

Shelby County Plan Commission

June 27, 2023 at 7:00 PM

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MEETING AGENDA

Shelby County Plan Commission
June 27, 2023 at 7:00 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the May 23, 2023 meeting.

BUSINESS CONTINUED TO JULY 25, 2023

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

RZ 23-11 – LARRISON REZONING: Rezoning of 2.547-acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District. Located east of and adjoining 8493 S 475 E, Saint Paul, Nobel Township.

SD 23-07 – LARRISON SIMPLE SUBDIVISION: Simple Subdivision of 2.547-acres from a 62.63-acre parent tract and waiver of subdivision design standards. Located east of and adjoining 8493 S 475 E, Saint Paul, Nobel Township.

NEW BUSINESS

RZ 23-15 – BOWMAN RENTALS REZONING: Rezoning of 0.9-acres from the VR (Village Residential) District to the VM (Village Mixed Use) District to allow for a hair salon and laundromat. Located at 204 E Carey St, Fairland, Brandywine Township.

SD 23-11 – WOLSIFFER SIMPLE SUBDIVISION: Simple Subdivision of 5.073 acres into a 2.61-acre building lot and a 2.463-acre lot including an existing single-family residence and waivers of subdivision standards. Located at 11560 N 800 W, New Palestine, Moral Township.

SD 23-12 – ARNOLD SIMPLE SUBDIVISION: Simple Subdivision of 6.5-acres into a 3-acre building lot and 3.5-acre building lot and waivers of subdivision standards. Located at 11395 N 600 W, Fountaintown, Moral Township.

RZ 23-16 – SECOND CIRCLE INVESTMENTS LLC REZONING: Rezoning of 2.2-acres from the A1 (Conservation Agricultural) District to the C2 (Highway Commercial) District to allow for development of the property for medium-intensity retail use. Located north of and adjoining 11884 N ST RD 9, Fountaintown, Van Buren Township.

SD 23-13 – NOLAN FARMS SIMPLE SUBDIVISION: Simple Subdivision of a 2.2-acre commercial lot from a 30.69-acre parent tract and waiver of subdivision standards. Located north of and adjoining 11884 N ST RD 9, Fountaintown, Van Buren Township.

RZ 23-14 – UNIFIED DEVELOPMENT ORDINANCE AMENDMENT: Amendment of Article 9. Specifically, TO ADD Section 9.20: Plan Commission and Board of Zoning Appeals Bylaws and Rules of Procedure. Applies to Unincorporated Shelby County and the Town of Fairland.

DISCUSSION

None

ADJOURNMENT

The next regular meeting of the Shelby County Plan Commission is scheduled for Tuesday, **July 25, 2023 at 7:00 PM.**

Property Details

Location: 204 E Carey St, Fairland, Brandywine Township.

Property Size: 0.9-acres.

Current Land Use: Vacant.

Current Zoning Classification

VR (Village Residential)

This district is established for existing residential uses in small unincorporated towns and villages.

Proposed Zoning Classification

VM (Village Mixed Use)

Intent: *This district is established for the mixed-use developments currently within small towns to allow them to expanded into rural town centers that may offer a variety of housing, commercial and institutional amenities.*

Plan Commission: *Use this zoning district to create and expand rural town centers.*

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

Future Land Use per Comp Plan

Town of Fairland Incorporated Planning Area & Focus Area 3 Fairland/I-74
Encourage the extension of public water and sewer facilities to this area. Encourage compliance with and enforce property maintenance and design guidelines.

Surrounding Development

	Zoning	Land Use
North	A4	Commerical Agricultural
South	I2	Industrial
East	I2	Industrial
West	VM/VR	Vacant/Single-Family Residential

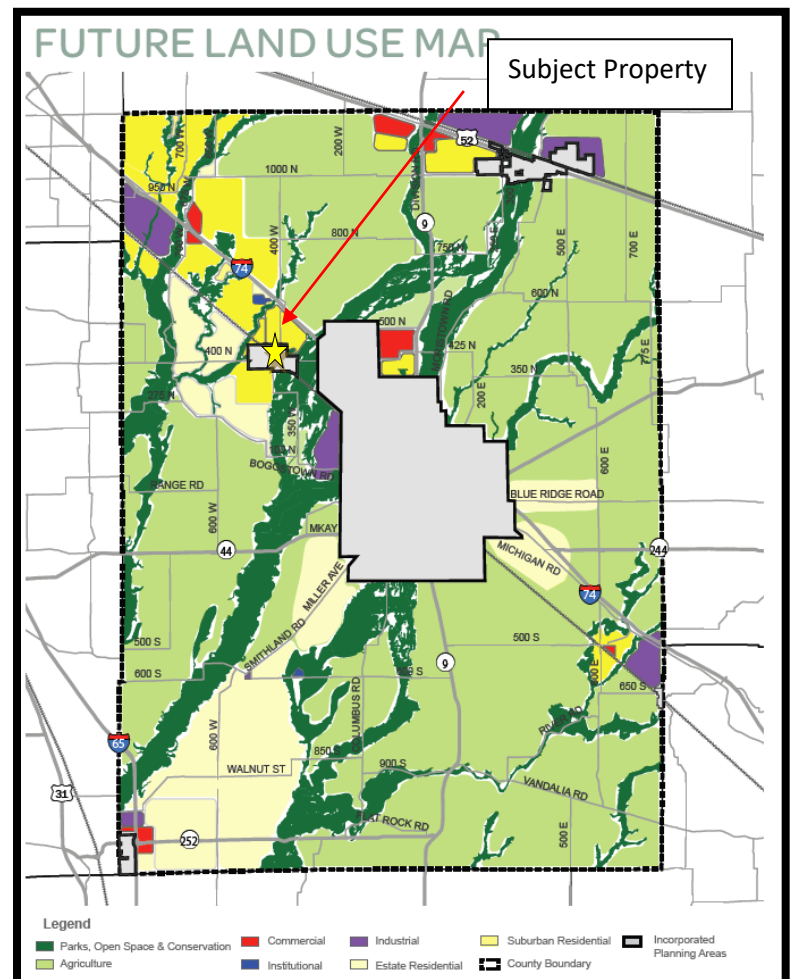
Staff Report

Case Number: RZ 23-15
Case Name: Bowman Rentals – VR (Village Residential) to VM (Village Mixed Use)

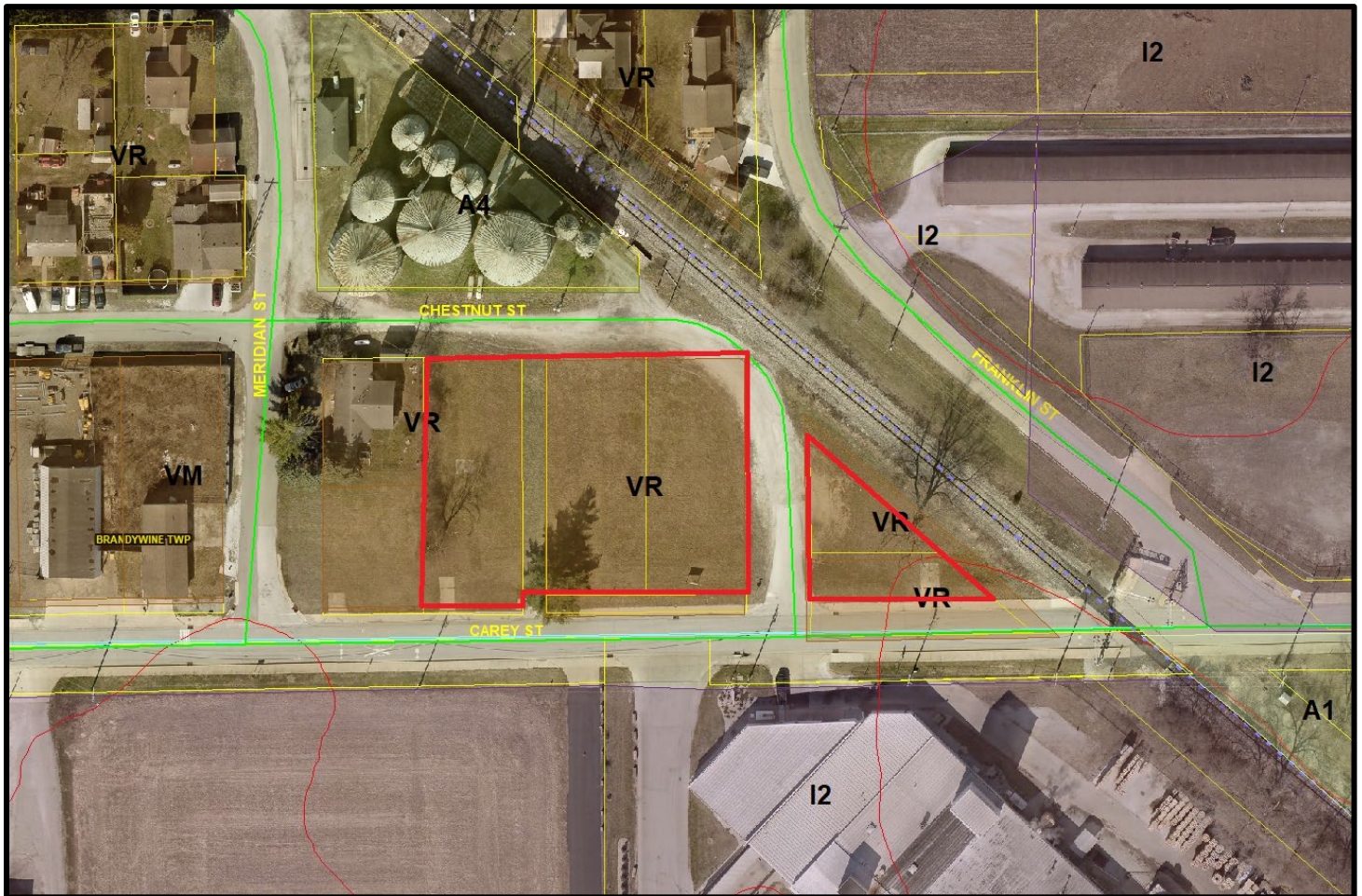
Request

Rezoning of 0.9-acres from the VR (Village Residential) District to the VM (Village Mixed Use) District to allow for a hair salon and laundromat.

Future Land Use Map



Property Map



Case Description

Proposed Development

- The petitioner intends to develop the site for use as a hair salon and laundromat. The petitioner indicated that the hair salon would occupy most of the proposed building, and that a small portion of the building would include the laundromat.
- Proposed development includes a small commercial building, parking and maneuvering areas, a driveway providing access to Carey St, two driveways providing access to Chestnut St, and drainage facilities.
- The property currently consists of five parcels, two located on the east side of Chestnut St. and three located on the west side of Chestnut St, and a platted alley. The petitioner has requested a vacation of the alley from the Town of Fairland. If the rezoning is approved, the petitioner would apply for a Simple Subdivision which would combine all the lots and alley into two lots, one on the east side of Chestnut St. and one on the west side of Chestnut St.
- The UDO permits barber/beauty shops and low intensity retail in the VM District.

Utilities

- The property has access to public water. The Town of Fairland intends to provide sewer service to the Town within the next two years. The petitioner indicated that the hair salon may utilize a temporary septic holding tank if opened before sewers become available. The petitioner does not intend to operate the laundromat until sewers become available.

United Development Ordinance Development Standards

- Notable development standards included in the UDO which would apply to the development include the following:
 - Landscape Buffer “A” along the property line adjoining the residential lot located at 402 S Meridian St: One (1) canopy tree and one (1) ornamental or evergreen tree shall be planted for every seventy (70) feet of contiguous boundary with the adjacent lot. Each tree shall be planted within twenty (20) feet of the property line, but no closer than five (5) feet to the property line.
 - Seven (7) trees along Carey St.
 - Three (3) deciduous trees within the interior of the lot.
 - All site lighting must be full cut-off fixtures.
 - Paved driveway, parking, and maneuvering areas.
- The UDO recommends placement of parking in the rear yard on lots in the VM District to encourage development patterns consistent with downtown areas, typically with buildings near the street having on-street parking or parking at the rear of the building.
- The proposed driveway locations do not comply with driveway separation standards. The petitioner will need to obtain development standards variances from the BZA or amend the site plan prior to development of the site.
 - Minimum driveway separation: 150-feet of the intersection of Carey St. & Meridian St, 100-feet of the intersection of Carey St. & Chestnut St, 100-feet between driveways.
- The UDO requires right-of-way dedicated to the County prior to issuance of permits. Specifically, 65-feet from the center of Carey St. and 25-feet from the center of Chestnut St.

