

# Shelby County Plan Commission

June 23, 2020 at 7:00 PM

\*Amended 6/23/20

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# MEETING AGENDA

Shelby County Plan Commission  
June 23, 2020 at 7:00 P.M.

## CALL TO ORDER

## ROLL CALL

## APPROVAL OF MINUTES

Minutes from the May 26, 2020 meeting.

## NEW BUSINESS

**RZ 20-07 –MATTHEW & ANGELA SETTLES / SETTLES ROLLING HILLS REZONING:** Rezoning of 9.035 acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for a one-lot Simple Subdivision. Located north of and adjoining 3983 S 600 E, Waldron, Liberty Township.

**SD 20-05 –MATTHEW & ANGELA SETTLES / SETTLES ROLLING HILLS SIMPLE SUBDIVISION:** One-lot Simple Subdivision. Located north of and adjoining 3983 S 600 E, Waldron, Liberty Township

**RZ 20-08 –BRC LAND HOLDINGS, LLC REZONING:** Rezoning 16.7 acres from the A1 (Conservation Agricultural) District to the I2 (High Intensity Industrial) District to allow for a contracting office and outdoor storage of contracting equipment. Located at the southeast corner of Frontage Road and N 850 W, Moral Township.

## OLD BUSINESS

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

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

**RZ 20-04 – SUTHERLAND REZONING:** Rezoning of 7.85 acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for three single-family residential building lots. Located at approximately 4498 W 800 N, Fairland, Moral Township.

**SD 20-04 – SUTHERLAND SIMPLE SUBDIVISION:** Three-lot Simple Subdivision & Waivers of Subdivision Design Standards to allow two lots having 25-feet of road frontage (minimum 160-foot required) and to allow for a buildable remaining tract for four (4) building lots total (maximum of 3 building lots permitted for Simple Subdivisions). Located at approximately 4498

W 800 N, Fairland, Moral Township.

**DISCUSSION**

**None.**

**ADJOURNMENT**

The next regular meeting of the Shelby County Board of Zoning Appeals is scheduled for Tuesday, **July 28, 2020** at **7:00 PM**.

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

# Staff Report

## Property Details

**Location:** North of and adjoining 3983 S 600 E, Waldron, Liberty Township

**Property Size:** 9.035 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

**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

**Agricultural**  
*The purpose of this category is to provide for traditional agricultural practices (such as crop production and livestock grazing) and modern agricultural practices (such as agricultural research facilities and CAFOs). Rural home sites may also occur within this category; however, the emphasis should remain on agriculture. New residential subdivisions that remove prime farmland from production should be discouraged. The residential density of this category should be one lot for every five acres.*

### Surrounding Development

	Zoning	Land Use
North	A1	Cropland
South	A2	Residential Estate
East	RE	Residential Estate
West	A1	Cropland

