

Shelby County Plan Commission

June 22, 2021 at 7:00 PM

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MEETING AGENDA

Shelby County Plan Commission
June 22, 2021 at 7:00 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the May 25, 2021 meeting.

OLD BUSINESS

RZ 21-09 – FORD REZONING: Rezoning of 2 acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District. Located at 6752 W 850 S, Edinburgh, Jackson Township.

SD 21-08 – FORD SIMPLE SUBDIVISION: Subdivision of one 2-acre building lot from a 29.8-acre parent tract. Located at 6752 W 850 S, Edinburgh, Jackson Township.

NEW BUSINESS

RZ 21-11 – TENNELL REZONING: Rezoning of 2.5 acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District. Located on the west side of Sugar Creek Rd., ¼-mile north of W Shelby 500 S, Jackson Township.

SD 21-09 – TENNELL SIMPLE SUBDIVISION: Subdivision of one 2.5-acre building lot from a 36.18-acre parent tract. Located on the west side of Sugar Creek Rd., ¼-mile north of W Shelby 500 S, Jackson Township.

RZ 21-12 – CENTRAL RENT-A-CRANE, INC: Rezoning of 14.15 acres from the A1 (Conservation Agricultural) District to the I1 (Low Intensity Industrial) District to allow for a heavy equipment rental facility. Located at 9250 N Frontage Rd, Fairland, Moral Township.

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

DISCUSSION

Industrial Standards – Ordinance Amendments

ADJOURNMENT

The next regular meeting of the Shelby County Plan Commission is scheduled for Tuesday, **July 27, 2021 at 7:00 PM.**

Property Details

Location: 6752 W 850 S, Edinburgh, Jackson Township.

Property Size: 2acres.

Current Land Use: Agricultural.

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. Use this zoning district for existing developments and carefully for new residential development. Large subdivisions on well and septic systems are not favored.

Future Land Use per Comp Plan

Estate Residential

The purpose of this category is to provide for new rural residential housing opportunities in rural areas not well suited for agriculture. New residential development should have reasonable access to roads and utilities and should not significantly disrupt agricultural activities. The residential density of this category should not exceed one lot for every two acres.

Surrounding Development

	Zoning	Land Use
North	A1	Woodland
South	A1	Cropland
East	A1	Cropland
West	A1	Cropland

Staff Report

Case Number: RZ 21-09 / SD 21-08

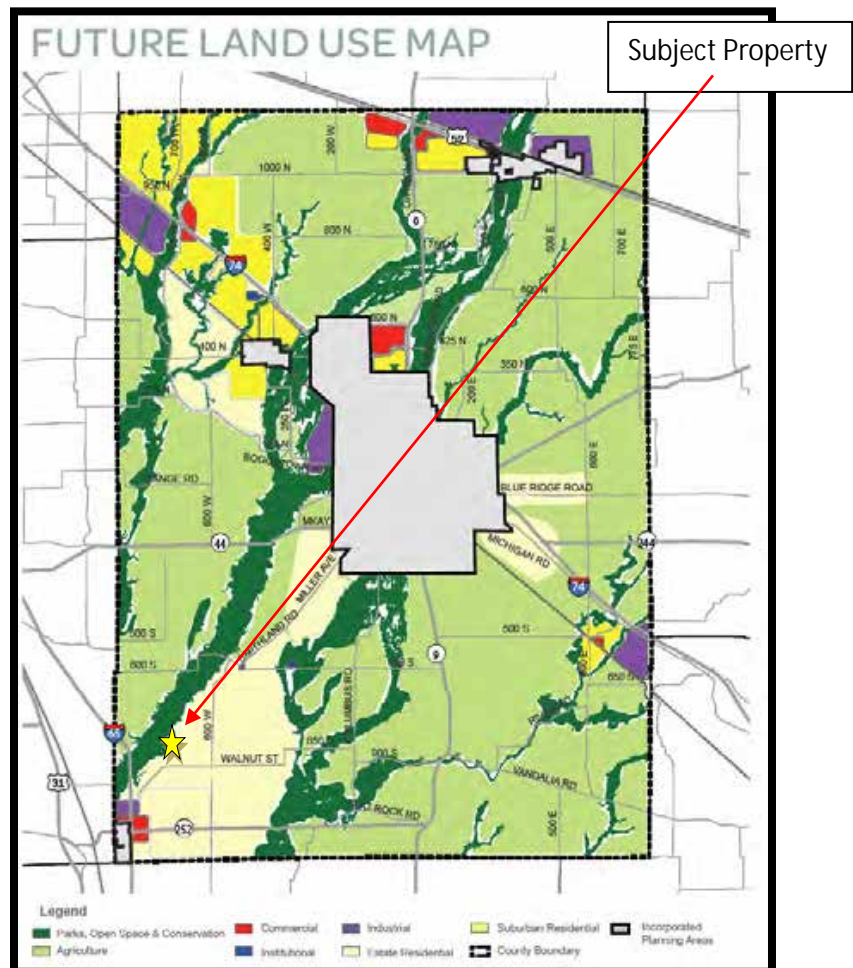
Case Name: Ford Rezoning – A1 (Conservation Agricultural) to RE (Residential Estate) & Ford Simple Subdivision

Requests

Rezoning of 2 acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for a one-lot Simple Subdivision.

Simple Subdivision of one 2-acre building lot from a 29.8-acre parent tract.

Future Land Use Map



Property Map



Case Description

- Approval of the requests would allow for development of one single-family residential building lot.
- The two acres adjoining the west side of the lot would legally remain part of the overall parent tract. This area would not qualify as a residential building lot without future approval of a rezoning and simple subdivision.
- The property surveyor explained that his client does not prefer to develop a lot near the corner of 850 S & 700 W, and therefore proposes to locate the lot further east, which would result in a physical split of the parent tract. The surveyor also explained that his client does not prefer to include the acreage at the corner in the proposed lot or to use that acreage to create a second building lot.
- The USDA Soil Survey classifies the northwest portion of the lot as 'Not Prime Farmland' and the remaining area as 'All Areas Are 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 area west of the subject property includes several rural homesites. Development of a rural homesite would not conflict with the character of the area.

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

Approximately half of the property is designated as Not Prime Farmland and therefore not well suited for agriculture.

3. The Conservation of Property Values throughout the Jurisdiction

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

4. Responsible Development and Growth

Approval of the rezoning and subsequent subdivision would not create an ideal property layout due to the physical split of the parent tract. However, the subdivision would physically separate a 2-acre portion of the parent tract designated primarily as Not Prime Farmland for a future building lot.

5. The Comprehensive Plan

Rezoning of the property for residential use would not conflict with the Estate Residential future 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 the Shelby County's Construction Standards.

Staff Recommendation

The proposed subdivision would not create an ideal property layout due to the physical split of the parent tract. However, the subdivision would physically separate a 2-acre portion of the parent tract designated primarily as Not Prime Farmland, and therefore not well suited for agriculture, for a future building lot. The Comprehensive Plan recommends Estate Residential development of the area and the subject property includes areas designated as Not Prime Farmland. Therefore:

Staff recommends **APPROVAL** of the **Rezoning & Simple Subdivision**.

Applicant/Owner Information

Applicant:	Brad J & Linda K Ford 6752 W 850 S Edinburgh, IN 46124	Surveyor:	Jeffery Powell, Powell Land Surveying LLC 4634 N 575 E Shelbyville, IN 46176
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Owner: Same

USDA Soil Survey Map



Subject property – outlined in black
Not Prime Farmland – red
All Areas Prime Farmland - green

NW cor., NW1/4, 18-11-6
Being a Shelby County Monument set per the Sunnerford survey per the ties. Calculated location per this survey.

Note: the Bearings for the Sunnerford Survey & the parent tract held the North line of the NW1/4, 18-11-6 to have a Bearing of N89°19'49"W.

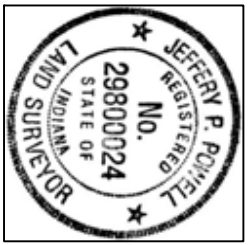
NE cor., NW1/4, 18-11-6
Being a Shelby County Monument set per the Sunnerford survey per the ties. Calculated location per this survey.

NE cor., NW1/4, 18-11-6
Being a Shelby County Monument set per the Sunnerford survey per the ties. Calculated location per this survey.

Surveyor Certification:
I, the undersigned, hereby certify that I am a Land Surveyor registered in compliance with the laws of the State of Indiana, and I do hereby further certify that I have surveyed the real estate described in the caption above and that I have subdivided the same into two tracts as shown on the hereon drawn plot. This plat correctly represents said survey and subdivision in every detail. Monuments shown are in place as located.

Witness my hand this 19 day of May, 2021.

Jeffery P. Powell
Registered Land Surveyor
No. 29800024



Owners Certification:
We Bradley J. & Linda K. Ford, do hereby certify that we are the owners of the property described in the above captioned and that as such owners we have caused the said above described property to be surveyed and subdivided as shown on the here on drawn plat, as our free and voluntary act and deed.

Witness my hand this _____ day of _____, 2021.

Bradley J. Ford

Linda K. Ford

Notary Certification:

I, _____, a Notary Public in and for said County and State, do hereby certify that **Bradley J. & Linda K. Ford**, 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 acknowledged 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 _____, 2021.

Notary Public

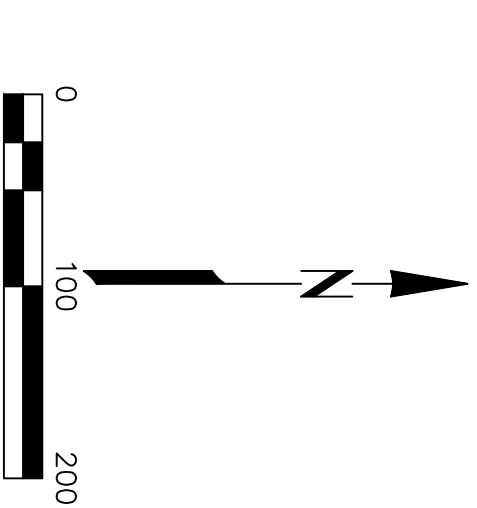
Plan Commission Approval:
Approved by the Shelby County Plan Commission in accordance with Subdivision Regulations with waivers of design standards.