Development Approval and Permitting

- The Site Plan/Technical Advisory Committee, which consists of the Planning Director, Health Department Environmental Technician, and a representative from the County Commissioners would review a detailed site plan prior to issuing construction permits. USI Consultants, Inc would review the drainage plans to ensure that the project complies with the County’s Drainage & Sediment Control Ordinance.
- The Fairland Town Board has reviewed the application for rezoning and has expressed support for the development.

- The County will transfer building and zoning jurisdiction within the Town of Fairland to the Town on January 1, 2024. If the petitioner does not submit a Site Plan prior to January 1, 2024, the Town would review and permit the development and the Town's zoning standards would apply.

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 UDO designates the adjacent VR district as a compatible district to the VM District.
- Most commercial development within Fairland has been assigned the VM zoning designation.
- The surrounding area includes a variety of agricultural, residential, commercial, and industrial uses. The proposed zoning and development would not conflict with the mixed-use character of the area.

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

Approval of the rezoning would provide a new amenity to the Town of Fairland, which would encourage the retention of existing residents and attraction of new residents to the area. New development would improve the aesthetic quality of the main thoroughfare through Fairland.

3. The Conservation of Property Values throughout the Jurisdiction

Development of the site for low intensity commercial use would not impact adjacent higher intensity agricultural, commercial, and industrial uses. The UDO requires a landscape buffer along the property line adjoining the adjacent residential lot.

4. Responsible Development and Growth

- The County has completed upgrades to CR 400 N which would support additional traffic generated by the development.
- The property currently includes a sidewalk which connects to other properties along Carey St. through the Town of Fairland.
- The property has access to electric and water facilities.
- The developer of the property must submit septic systems plans to the State Department of Health for approval prior to development of the site.
- The Town of Fairland plans to provide sanitary sewers to the area. Approval of the rezoning with a stipulation requiring connection to sanitary sewer when it becomes available represents responsible development and growth.

5. The Comprehensive Plan

Future Land Use: Incorporated Planning Area – Town of Fairland

- The Future Land Use Map shows the property in the Town of Fairland Incorporated Planning Area. The Fairland Town Board has reviewed the petition as has expressed support for the development.

Focus Area #3- Fairland / I-74

- Encourage compliance with and enforce property maintenance and design guidelines.

Community Character Goal 1: Focus on reinvestment and improvement within existing populated areas and rural town centers.

- Strategy 4: Work to create additional entertainment and shopping opportunities which appeal to future generations.
- Strategy 5: Provide opportunities and resources which allow communities to grow in population.

Transportation Systems Goal 1: Coordinate with adjacent jurisdictions to identify opportunities for future transportation and expansion of utilities.

- Strategy 2: Ensure CR 400 N upgrades are completed and work to capitalize on the opportunities the interstate connector provides to Shelby County.
- Strategy 4: Improve roads and infrastructure to areas identified for future development. Ensure roadways can handle future traffic volumes and vehicle types based on intended and anticipated future uses.

Utility Infrastructure Goal 2: Provide utility infrastructure support and coordination resources to support targeted growth.

- Strategy 1: Identify and plan ahead for where utilities are located and where future expansion should be located as indicated on Future Land Use Map.
- Strategy 2: Make needed investments (upgrades, utility infrastructure, high speed internet, etc.) to areas where growth is being promoted.

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 2: Encourage additional development of residences, recreational venues, industries, and retail establishments in areas which will benefit currently populated portions of the county.
- Strategy 5: Actively recruit investment at identified prime locations/ destinations/opportunity areas.
- 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 3: Encouraged re-investment and improvement within our existing cities and unincorporated towns first.

- Strategy 2: Focus on improving blighted areas in towns and other areas populated throughout the county.
- Strategy 3: Encourage and support improvement decisions in communities which will retain and attract residents.
- Strategy 4: Work to create additional entertainment and shopping opportunities which appeal to future generations.
- Strategy 5: Provide opportunities and resources which allow our communities to grow their population.

Economic Development Goal 2: Encourage diversity in business and industry throughout the County.

Staff Recommendation

Staff recommends **APPROVAL** primarily because the Fairland Town Board supports the project and because the development would provide a retail amenity within the Town of Fairland, encouraging the retention of existing residents and the attraction of new residents to the area.

Staff recommends 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. All parking spaces shall be located north of the building, unless the building incorporates architectural standards in compliance with Section 5.13 of the Unified Development Ordinance.
3. The current and any future 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.

Applicant/Owner Information

Applicant:	Bowman Rentals / M & C Excavating 6222 W 800 N Fountaintown, IN 46130	Owner:	Same
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Village Mixed Use (VM) District

2.25 VM District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The VM (Village Mixed Use) District is intended to be used as follows:</p> <p>Use, Type and Intensity</p> <ul style="list-style-type: none"> • Medium to high density housing on small to medium sized lots • Medium to high intensity commercial, institutional, and office uses <p>Application of District</p> <ul style="list-style-type: none"> • Existing development near cities and towns • Expansion of rural town centers <p>Development Standards</p> <ul style="list-style-type: none"> • Pedestrian friendly development standards to help create rural town centers • Minimize light, noise, water, and air pollution <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> • OP, A1, A2, RE, R1, R2, VR, M1, M2, MP, VM, IS and C1 <p>Plan Commission</p> <ul style="list-style-type: none"> • Use this zoning district to create and expand rural town centers <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • Allow a special exception use only when it is compatible with the surrounding residential areas 	<p>Commercial Permitted Uses</p> <ul style="list-style-type: none"> • bank machine/atm • barber/beauty shop • coffee shop • day care • delicatessen • farmers market • ice cream shop • office, design services • office, financial services • office, general services • office, medical • photography studio • recreation center/play center • restaurant • retail (type 1), very low intensity • retail (type 2), low intensity • studio arts • tailor/pressing shop <p>Institutional Permitted Uses</p> <ul style="list-style-type: none"> • church, temple, or mosque • community center • parking lot, public • police, fire, or rescue station • post office • school (P-12) <p>Residential Permitted Uses</p> <ul style="list-style-type: none"> • dwelling, manufactured home • dwelling, multiple-family (5 to 8 units) • dwelling, single-family attached • dwelling, single-family detached • dwelling unit, upper floors • fair housing facility (small) 	<p>Commercial Special Exception Uses</p> <ul style="list-style-type: none"> • automobile oriented business • bar/tavern • retail (type 3), medium intensity <p>Residential Special Exception Uses</p> <ul style="list-style-type: none"> • bed and breakfast

Town of Fairland

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

Board Members

President – Jeremy Creech

Vice President – Jeremy Miller

Secretary –Rick Daily

Clerk-Treasurer – Shea Fink

June 17, 2023

Shelby County Plan Commission,

We have pleased with the proposed development. We are looking forward to a new business in our community. We are in support of rezoning the property.

Thank you,
Jeremy Creech

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



May 9, 2023

**Bowman
Rentals LLC**

6222 W 800 N
FOUNTAIN TOWN, IN 46130
OFFICE 317/835-4246
FAX 317/835-4492
MOBILE 317/440-1406

Letter of intent

We are asking to rezone a 1 acre site within the town of Fairland town limits for the purpose of a hair salon and laundry mat company which would include a one joint building with hair salon on one side of building and laundry mat on the other. This will service the Town of Fairland and surrounding communities.

Proposed by: MIKE BOWMAN

**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: Bowman Rentals LLC

Case #: _____

Location: 204 E Carey St Fairland IN 46126

1. The request is consistent with the Shelby County Comprehensive Plan because: _____
The current lot is vacant and is a prime location for commercial development

2. The request is consistent with the current conditions and the character of structures and uses in each district because: _____
The new hair salon and laundry mat will service the Fairland and surrounding community

3. The request is consistent with the most desirable use for which the land in each district is adapted because: _____
Carey St is a main thoroughfare and is the most desireable area for commercial development

4. The request is consistent with the conservation of property values throughout the jurisdiction because: _____
The commercial development will maintain and improve property values in the area.

5. The request is consistent with responsible growth and development because: _____
The property is vacant and the new development will provide needed services to the community.

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

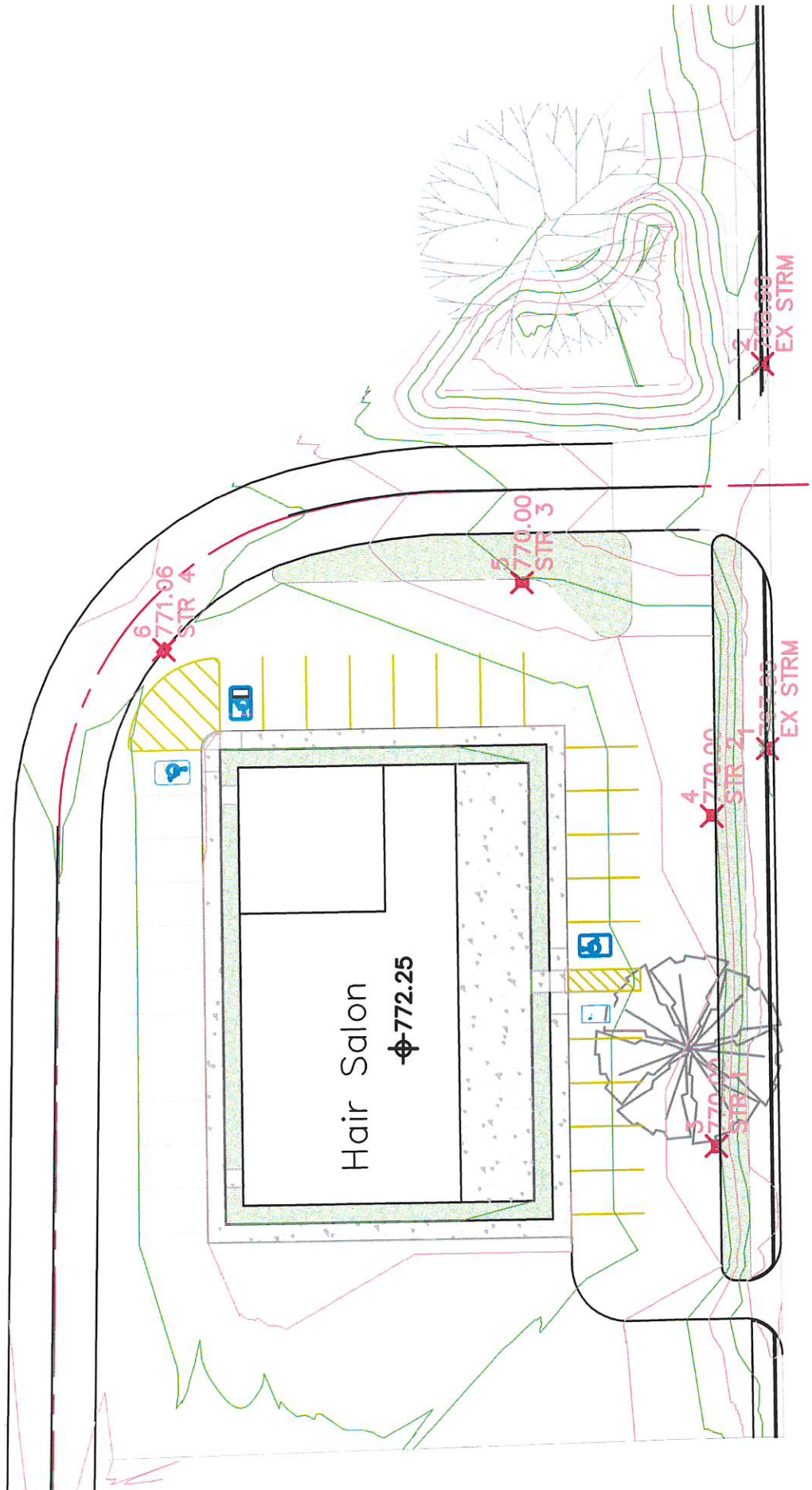
Finding 1: How is the proposed new zoning designation consistent with the future land use of the property identified in the Comprehensive Plan? If you do not know the future land use of the property, please ask the Planning Director.

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

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

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

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



Property Details

Location: 11560 N 800 W, New Palestine, Moral Township.

Property Size: 5.073-acres.

Current Land Use: Estate Residential.