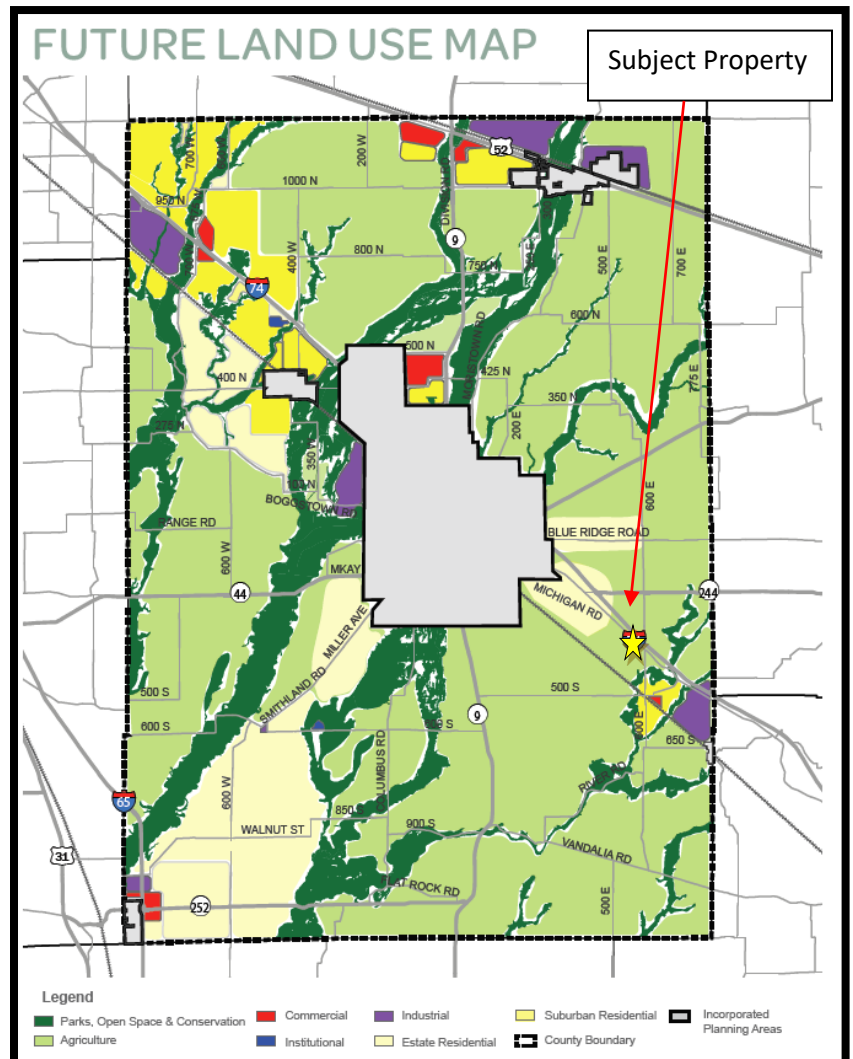
**Case Number:** RZ 20-07 / SD 20-05  
**Case Name:** Settles Rezoning – A1 (Conservation Agricultural) to RE (Residential Estate) & Settles Rolling Hills Simple Subdivision

## Requests

**Rezoning** of 9.035 acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for a one-lot Simple Subdivision.

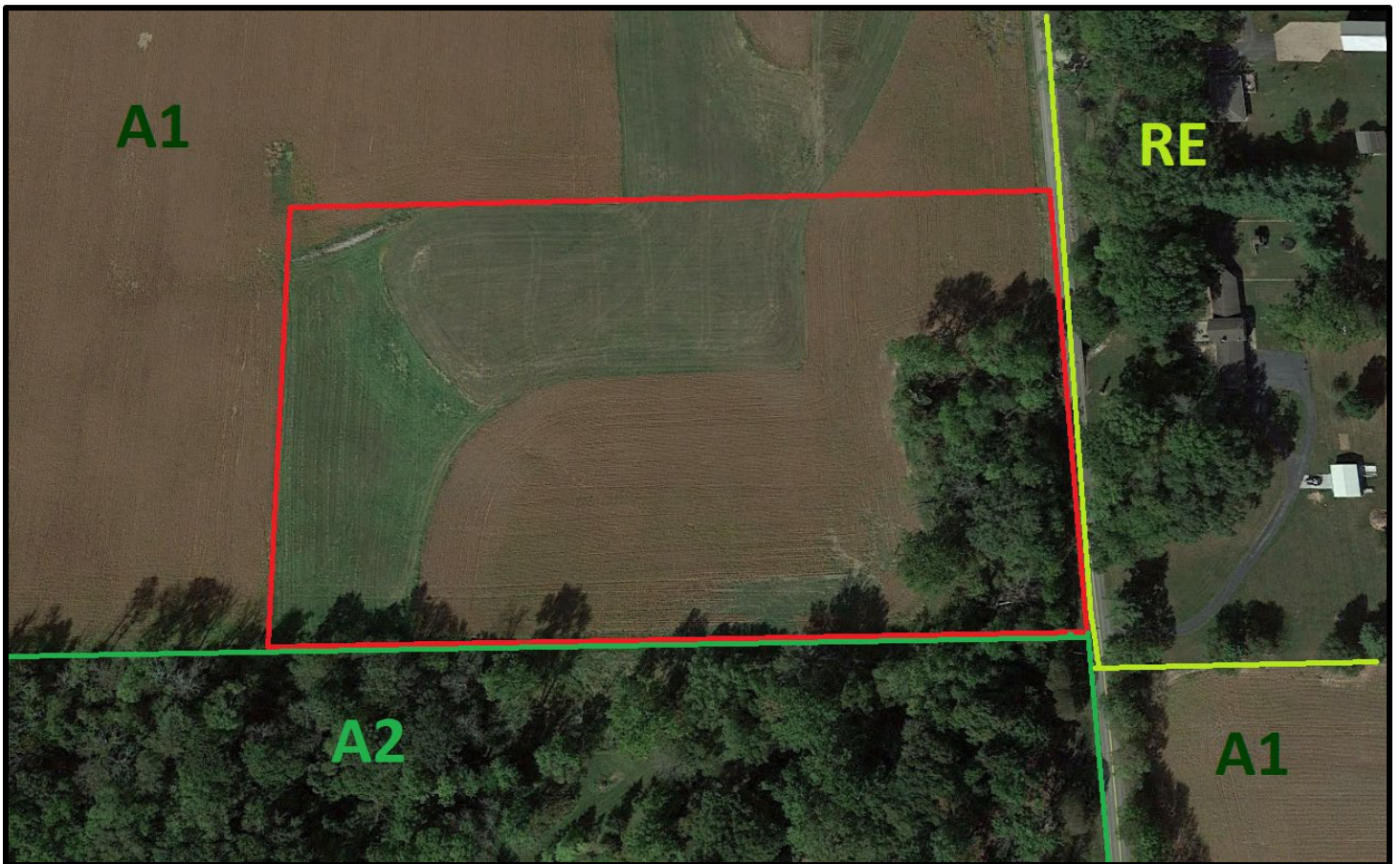
**Simple Subdivision** to allow for subdivision of 9.035-acre lot from a 95.56-acre parent tract.

