Subdivision Design Standards. Located at 4450 W 300 N, Fairland.

RZ 20-04 – SUTHERLAND REZONING: Rezoning of ~8 acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for four single-family residential building lots. Located at approximately 4498 W 800 N, Fairland.

SD 20-04 – SUTHERLAND SIMPLE SUBDIVISION: Three-lot Simple Subdivision & Waivers of Subdivision Design Standards. Located at approximately 4498 W 800 N, Fairland.

SD 20-05 –LAMB REZONING: Rezoning of 1.584 acres from the RE (Residential Estate) District to the R1 (Single-Family Residential) District to allow for a two-lot Simple Subdivision. Located at 6801 W 500 N, Fairland.

NEW BUSSINESS

RZ 20-06 –KLEEMAN REZONING: Rezoning of 7.63+/- acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for development of one single-family residential lot. Also, a rezoning of 0.4+/- acres from the A1 (Conservation Agricultural) District to the IS (Institutional) District to assign the correct zoning designation to an existing cemetery. Located east and adjoining 6819 W 1050 N, Fountaintown, Moral Township.

SD 20-03 – BLUE STAR MANOR SIMPLE SUBDIVISION: One-lot Simple Subdivision & Waivers of Subdivision Design Standards. Located on Frontage Road, east of 850 West and approximately ¾ mile from the Pleasant View exit, Moral Township.

OLD BUSINESS

DISCUSSION

None.

ADJOURNMENT

The next regular meeting of the Shelby County Board of Zoning Appeals is scheduled for Tuesday, **June 23, 2020** at **7:00 PM**.

Due to COVID-19 only 25 people will be allowed in the meeting room at any one time. Meeting attendees should maintain a 6-foot separation from any other person. If the meeting room has reached the 25-person capacity, members of the public should check in with the Plan Commission staff and wait outside of the building until your petition of interest is called up for public hearing.

Staff Report

Property Details

Location: East of and adjoining 6819 W 1050 N. Moral Township.

Property Size: 8.03 acres.

Current Land Use: Cropland

Current Zoning Classification

A1 (Conservation Agricultural)

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

Proposed Zoning Classification

RE (Residential Estate)

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

IS (Institutional)

This district is established for institutional and municipal owned lands for public purpose and use.

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.

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	A1	Cropland
East	A1	Cropland
West	RE	Residential Estate

Case Number: RZ 20-06

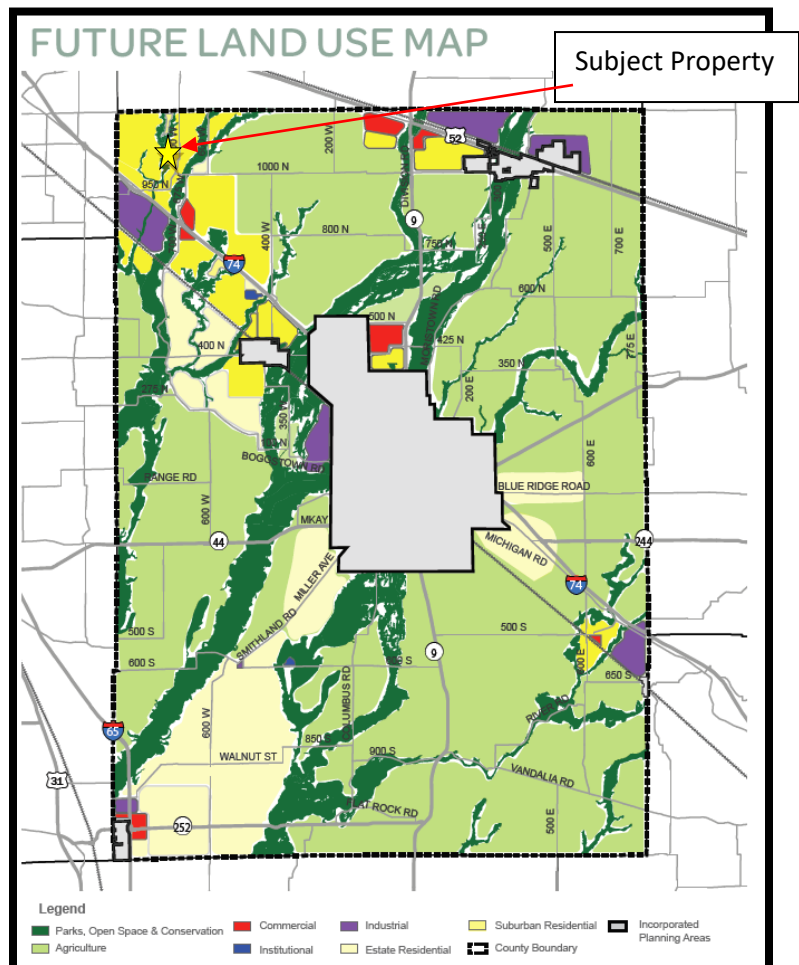
Case Name: Roy G. & Jennifer D. Kleeman – A1 (Conservation Agricultural) to RE (Residential Estate) & IS (Institutional)