By, _____ Date _____
Doug Warncke, President Plan Commission
By, _____ Date _____
Scott Gabbard, Secretary Plan Commission

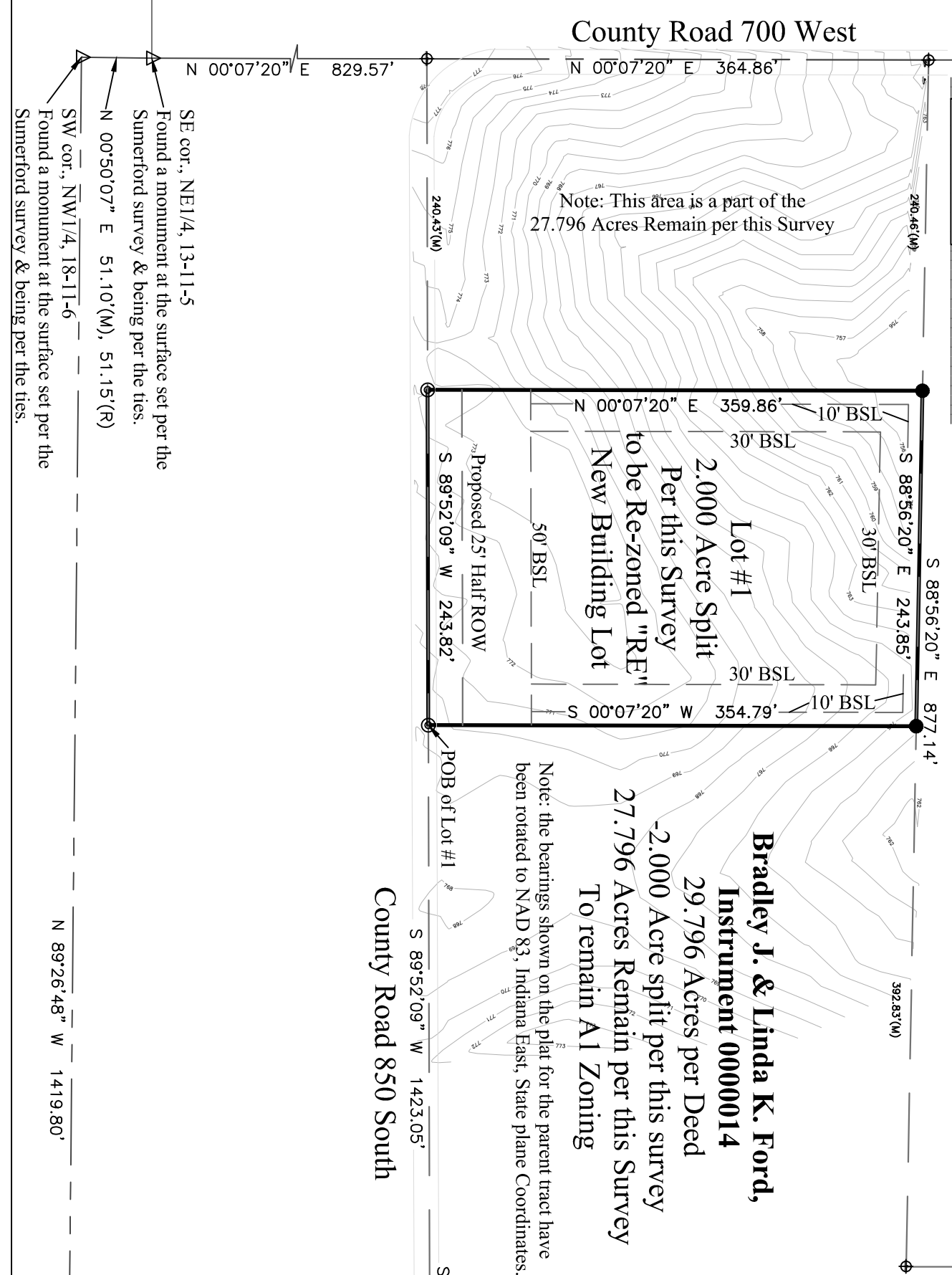
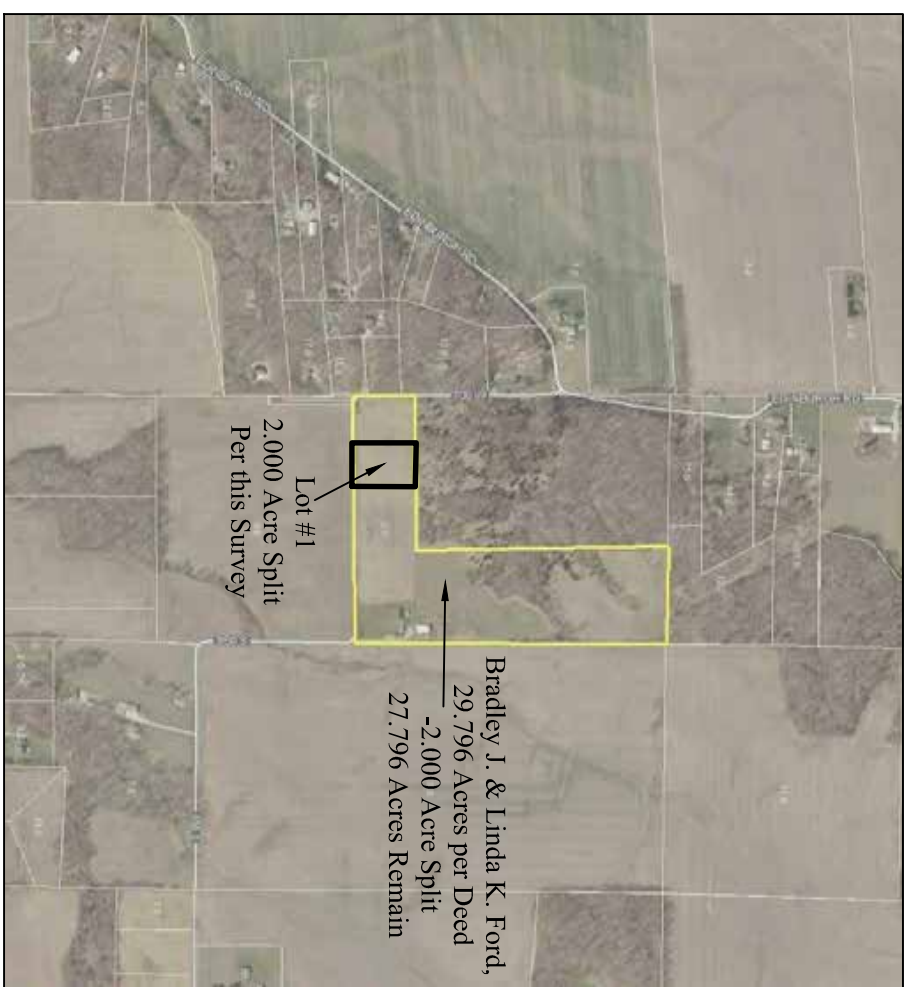
Re-zoning Approval:
Shelby County Commissioners Rezoning Ordinance # _____
was approved by the Shelby County Commissioners on _____

"I affirm, under the penalties for perjury, that I have taken reasonable care to read each social security number in this document, unless required by law."

Jeffery Powell



Note: Bearings based on NAD 83, Indiana East, State Plane Coordinates
Legend
Section Corner
Found Monuments
Powell Capped Rebar
Mag Nail



Bradley J. & Linda K. Ford, Instrument 0000014
29,796 Acres per Deed
-2,000 Acre split per this survey
27,796 Acres Remain per this Survey
To Remain A1 Zoning

Note: The proposed Subdivision is located in a special flood hazard ZONE X, per the FEMA Flood Insurance rate map number 18145C0175C, the accuracy of this flood hazard statement is subject to map scale uncertainty in location or elevation on the referenced flood insurance rate map.

Note: At least Five deciduous trees with at least 1 1/2 - inch DBH at the time of planting shall be planted on the property prior to occupation of the residence.

Note: the building set back lines are 50' Front for primary & accessory structures and 30' Side & Rear for primary & 10' for accessory structures.

Surveyor's Report:
This report is in accordance with Title 865, Article 1.1, Chapter 12, Sections 1 through 34, of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on this survey as a result of: Availability and condition of the reference monuments; Occupation or possession lines; Clarity or ambiguity of the record description used and / or adjoiner's description. This survey falls within the classification of a Suburban survey and therefore has a Relative position accuracy of 0.13 feet plus 100 parts per million.

Purpose of the survey:
The purpose of this survey is to subdivide a 2,000 acre tract to be a new building lot from a 29,796 acre tract of lands owned by Bradley J. & Linda K. Ford, recorded in Instrument 0000014 per the owners instructions. The field work was performed on March 29, 2021 and other dates.

Availability and condition of the reference monuments:
The section corners found and held per this survey are per the Shelby County Ties and were established per a previous survey by Taylor Sunnerford dated 12-1999 for the Golden Gueney Farm Limited Partnership. The monuments found per this survey and the uncertainties associated with the said corners are represented on the hereon drawn survey plat and within this report by Record vs Measured vs Calculated.

Occupation or possession lines:
The centerline of County Road 850 South is along the South line and there was no occupation along the North, East or West lines of the proposed 2,000 acre split per this survey. The occupation lines found per this survey are as noted on the survey plat.

Clarity or ambiguity of the record description used and / or adjoiner's description:
There were no ambiguities found per this survey.

Relative position accuracy of Measurements:
This survey falls within the classification of a Rural survey and therefore has a Relative position accuracy of 0.13 feet plus 100 parts per million plus the above stated uncertainties.

Flood Hazard Statement:
The surveyed tract is located in a special flood hazard ZONE X, per the FEMA Flood Insurance rate map number 18145C0175C, the accuracy of this flood hazard statement is subject to map scale uncertainty in location or elevation on the referenced flood insurance rate map.