## Future Land Use Map



## Property Map

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## Case Description

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- Approval of the requests would allow for the development of one single-family residential lot.
- The petitioner proposes to subdivide the property from a 95.56-acre tract currently used for crop production.
- The proposed lot has the road frontage required for properties within the RE District. However, Rhulman's Ditch and elevation variations along the road frontage would pose a difficulty in accessing the property. Therefore, the petitioner plans to record an easement to access the property from Michigan Rd. through the farm field north of the property.
- The southeast corner of the property sits within a floodway designated by DNR's Best Available Data. State regulations and the UDO do not permit construction of dwellings within a designated floodway.
- The USDA Soil Survey identifies most of the property as 'Prime Farmland if Drained' and 'Prime Farmland if protected from flooding or not frequently flooded during the growing season'.

## Staff Analysis Findings of Fact

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

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

The surrounding area includes single-family residences in a rural setting. Development of a 9.035-acre lot with a single-family residence would not conflict with the rural character of the area.

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

Per the USDA Soil Survey, saturated soils and flooding during the growing season restricts agricultural production. Therefore, transition of the property to residential use is desirable.

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

Development of the property with a single-family residence would likely increase the value of the property.

**4. Responsible Development and Growth**

Approval of the rezoning would allow for transition of the property to a residential use consistent with the rural character of the area and on land not suitable for agricultural production.

**5. The Comprehensive Plan**

The Agricultural Land Use Designation discourages new subdivisions in agricultural areas that would remove prime farmland from production and discourages residential development that exceeds one lot per five acres. Approval of the request would not remove prime farmland from production and would not exceed a residential density of one lot per five acres. Therefore, approval would not conflict with the Agricultural Future Land Use Designation of the Comprehensive Plan.

## Staff Recommendation

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**APPROVAL of the Rezoning & Simple Subdivision** primarily because development of the property would not remove prime farmland from production.