Requests

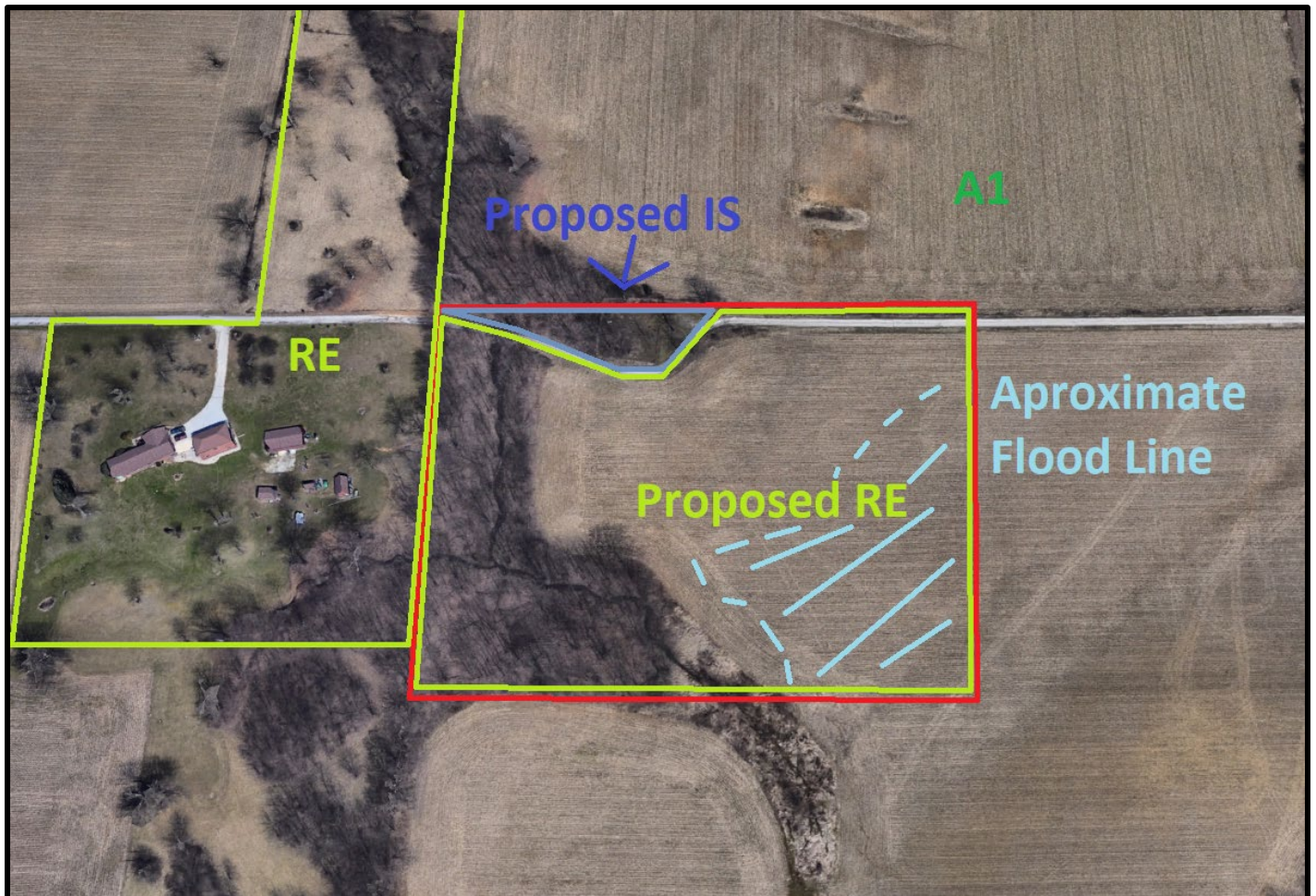
Rezoning of 7.63 +/- acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for development of one single-family residential lot.