Ford Simple Subdivision

A part of the West half of the Northwest Quarter of Section 18, Township 11 North, Range 6 East, Shelby County, Indiana
Owner & Client: Bradley J. & Linda K. Ford

Site Address: West of 6752 West, 850 South, Edinburg, IN 46124

Parent description of the 29,796 acre tract of land owned by Bradley J. & Linda K. Ford, recorded in Instrument 0000014.

A part of the West half of the Northwest Quarter of Section 18, Township 11 North, Range 6 East, Shelby County, Indiana, described as follows:

Commencing at the Shelby County survey monument that marks the Northeast corner of the above described Northwest quarter of Section 18; thence with the North line of the quarter North 89 degrees 19 minutes 49 seconds West 1431.02 feet to the Northeast corner of said West half of the Northwest quarter and the true point of beginning of the tract herein described;

thence with the East line of the half quarter South 00 degrees 01 minute 09 seconds East 1787.13 feet; thence with the center of the public road South 89 degrees 28 minutes 40 seconds West 1423.05 feet to the West line of the half quarter; thence with said West line North 00 degrees 16 minutes 09 seconds West 364.86 feet to a point South 00 degrees 16 minutes 09 seconds East 1451.99 feet from the Northwest corner of the half quarter; thence parallel with the North line of the half quarter South 89 degrees 19 minutes 49 seconds East 877.14 feet; thence parallel with the West line of the half quarter North 00 degrees 16 minutes 09 seconds West 1451.99 feet to the North line of the half quarter; thence with said North line South 89 degrees 19 minutes 49 seconds East 553.88 feet to the point of beginning, containing 29,796 acres more or less and subject to the right of way of the public roads on the South and West lines of the tract and also subject to any other existing right of ways, easements or restrictions.

Course data used in this description assumes the North line of the quarter to have a bearing of North 89 degrees 19 minutes 49 seconds West.

Description of Lot #1, being a 2,000 Acre split from the Lands owned by land wned by Bradley J. & Linda K. Ford, recorded in Instrument 0000014.

A part of the West half of the Northwest Quarter of Section 18, Township 11 North, Range 6 East, Jackson Township, Shelby County, Indiana, being created from a survey (Job # 48-2021) by Jeffery Powell and being more particularly described as follows:

Commencing at the Shelby County survey monument that marks the Northeast corner of the above described Northwest quarter of Section 18; thence North 88 degrees 56 minutes 20 seconds West (Bearings based on NAD 83, Indiana East, State Plane Coordinates) (being previously described as North 89 degrees 19 minutes 49 seconds West per the description for a 29,796 acre tract recorded in Instrument 0000014) along the North line of the quarter a distance of 1431.02 feet to a 5/8" rebar marking the Northeast corner of the 29,796 acre tract and being the Northeast corner of said West half of the Northwest quarter; thence South 00 degrees 22 minutes 20 seconds East along the East line of the half quarter a distance of 1787.13 feet to a 5/8" rebar marking the Southeast corner of the 29,796 acre tract; thence South 89 degrees 52 minutes 09 seconds West along the center of the public road, being along the South line of the said 29,796 acre tract a distance of 938.80 feet to a mag nail set at the point of beginning of the tract herein described; thence containing South 89 degrees 52 minutes 09 seconds West along the said line a distance of 243.82 feet to a mag nail; thence North 00 degrees 07 minutes 20 seconds East a distance of 359.86 feet to a Powell capped rebar set on the North line of the said 29,796 acre tract; thence South 88 degrees 56 minutes 20 seconds East along the North line of the said 29,796 acre tract a distance of 243.85 feet to a Powell capped rebar; thence South 00 degrees 07 minutes 20 seconds West a distance of 354.79 feet to the point of beginning, containing 2,000 acres more or less and being subject and subject to the 30' Half Right-of-Way for County Road 850 North and any and all easements, right of ways and restrictions.

Powell Land Surveying LLC
Jeffery P. Powell, PLS
4634 North, 575 East, Shelbyville, IN 46176
Office 765-763-6147, Fax 765-763-0122, Cell 317-694-6073
Email: powellandsurveying@msn.com

Property Details

Location: On the west side of Sugar Creek Rd., ¼-mile north of W Shelby 500 S, Hendricks Township

Property Size: 2.5 acres.

Current Land Use: Agricultural / Natural Resources.

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. Use this zoning district for existing developments and carefully for new residential development. Large subdivisions on well and septic systems are not favored.

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	Natural Resources
South	A1	Cropland
East	A1	Natural Resources / Cropland
West	A1	Cropland

Staff Report

Case Number: RZ 21-11 / SD 21-09
Case Name: Tennell Rezoning – A1 (Conservation Agricultural) to RE (Residential Estate) & Tennell Simple Subdivision

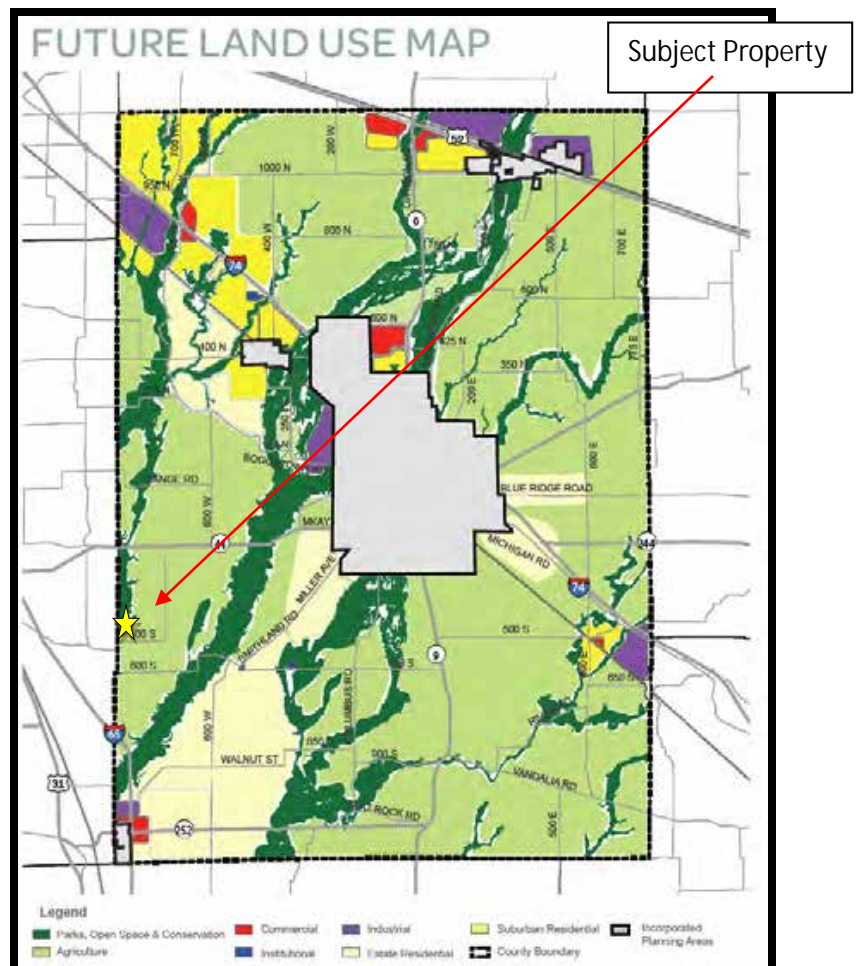
Requests

Rezoning of 2.5 acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for a one-lot Simple Subdivision.

Simple Subdivision of one 2.5-acre building lot from a 36.18-acre parent tract.

Waiver to allow a side lot line not within a 15-degree angle to the right-of-way.

Future Land Use Map



Property Map



Case Description

- Approval of the requests would allow for development of one single-family residential building lot.
- The north property line would lie within the Fisher Tucker Ship Open Ditch legal drain. The plat shows the 75-foot legal drain easement measured from the top-of-bank of the ditch.
- UDO Section 7.15 5 states: Residential lots abutting a watercourse, drainage way, channel, or stream shall be twenty-five percent (25%) larger than the minimum lot area indicated for the zoning district. This space shall be allocated on the side of the property that abuts the water feature as a "no-disturb" zone. The plat establishes the legal ditch easement as the no-disturb zone.
- The National Wetlands Inventory designates the wooded portion of the site as a Freshwater Forested / Shrub Wetland. The plat indicates the area designated as a wetland. No known regulations apply to development within this wetland.

- Approximately 1-acre of the northern portion of the property lies within Special Flood Hazard Area Zone A per Effective FEMA Flood Insurance Rate Map, Panel Number 18145C0175C. DNR Best Available Data includes approximately ½-acre of the area adjoining the legal drain in the Floodway and the remaining ½-acre in the Flood
- Fringe. The UDO does not permit development of dwellings in the Floodway and requires that dwellings within the Flood Fringe comply with Flood Hazard Area Development Standards.
- The USDA Soil Survey classifies most of the property 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 parent tract and northern portion of the proposed building lot includes wooded, low-lying wetland area in the floodplain not well suited for agricultural use.

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

The lot would adjoin the portion of the parent tract not well suited for agricultural use, rather than sitting completely within the tillable acreage.

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 location of the lot allows for continued contiguous use of adjacent agricultural land.

5. The Comprehensive Plan

The legal drain easement, no-disturb zoned within the legal drain easement, and regulations applicable to development in the flood hazard area would protect the existing natural area of the site from incompatible development.

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, pending approval of a waiver to allow a side lot line not within a 15-degree angle to the right-of-way.
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. The waiver allows for configuration of the north lot line within the existing legal drain.

Staff Recommendation

APPROVAL of the **Rezoning, Simple Subdivision**, and **Waiver** primarily because the lot would adjoin the portion of the parent tract not well suited for agricultural use, rather than sitting completely within the tillable acreage. The location of the lot allows for continued contiguous use of adjacent agricultural land.