### *Applicant/Owner Information*

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Applicant: Matthew & Angela Settles  
4614 E SR 244  
Shelbyville, IN 46176

Owner: Same

Surveyor: Scott T. Sumerford  
3149 N Riley Hwy.  
Shelbyville, IN 46176

RECORD DESCRIPTION OF PARENT TRACTS

Warranty Deed Instrument No. 2011009259, Recorded December 29, 2011, Cunningham Gardens, Inc. to Matthew D. Settles and Angela M. Settles

All that part of the following described real estate which lies South of the centerline of Highway #421, to-wit:

The East Half of the Southeast Quarter of Section 19, Township 12 North, Range 8 East, containing 80 acres, more or less, EXCEPT the following described portion thereof: Beginning at the south east corner of said quarter section and running 236 feet North to a Beginning Point, thence North 16 feet; thence West 32 feet; thence South 16 feet to the Place of Beginning. Containing in the parcel herein described 70 1/2 acres, more or less.

Warranty Deed Instrument No. 2011009271, Recorded December 29, 2011, Cunningham Gardens, Inc.

to Settles Rolling Hills, LLC

Beginning at the Southeast corner of the southeast quarter of Section 19, Township 12 North and Range 8 East and running 236 feet North to a Beginning Point, thence North 16 feet; thence West 32 feet; thence South 16 feet; thence East 32 feet to the Place of Beginning, containing 512 square feet.

LEGAL DESCRIPTION OF LOT 1

Part of the southeast quarter of Section Nineteen (19), Township Twelve (12) North, Range Eight (8) East, Liberty Township, Shelby County, Indiana, being part of survey Job #42N8E19-20-026 by Scott T. Sumnerford, RLS#29800017, certified June 23, 2020 and being more particularly described as follows:

Beginning at the southeast corner of the southeast quarter of said section 19-12-8, said point being marked by a maginal over a Shelby County Surveyor Monument; thence along the south line of said quarter section, South 88° 22' 44" West (basis of bearings being Indiana State Plane East Zone) 820.00 feet to a capped rebar stamped "S, Sumnerford 29800017"; thence parallel to the east line of said quarter, North 00° 57' 33" West 480.00 feet to a capped rebar stamped "S, Sumnerford 29800017"; thence parallel to the south line of said quarter, North 88° 22' 44" East 820.00 feet to a maginal and washer stamped "S, Sumnerford 29800017" on the east line of said quarter; thence along said east line, South 00° 57' 33" East 480.00 feet to the point of beginning, containing 9,039 acres.

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

EASEMENT DESCRIPTION

An easement for ingress and egress being a strip of ground Twenty-five (25) feet wide located in the southeast quarter of Section Nineteen (19), Township Twelve (12) North, Range Eight (8) East, Liberty Township, Shelby County, Indiana, said easement being a part of survey Job #42N8E19-20-026 by Scott T. Sumnerford, RLS#29800017, certified June 23, 2020 and being more particularly described as follows: Beginning at the southeast corner of the southeast quarter of said section 19-12-8, said point being marked by a maginal over a Shelby County Surveyor Monument; thence along the east line of said quarter section, North 00° 57' 33" West (basis of bearings being Indiana State Plane East Zone) 480.00 feet to a maginal and washer stamped "S, Sumnerford 9800017" at the northeast corner of said 9,039 acre tract; thence along the north line of said tract, South 88° 22' 44" West 294.18 feet to the point of beginning of the herein described centerline.

Commencing at the southeast corner of the southeast quarter of said section 19-12-8, said point being marked by a maginal over a Shelby County Surveyor Monument; thence along the east line of said quarter section, North 00° 57' 33" West (basis of bearings being Indiana State Plane East Zone) 480.00 feet to a maginal and washer stamped "S, Sumnerford 9800017" at the northeast corner of said 9,039 acre tract; thence along the north line of said tract, South 88° 22' 44" West 294.18 feet to the point of beginning of the herein described centerline. Thence North 26° 06' 11" East 69.40 feet; thence North 02° 29' 39" East 385.46 feet; thence North 00° 57' 32" West 1072.59 feet; more or less to the centerline of Michigan Road and the point of termination of the herein described easement. Subject to all easements, restrictions and right-of-ways of record.