Current 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

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

Staff Report

Case Number: SD 23-11

Case Name: Wolsiffer Simple Subdivision

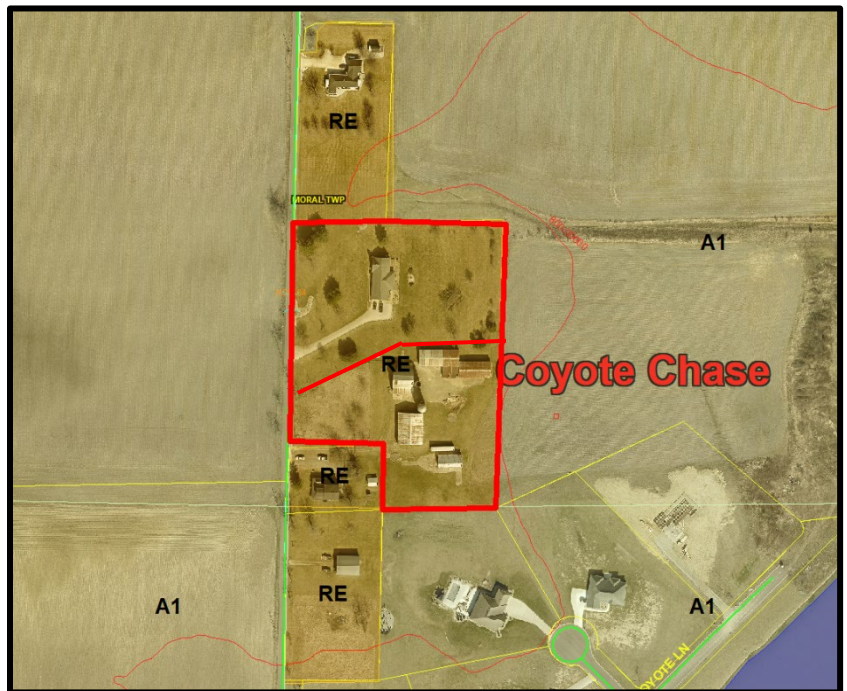
Request

Simple Subdivision of 5.073 acres into a 2.61-acre building lot and a 2.463-acre lot including an existing single-family residence.

Waivers:

- Of Simple Subdivision prerequisites to allow for Simple Subdivision of property less than 6-acres.
- Of Simple Subdivision design standards to allow side lot lines not within fifteen degrees (15°) of a right angle to the street and right-of-way.

Property Map



Case Description

- The petitioner intends to subdivide the property into a 2.61-acre building lot which currently includes several agricultural buildings and a 2.463-acre lot including an existing single-family residence.

- The Technical Advisory Committee (TAC) / Site Plan Review Committee would review a detailed site plan including structure layout, elevation of development, drainage infrastructure, and septic system design for compliance with County codes prior to issuance of permits for the new single-family residence.

Staff Analysis Findings of Fact

Staff has reviewed the proposed plat and has determined:

1. The subdivision of land is consistent with the Shelby County Comprehensive Plan.
2. The subdivision of land satisfies the development requirements of Article 06: Subdivision Types, pending approval of a waiver to allow Simple Subdivision of property less than 6-acres.
 - a. Approval of the waiver would allow for creation of a building lot in an area recommended for suburban residential development by the Comprehensive Plan.
3. The subdivision of land satisfies the standards of Article 07: Design Standards, pending approval of a waiver to allow side lot lines not within fifteen degrees (15°) of a right angle to the street and right-of-way.
 - a. Approval of the waiver would allow both lots to comply with the 160-foot minimum lot width and road frontage requirement for lots in the RE District.
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

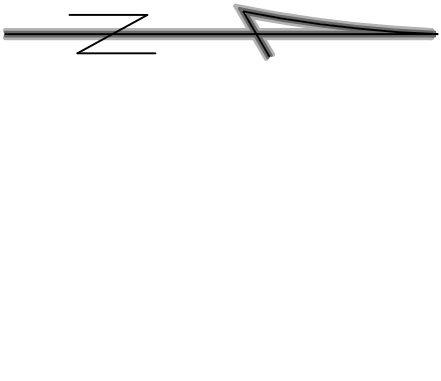
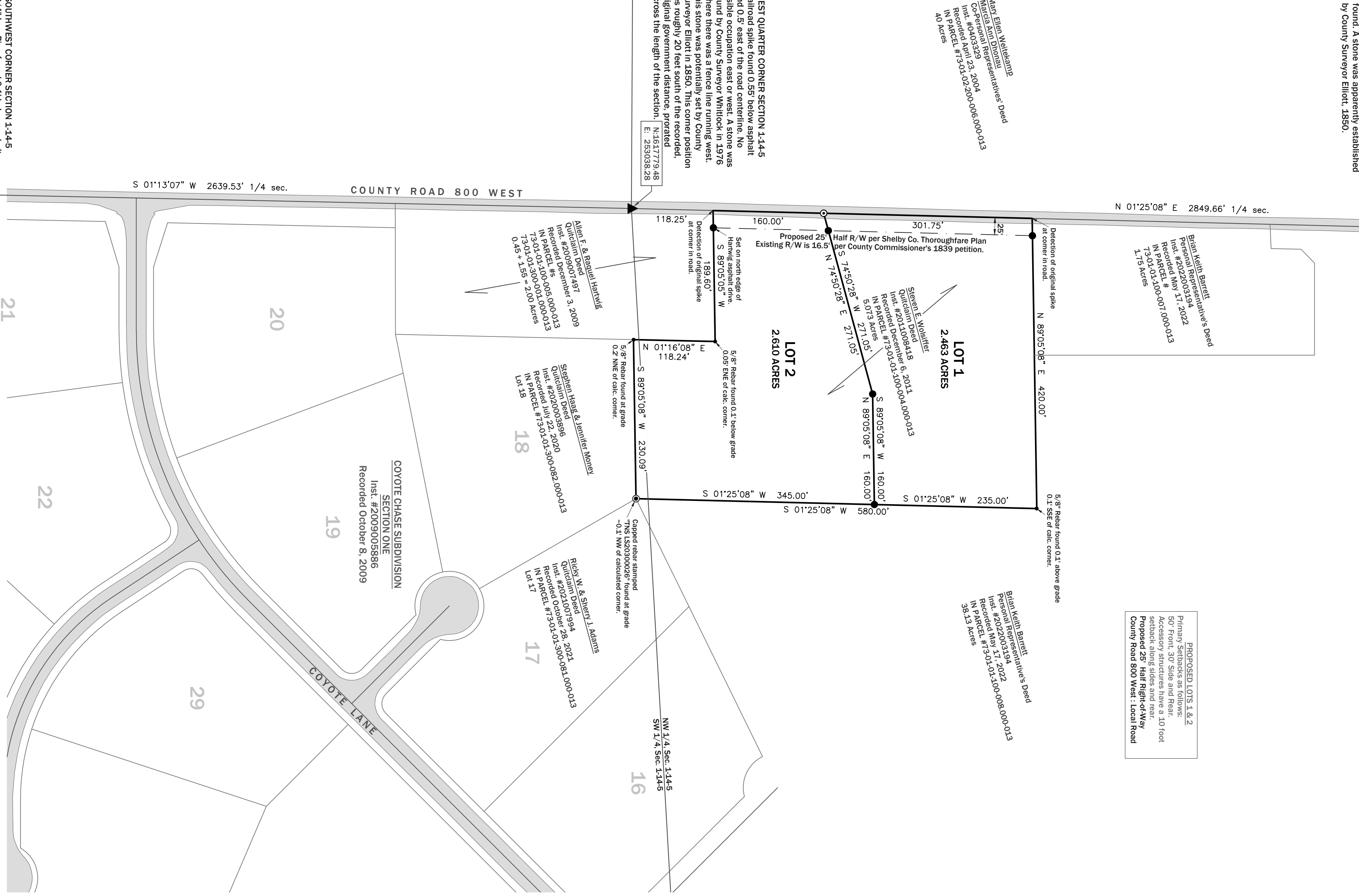
APPORVAL

Applicant/Owner Information

Applicant:	Steven Wolsiffer 11560 N Shelby 800 W New Palestine, IN 46163	Owner:	Same
Surveyor:	Scott T Sumerford 3149 N Riley Hwy. Shelbyville, IN 46176		

FINAL PLAT FOR WOLFSIFFER SIMPLE SUBDIVISION

N 142°02'33.10"
E 2653'08.83"
1.2" Rebar found 0.55' below asphalt at the centerline of County Road 1200
1976 by County Surveyor Whitlock in the
piece of a found pin nail. The location was
found underneath for a stone, but none
by County Surveyor Elliot, 1950.



PROPOSED LOTS 1 & 2
Primary Subdivisions as follows:
50' Front, 30' Side and Rear,
Accessory Structures have a 30' foot
setback.
Proposed 25' Half Right-of-Way
County Road 800 West - Local Road
1.75 Acres

INDIANA STATE PLANE
GRID COORDINATE VALUE
SCALE FACTOR = 0.99999408
DATUM: NAD83(2011)
SECTION CORNER PERPETUATED ON CURRENT
SHELBY COUNTY SURVEOR TIE SHEETS

CURRENT DESCRIPTION OF PARENT TRACT

Quitclaim Deed
Instrument No. 20110098418, Recorded December 6, 2011
Steven E. Wolsiffer and Tammy E. Wolsiffer
to
Steven E. Wolsiffer

A part of the West Half of Section 1, Township 14 North, Range 5 East, Shelby County, Indiana, described as follows:

Commencing at the Southwest corner of the Northwest Quarter of the above described Section 1, thence with the West line of the Quarter North 00 degrees 00 minutes 00 seconds East 420.00 feet to a capped rebar stamped "S, SUMNERFORD 298900017", thence North 01 degrees 25'08" East 118.25 feet to the Northeast corner of said 2 acre tract herein Miscellaneous Record 80 Page 117 in the Office of the Recorder of Shelby County and the true point of beginning of the tract herein described:

Thence continue with the West line of the Quarter North 00 degrees 00 minutes 00 seconds East 461.75 feet; thence North 87 degrees 40 minutes 00 seconds East 420.00 feet; thence parallel with the West line of the Quarter South 00 degrees 00 minutes 00 seconds East 580.00 feet; thence South 87 degrees 40 minutes 00 seconds West 230.09 feet to the East line of the aforementioned 2 acre tract; thence with said East line North 00 degrees 00 minutes 00 seconds West 118.24 feet to the Northeast corner of said 2 acre tract; thence with the North line of said 2 acre tract South 87 degrees 40 minutes 00 seconds West 189.60 feet to the point of beginning, containing 5.073 acres, more or less.

Subject to the right-of-way of County Road 800 West on the West line of the tract and also subject to any other existing right-of-ways, easements or other restrictions of Record.

LEGAL DESCRIPTION LOT 1

Part of the northwest quarter of Section One (1), Township Fourteen (14) North, Range Five (5) East, Moral Township, Shelby County, Indiana, being part of a certain 5.073 acre tract as described in Instrument No. 0008764, recorded December 7, 2000 in the Office of the Shelby County Recorder, also being part of survey Job #14N5E1-23-016 by Scott T. Sumnerford, RL5#29800017, 2023 and being more particularly described as follows:

Commencing at the southwest corner of the northwest quarter of said section, 1-14-5, said point being marked by a railroad spike over a stone; thence along the west line of said northwest quarter, North 01° 25'08" East (basis of bearings being Indiana State Plane East Zone) 278.25 feet to a magrail and washer stamped "S, SUMNERFORD 98900017" at the point of beginning of the herein described tract:

Thence continuing along said west line, North 01° 25'08" East 301.75 feet to the northwest corner of said 5.073 acre tract; thence along the north line of said tract, the following two (2) courses:

- (1) North 89° 05'08" East 420.00 feet;
- (2) parallel to the west line of said quarter, South 01° 25'08" West 230.09 feet to a capped rebar stamped "S, SUMNERFORD 298900017"; thence South 74° 50'28" West 271.05 feet to the point of beginning, containing 2.463 acres.

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

LEGAL DESCRIPTION LOT 2

Part of the northwest and southwest quarters of Section One (1), Township Fourteen (14) North, Range Five (5) East, Moral Township, Shelby County, Indiana, being part of a certain 5.073 acre tract as described in Instrument No. 0008764, recorded December 7, 2000 in the Office of the Shelby County Recorder, also being part of survey Job #14N5E1-23-016 by Scott T. Sumnerford, RL5#29800017, certified June 27, 2023 and being more particularly described as follows:

Commencing at the southwest corner of the northwest quarter of said section, 1-14-5, said point being marked by a railroad spike over a stone; thence along the west line of said northwest quarter, North 01° 25'08" East (basis of bearings being Indiana State Plane East Zone) 118.25 feet to the southwest corner of said 5.073 acre tract and the point of beginning of the herein described tract:

Thence continuing along said west line, North 01° 25'08" East 180.00 feet to a magrail and washer stamped "S, SUMNERFORD 98900017"; thence North 74° 50'28" East 160.00 feet to a capped rebar stamped "S, SUMNERFORD 298900017"; thence North 89° 05'08" East 160.00 feet to a capped rebar stamped "S, SUMNERFORD 298900017" on the east line of said 5.073 acre tract; thence along the east and southerly lines of said tract the following four (4) courses:

- (1) parallel to the west line of said quarter, South 01° 25'08" West 230.09 feet;
- (2) North 01° 16'08" East 118.24 feet;
- (3) South 89° 05'08" West 230.09 feet;
- (4) South 89° 05'08" West 189.60 feet to the point of beginning, containing 2.610 acres.