Rezoning of 0.4 +/- acres from the A1 (Conservation Agricultural) District to the IS (Institutional) District to assign the correct zoning designation to an existing cemetery.

Future Land Use Map



Property Map



Case Description

- Approval of the rezoning from A1 to RE of 7.63 +/- acres of the property would allow the petitioners to construct a planned 2,000 sq. ft. one-story home with a full basement and a 2,400 sq. ft. pole barn. The A1 District does not allow for new residential development not used in conjunction with agricultural activities. The petitioners do not plan to continue to use the property for agricultural purposes.
- The petitioners do not plan to subdivide the property.
- Approximately 2.75-acres of the property lies within a Special Flood Hazard Area per effective Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM). The proposed residence and pole barn would not lie within the Flood Hazard Area.
- The property obtained the A1 zoning designation by the countywide rezoning process in 2008. Lots 5 acres and greater and less than 20 acres typically obtained the A2 zoning designation. The A2 zoning district permits single-family residences.

- Approval of the rezoning from A1 to IS of 0.4+/- acres of the property would correct the zoning designation of Murnan Cemetery located north of 1050 N at the northwest corner of the property. The UDO only permits cemeteries in the IS District. The zoning maps adopted by the County in 2008 did not assign the correct IS zoning designation to many of the small cemeteries in the County.
- Construction of structures or excavation of ground within 100-feet of the cemetery would require a development plan approved by the Indiana Department of Natural Resources (IDNR) – Division of Historic Preservation and Archaeology. The Plan Commission office would require documentation of IDNR approval as part of the residential site plan review process.
- The Plan Commission does not enforce regulations regarding the maintenance of cemeteries. State law dictates maintenance of cemeteries to the property owner, township trustee, or a volunteer agency depending on the specific cemetery.
- The USDA Soil Survey classifies most of the buildable area of property (not a flood hazard area, roadway, or cemetery) as Not Prime Farmland or Prime Farmland only if protected from flooding.

Staff Analysis Findings of Fact

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

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

The surrounding area includes residences on lots surrounded by farmland. Therefore, development of the property for single-family residential purposes would not conflict with the character of the area. A cemetery currently exists on the property.

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

The property is not well adapted for agricultural use because the USDA Soil Survey classifies most of the buildable area of property (not a flood hazard area, roadway, or cemetery) as Not Prime Farmland or Prime Farmland only if protected from flooding. A cemetery currently exists on the property.

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 County. A cemetery currently exists on the property.

4. Responsible Development and Growth

Approval of the rezoning would allow for residential development of a property not well suited for agriculture and consistent with the character of the area. A cemetery currently exists on the property.

5. The Comprehensive Plan

Approval of the rezoning would allow for transition of land use from agriculture to low-density, single-family residential use as recommended by the Comprehensive Plan. Development is not proposed in the area

designated as Parks, Open Space, & Conservation on the Future Land Use Map. A cemetery currently exists on the property.

Staff Recommendation

APPROVAL primarily because the rezoning to RE would allow for residential development of a property consistent with the character of the area and because the rezoning to IS would correct the zoning designation of an existing cemetery.

Applicant/Owner Information

Applicant: Roy G. & Jennifer D. Kleeman
10165 N 800 W
Fairland, IN 46126

Owner: Same

April 15, 2020

To: Desiree Caldwell,

Attached you will find the documents needed to rezone 8 acres of land located at 0 W 1050 North Fountaintown, IN 46130 from agricultural to residential.

The home represented on our site plan is proposed to be a 2000 square foot 1 story home with a full basement. The house would be located 80 feet south of road 1050 north with a 40 x 60 pole barn located southeast of the homesite.

There has already been a soil boring test completed and a survey done.

Please review our documents and let us know what else we need to do to complete our packet.

We appreciate your help in this process.

Sincerely,
Roy and Jennifer Kleeman
317-861-5086

**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: Roy + Jennifer Kleeman

Case #: _____

Location: _____

1. The request is consistent with the Shelby County Comprehensive Plan because: We would like to build a beautiful home + barn on 8 acres of land in Shelby County.
2. The request is consistent with the current conditions and the character of structures and uses in each district because: There is a home to the east + to the west. There are 4 acres to the north that are zoned Residential
3. The request is consistent with the most desirable use for which the land in each district is adapted because: The proposed homesite is on a hill and is not the most desirable use for farming.
4. The request is consistent with the conservation of property values throughout the jurisdiction because: Our home will meet or exceed the property value of our 2 future neighbors.
5. The request is consistent with responsible growth and development because: The proposed homesite is on a hill and will be a single family home on a total of 8 acres.