W 1/2 SE 1/4

OWNERSHIP CERTIFICATE

We, Matthew D. Settles and Angela M. Settles of Shelby County, Indiana, do hereby certify that we are the owners of the property described in the above captioned and that as such owners have caused the property to be surveyed and subdivided as shown on the hereon drawn plat, as our own free and voluntary act and deed.

Matthew D. Settles (Seal)

Angela M. Settles (Seal)

State of Indiana ) County of Shelby )

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)

PLAN COMMISSION APPROVAL

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

By: President, Douglas Wernicke Date: Secretary, Scott Gabbard Date:

FINAL PLAT FOR

THE HOMESTEAD SIMPLE SUBDIVISION

SURVEYOR'S REPORT

The southeasterly corner of the clients 95.6 acre farm is being subdivided for the purpose of conveying property to family for the construction of a new dwelling.

In accordance with Title 865, Article 1, Chapter 12, Section 12, of the Indiana Administrative Code, the following report explains the cause and amount of uncertainty in those lines and corners because of the following:

- A) Availability and condition of reference monuments.
B) Occupation or possession lines
C) Uncertainty in these original quarter lines is estimated at 5 feet or less based on past perpetuation efforts.
D) The north line of the parent parcel is defined as "all that estate south of US 421 centerline". This centerline was needed for the termination point of the proposed access easement and was approximately calculated based upon the 1928 No1456c4 project for the Shelbyville and Greensburg Road. The visible centerline seam in the underlying concrete pavement was best fitted with the alignment.
E) There are no existing or created title discrepancies between the proposed lot and the surrounding title holders.
F) Relative positional accuracy of measurements
G) The lines and corners retraced or established by this survey have been executed meeting Title 865, Indiana Administrative Code 1-12-7 and falls under a Suburban Survey Classification with a relative positional accuracy of 0.13 feet + 100 ppm.

SURVEY CERTIFICATION

I hereby certify that this survey was performed under my direct supervision and to the best of my knowledge and belief was executed to minimum standards of practice as contained in Rule 12, of Title 865, Article 1, of the Indiana Administrative Code. DATE: June 23, 2020

Signed: Scott T. Sumnerford Registration Number: 9800017

W 1/2 SE 1/4

PRO FORMA SURVEY PRELIMINARY COPY IN ACCORDANCE WITH TITLE 865, ART. 1, IAC 1-12-12

NOTES -The subject property is being rezoned to RE (Residential Estate) from an A1 (Conservation Agricultural) zoning.

-The subject property does not lie within a special flood hazard area per effective FEMA Flood Insurance Rate Map, Panel Number: 81450C210C which is within a Zone X, area of minimal flood hazard. The southeasterly portion of the subject property does lie within the 2019 Indiana Best Available Floodplain Layer as indicated on the attached DNR file. An approximate flooding elevation of 534.0 feet was determined from the Indiana DNR file. The subject property is not within the 100-year flood plain of the Indiana DNR Zone A study for the unnamed tributary to Conns Creek. (Rhinman's Ditch)