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

OWNERSHIP CERTIFICATE

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

Owner, Steven E. Wolsiffer _____ (Seal)

State of Indiana)
County of Shelby)

_____ a Notary Public in and for said County and State, do hereby certify that

personally known to me to be the same person 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)

SURVEYOR'S REPORT

It is the intention of the client to subdivide his current residential property into two separate lots. The north one contains his current dwelling and the south may be used to build his future home or to possibly convey to someone else.

In accordance with Title 865, Article 1, Chapter 12, Section 12, of the Indiana Administrative Code, the following report explains the theory or fraction 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 current 5.073 acre parent tract was surveyed by Taylor Sumnerford in the summer of 1997 for Wilma Padrick. It was acquired by the client in December of 2000. The legal description from the survey and subsequent conveyances does not call out original railroad spikes and iron pins as set per the survey. The monuments from 1997 still exist, all except the very old corner rebar. One of the iron corners is missing. The corner rebar was reset by the North Surveying with a capped rebar at station 44. All other corners were set by the North Surveying with a capped rebar at station 44. The rebar was set within 0.2 feet of calculated positions, except for the southern rebar next to Harwig. It was within 0.2 feet, but potentially hit and disturbed.
- Section corners and the quarter corner along the west line of section 1 were recovered as identified in the perpetuation records. They all have former history from County Surveyor John Whitlock, back in the 1970's.
- Occupation or possession lines
- There is no real visible line of recognized possession along any of the boundary lines. The north line of Harwig does, however, run right along the edge of his asphalt driveway.
- The newly proposed division between Lots 1 and 2 was set at 160 feet in the roadway for minimum footage requirements for lot 1 and adequate room off the existing barns for sideyard setbacks in the Residential Estate district.
- Clarity or ambiguity of record descriptions
- The parent 5.073 acre tract was carved out from ground next to the 2 acre tract belonging now to Harwig. Yielding calls were made in the writings for the roughly 189 foot by 462 foot dimensional tract. This Harwig tract is identified with two tax parcels. It may have been split into two numbers due to the tract that the quarter section line dissects it.
- There are no known discrepancies in title lines between the parent tract and the surrounding parcels. There were very minor dimensional differences in the magnitude of hundredths of a foot, in calculating the boundaries of Coyote Chase Subdivision to the south, in matching up with the Wolsiffer tract.
- Relative positional accuracy of measurements
- The lines and corners retraced or reestablished 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 0.15 feet +/- 100 ppm.

SURVEY CERTIFICATION

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

DATE: June 27, 2023

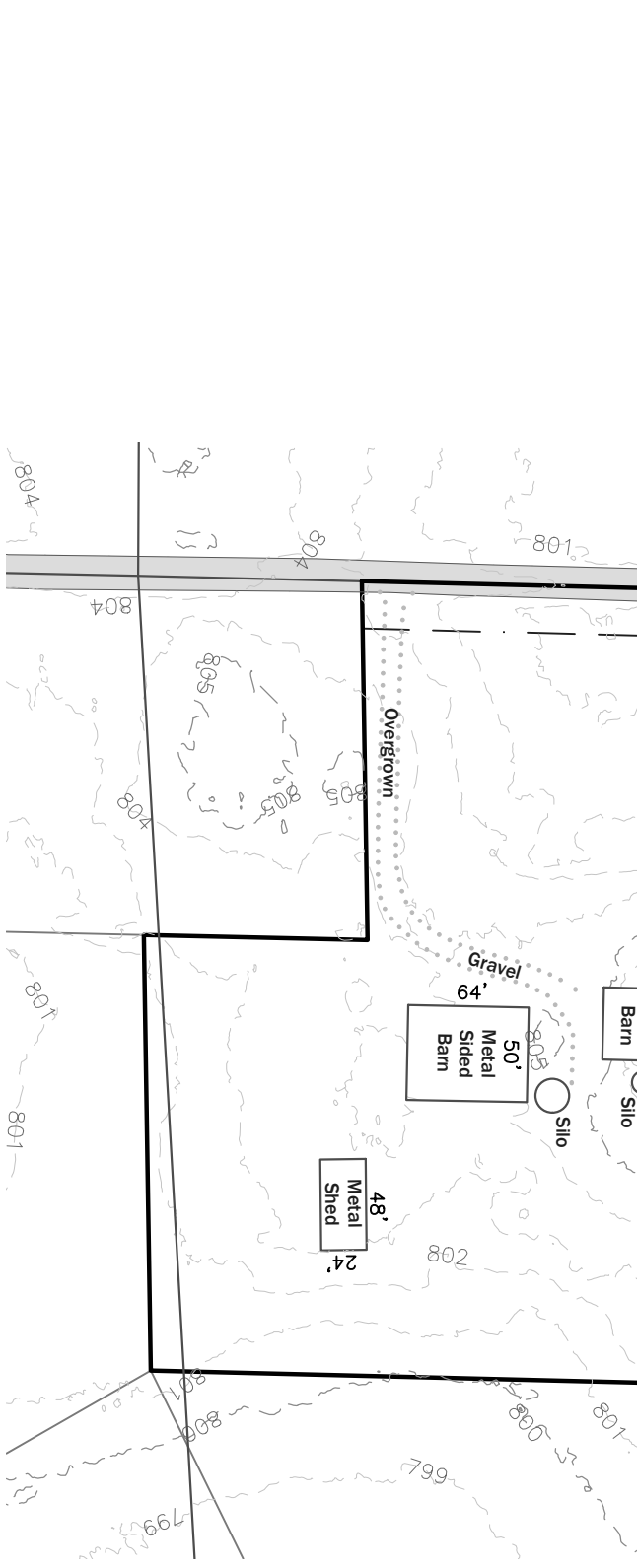
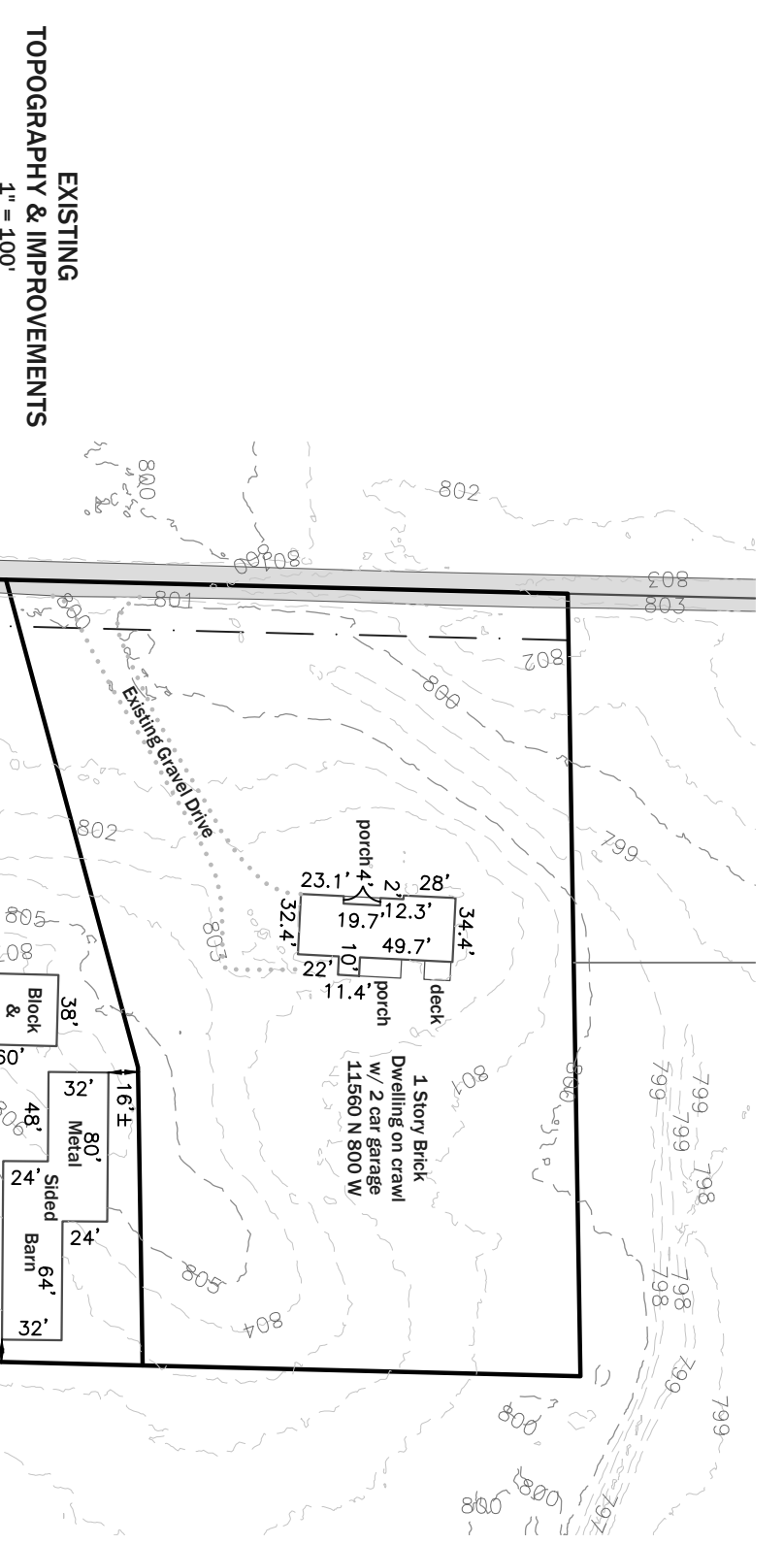
Signed: _____
Scott T. Sumnerford Registration Number: 98900017

NOTES

- The parent tract comprising of Lot 1 and Lot 2 is currently zoned RE (Residential Estate) with a current address of 11560 N Shelby 800 W, New Palestine.
- Waivers are being requested for having a side lot line running over the 15' maximum and subdividing a parent tract under 6 acres.
- At least three deciduous trees with a caliper measurement over 4in shall be preserved on each lot.

FLOOD STATEMENT

- The subject property does not lie within a special flood hazard area per effective FEMA Flood Insurance Rate Map. Panel Number 131450001C effective date of November 5, 2014. The property does not lie within a flood zone according to the 2022 Indiana Best Available Floodplain Layer. An approximate elevation of 793.9 feet is shown as the base flood elevation and this number being 8-10 feet below the general elevation of both lots. Sweet Creek is identified as the contributing stream.



PLAN COMMISSION APPROVAL

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

By: _____ Date: _____
President, Terry Smith
By: _____ Date: _____
Secretary, Scott Gabbard

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

Indiana Registered Surveyor No. 29800017

Copyright © 2023 by Scott T Sumnerford
This document is only considered an original copy if an inked seal and original signature is affixed.

LAST DATE OF FIELDWORK: May 26, 2023
NOTES/REVISIONS: June 27, 2023
NONE TO DATE

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

CLIENT
Steven Wolsiffer
11560 N Shelby 800 W
New Palestine, IN 46163

PROJECT
Simple Subdivision procedure for dividing the parent tract into two residential lots.

INDIANA TITLE 865
BOUNDARY SURVEY

JOB LOCATION
PART OF THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER, SECTION 1 TOWNSHIP 14 NORTH, RANGE 5 EAST, MORAL TWP., SHELBY COUNTY, IN

JOB NUMBER
14N5E1-23-016

ORIGINAL DRAWING SIZE ARCH D SHEET 1 OF 1

Property Details

Location: 11395 N 600 W,
Fountaintown, Moral Township.

Property Size: 6.5-acres.

Current Land Use: Agricultural.

Current 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 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	RE	Estate Residential
South	RE	Estate Residential
East	A2	Estate Residential / Agricultural
West	RE	Woodland

Staff Report

Case Number: SD 23-12

Case Name: Arnold Simple Subdivision

Request

Simple Subdivision of 6.5-acres into a 3-acre building lot and 3.5-acre building lot.

Waivers of Simple Subdivision design standards to allow side lot lines not within fifteen degrees (15°) of a right angle to the street and right-of-way.