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.

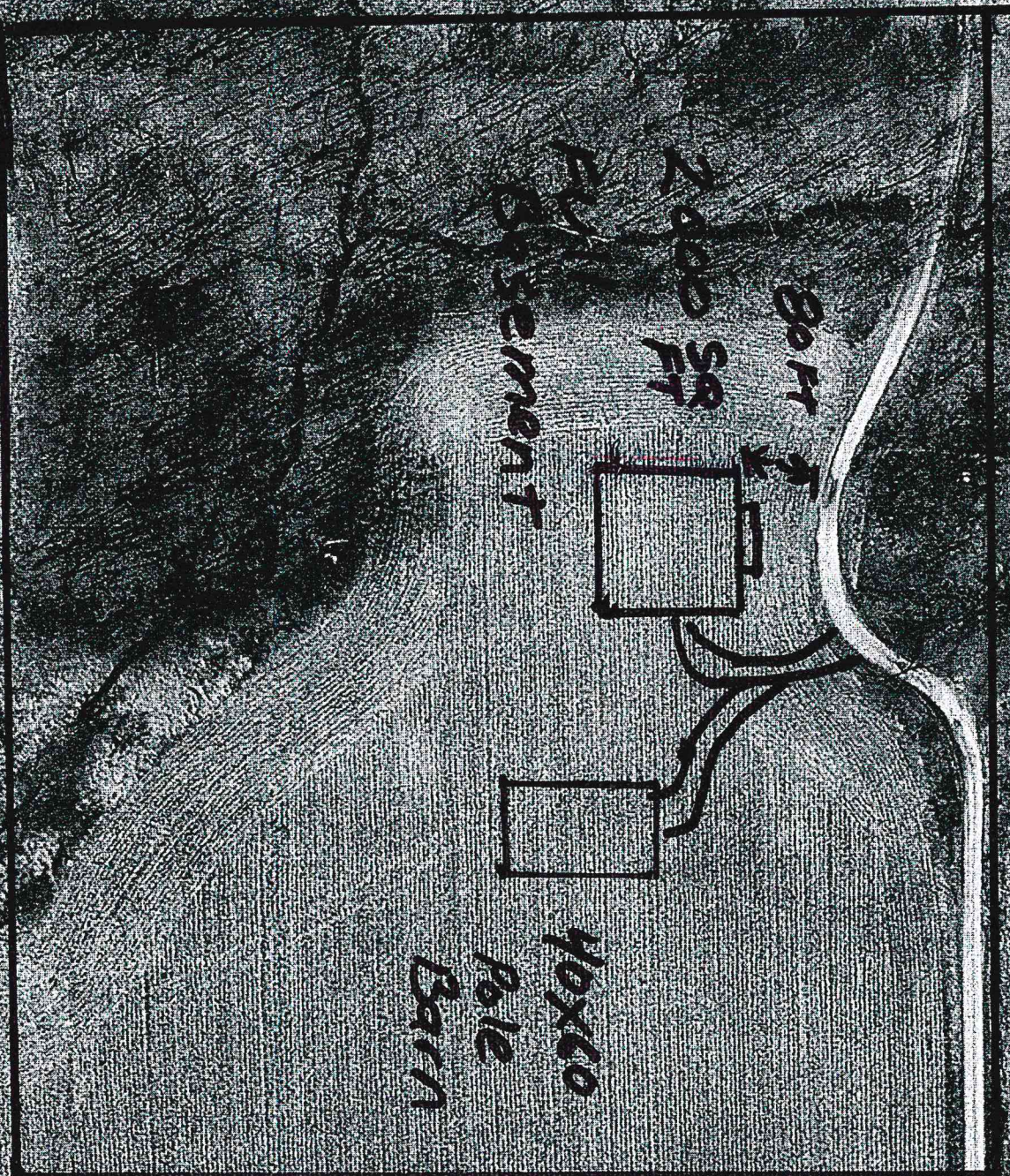
Finding 2: How is the proposed use, and/or other possible future uses permitted in the proposed zoning district, similar to surrounding structures and uses of land?

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?

2000 SQ FT. Home
w/ Full Basement 700'
80 FT South of Road



Staff Report

Property Details

Location: Frontage Road, east of 850 West and approximately ¾ mile from the Pleasant View exit. Moral Township.