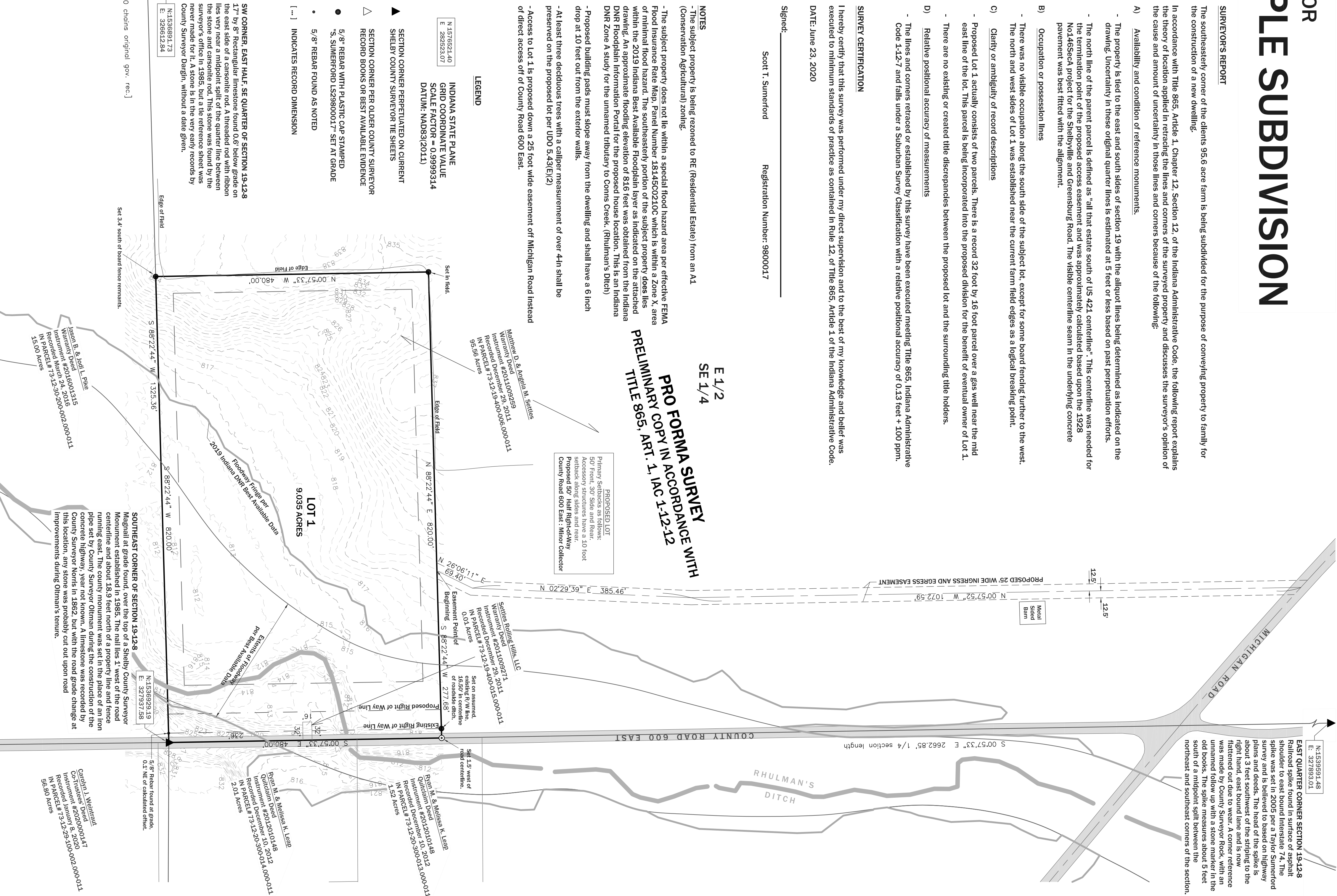
-Proposed building pads must slope away from the dwelling and shall have a 6 inch drop at 10 feet out from the exterior walls.
-At least three deciduous trees with a caliper measurement of over 4in shall be preserved on the proposed lot per IDDO 5.43(E)(2)
-Access to Lot 1 is proposed down a 25 foot wide easement off Michigan Road instead of direct access off of County Road 600 East.

LEGEND

- INDIANA STATE PLANE GRID COORDINATE VALUE SCALE FACTOR = 0.9999314 DATUM: NAD83(2011)
SECTION CORNER PERPETUATED ON CURRENT SHEETS COUNTY SURVEYOR'S SHEETS RECORD BOOKS OR BEST AVAILABLE EVIDENCE
SECTION CORNER PERPETUATED ON CURRENT SHEETS COUNTY SURVEYOR'S SHEETS RECORD BOOKS OR BEST AVAILABLE EVIDENCE
5/8" REBAR WITH PLASTIC CAP STAMPED "S, SUMNERFORD 1252890017" SET AT GRADE
5/8" REBAR FOUND AS NOTED
INDICATES RECORD DIMENSION

SW CORNER EAST HALF SE QUARTER OF SECTION 19-12-8 17" by 8" Rectangular Insetstone found 0.6' below grade on the east side of a easement road. A threaded rod with ribbon ties very near a midpoint split of the quarter line between the stone and centerline rod. This stone was found by the surveyor on 06/23/2020. This stone is in the very early records by County Surveyor Drighin, without a date given.