Applicant/Owner Information

Applicant:	Cole Tennell 3596 S Sugar Creek Road Franklin, IN 46131	Surveyor:	Scott T Sumerford 3149 N Riley Hwy. Shelbyville, IN 46176
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Owner: Timothy T. Tennell Revocable Trust
Lori M. Tennell Revocable Trust
Andrew Tennell Revocable Trust
Theresa A. Tennell Revocable Trust
6519 W Old SR 252
Edinburgh, IN 46124

APPLICATION FOR REZONING
FINDINGS OF FACT BY THE SHELBY COUNTY PLAN COMMISSION

Applicant: Scott T. Sumerford for Cole Tennell

Case #: RZ 21-11

Location: west side Sugar Creek Rd. in SW¹/₄, SW¹/₄ Sec. 26-12-5, Hendricks Township

The Shelby County Plan Commission, having heard the application for rezoning described above and all opposition from parties claiming to be adversely affected thereby, has considered the request based on the provisions of Indiana law and forwards the following findings and recommendation to the Shelby County Commissioners:

1. The request **is/is not** (circle one) consistent with the Shelby County Comprehensive Plan because: _____

Would only be considered consistent with some scattered RE estate properties already in the area.

2. The request **is/is not** (circle one) consistent with the current conditions and the character of structures and uses in each zoning district because: _____

There are some older farm dwellings in the area and would not be out of place if approved.

3. The request **is/is not** (circle one) consistent with the most desirable use for which the land in each district is adapted because: _____

The proposed site is immediately adjacent to low-lying wooded ground that is not necessarily prime farm ground.

4. The request **is/is not** (circle one) consistent with the conservation of property values throughout the jurisdiction because: _____

A newer style home would enhance the area, but would not greatly increase land values because of it.

5. The request **is/is not** (circle one) consistent with responsible growth and development because: _____

This request is by the family for preserving their heritage and to continue their business on the family farm.

Based on the findings described above, the Plan Commission hereby forwards a **favorable/unfavorable** (circle one) recommendation to the County Commissioners this _____ day of _____, _____.

Shelby County Plan Commission

By: _____

President

Attest: _____

Secretary

FINAL PLAT FOR

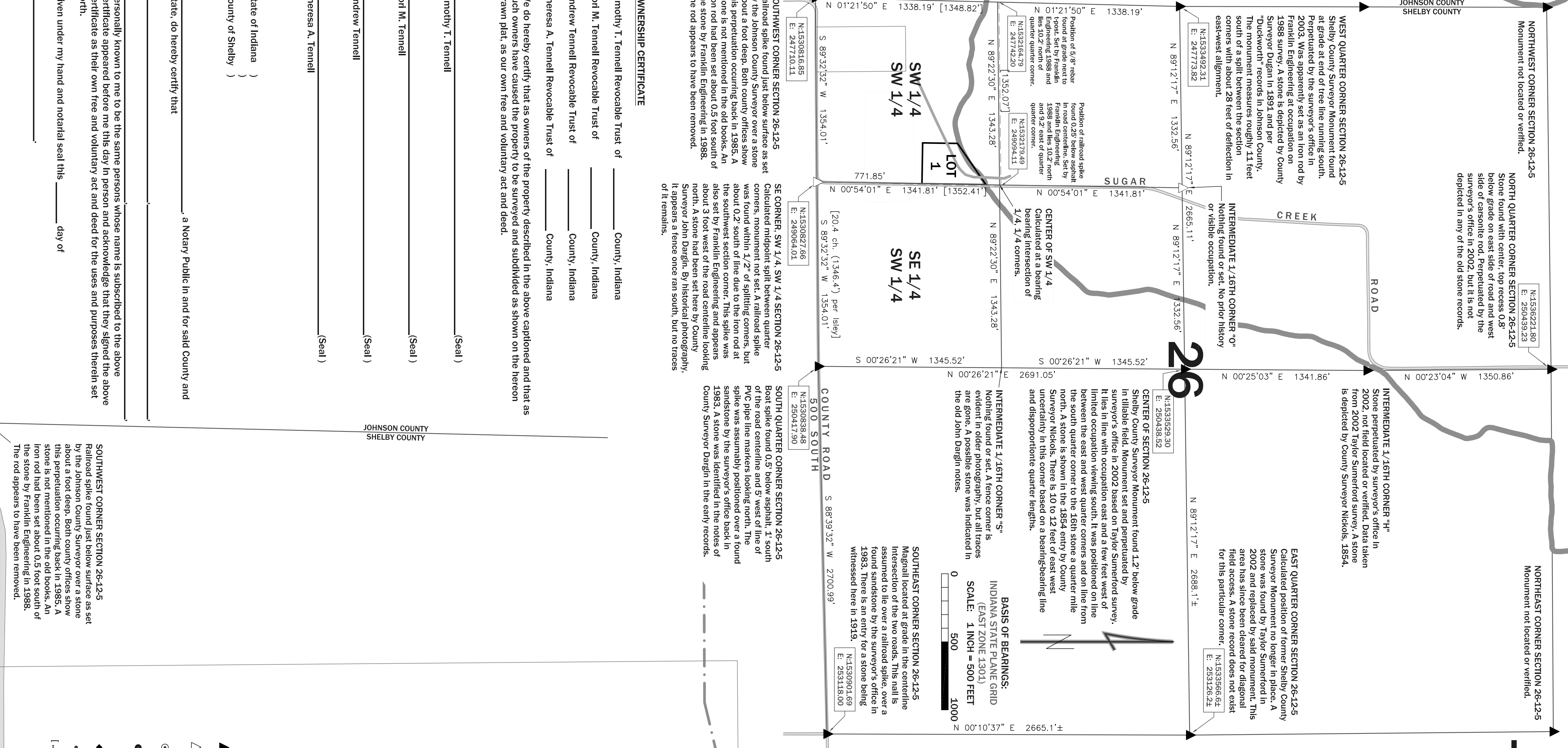
TENNELL SIMPLE SUBDIVISION

PLAN COMMISSION APPROVAL

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

By: _____ Date: _____
 President, Douglas Warnicke

By: _____ Date: _____
 Secretary, Scott Gabbard



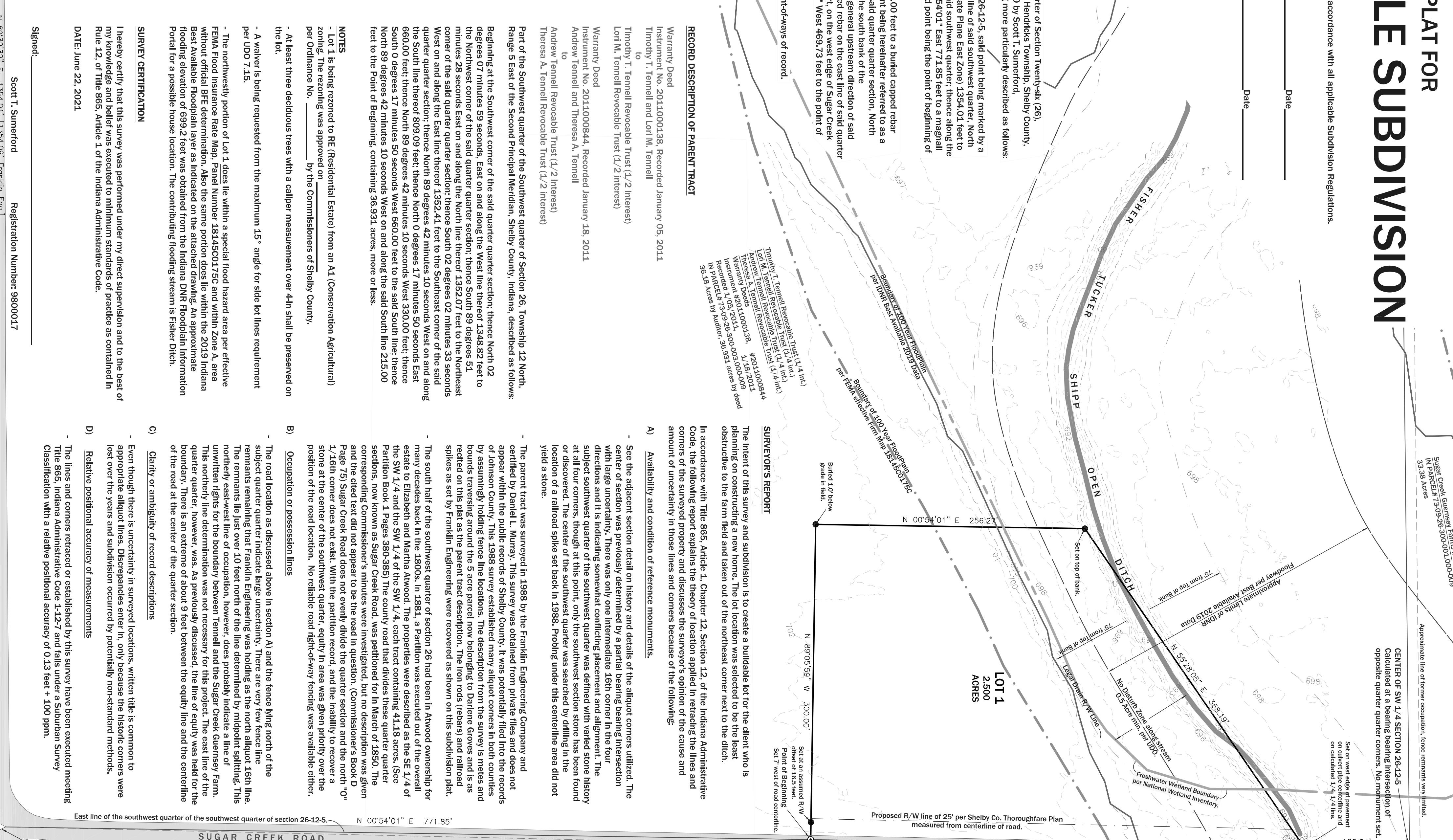
LEGAL DESCRIPTION OF LOT 1

Part of the southwest quarter of the southwest quarter of section Twenty-six (26), Township 12 North, Range 5 East, Shelby County, Indiana, being part of survey #12N5E26-21-0200 by Scott T. Sumnerford, RLS#29800017, certified June 22, 2021 and being more particularly described as follows:

Commencing at the southwest corner said section 26-12-5, said point being marked by a railroad spike over a stone; thence along the south line of said southwest quarter, North 89° 32' 32" East 368.49 feet to a capped roker on the east line of said quarter quarter section, North 11° 55' 28' 05" East 368.49 feet to the center of the bridge culvert, on the east line of said quarter quarter section, near the center of the bridge culvert, on the west edge of Sugar Creek Road, thence along said east line, South 00° 54' 01" East 771.85 feet to a maginal and washer stamped "S. SUMERFORD 9800017", said point being the point of beginning of the herein described tract;

Thence at right angles, North 89° 05' 59" West 300.00 feet to a buried capped roker stamped "S. SUMERFORD 29800017", said monument being hereinafter referred to as a capped roker; thence parallel with the east line of said quarter quarter section, North 89° 32' 32" East 368.49 feet to a capped roker on the east line of said quarter quarter section, North 89° 32' 32" East 368.49 feet to the center of the bridge culvert, on the east line of said quarter quarter section, near the center of the bridge culvert, on the west edge of Sugar Creek Road, thence along said east line, South 00° 54' 01" East 771.85 feet to the point of beginning, containing 2.500 acres.