Property Size: 8 acres

Current Land Use: Cropland

Zoning Classification

I2 (High Intensity Industrial)

This district is established for high intensity industrial uses and heavy manufacturing facilities.

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*

Surrounding Development

	Zoning	Land Use
North	A1	Cropland
South	A1	Cropland
East	A1	I-74
West	A2	Cropland

Case Number: SD 20-03

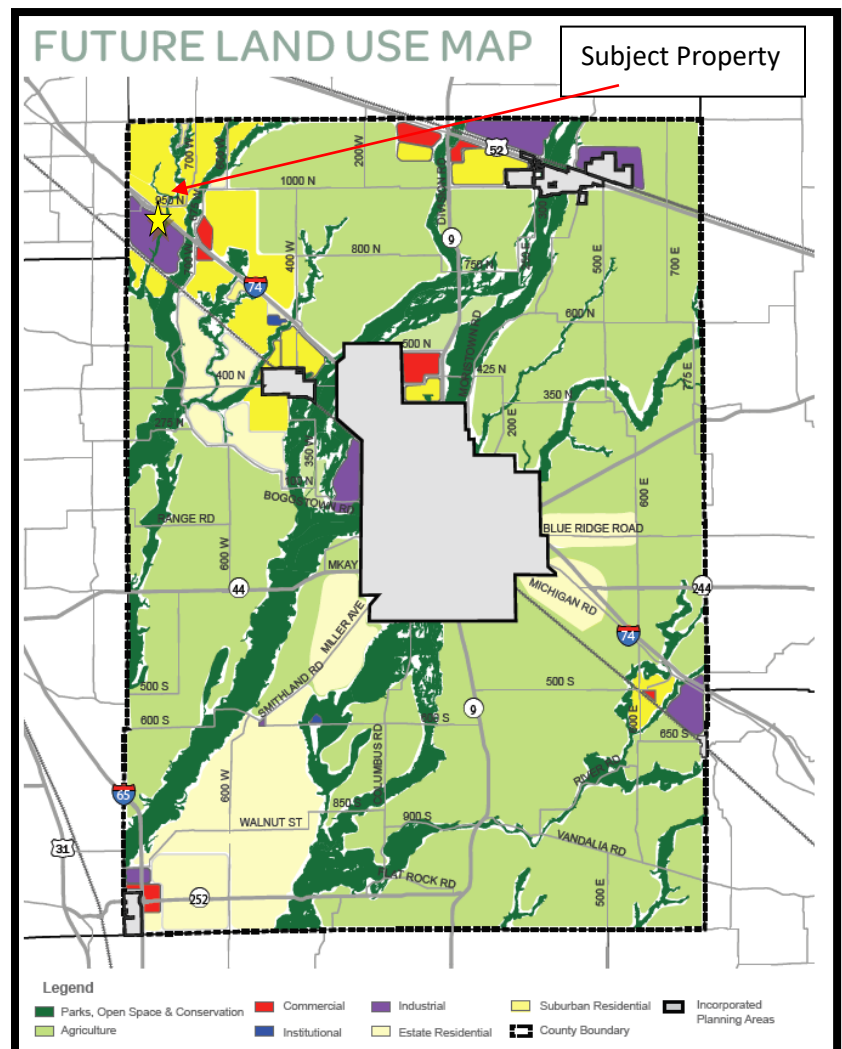
Case Name: Blue Star Manor Simple Subdivision

Requests

Simple Subdivision to allow for subdivision of an 8-acre industrial lot from a 15.18-acre parent tract.

Waiver of Subdivision Design Standards to allow for Simple Subdivision of property zoned I2 (Simple Subdivisions only permitted in the A3, A4, and RE Districts).

Future Land Use Map



Property Map



Case Description

- On February 27, 2020, the petitioner submitted an application to rezone the subject property from A1 (Conservation Agricultural) to I2 (Heavy Industrial) to allow for development of a ready-mix concrete plant.
- On April 28, 2020, the Plan Commission forwarded a favorable recommendation with stipulations to the County Commissioners. The County Commissioners approved the rezoning with stipulations on May 11, 2020.
- The petitioner now requests to subdivide the rezoned portion of the property (8-acres) from the overall 15.18-acre parent tract. The petitioner plans to purchase the rezoned portion of the property (8-acres) and the current owner will retain ownership of the remaining farm ground (7.18-acres).
- The plat will only include the rezoned portion of the property (8-acres). Development of the remaining tract for purposes unrelated to agriculture would require approval of a rezoning.
- The Unified Development Ordinance requires connection to public water and sewer for development on new industrial properties. Public sewer facilities do not currently service Moral Township. Therefore, the plat will include a restrictive covenant stating: *The property owner shall abandon any septic system and connect to sanitary sewer at the time sanitary sewer becomes available within 100-feet of the property lines.*
- The southeast side of the subject property lies within a flood hazard area. No portion of the development will encroach upon the flood hazard area.