Property Map



Case Description

- The petitioner intends to subdivide the property into a 3-acre building lot and 3.5-acre building lot. The 3.5-acre lot currently includes a 2,640 sq. ft. barn and 120 sq. ft. shed.
- Approximately 1.75-acres at the rear of the property along Sugar Creek lies within Federal Emergency Management Agency (FEMA) and Indiana Department of Natural Resources (IDNR) designated Flood Hazard Area Floodway and Flood Fringe. State Code and County Ordinance prohibit development of dwellings in the Floodway. The plat includes a note: Development including single-

family dwellings, accessory structures, and alteration of land in the Designated Flood Hazard Area shall be prohibited.

- The Technical Advisory Committee (TAC) / Site Plan Review Committee would review a detailed site plan including structure layout, elevation of development, drainage infrastructure, and septic system design for compliance with County codes prior to issuance of permits for each new single-family residence.

Staff Analysis Findings of Fact

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 side lot lines not within fifteen degrees (15°) of a right angle to the street and right-of-way.
 - a. Approval of the waiver would allow the boundary of Lot 2 to follow previously established lot lines of the parent tract.
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

APPORVAL

Applicant/Owner Information

Applicant:	Jonna M Arnold 1132 Winding Hart Drive Indianapolis, IN 46229	Owner:	Same
Surveyor:	Scott T Sumerford 3149 N Riley Hwy. Shelbyville, IN 46176		

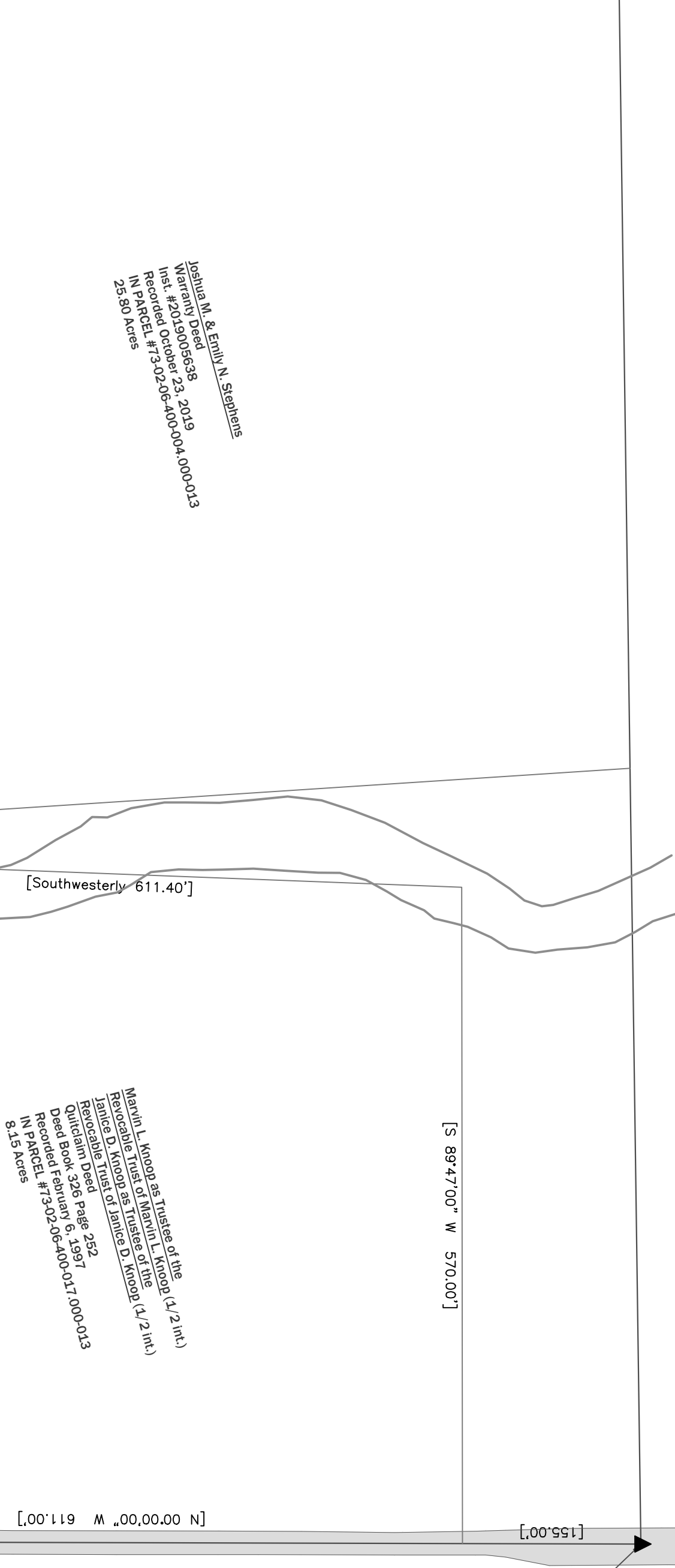
FINAL PLAT FOR ARNOLD SIMPLE SUBDIVISION

By: _____ Date: _____

President, Tom Smith

By: _____ Date: _____

Secretary, Scott Gabbard



EAST QUARTER CORNER SECTION 6-14-6
 1" Diameter pin in concrete found at grade in road pavement about 12' west of the monument. This monument replaced a former railroad spike over a stone after the bridge replacement was completed over Sugar Creek, about a 1/4 mile to the north. Office in 1980. A stone entry was made by County Surveyor Elliott in 1981.

1.5161797238
 E. 2634827.29

1.5161797238
 E. 2634827.29

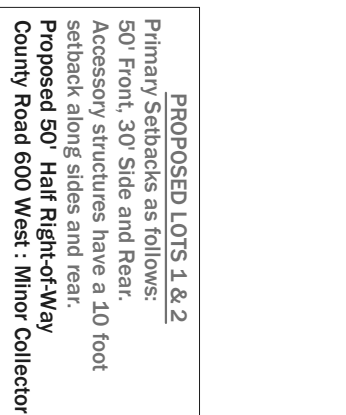
1.5161797238
 E. 2634827.29

CURRENT DESCRIPTION OF PARENT TRACT
 Quietclaim Deed
 No. 2007009224, Recorded August 20, 2007
 Jonna M. Arnold
 to
 Jonna M. Arnold

Beginning at a masonry nail on the east line of the Southeast quarter of Section 6, Township 14 North, Range 6 East, in Morf Township, Shelby County, Indiana, said point being 1,460.25 feet North 00 degrees 00 minutes 00 seconds East (assumed bearing of the Southeast corner of said quarter section; and running North 00 degrees 00 minutes 00 seconds East 421.185 feet along the East line of said quarter section; to another masonry nail (set point being 169.10 East 80 degrees 00 minutes 00 seconds East 101.00 feet to the Northeast corner of said quarter section; thence North 00 degrees 00 minutes 00 seconds East 101.00 feet to the approximate center of Sugar Creek; thence the next four courses along the approximate center of said creek; thence South 16 degrees 21 minutes 25 seconds West 209.45 feet; thence South 33 degrees 11 minutes 15 seconds West 158.00 feet; thence South 80 degrees 23 minutes 10 seconds West 249.55 feet; to a point; thence North 88 degrees 56 minutes 15 seconds East 1032.75 feet to the point of beginning, containing 7.13 acres, more or less.

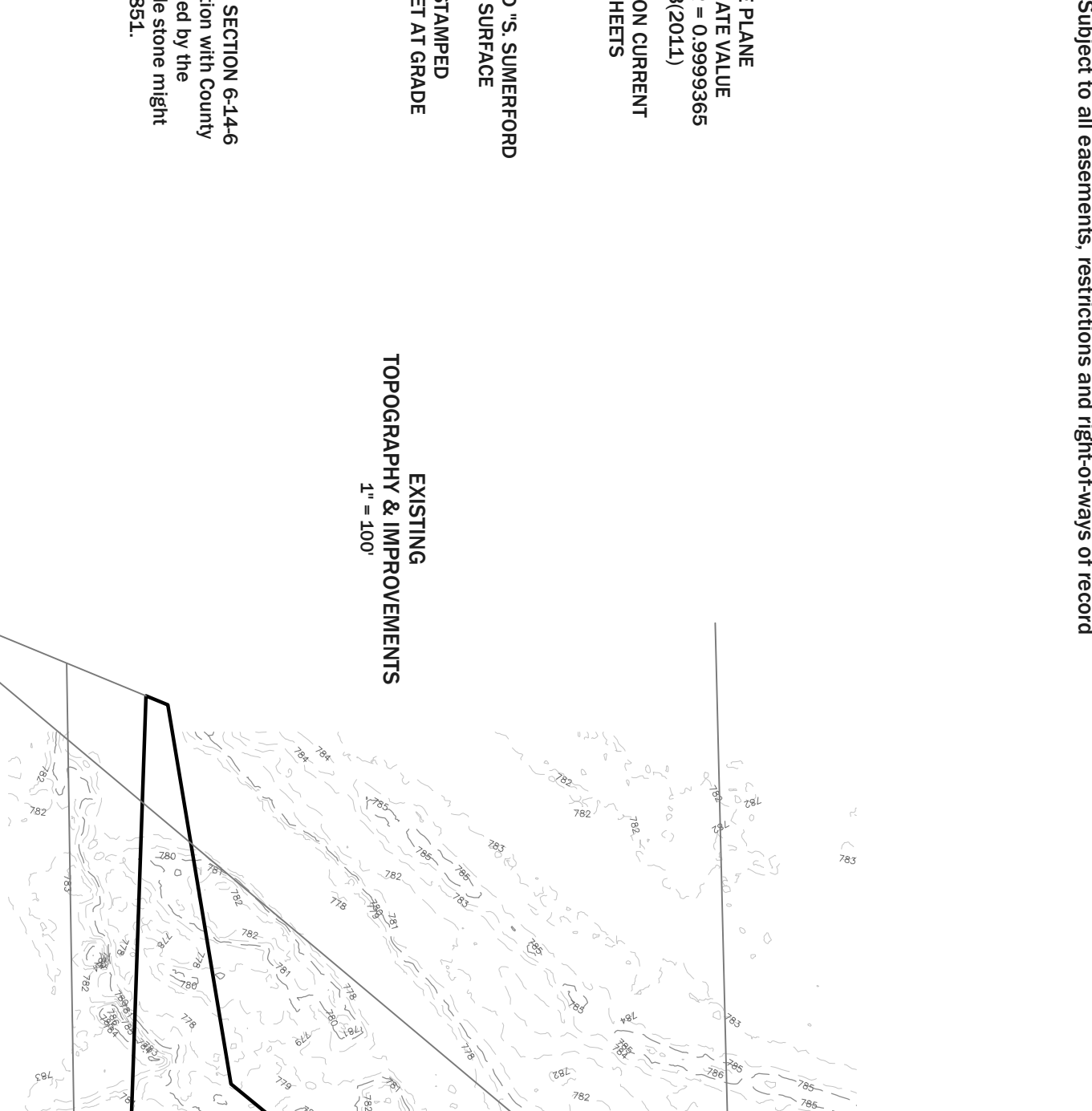
LEGAL DESCRIPTION LOT 1
 Part of the southeast quarter of Section Six (6), Township Fourteen (14) North, Range Six (6) East, Morf Township, Shelby County, Indiana, being part of a certain 1.13 acre tract as surveyed by Stephen H. Kuhn, #44N665-23-015 by Scott T. Sumnerford, RLS#2980017, certified June 27, 2023, and being more particularly described as follows:
 Commencing at the southeast corner of the southeast quarter of said section 6-14-6, said point being marked by a rebar; thence along the east line of said southeast quarter, North 00° 00'00" East (basis of bearings assumed) 1668.10 feet to a magallin and washer stamped "S. Sumnerford 9800017" at the point of beginning of the herein described tract;
 Thence North 89° 44'42" West 586.86 feet passing through a capped rebar stamped "S. Sumnerford 2980017"; a total of 659.91 feet to the southeast corner of Big Sugar Creek and the west line of said 7.13 acre tract; thence along the west and north lines of said tract the following two (2) courses:
 (1) along the former centerline of said creek, North 16° 21'25" East 209.45 feet;
 (2) North 89° 02'35" East 601.01 feet to the east line of said southeast quarter; thence along said east line, South 00° 00'00" East 213.95 feet to the point of beginning, containing 3.000 acres.
 Subject to all easements, restrictions, roadways and rights of way of record.