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



RECORD DESCRIPTION OF PARENT TRACT

Warranty Deed Instrument No. 20111000138, Recorded January 05, 2011 by Timothy T. Tennell and Lori M. Tennell

Warranty Deed Instrument No. 2011000844, Recorded January 18, 2011 by Andrew Tennell and Theresa A. Tennell

Warranty Deed Instrument No. 2011000844, Recorded January 18, 2011 by Andrew Tennell and Theresa A. Tennell

Part of the Southwest quarter of the Southwest quarter of Section 26, Township 12 North, Range 5 East of the Second Principal Meridian, Shelby County, Indiana, described as follows:

Beginning at the Southwest corner of the said quarter quarter section; thence North 02 degrees 07 minutes 59 seconds; East on and along the West line thereon 1348.82 feet to the Northwest corner of the said quarter quarter section; thence South 89 degrees 51 minutes 28 seconds East on and along the North line thereon 1352.02 feet to the Northeast corner of the said quarter quarter section; thence North 89 degrees 05 minutes 59 seconds East on and along the East line thereon 1352.41 feet to the Southwest corner of the said quarter quarter section; thence North 89 degrees 42 minutes 40 seconds West on and along the South line thereon 809.09 feet; thence North 0 degrees 17 minutes 50 seconds East 660.00 feet; thence North 89 degrees 42 minutes 10 seconds West 330.00 feet; thence South 0 degrees 17 minutes 50 seconds West 660.00 feet to the said South line 215.00 feet to the Point of Beginning, containing 36.9341 acres, more or less.

NOTES

- Lot 1 is being rezoned to RE (Residential Estate) from an A1 (Conservation Agricultural) zoning. The rezoning was approved on _____ by the Commissioners of Shelby County.
- At least three deciduous trees with a caliper measurement over 4-in shall be preserved on the lot.
- A waiver is being requested from the maximum 15° angle for side lot lines requirement perUDO 7.13.
- The northwesterly portion of Lot 1 does lie within a special flood hazard area per effective FEMA Flood Insurance Rate Map, Panel Number 18145C0175C and within Zone A, area without official BFE determination. Also the same portion does lie within the 2019 Indiana Best Available Floodplain Layer as indicated on the attached drawing. An approximate flooding elevation of 699.2 feet was obtained from the Indiana DNR Floodplain Information Portal for a possible house location. The contributing flooding stream is Fisher Ditch.
- **SURVEY CERTIFICATION**

I hereby certify that this survey was performed under my direct supervision and to the best of my knowledge and belief was executed to minimum standards of practice as contained in Rule 12, of the 865, Article 1 of the Indiana Administrative Code.

DATE: June 22, 2021

Signature: _____ Scott T. Sumnerford Registration Number: 9800017

INDIANA TITLE 865
BOUNDARY SURVEY

JOB LOCATION
 PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION 26, TOWNSHIP 12 NORTH, RANGE 5 EAST, HENDRICKS TWP., SHELBY COUNTY, IN

CLIENT
 Cole Tennell
 3596 S Sugar Creek Road
 Franklin, IN 46131

PROJECT
 Subdividing 2.5 acres from Tennell Lot for the purpose of creating a building lot for the client to construct a new home.

LAST DATE OF FIELDWORK
 May 20, 2021

CERTIFICATION DATE
 June 22, 2021

NOTES/REVISIONS
 NONE TO DATE

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

Indiana Registered Surveyor No. 29800017

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Property Details

Location: 9250 N Frontage Rd,
Fairland, Moral Township.

Property Size: 14.15-acres.

Current Land Use: Cropland

Current Zoning Classification

A1 (Conservation Agricultural)

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

Proposed Zoning Classification

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*

Focus Area #1- Northwest Corner

1. Cooperate with Indy MPO for project inclusion and future funding applications.

Continued next page...

Staff Report

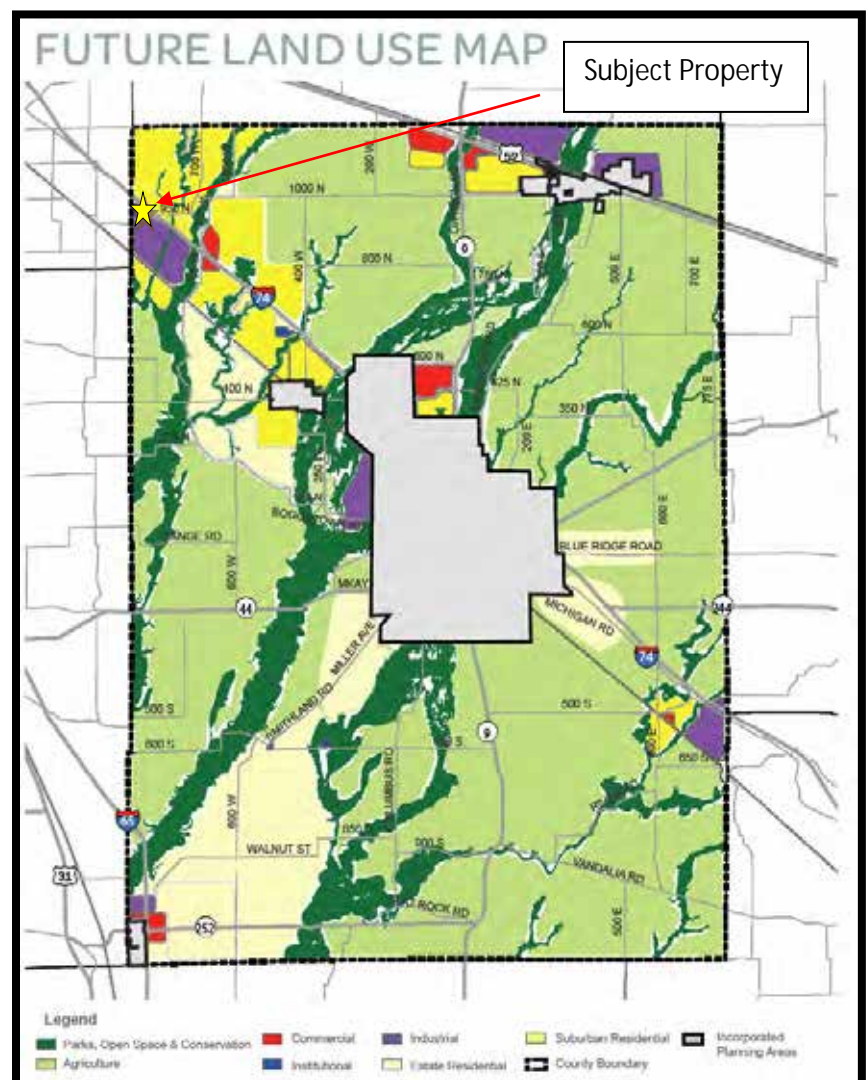
Case Number: RZ 21-12

Case Name: Central Rent-A-Crane, Inc Rezoning - A1 (Conservation Agricultural) to I1 (Low Intensity Industrial)

Request

Rezoning of 14.15 acres from the A1 (Conservation Agricultural) District to the I1 (Low Intensity Industrial) District to allow for a heavy equipment rental facility.

Future Land Use Map



Property Details

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	I2/RE/A1	Contractor's Office & Yard (under construction) / Residential Estate / Cropland
East	NA	I-74
West	M2	Single-Family Residential

Property Map



Case Description

- The petitioner plans to develop the property for use as a heavy equipment rental facility. The facility would offer rental of commercial construction equipment such as cranes, boom trucks, and aerial lifts.
- The petitioner currently has three locations in Indiana, including facilities in Ft. Wayne, Hammond, and Indianapolis (see images at end of staff report). The petitioner intends to relocate its Indianapolis location to Pleasant View.
- Proposed development includes a 21,600 sq. ft office and shop building, 12,000 sq. ft. covered outdoor storage area, approximately 7.5-acre gravel outdoor storage area, 100+ space paved parking area, fuel station, scale, and detention pond. The outdoor storage area and parking lot would have separate entrances from Frontage Rd.
- Staff recommended screening of outdoor storage of equipment from the interstate to protect the visual quality of the I-74 gateway into Shelby County. The proposed site plan places the trailer and boom storage on the lower portion of the property behind the existing trees along the interstate. The plan also places the buildings between the interstate and the remaining outdoor storage area. The petitioner plans to comply with all landscaping requirements identified in the UDO to provide additional screening of outdoor equipment storage.
- The UDO permits Equipment Rental in the I1 District. However, does not permit outdoor storage in the I1 District. The petitioner plans to request a variance from the BZA for the outdoor storage component as well as variances from standards applicable to the parking and maneuvering area.
- The Site Plan Committee, which consists of the Planning Director, Building Inspector, County Surveyor, Health Department Environmental Technician, and a representative from the Drainage Board would review a detailed site plan prior to issuing construction permits. USI Consultants, Inc would review the drainage plans to ensure the project design complies with the County's Drainage & Sediment Control Ordinance.
- The property is located within the Shelby County Northwest Economic Development Area (EDA) and Tax Increment Financing District (TIF). The EDA currently does not include a sewer utility and has limited water utility and road improvements. Establishment of the TIF captures incremental real property tax within the EDA to fund water utility improvements within the EDA, to fund improvements to McGregor Rd, and to fund the extension of sewer utilities to the EDA. The TIF may also provide future funding to improve Frontage Road.