- The Unified Development Ordinance does not permit subdivision of industrial property as a Simple Subdivision. Subdivision of industrial property must comply with the standards for Industrial Park Subdivisions. Industrial Park Subdivision standards include sidewalks, minimum open space requirements, and landscaping, stormwater, lighting, and utility standards in addition to the standards of the zoning district.

Staff Analysis

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 allow for subdivision of property in the I2 District.
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 the Shelby County's Construction Standards.
6. A waiver of the Subdivision Type standards would allow for subdivision of one industrial property without requiring design standards intended for larger industrial parks.

Staff Recommendation

APPROVAL because:

1. A waiver of the Subdivision Type standards would allow for subdivision of one industrial property without requiring design standards intended for larger industrial parks.
2. The subdivision complies with all other requirements of the UDO.

Applicant/Owner Information

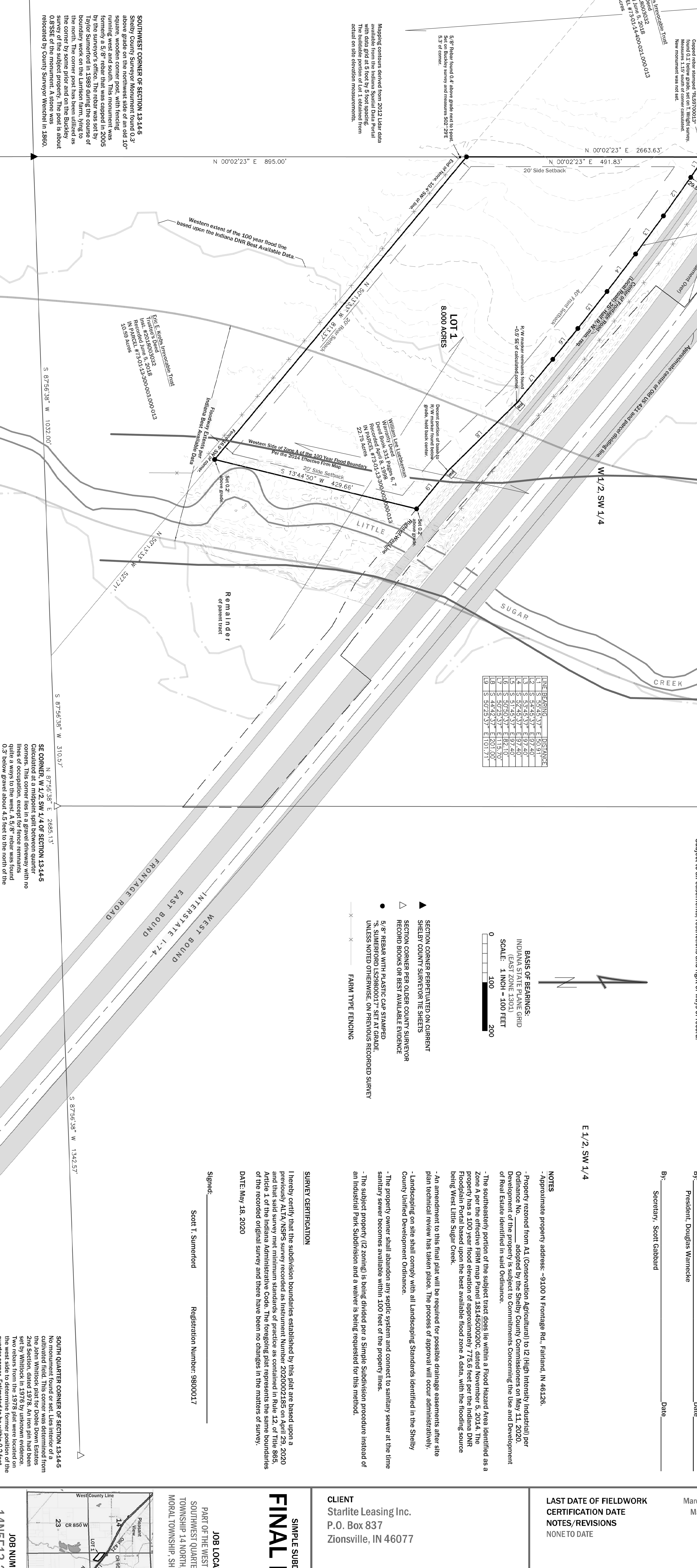
Applicant:	Star Lite Leasing Inc. PO Box 837 Zionsville, IN 46077	Owner:	William Lee Luebke 5512 Hickory Rd. Indianapolis, IN 46239
Applicant's Attorney:	Peter G. DePrez 24 E Polk St. Shelbyville, IN 46176	Surveyor:	Scott T. Sumerford 3149 N Riley Hwy Shelbyville, IN 46176