LEGAL DESCRIPTION LOT 2
 Part of the southeast quarter of Section Six (6), Township Fourteen (14) North, Range Six (6) East, Morf Township, Shelby County, Indiana, being part of a certain 7.13 acre tract as surveyed by Stephen H. Kuhn, #44N665-23-015 by Scott T. Sumnerford, RLS#2980017, certified June 27, 2023, and being more particularly described as follows:
 Commencing at the southeast corner of the southeast quarter of said section 6-14-6, said point being marked by a rebar; thence along the east line of said southeast quarter, North 00° 00'00" East (basis of bearings assumed) 1668.10 feet to the southeast corner of said 7.13 acre tract and the point of beginning of the herein described tract;
 Thence along the northerly line of a certain 0.61 acre tract as described in Instrument No. 20050054175, recorded July 12, 2005 in the Office of the Shelby County Recorder, North 88° 10'08" West 1012.08 feet to the former centerline of Big Sugar Creek and the west line of said 7.13 acre tract; thence along the west lines of said tract and former creek centerline the following three (3) courses:
 (1) North 22° 11'45" East 15.29 feet;
 (2) North 89° 02'35" East 158.00 feet;
 (3) North 38° 11'45" East 158.00 feet;
 thence along the right-of-way of a capped rebar stamped "S. Sumnerford 2980017"; a total of 659.91 feet to the east line of said southeast quarter; thence along said east line, South 00° 00'00" East 207.70 feet to the point of beginning, containing 3.521 acres.
 Subject to all easements, restrictions and right-of-ways of record



PROPOSED LOTS 1 & 2
 Part of the southeast quarter of Section Six (6), Township Fourteen (14) North, Range Six (6) East, Morf Township, Shelby County, Indiana, being part of a certain 7.13 acre tract as surveyed by Stephen H. Kuhn, #44N665-23-015 by Scott T. Sumnerford, RLS#2980017, certified June 27, 2023, and being more particularly described as follows:
 Commencing at the southeast corner of the southeast quarter of said section 6-14-6, said point being marked by a rebar; thence along the east line of said southeast quarter, North 00° 00'00" East (basis of bearings assumed) 1668.10 feet to the southeast corner of said 7.13 acre tract and the point of beginning of the herein described tract;
 Thence along the northerly line of a certain 0.61 acre tract as described in Instrument No. 20050054175, recorded July 12, 2005 in the Office of the Shelby County Recorder, North 88° 10'08" West 1012.08 feet to the former centerline of Big Sugar Creek and the west line of said 7.13 acre tract; thence along the west lines of said tract and former creek centerline the following three (3) courses:
 (1) North 22° 11'45" East 15.29 feet;
 (2) North 89° 02'35" East 158.00 feet;
 (3) North 38° 11'45" East 158.00 feet;
 thence along the right-of-way of a capped rebar stamped "S. Sumnerford 2980017"; a total of 659.91 feet to the east line of said southeast quarter; thence along said east line, South 00° 00'00" East 207.70 feet to the point of beginning, containing 3.521 acres.
 Subject to all easements, restrictions and right-of-ways of record

LEGEND
 N 187621.40 INDIANA STATE PLANE
 GPR CONTROL POINT
 571.75000000000000000000
 DATUM: NAD83(2011)
 SECTION CORNER REPRESENTED ON CURRENT SHEET BY COUNTY SURVEYOR THE SHEETS
 ▲ SHELBY COUNTY SURVEYOR THE SHEETS
 ● IRON PIPE FOUND AS NOTED
 ○ MAGNAIL AND WASHER STAMPED "S. SUMNERFORD L59800017" RECESSED IN ROAD SURFACE
 ● 5/8" REBAR WITH PLASTIC CAP STAMPED "S. SUMNERFORD L59800017" SET AT GRADE
 [...] INDICATES RECORD DIMENSION
 TOPOGRAPHY & IMPROVEMENTS
 1" = 100'



SURVEYOR'S REPORT

The subject property is being divided as a simple subdivision for the purpose of creating another buildable parcel for possible sale by the client. The other buildable part of the property is planned for a future dwelling for the client's use.

In accordance with Title 865, Article 1, Chapter 12, Section 12.1 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.
- Occupation or possession lines
- There is apparent ignorance to the boundary lines with the north and south adjoining property owners. This is observed only by the mowing patterns of the neighbors. No permanent improvements to cause problems.
- The rear lines of these tracts were defined by the approximate center of the creek at the time of the 1994 survey. The rebar stakes were set on the creek bank. The creek has significantly changed over the years and the location of the creek is now different. The rebar stakes were set on the creek bank and around the creek. The rebar stakes were set on the creek bank and around the creek. The rebar stakes were set on the creek bank and around the creek.
- There is a gap in title between the subject property and the Kropf property to the north. According to Steve Kropf's deed, the property (previously owned by Kropf) was divided into two (2) tracts with a fence near the quarter section line. This gap measures to almost 8 feet at its peak, at the west end where the creek is.
- Relative positional accuracy of measurements
- The lines and corners retraced or established by this survey have been executed meeting Title 865, Indiana Administrative Code 1-1-7 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 12.1 of Title 865, Article 1 of the Indiana Administrative Code.

DATE: June 27, 2023

Signed: _____
 Scott T. Sumnerford Registration Number: 9800017

NOTES

- The parent tract comprising of Lot 1 and Lot 2 is currently zoned RE (Residential Estate) with a current address 11395 N 600 W, Fountainview.
- At least three deciduous trees with a caliper measurement over 4in shall be preserved on each lot.
- A waiver is being requested from the maximum 15° angle for a side lot line on Lot 2 per IUD 7.15.

FLOOD STATEMENT

- The roughly western 1/3 of the subject property does lie within a special flood hazard area per effective FEMA Flood Insurance Rate Map, Panel Numbers 1814500010C and 1814500020C effective date of November 5, 2014. This property portion also does lie within a flood zone according to the 2022 Indiana Best Available Floodplain layer. An approximate elevation of 786.9 feet is shown as the base flood elevation with Sugar Creek identified as the contributing stream.
- Development including single-family dwellings, accessory structures, and alteration of land in the Designated Flood Hazard Area shall be prohibited.

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

Indiana Registered Surveyor No. 29800017

Copyright © 2023 by Scott T Sumnerford
 This document is only considered an original copy if an inked seal and original signature is affixed.

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: _____

May 26, 2023
 June 27, 2023

LAST DATE OF FIELDWORK
 CERTIFICATION DATE
 NOTES/REVISIONS
 NONE TO DATE

CLIENT
 Jonna Arnold
 1132 Winding Hart Drive
 Indianapolis, IN 46229

PROJECT
 Simple Subdivision procedure for dividing the parent tract into two residential lots.

INDIANA TITLE 865
BOUNDARY SURVEY

JOB LOCATION
 PART OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 14 NORTH, RANGE 6 EAST, MORF TOWNSHIP SHELBY COUNTY, INDIANA

JOB NUMBER
 14N6E6-23-015

ORIGINAL DRAWING SIZE ARCH D SHEET 1 OF 1

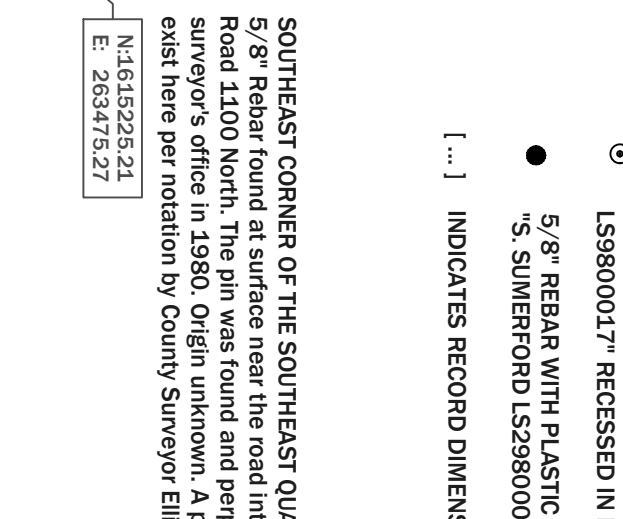
OWNER: Jonna M. Arnold (Seal)
 State of Indiana)
 County of Shelby)

ONMERSHIP CERTIFICATE
 I, Jonna M. Arnold of Marion County, Indiana, do hereby certify that I am the owner of the property described in the above captioned and that as such owner have caused the property to be surveyed and subdivided as shown on the hereon drawn plat, as my own free and voluntary act and deed.

_____ a Notary Public in and for said County and State do hereby certify that

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

Notary Public _____ (Seal)



SOUTHEAST CORNER OF THE SOUTHEAST QUARTERS SECTION 6-14-6
 A 1" diameter iron pipe found at grade in road pavement about 12' west of the surveyor's office in 1980. The pin was found and repositioned by the County Surveyor's office in 1980. Origin unknown. A possible stone nail might exist here per notation by County Surveyor Elliott, 1981.

N 18151235.21
 E. 263475.27

Property Details

Location: North of and adjoining 11884 N SR 9, Fountaintown, Van Buren Township.

Property Size: 2.2-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
C2 (Highway Commercial)

This district is established for commercial uses that are closely related to the special needs of the traveling public, interstate commerce, trucking and, in general, vehicular traffic along interstates and major state highways.

Plan Commission: Use this zoning district for existing developments and carefully for new commercial development.

**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	I1	Self-Storage Facility
East	A1	Cropland
West	C2	Cropland

Staff Report

Case Number: RZ 23-16 / SD 23-13
Case Name: Second Circle Investments LLC Rezoning – A1 (Conservation Agricultural) to C2 (Highway Commercial) & Nolan Farms Simple Subdivision

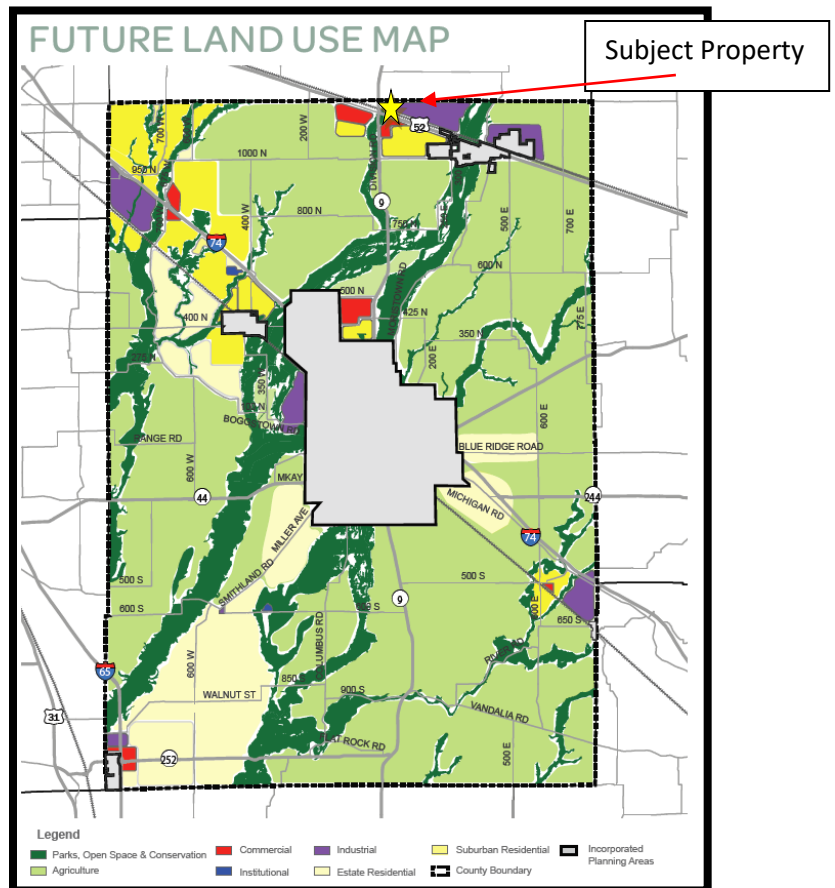
Requests

Rezoning of 2.2-acres from the A1 (Conservation Agricultural) District to the C2 (Highway Commercial) District to allow for development of the property for medium-intensity retail use.