Staff Analysis Findings of Fact

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

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

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

A significant portion of the property is classified as 'Not Prime Farmland' by the USGS Soil Survey and the property does not adjoin any other agricultural property, therefore limiting its suitability for continued agricultural use.

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

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. 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.

Application of industrial use screening and landscaping standards identified in the UDO and high-quality architectural standards would enhance the visual quality of development and enhance community character. The proposed design of the site would allow for screening of the outdoor storage areas from the interstate and therefore protect the visual quality of the I-74 gateway into Shelby County.

Staff Recommendation

The Plan Commission should carefully consider the environmental quality of the development, future road and utility improvements, and protection of the aesthetic quality of the area (particularly the I-74 gateway into Shelby County) prior to making a recommendation.

Staff recommends **APPROVAL** with the following stipulations:

1. Development of the site shall be consistent with the Site Plan submitted with the rezoning application. The Zoning Administrator shall have the discretion to require Plan Commission approval of any modification to the site plan.
2. The primary structure shall be consistent with the building elevations submitted with the rezoning application. The Zoning Administrator shall have the discretion to require Plan Commission approval of any modification to the building elevations.
3. At least one (1) canopy tree per fifty (50) lineal feet of frontage shall be installed along the length of the property that abuts Frontage Road.

Applicant/Owner Information

Applicant:	Central Rent-A-Crane / Douglas A. Diamond 4700 Acorn Dr. Cleveland, OH 44131	Owner:	Eric E Krebs Irrevocable Trust 9242 E 12 th St. Indianapolis, IN 46229
Applicant's Attorney:	Peter G. DePrez 24 E Polk St. Shelbyville, IN 46176	Project Engineer:	Christopher King 144 E. Rampart St. Shelbyville, IN 46176

View of property from intersection of Frontage Rd. & 850 W



Staff Photograph – June 2021

Adjacent development on 850 W



Staff Photograph – June 2021

View of property from Frontage Rd at east end of property



Staff Photograph – June 2021

View of tree line along west property line



Staff Photograph – June 2021

Central Rent-A-Crane - Indianapolis



(Google Maps – 2021)



(Google Street View – 2019)

Central Rent-A-Crane - Fort Wayne



(Google Maps – 2021)

(Google Street View – 2019)



(Google Street View – 2019)

Central Rent-A-Crane – Hammond



(Google Maps – 2021)



(Google Street View – 2019)

STATEMENT OF INTENT

Central Rent-A-Crane, Inc. is part of the ALL Family of Companies which is the largest privately-owned crane rental and sales enterprise in North America with 33 branches operating under the ALL, Central, Dawes, Jeffers and ALT names.

Since 1964, the ALL Family has been a leader in the heavy lift industry offering rental sales, parts and service in the construction trades, including commercial construction, roads & bridges, power generation, plants & processing, facility maintenance and other related trades.

Central Rent-A-Crane, Inc. maintains three (3) locations in Indiana, those being Ft. Wayne, Hammond and Indianapolis. Central Rent-A-Crane, Inc. intends to relocate its Indianapolis facility to Pleasant View.

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APPLICATION FOR REZONING

FINDINGS OF FACT

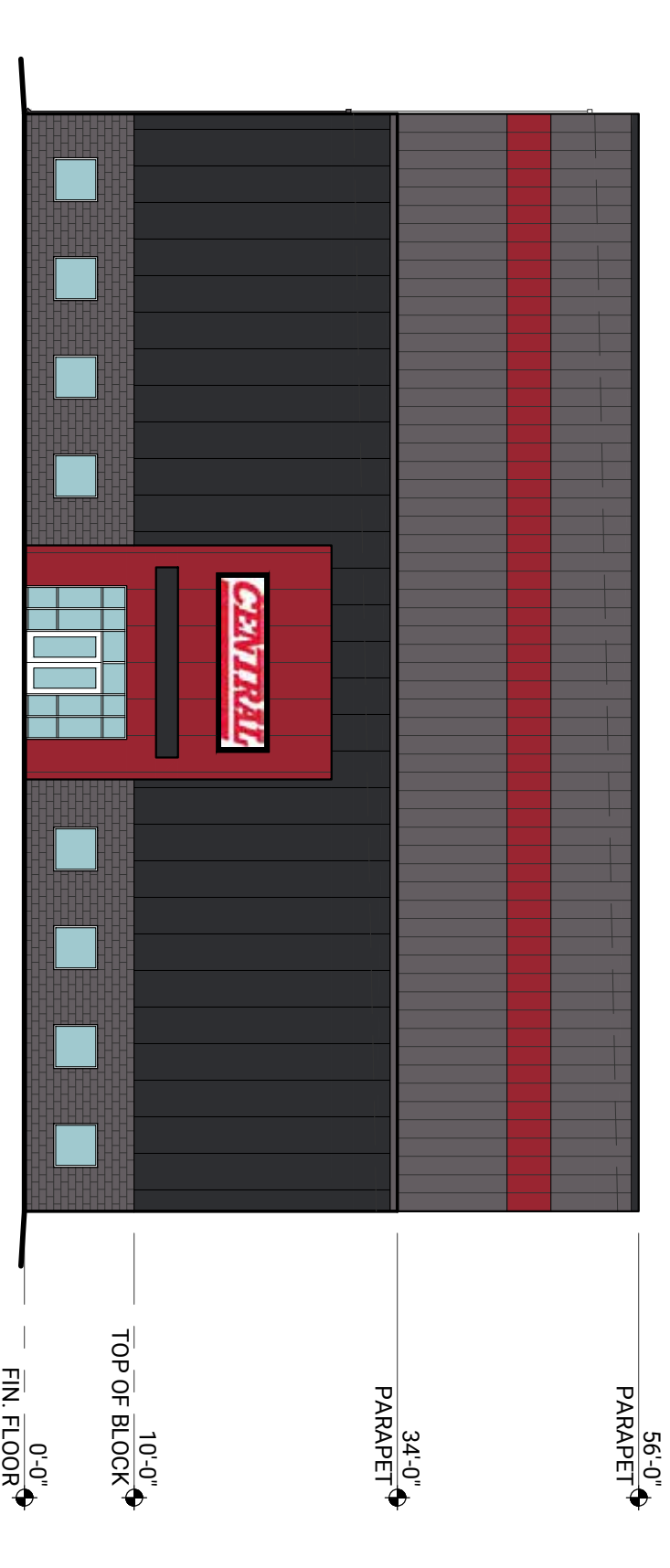
The applicant (or their representative) must fill out the findings of fact on the following pages. The Plan Commission may review the applicant's findings of fact to assist with their decision-making process. Please see fellow the general guidance related to completing the findings of fact.