BLUE STAR INDUSTRIAL PARK

SIMPLE SUBDIVISION PLAT

WEST QUARTER CORNER SECTION 13-24-5
 3/4" iron pipe found 0.4' below asphalt,
 0.8' north of the south edge of pavement
 north side of the road. In 1989 County
 Surveyor Winchel relocated a stone here. In
 1890 a boulder is referenced by County
 Surveyor Finley. In 1982 Kenneth
 Bowman a land owner filed a plat for this
 section. A wood corner and a 5/8" rebar for this
 reestablished this corner by extending a line
 through the two known cornerstones at the
 center of section. It was placed in line with
 a 5/8" rebar that was previously set in the
 field notes from Bowman files. The iron pipe
 was set in this position around 1965.

REFER TO PREVIOUSLY RECORDED
 INSTRUMENT # 2020002185
 FOR COMPREHENSIVE ALTA SURVEY



SOUTHWEST CORNER OF SECTION 13-24-5
 Shelby County Surveyor Monument found 0.3' below gravel about 4.3 feet to the north of
 square, wooden corner post, with fencing
 running west and south. This monument was
 formerly a 5/8" rebar that was capped in 2005
 by the surveyor's office. The rebar was set by
 the surveyor's office on the eastern side of
 boundary work on the Larison farm, lying to
 the north. The corner post has been utilized as
 survey of the subject property. The post is about
 0.3' below gravel about 4.3 feet to the north of
 the corner. The corner post has been utilized as
 reestablished by County Surveyor Winchel in 1980.

SE CORNER W 1/2 SW 1/4 OF SECTION 13-24-5
 This corner lies in a gravel driveway with no
 lines of occupation, except for fence remains
 quite a ways to the west. A 5/8" rebar was found
 0.3' below gravel about 4.3 feet to the north of
 the corner. The corner post has been utilized as
 survey of the subject property. The post is about
 0.3' below gravel about 4.3 feet to the north of
 the corner. The corner post has been utilized as
 reestablished by County Surveyor Winchel in 1980.

WEST QUARTER CORNER OF SECTION 13-24-5
 This corner lies in a gravel driveway with no
 lines of occupation, except for fence remains
 quite a ways to the west. A 5/8" rebar was found
 0.3' below gravel about 4.3 feet to the north of
 the corner. The corner post has been utilized as
 survey of the subject property. The post is about
 0.3' below gravel about 4.3 feet to the north of
 the corner. The corner post has been utilized as
 reestablished by County Surveyor Winchel in 1980.

LEGAL DESCRIPTION LOT 1
 Part of the southwest quarter of Section Thirteen (13), Township Fourteen (14) North, Range
 Fourteen (14) East, Township 14 North, Range 5 East, Shelby County, Indiana, as described by Deed Book 331 Pages 6-7, recorded April 3, 1998, in the
 Office of the Shelby County Recorder and also being a part of survey job #1419513-20-008 by
 Scott T. Sumnerford, RLS#29800017, certified April 7, 2020 and being more particularly
 described as follows:
 Commencing at the southwest corner of said section 13-14-5, said point being marked by a
 Shelby County Surveyor Monument; thence along the west line of said section, North
 00°02'23" East (basis of bearings being Indiana State Plane East Zone) 895.00 feet to the
 corner between Larison and Rodbeck, as established per Deed the Shelby County
 Recorder, said point being marked by a capped rebar stamped 'S. Sumnerford 29800017', said
 monument being hereinafter referred to as a capped rebar and this point being the point of
 beginning of the herein described tract:
 Thence continuing along the west line of said section, North 00°02'23" East 491.83 feet to the
 southwesternly Right-of-Way line of H74 as acquired by Clerk's Deed in Deed Book 248 Pages
 664-669, recorded March 7, 1987 in the Office of the Shelby County Recorder; thence along
 said southwesternly Right-of-Way line the following Nine (9) courses:
 (1) South 52°46'37" East 97.40 feet to a capped rebar;
 (2) South 52°46'37" East 97.40 feet to a capped rebar;
 (3) South 53°46'37" East 97.40 feet to a capped rebar;
 (4) South 53°46'37" East 97.40 feet to a capped rebar;
 (5) South 51°46'37" East 97.40 feet to a capped rebar;
 (6) South 50°50'37" East 97.40 feet to a capped rebar;
 (7) South 50°25'37" East 115.70 feet;
 (8) South 44°42'37" East 201.00 feet;
 (9) South 50°25'37" East 101.71 feet to a capped rebar;
 thence South 13°44'50" West 429.66 feet to a capped rebar on the said former Larison and
 Rodbeck line; thence North 50°13'35" West 133.35 feet to the point
 of beginning, containing 8,000 acres.
 Subject to all easements, restrictions and right-of-ways of record.