INDIANA STATE PLANE GRID SCALE: 1 INCH = 100 FEET



EAST QUARTER CORNER SECTION 19-12-8 Railroad spike found in surface of asphalt shoulder to east bound Interstate 74. The spike was set in 2005 per a Taylor Sumnerford survey and is believed to be based on highway survey data. The spike is located about 3 feet southwest of the striping to the right hand, east bound lane and is now flattened out due to wear. A corner reference was made by County Surveyor Reed, with an old book. The spike measures about 5 feet south of a midpoint split between the northeast and southeast corners of the section.

SCOTT T. SUMERFORD LAND SURVEYING 3149 NORTH RILEY HIGHWAY SHELBYVILLE, IN 46176-9462 BUSINESS PHONE (317) 401-6050 Indiana Registered Surveyor No. 29800017

CLIENT Matthew Settles 4614 E State Road 244 Shelbyville, IN 46176 PROJECT Subdivision of a 9 acre residential tract from the southeast corner of the Settles farm, for conveyance and a proposed dwelling.

INDIANA TITLE 865 BOUNDARY SURVEY JOB LOCATION PART OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 12 NORTH, RANGE 8 EAST, LIBERTY TOWNSHIP, SHELBY COUNTY, INDIANA JOB NUMBER 12N8E19-20-026 ORIGINAL DRAWING SIZE ARCHID SHEET 1 OF 1



# Staff Report

## Property Details

Location: Southeast corner of Frontage Road and N 850 W, Moral Township

Property Size: 16.7 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

I2 (High Intensity Industrial)

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

*\*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*

### Surrounding Development

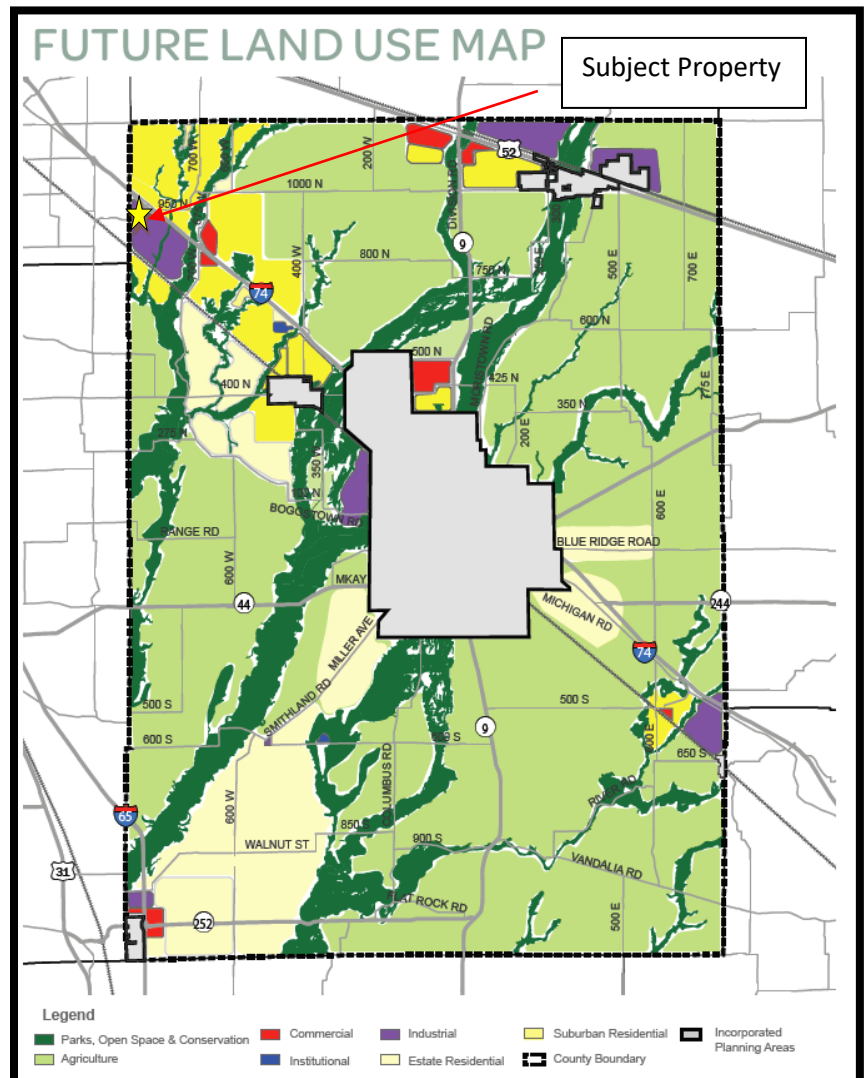
	Zoning	Land Use
North	A1	Cropland
South	R1& A1	Single-Family Residential / Woodland
East	RE & A1	Estate Residential / Woodland
West	A1	Cropland