Applicant: Central Rent-A-Crane, Inc

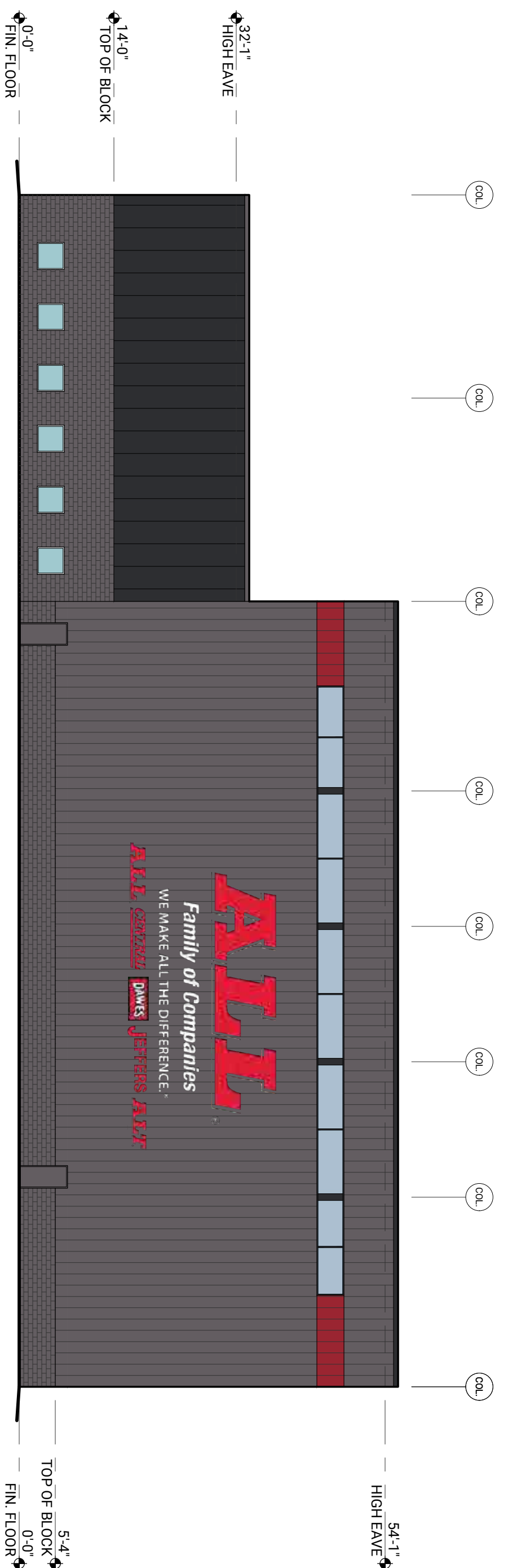
Case #: RZ21-

Location: Frontage Road, East of 850W, Moral Township

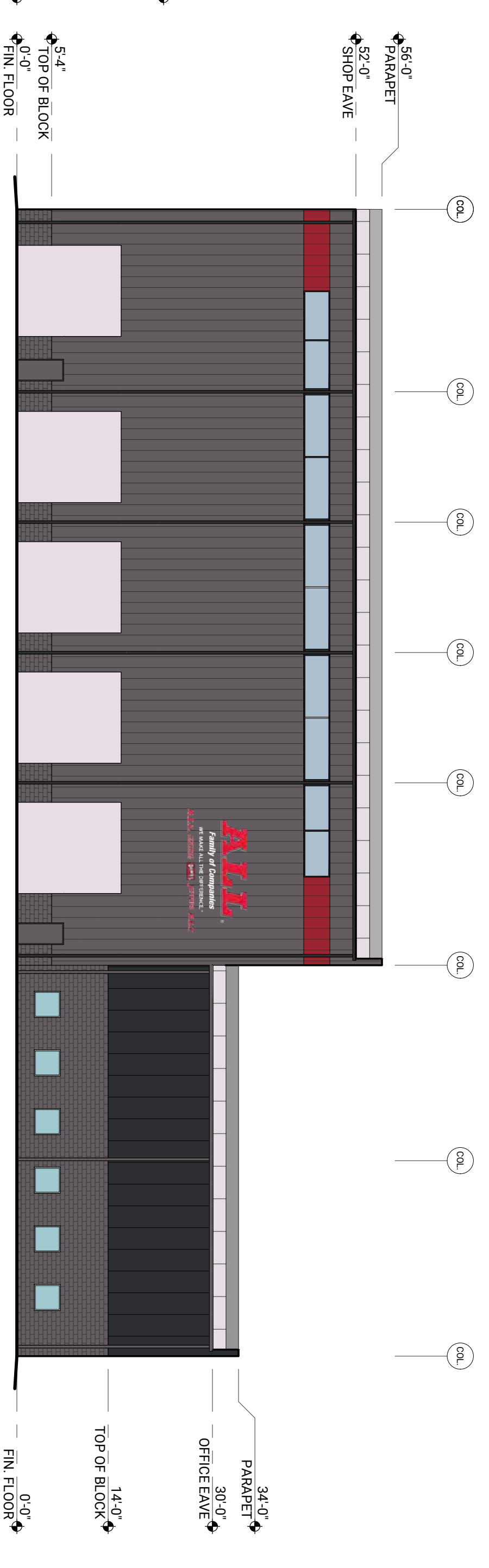
1. The request is consistent with the Shelby County Comprehensive Plan because: the site is under the Indianapolis Metropolitan Planning Organization, is located near a main transportation corridor including the Pleasant View interchange and is projected for industrial development for the specific reasons set forth in the Comprehensive Plan and under the Future Land Use map adopted.
2. The request is consistent with the current conditions and the character of structures and uses in each district because: although there are agricultural and residential uses in the area, the site is near existing uses of similar nature including Five Below, Brookfield Sand & Gravel, Fire Department Training Network Inc. (a training facility), an electrical contractor (E.E.M.C., Inc.) and a previous gravel pit operation, such uses being designated in IS or I1 districts. Tracts within the general area are being planned for similar uses.
3. The request is consistent with the most desirable use for which the land in each district is adapted because: as set forth in the Comprehensive Plan, the site is selected under Chapters 3, 6 and 8 to be utilized as industrial in order to accomplish the goals and action plans established under each Chapter for the Comprehensive Plan.
4. The request is consistent with the conservation of property values throughout the jurisdiction because: as set forth in the Comprehensive Plan, Chapter 9, the recommendations under the Comprehensive Plan is to preserve agricultural resources (NR1.3); sets forth best soils for development (NR2.4); sets forth plans for efficient and effective road systems (TS1.1); encourages development on the I-74 corridor (UI2.6); promotes development per the Future Land Use map (LU1.2, 3 and 5); and based upon the identification of industrial development locations (ED2.3).
5. The request is consistent with responsible growth and development because: the request follows and fulfills the goals and vision established under the Comprehensive Plan as set forth under Chapter 1; helps protect prime agricultural ground by locating industrial uses in specified areas as recommended under Chapters 3 & 6; utilizes areas along a transportation corridor under Chapter 5; concentrates business, commercial and industrial growth to that area reflected in the Comprehensive Plan around the Pleasant View interchange under Chapter 7 and is a focus area under Chapter 8 & 9.



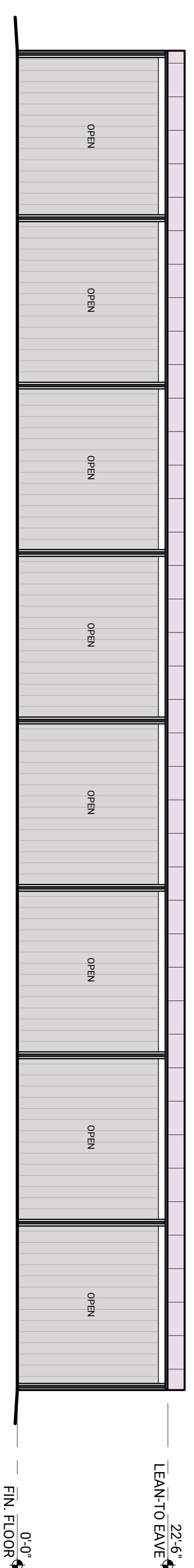
EAST ELEVATION
SCALE: 1/16" = 1'-0"



NORTH ELEVATION
SCALE: 1/16" = 1'-0"



SOUTH ELEVATION
SCALE: 1/16" = 1'-0"



CENTRAL CRANE
SHELBY COUNTY, IN
PROPOSED ELEVATIONS



DATE: 06/01/2021
 SCALE: 1" = 150'
 @ 11" x 17"

CENTRAL CRANE
 SHELBY COUNTY, IN
 SITE LAYOUT

Shelby County Plan Commission

Memo

To: Shelby County Plan Commission

From: Desiree Calderella, Planning Director

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

Background

The Shelby County Redevelopment Commission has passed a Resolution Amending its Declaratory Resolution which established an Economic Development Area (EDA) and Tax Increment Financing District (TIF) in northwest Shelby County. *The amendment would allow the TIF to capture new assessed value attributable to depreciable personal property (i.e., mostly heavy equipment and machinery) from Five Below, Inc. and Blue Star Redi Mix Corp that is assessed on and after January 1, 2022. The current resolution only allows for the capture of base assessed value, as assessed on January 1, 2021.*

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

Staff Analysis

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

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

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

RESOLUTION NO. _____

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

WHEREAS, the Shelby County Redevelopment Commission (the “Redevelopment Commission”), governing body of the Shelby County Department of Redevelopment (the “Department”), previously adopted and confirmed resolutions (collectively, the “Original Resolution”) establishing the Northwest Shelby County Economic Development Area (the “Economic Development Area”), designating the Economic Development Area as an “allocation area” for purposes of Section 39 of the Act (the “Allocation Area”), and approving an economic development plan for the Area (the “Plan”), pursuant to Indiana Code 36-7-14, as amended (the “Act”); and

WHEREAS, the Redevelopment Commission now desires to amend the Original Resolution to designate Five Below, Inc. and Blue Star Redi Mix Corp., any affiliates of such companies and their respective successors or assigns, and any equipment lessors of such entities, as “designated taxpayers” for purposes of Section 39.3 of the Act (collectively, the “Amendments”); and

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

NOW, THEREFORE, BE IT RESOLVED BY THE SHELBY COUNTY REDEVELOPMENT COMMISSION, GOVERNING BODY OF THE COUNTY OF SHELBY COUNTY DEPARTMENT OF REDEVELOPMENT, as follows:

1. The Amendments promote significant opportunities for the gainful employment of its citizens, attraction of major new business enterprises to the County, retention and expansion of significant business enterprises existing in the boundaries of the County, and meet other purposes of Sections 2.5, 41 and 43 of the Act, including without limitation benefiting public health, safety and welfare, increasing the economic well being of the County and the State of Indiana (the “State”), and serving to protect and increase property values in the County and the State.

2. The Amendments cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed under Sections 2.5, 41 and 43 of the Act because of lack of local public improvements and other similar conditions.

3. The public health and welfare will be benefited by accomplishment of the Amendments, and it will be of public utility and benefit to amend the Original Resolution as set forth herein.

4. The accomplishment of the Amendments will be a public utility and benefit as measured by the attraction or retention of permanent jobs, an increase in the property tax base, improved diversity of the economic base and other similar public benefits.

5. The Amendments conform to the plan of development for the County.

6. The Amendments do not contemplate the acquisition of property as a part of the economic development strategy, and the Department does not at this time propose to acquire any specific parcel of land or interests in land within the boundaries of the Economic Development Area. If in the future, the Department proposes to acquire specific parcels of land, the required procedures under the Act will be followed.

7. The Redevelopment Commission finds that no residents of the Area will be displaced by any project resulting from the Amendments, and therefore finds that it does not need to give consideration to transitional and permanent provisions for adequate housing for the residents.

8. The Redevelopment Commission hereby approves the Amendments in all respects. The secretary of this Redevelopment Commission is hereby directed to file a copy of the Amendments with the minutes of this meeting.

9. The Commission hereby designates each of Five Below, Inc. and Blue Star Redi Mix Corp., any affiliates of such companies and their respective successors or assigns, and any equipment lessors of such entities, as a designated taxpayer (a "Designated Taxpayer") with respect to the Allocation Area for purposes of Section 39.3 of the Act, and the Declaratory Resolution is hereby amended to reflect such designation. The Commission hereby finds with respect to each Designated Taxpayer that:

(a) taxes to be derived from the depreciable personal property of the Designated Taxpayer to be located in Allocation Area, in excess of the taxes attributable to the base assessed value of such personal property, are needed to pay debt service or to provide security for bonds issued under Section 25.1 of the Act or to make payments or to provide security on leases payable under Section 25.2 of the Act, in order to provide local public improvements in or directly serving or benefiting the Allocation Area;

(b) the property of the Designated Taxpayer in the Allocation Area will consist primarily of industrial, manufacturing, warehousing, research and development, processing, distribution or transportation related projects; and

(c) the property of the Designated Taxpayer in the Allocation Area will not consist primarily of retail, commercial or residential projects.