OWNERSHIP CERTIFICATE
 I, Jeffrey E. Weber of Boone County, Indiana, do hereby certify that Starlite Leasing, Inc. is the
 owner of the property described in the above captioned plat 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.

Owener, Starlite Leasing, Inc. _____ (Seal)
 State of Indiana _____
 County of _____
 State, do hereby certify that _____ a Notary Public in and for said County and
 personally known to me to be the same person whose name is subscribed to the above
 certificate appeared before me this day in person and acknowledges 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 _____
 By: President, Douglas Warncke _____ Date _____
 By: Secretary, Scott Gabhard _____ Date _____

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

Indiana Registered Surveyor No. 29800017

Copyright © 2020 by Scott T. Sumnerford
 This document is to be considered an original copy if an inked seal and
 original signature is affixed.

NOTES

- Approximate property address: ~9100 N Frontage Rd., Fairland, IN 46126.
- Property rezoned from A1 (Conservation Agricultural) to I2 (High Intensity Industrial) per Ordinance No. _____ adopted by the Shelby County Commissioners on May 11, 2020, and that said survey met minimum standards of practice as contained in Rule 12, of Title 865, Article 1 of the Indiana Administrative Code. The foregoing plat represents the same boundaries of Real Estate identified in said Ordinance.
- The southeastern portion of the subject tract (deed the within a Flood Hazard Area identified as a Zone A) lies in a 100 year flood elevation of approximately 775.6 feet over the Indiana DNR Floodplain Portal based upon the best available flood zone A data, with the flooding source being West Little Sugar Creek.
- An amendment to this final plat will be required for possible drainage easements after site plan technical review has taken place. The process of approval will occur administratively.
- Landscaping on site shall comply with all Landscaping Standards identified in the Shelby County Unified Development Ordinance.
- The property owner shall abandon any septic system and connect to sanitary sewer at the time sanitary sewer becomes available within 100 feet of the property lines.
- The subject property (I2 zoning) is being divided per a Simple Subdivision procedure instead of an Industrial Park Subdivision and a waiver is being requested for this method.

SURVEY CERTIFICATION
 I hereby certify that the subdivision boundaries established by this plat are based upon a previously ALTA/NSPS survey recorded as Instrument Number 2020002185 on April 29, 2020 and that said survey met minimum standards of practice as contained in Rule 12, of Title 865, Article 1 of the Indiana Administrative Code. The foregoing plat represents the same boundaries of the recorded original survey and there have been no changes in the matters of survey.
 DATE: May 18, 2020

Signed: _____
 Scott T. Sumnerford
 Registration Number: 98000017

JOB LOCATION
 PART OF THE WEST HALF OF THE
 SOUTHWEST QUARTER, SECTION 13,
 TOWNSHIP 14 NORTH, RANGE 5 EAST,
 MORAL TOWNSHIP, SHELBY COUNTY, IN

FINAL PLAT

CLIENT
 Starlite Leasing, Inc.
 P.O. Box 837
 Zionsville, IN 46077

PROJECT
 Subdivision of 8 acres from agricultural property for proposed industrial development along Frontage Rd. near Pleasant View exit.

LAST DATE OF FIELDWORK
 March 05, 2020

CERTIFICATION DATE
 May 18, 2020

NOTES/REVISIONS
 NONE TO DATE

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

NAME: _____
 Prepared By: Scott T. Sumnerford

JOB NUMBER
 14N5E13-20-008

ORIGINAL DRAWING SIZE
 ARCH D
 SHEET 1 OF 1