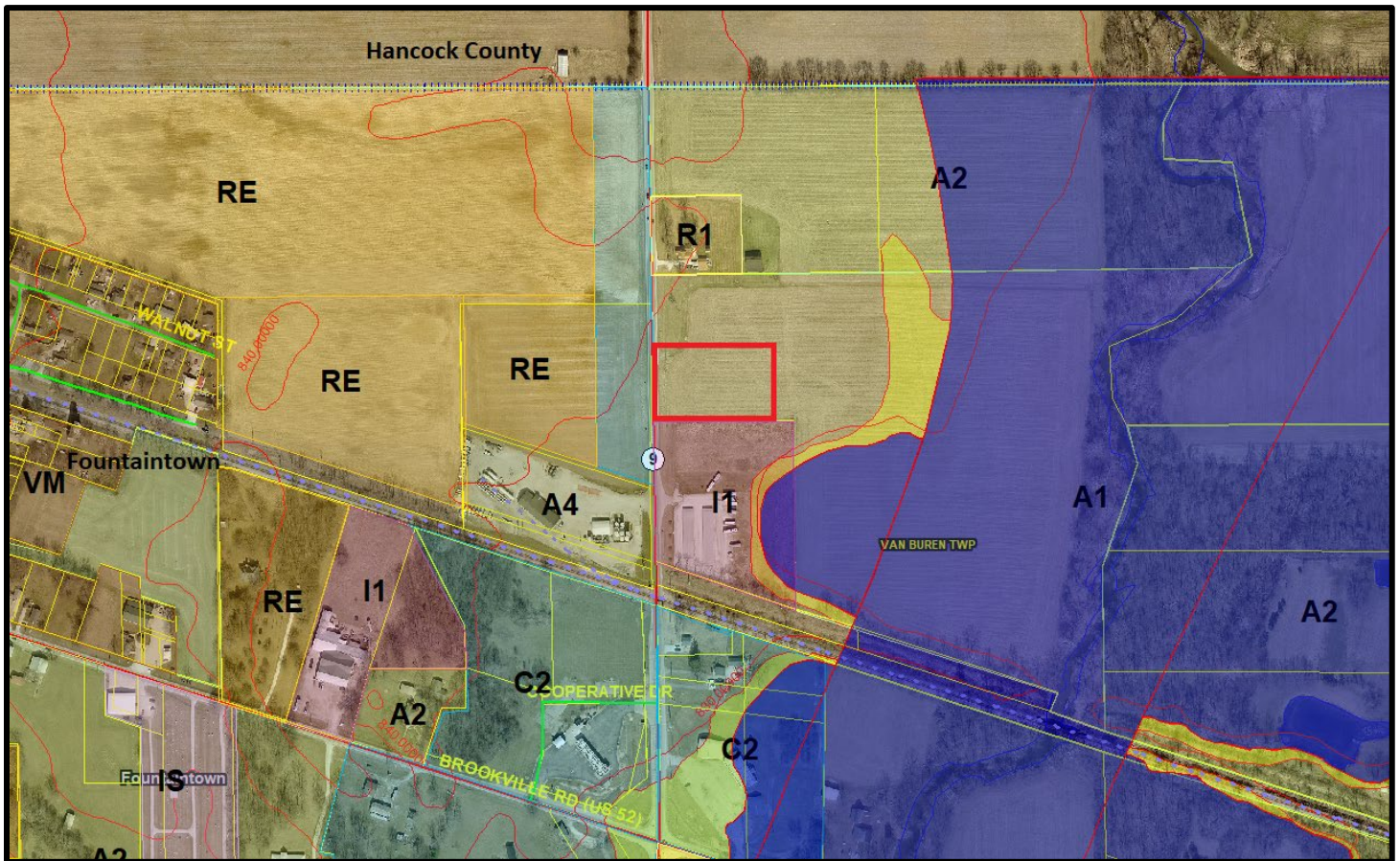
Simple Subdivision of a 2.2-acre commercial lot from a 30.69-acre parent tract.

Waiver of subdivision type standards to allow for Simple Subdivision of property zoned C2 (Simple Subdivisions only permitted for property zoned A3, A4, or RE).

Future Land Use Map



Property Map



Case Description

- The petitioner intends to develop the property for a medium-intensity retail establishment.
- Proposed development includes a 10,640 sq. ft. retail building, 24-space parking lot in front of the building, 11-space parking lot along the north side of the building, outdoor trash storage area, pylon sign, well, septic field, and storm basin. The site plan also shows a proposed stormwater easement across the property to the east to Brandywine Creek.
- Notable development standards included in the UDO which would apply to the development include the following:
 - Landscape Buffer “B” along the north and east property lines: One (1) canopy tree and two (2) ornamental or evergreen trees shall be planted for every sixty (60) feet of contiguous boundary with the adjacent lot. Each tree shall be planted within fifteen (15) feet of the property line, but no closer than five (5) feet to the property line.
 - Eight (8) trees along SR 9.
 - Eight (8) deciduous trees within the interior of the lot.

- Visual relief along all facades, such as moldings, columns, or faux windows.
 - Ground Sign: Maximum area of 45 sq. ft. & maximum height of 6-feet.
 - All site lighting must be full cut-off fixtures.
 - Paved driveway, parking, and maneuvering areas.
- The proposed parking lot does not comply with the minimum 40-foot front setback requirement for parking lots. The petitioner must obtain a development standards variance from the BZA or amend the site plan prior to development of the property.
 - The property has access to electric lines and a gas line, however, does not have access to public water or public sanitary sewers. The developer plans to install a well and must submit septic system plans to the State Department of Health prior to development of the lot.
 - The UDO permits Type 3 Retail, Medium Intensity in the C2 District. The UDO defines Type 3 Retail, Medium Intensity as *retail businesses that have a moderate impact on neighboring properties, traffic generation, and public safety. Example businesses include a: antique shop, apparel shop, art and craft supplies, book store, boutique, building supply store (small), convenience store (large), department store (small), drug store (large), fabric shop, furniture shop (small), garden shop, gift shop (large), grocery/supermarket (small), home electronics/appliance store (small), liquor sales, music/media shop, office supply store (small), party/event store (small), pawn shop, pet grooming/store, plant nursery, print shop/copy center, pro shop, quick cash/check cashing, shoe store/repair, sign shop, sporting goods (small), variety store (small) and video/DVD rental.*
 - Staff recommended that the petitioner apply to rezone the property to C2, rather than VM like other recently approved medium-intensity retail establishments, due to the intent of the C2 District indicated in the UDO. Specifically, the UDO recommends C2 zoned properties near interchanges of arterial streets and adjacent to other C2 zoned properties.
 - The Site Plan/Technical Advisory Committee, which consists of the Planning Director, Health Department Environmental Technician, and a representative from the County Commissioners would review a detailed site plan prior to issuing construction permits. USI Consultants, Inc would review the drainage plans to ensure that the project complies with the County's Drainage & Sediment Control Ordinance.

Staff Analysis Findings of Fact

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

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

- The UDO designates the adjacent C2 and I1 (Low Intensity Industrial) Districts as compatible districts with the C2 District. The owner selling the property to the petitioner owns the adjacent property in the A1 District.

- The proposed zoning and development would not conflict with existing commercial development south of the property.

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

- The UDO recommends the C2 District only within 600-feet of intersections of arterial streets. The property lies within 600-feet of existing commercial development adjacent to the SR 9 / US 52 Interchange.
- Approval of the rezoning would allow for development of a retail service not currently available in the unincorporated community of Fountaintown and or near surrounding areas recommended for residential development by the Comprehensive Plan, which would encourage the retention of existing residents and attraction of new residents to the area.
- Approval of the rezoning would allow for development of a retail establishment to service the traveling public at a major intersection between Shelbyville, Greenfield, Morristown, and New Palestine.

3. The Conservation of Property Values throughout the Jurisdiction

Development of the site for medium intensity retail use would not impact adjacent higher intensity agricultural, commercial, and industrial uses.

4. Responsible Development and Growth

- The property has access to a state road constructed to withstand a high volume of traffic. The State has also begun improvements to the SR 9 / US 52 Interchange.
- The property has access to electric and gas facilities.
- The developer of the property must submit septic systems plans to the State Department of Health for approval prior to development of the site.

5. The Comprehensive Plan

Future Land Use: The Future Land Use Map shows the property as Parks, Open Space, and Conservation due to proximity to a designated floodplain. However, the property does not lie in the floodplain and the map designates adjacent properties at the SR 9 / US 52 interchange for commercial use. Therefore, approval of the rezoning does not significantly conflict with the future land use map.

Community Character Goal 1: Focus on reinvestment and improvement within existing populated areas and rural town centers.

- Strategy 3: Encourage and support improvements to properties and amenities in communities where it is desired to retain and attract residents.
- Strategy 4: Work to create additional entertainment and shopping opportunities which appeal to future generations.
- Strategy 5: Provide opportunities and resources which allow communities to grow in population.

Transportation Systems Goal 1: Coordinate with adjacent jurisdictions to identify opportunities for future transportation and expansion of utilities.

- Strategy 4: Improve roads and infrastructure to areas identified for future development. Ensure roadways can handle future traffic volumes and vehicle types based on intended and anticipated future uses.

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 2: Encourage additional development of residences, recreational venues, industries, and retail establishments in areas which will benefit currently populated portions of the county.
- Strategy 3: Identify and promote development areas for all major land use types identified on the Future Land Use Map.
- Strategy 5: Actively recruit investment at identified prime locations/ destinations/opportunity areas.
- Strategy 6: Focus resources on areas having infrastructure that will support development and encourage transition of developed areas without infrastructure to agricultural uses.

Economic Development Goal 1: Attract new residents, businesses, and employers to key parts of the County.

- Strategy 4: Encourage housing in existing communities and ensure appropriate amenities are included with new development.
- Strategy 5: Develop incentives to encourage residential building and development in desired growth locations.

Economic Development Goal 2: Encourage diversity in business and industry throughout the County.

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 VM.
3. The subdivision of land satisfies the standards of Article 07: Design Standards.
4. The subdivision of land satisfies any other applicable provisions of the Unified Development Ordinance.
5. The subdivision of land satisfies the construction requirements of Shelby County's Construction Standards.
6. Approval of the waiver would allow for subdivision of a commercial property that does not require internal streets, shared utilities, additional landscape buffers, and other standards generally applicable to multi-lot commercial subdivisions.

Staff Recommendation

Staff recommends **APPROVAL** of the **Rezoning, Simple Subdivision, and Waiver** primarily because the property is located near the intersection of two major thoroughfares and near an area recommended for commercial development by the Comprehensive Plan.

Staff recommends 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 current and any future 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.

Applicant/Owner Information

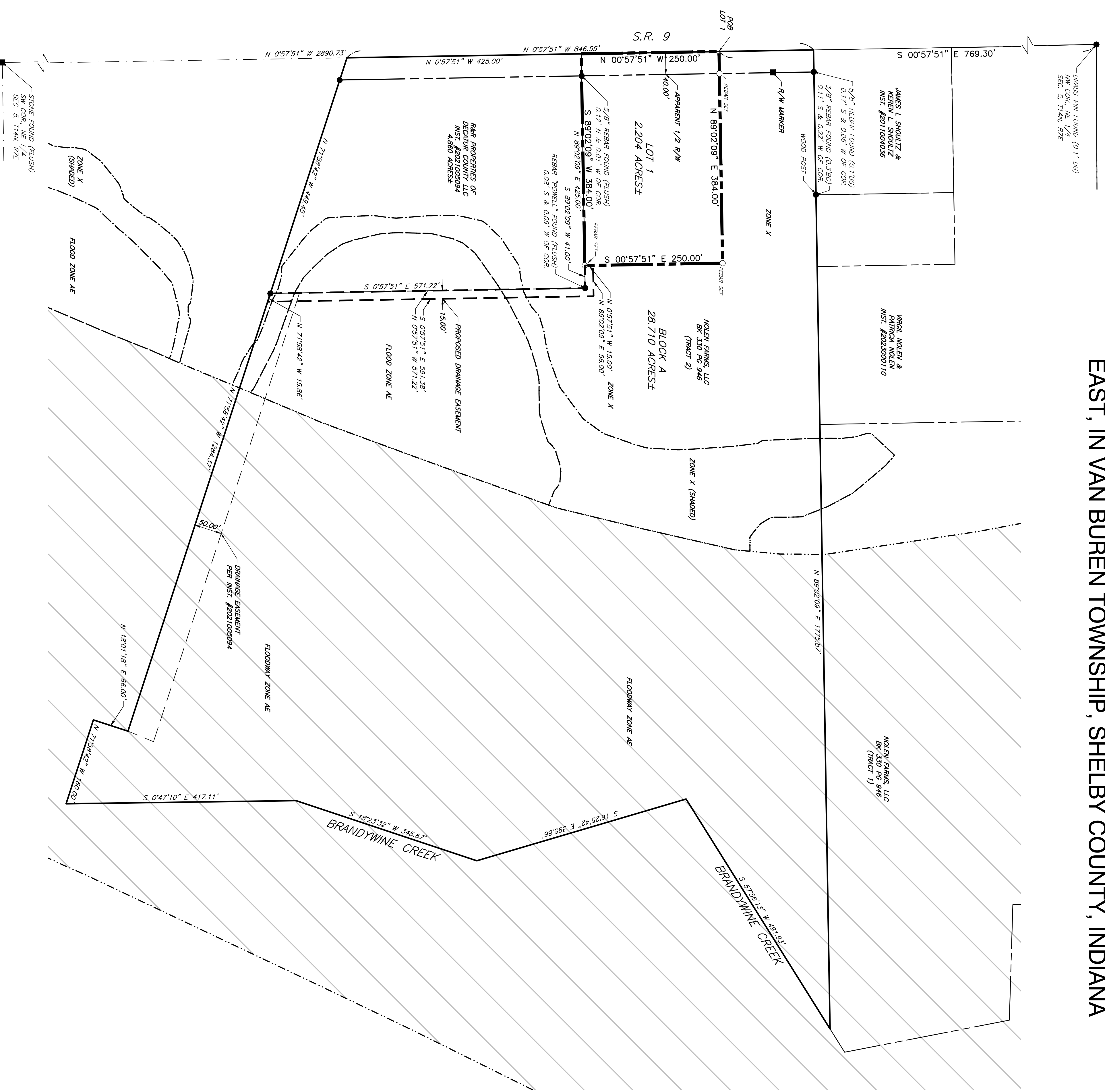
Applicant:	Second Circle Investments LLC 14137 Warbler Way N Carmel, IN 46033	Owner:	Nolen Farms, LLC 4518 E 675 N Shelbyville, IN 46176
Surveyor:	Andrew Rossell – AR Engineering 5725 Venture Park Dr. Ste A Kalamazoo, MI 49009	Attorney:	Briane House – Pritzke & Davis, LLC 728 N State St. Greenfield, IN 46140