Based upon the foregoing and in accordance with Section 39.3 of the Act, the Commission hereby determines that the term "property taxes," referred to herein and in the Original Resolution, shall mean taxes imposed under IC 6-1.1 on real property and taxes imposed under IC 6-1.1 on the depreciable personal property located and taxable on the site of operations of each of the Designated Taxpayers in the Allocation Area. In accordance with section 39.3(c) of the Act, for purposes of Section 39 of the Act the term "base assessed value" with respect to each Designated Taxpayer's depreciable personal property means the net assessed value of all the depreciable personal property as finally determined for the January 1, 2021 assessment date.

10. The Commission hereby finds that the adoption of the foregoing allocation provisions will result in new property taxes in the Allocation Area that would not have been generated but for the adoption of the allocation provision.

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

12. The Redevelopment Commission hereby finds and determines that the foregoing Amendments to the Original Resolution (as described in Sections 1-11 above) are reasonable and appropriate when considered in relation to the Original Resolution and Plan and the purposes of the Act, and that the

Original Resolution and Plan, with the proposed Amendments, conform to the comprehensive plan for the County.

13. Except as set forth above, the terms of the Original Resolution remain in full force and effect.

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

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

16. This Resolution shall take effect immediately upon adoption hereof by the Redevelopment Commission.

ADOPTED this 22nd day of June, 2021.

SHELBY COUNTY REDEVELOPMENT
COMMISSION

President

Vice President

Secretary

Member

Member

RESOLUTION NO. _____

**RESOLUTION OF THE SHELBY COUNTY PLAN COMMISSION APPROVING
AMENDMENTS TO THE DECLARATORY RESOLUTION OF THE SHELBY
COUNTY REDEVELOPMENT COMMISSION THAT ESTABLISHED THE
NORTHWEST SHELBY COUNTY ECONOMIC DEVELOPMENT AREA**

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

WHEREAS, the Shelby County Redevelopment Commission (the “Redevelopment Commission”) previously adopted and confirmed a resolution (the “Declaratory Resolution”) designating an area known as the Northwest Shelby County Economic Development Area (the “Economic Development Area”) as an economic development area pursuant to Section 41 of IC 36-7-14 (the “Act”) and approving an economic development plan for the Economic Development Area; and

WHEREAS, on June __, 2021, the Redevelopment Commission adopted a resolution (the “Amending Resolution”) amending the Declaratory Resolution to specify certain taxpayers within the Economic Development Area as “designated taxpayers” in order to capture personal property tax increment from these taxpayers; and

WHEREAS, the Redevelopment Commission has submitted the Amending Resolution to the Plan Commission for approval pursuant to the provisions of Section 16 of the Act; and

WHEREAS, the Plan Commission has reviewed the Amending Resolution and determined that it conforms to the plan of development for the County, and now desires to approve the Amending Resolution.

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

1. The Plan Commission hereby finds and determines that the Amending Resolution conforms to the plan of development for the County.
2. The Amending Resolution is hereby approved.
3. This Resolution hereby constitutes the written order of the Plan Commission approving the Amending Resolution pursuant to Section 16 of the Act.
4. The Secretary is hereby directed to file a copy of the Amending Resolution with the minutes of this meeting.

SO RESOLVED BY THE SHELBY COUNTY PLAN COMMISSION this 22nd day of June, 2021.

SHELBY COUNTY PLAN COMMISSION

President

ATTEST:

Secretary

DMS 20001091v1

Ordinance Amendments

Industrial Hight & Setback Standards

Typical warehouses exceed 45-feet. Sixty-foot matches Shelbyville’s height standard for lower intensity industrial districts. The County currently has several industrial properties that would qualify for infill development adjoining lower intensity uses. The increased setback would off-set the increase in height, thereby eliminating the casting of shadows of very tall buildings on adjoining lower intensity uses and providing a buffer between incompatible development.

2.34 – I1 District Development Standards

Minimum Side Yard Setback

- 15 feet
- 60 feet when the side property line adjoins property in the A2, RE, R1, R2, VR, M1, M2, MP, VM, & IS Districts

Minimum Rear Yard Setback

- 15 feet
- 60 feet when the rear property line adjoins property in the A2, RE, R1, R2, VR, M1, M2, MP, VM, & IS Districts

Maximum Structure Height

- ~~45-feet~~ 60-feet for primary structure
- 35 feet for accessory structure

2.36 – I2 District Development Standards

Minimum Side Yard Setback

- 20 feet
- 60 feet when the side property line adjoins property in the A2, RE, R1, R2, VR, M1, M2, MP, VM, & IS Districts

Minimum Rear Yard Setback

- 20 feet
- 60 feet when the rear property line adjoins property in the A2, RE, R1, R2, VR, M1, M2, MP, VM, & IS Districts

Ordinance Amendments

Qualification as a Driveway, Excessive Vehicle Use

The UDO likely established the 200-vehicle per day threshold for driveways in error because Shelbyville's UDO establishes a 2000-vehicle per day threshold. Traffic counts on County roads with a low-to-medium amount of traffic generally range between 1,200 to 2,000 trips per day.

5.17 C 4 – Qualification as a Driveway, Excessive Vehicle Use

4. Excessive Vehicle Use: Any access that is used by one (1) or more lots and that conveys over ~~200~~ 2000 vehicles per day shall not be considered a driveway. These access facilities shall be established according to the regulations for a public street.

Non-Residential Driveway Width

Bartholomew County, Hendricks County, and Franklin permit up to 14-foot lane width. These jurisdictions do not have separate widths for separate roads. Shelbyville had considered increasing their lane width to 48-foot total with a landscape median, because developers have asked for 24-ingress and 24-egress. Currently, the ordinance permits three lanes at 10.5' or 10', dependent on the road classification. The amendment would increase this to three lanes at 14' each. Width would be measured at the proposed ROW line.

5.20 B – Non-residential Driveway Width

B. Width: No driveway shall exceed the following widths:

1. **Nonresidential Use onto Any Street: Fourteen (14) feet per lane with a maximum overall width of forty-two (42) feet.**
- ~~1. Nonresidential Use onto Arterial or Collector: Maximum of ten and one half (10.5) feet per lane with a maximum overall width of thirty one and one half (31.5) feet.~~
- ~~2. Nonresidential Use onto Local Street: Ten (10) feet per lane, with a maximum overall width of thirty (30) feet.~~
3. Multiple-family Use onto Any Street: Ten (10) feet per driving lane, with a maximum overall width of twenty (20) feet.

Right-of-Way Dedication

The UDO currently only requires dedication of right-of-way at the time of subdivision of property. This section would require dedication of right-of-way in compliance with the width recommendations of the Comprehensive Plan prior to approval of permits for all new primary non-residential and non-agricultural structures on existing lots. The dedication would transfer legal ownership of the road (not just an easement) to the County at no cost to the County. Most non-residential and non-agricultural development will require road improvements, and this section would place the burden on the developer to obtain the right-of-way. This section reflects the language currently included in the subdivision section of the ordinance.

DPI-01: General Dedication of Right-of-Way Standards

The Dedication of Public Improvements Standards section applies to the following zoning districts: **OP, A1, A2, A3, A4, RE, R1, R2, VR, M1, M2, MP, VM, IS, C1, C2, I1, I2, HI**

- A. Project Applicability: Right-of-way consistent with the requirements of the Unified Development Ordinance shall be dedicated fee-simple to the Shelby County Commissioners before an Improvement Location Permit for any new primary structure is obtained. However, right-of-way dedication and these standards shall only apply to non-agricultural and non-residential primary structures.

- B. Dedication of Right-of-way: The developer of any non-agricultural or non-residential property that adjoins an existing street that does not conform to the recommended minimum right-of-way dimensions established in the Shelby County Comprehensive Plan shall dedicate additional width along either one or both sides of such street sufficient to meet the recommendations of the Comprehensive Plan. If the developer only controls the property on one side of the street, sufficient right-of-way shall be dedicated to bring the half right-of-way up to the dimensions required in the Comprehensive Plan.
 1. *Passing Blister*: Where a passing blister is required and inadequate right-of-way exists to install the passing blister, the developer shall make a good faith effort to acquire property sufficient for the installation of the passing blister. If the owner of the property on which the passing blister is to be installed refuses to sell the property to the developer, the developer shall provide the Planning Department copies of all surveys; appraisals; written offers made by the developer to the property owner; and correspondence from the property owner.
 2. *Acceleration and Deceleration Lanes*: Where an acceleration lane and/or deceleration lane is required and the developer does not control street frontage adequate to install the lane, the developer shall make a good faith effort to acquire property sufficient for the installation of the acceleration lane and/or deceleration lane. If the owner of the property on which the acceleration lane and/or a deceleration lane is to be installed refuses to sell the property to the developer, the developer shall provide the Planning Department copies of all: surveys; appraisals; written offers made by the developer to the property owner; and correspondence from the property owner.
 3. *Eminent Domain*: Whereas the installation of passing blisters, acceleration lanes, and deceleration lanes is vital to the health, safety, and welfare of the motoring public, the County may begin eminent domain proceedings in accordance with IC 32-24: Eminent Domain for the acquisition of public right-of-way sufficient for the installation of the passing blister, acceleration lane, and/or deceleration lane upon receipt of the aforementioned documentation illustrating the developers' failure to acquire the needed property. Upon completion of the eminent domain proceedings, the developer shall reimburse the County in an amount equal to the price paid by the County for the public right-of-way, anything that had to be condemned within the acquired right-of-way, and anything for which the County paid the price of relocation.
 4. *Installation of Improvements*: The developer shall then install the passing blister, acceleration lane, and/or deceleration lane per any construction and engineering standards established by the Shelby County Plan Commission.