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

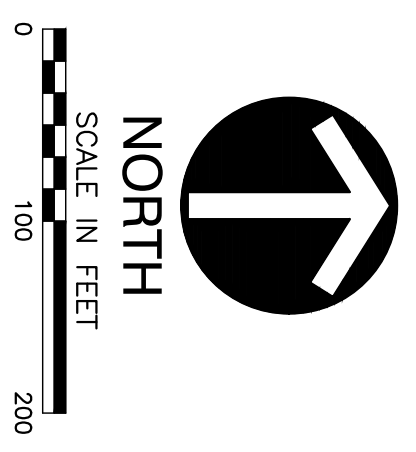
District Intent	Permitted Uses	Special Exception Uses
<p>The C2 (Highway Commercial) District is intended to be used as follows:</p> <p>Use, Type and Intensity</p> <ul style="list-style-type: none"> Moderate to high intensity commercial uses <p>Application of District</p> <ul style="list-style-type: none"> Only permitted within 600 feet of an interstate interchange or intersection of two major arterial streets; however, not appropriate at all interchanges or intersection of major arterial streets Existing and new development Small to medium area zoning <p>Development Standards</p> <ul style="list-style-type: none"> Require quality time, place, and manner development standards to minimize impacts on adjacent properties while encouraging economic vitality Minimize light, noise, water, and air pollution <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> OP, C1, C2, I1, and I2 <p>Plan Commission</p> <ul style="list-style-type: none"> Use this zoning district for existing developments and carefully for new commercial development <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> Allow a special exception use only when it is compatible with the surrounding areas Be sensitive to aesthetics and the potential for light pollution, noise pollution, pedestrian safety, and vehicular safety 	<p>Commercial Permitted Uses</p> <ul style="list-style-type: none"> automobile oriented business bank machine/atm bar/tavern hotel/motel miniature golf office, medical restaurant restaurant with drive-up window retail (type 3), medium intensity retail (type 4) high intensity <p>Institutional Permitted Uses</p> <ul style="list-style-type: none"> bus station police, fire, or rescue station 	<p>Commercial Permitted Uses</p> <ul style="list-style-type: none"> retail (type 5) very high intensity

NOLAN FARMS SIMPLE SUBDIVISION

A PART OF THE NORTHEAST QUARTER OF SECTION 5 TOWNSHIP 14 NORTH, RANGE 7 EAST, IN VAN BUREN TOWNSHIP, SHELBY COUNTY, INDIANA



- EXISTING LEGEND:**
- PROPOSED PROPERTY LINE
 - EXISTING PROPERTY LINE
 - EXISTING ADJACENT PROPERTY LINE
 - EXISTING RIGHT-OF-WAY
 - EXISTING EASEMENT
 - R/W MONUMENT FOUND
 - STONE FOUND
 - BRASS/IRON PIN FOUND
 - REBAR FOUND
 - CHIPPED REBAR SET "0122"
 - SECTION CORNER MARK
 - ▲ FENCE POST FOUND
 - ▲ MAG / PK NAIL FOUND



PRELIMINARY SITE PLAN

CITY, STATE - STREET:

FOUNTAIN TOWN, IN - SR-9

PROTOTYPE:	A	DEVELOPER	DESIGNER	DATE:
BLDG/SALES SF:	10,640 / 9,100	COMPANY: SECOND CIRCLE INVESTMENTS	COMPANY: AR ENGINEERING	5/2/23
ACREAGE:	±2.2	NAME: JOE LEONARD	NAME: ANDREW ROSSELL	
PARKING SPACES:	35	PHONE #: (765) 580-0375	PHONE #: (269) 217-8725	
DISTANCE FROM BLDG TO ROAD: 15'				

SITE SUMMARY

SITE AREA: ±95,711 SF (2.2 AC)

SITE DIMENSIONS: 250' x 384'

ZONING: CONSERVATION AGR. (A1)*
*REZONE TO VILLAGE MIXED USE (VM)

BUILDING SETBACKS:
FRONT: 25' FROM R/W
SIDE: 15' FROM P/L
REAR: 20' FROM P/L
PARKING: 50% OF BUILDING SETBACKS

BUILDING AREA: 10,640 SF

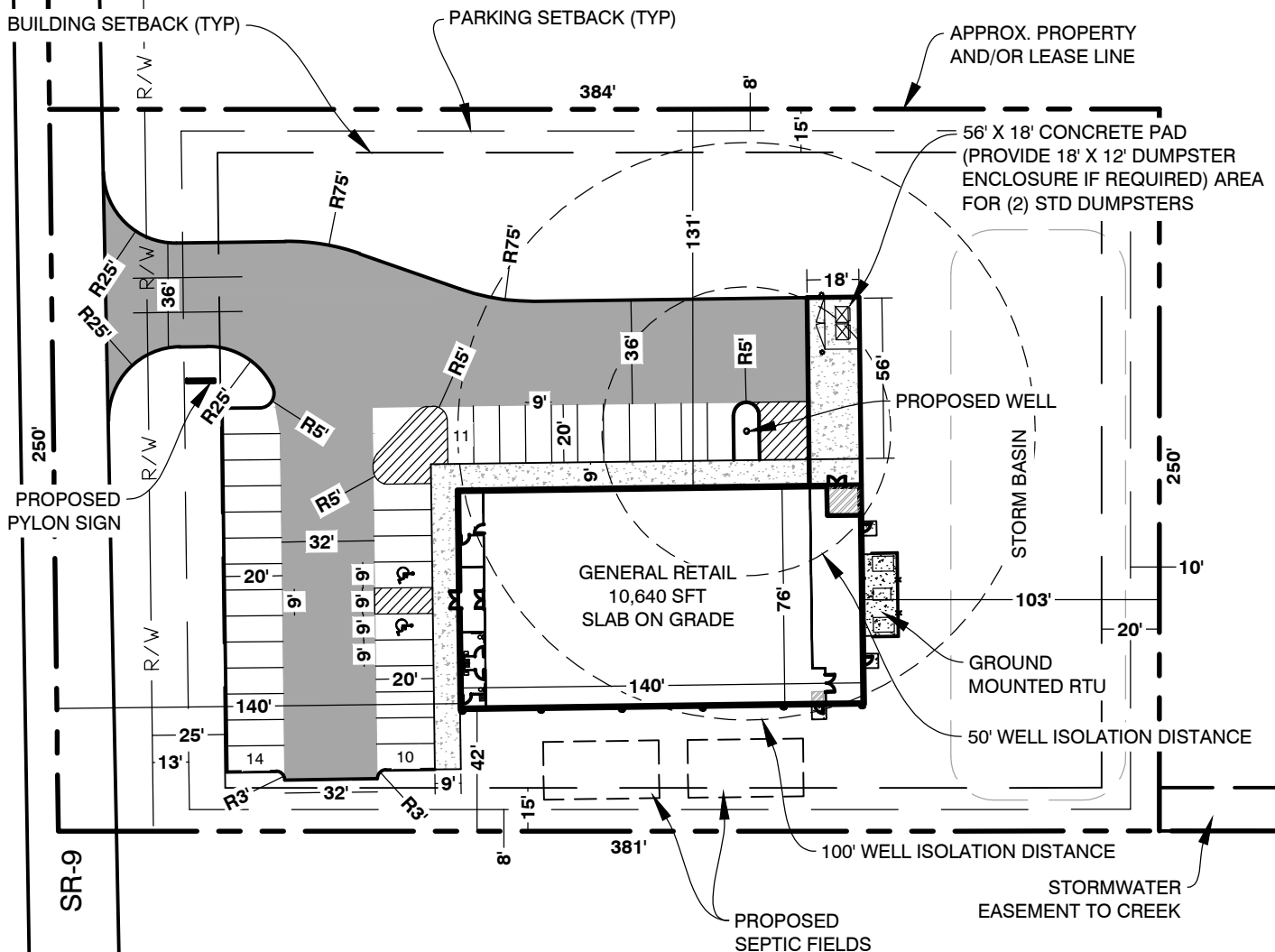
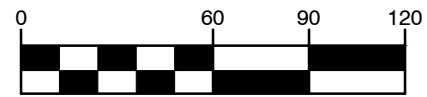
BUILDING COVERAGE: 11.1%

PARKING:
1 SPACE PER 300 SFT OF GFA:
REQUIRED: 35 SPACES
PROVIDED: 35 SPACES

IMPERVIOUS COVERAGE: 37.8%

LANDSCAPING:
COMPLY WITH COUNTY
LANDSCAPING REQUIREMENTS

STORMWATER DETENTION REQUIRED:
COMPLY WITH COUNTY STORM
WATER ORDINANCE



DIMENSIONS SHOWN ALONG PROPERTY, RIGHT-OF-WAY AND/OR LEASE LINES ARE PRELIMINARY AND SHOWN FOR INFORMATIONAL PURPOSES ONLY

ORDINANCE NO 2023 -

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF SHELBY COUNTY, INDIANA, AMENDING THE SHELBY COUNTY UNIFIED DEVELOPMENT ORDINANCE – SPECIFICALLY: ARTICLE 9

WHEREAS, the Board of Commissioners of Shelby County, Indiana recognize the need for orderly growth and development within Shelby County and those areas within its planning jurisdiction;

WHEREAS, Shelby County has an existing Unified Development Ordinance that regulates development within its jurisdictional areas;

WHEREAS, Shelby County desires to update its development regulations to meet current economic conditions, current trends, and to promote quality growth;

WHEREAS, Public Notice was given for at least one public hearing as required by Indiana Code 36-7-4-604; and

WHEREAS, the Shelby County Plan Commission has recommended approval of the amendment to the Unified Development Ordinance as required by Indiana Code 36-7-4-605.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of Shelby County, Indiana as follows:

SECTION 1: That Article 9, Section 9.20: Plan Commission and Board of Zoning Appeals Bylaws and Rules of Procedure is added as follows:

- A. **Plan Commission:** The Plan Commission shall adopt Bylaws and Rules of Procedure to govern qualifications for members and staff, the procedures for petition before the Plan Commission, and the conduct of Plan Commission meetings. In the case of conflicting provisions between Article 5 Processes of the Shelby County Unified Development Ordinance and the effective Bylaws and Rules of Procedure, the provisions of the effective Bylaws and Rules of Procedure shall apply.
- B. **Board of Zoning Appeals:** The Board of Zoning Appeals shall adopt Bylaws and Rules of Procedure to govern qualifications for members and staff, the procedures for petition before the Board of Zoning Appeals, and the conduct of Board of Zoning Appeals meetings. In the case of conflicting provisions between Article 5 Processes of the Shelby County Unified Development Ordinance and the effective Bylaws and Rules of Procedure, the provisions of the effective Bylaws and Rules of Procedure shall apply.

SECTION 2: **Effective Date.** This ordinance shall be in full force and effect from and after its adoption by the Board of Commissioners of Shelby County, Indiana.

SECTION 3: **Repealable Provisions.** All ordinances and parts of ordinances in conflict with the specific amendment herein are hereby repealed.

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

Don Parker, President

Kevin Nigh, Member

Jason Abel, Member

ATTEST:

Amy Glackman, Auditor
Shelby County, Indiana