Case Number: RZ 20-08  
 Case Name: BRC Land Holdings, LLC Rezoning A1 (Conservation Agricultural) to I2 (High Intensity Industrial)

## Request

**Rezoning** of 16.7 acres from the A1 (Conservation Agricultural) District to the I2 (High Intensity Industrial) District to allow for a contracting office and outdoor storage of contracting equipment and materials.

## Future Land Use Map



## Property Map

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## Case Description

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- The petitioner plans to develop the property for use as the corporate and operational headquarters of a contracting company. The company, HIS Group LLC, consists of a Union highway, bridge and site work contracting division, a Union environmental and emergency response contracting division, and a management unit which performs the administrative, sales and accounting functions for the two contracting divisions.
- The UDO permits General Contractor Offices and Outdoor Storage in the I2 District.
- The proposed development would include a 9,100 sq. ft office with attached 7,000 sq. ft. shop, 15,400 sq. ft. warehouse, 81-space office parking lot, truck access lot, mounding along 850 W, perimeter fence around a 7.5-acre outdoor storage area, and detention pond. The company may expand the office, shop, and parking lot in the future.

- The office parking lot would have access from frontage road and approximately 30 vehicles would utilize the parking lot per day. The truck access lot would have access from 850 W and approximately 25 pickup trucks and medium trucks would utilize the entrance per day. Semi-trucks that typically haul the company's equipment would also utilize the 850 W entrance.
- Outdoor storage would include heavy equipment when not used on job sites, wood forms, lumber, pilings, pipe and structures, miscellaneous steel, concrete barrier wall, and similar contracting materials.
- The UDO requires screening of outdoor storage on industrial properties, specifically: when adjacent to a public street, outdoor storage of vehicles, equipment, product, supplies, materials, waste or scrap, pallets, and the like shall be effectively screened on all sides with a minimum six (6) foot privacy or security fence, at least ten (10) feet from the property line. The ten (10) foot area immediately outside the fence shall be landscaped with trees (one per fifty (50) lineal feet of fence) and shrubs (one per thirty (30) lineal feet of fence). Industrial screening and standards enhance the visual quality of developments and enhance community character.
- The UDO also requires a significant amount of lot landscaping. Landscaping standards enhance the visual quality of developments, maintain community character, define the edges of streets for vehicular safety and flow, minimize storm runoff, and improve air quality.
- 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 will review a detailed site plan prior to issuing construction permits.

### Staff Analysis Findings of Fact

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

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

Staff Analysis:

- Development of the property would require approval of State and Local permits and drainage facilities. Therefore, development of the property would not impact continued use of adjoining property for agricultural production.
- Several properties within a mile of the site include industrial development or have been rezoned for industrial development. Therefore, development of the property for industrial purposes would not conflict with the character of the area.

- Use of the property for an industrial use that involves frequent delivery and shipment of materials is desirable due to the proximity of the property to the I-74 / Pleasant View Interchange.
- Approval of the rezoning and development of the property would likely attract additional industrial development to the area. Developing the area for industrial uses would promote economic development throughout the jurisdiction.
- Application of the current industrial use screening and landscaping standards identified in the Unified Development Ordinance would enhance the visual quality of development and enhance community character.
- The Comprehensive Plan recommends Industrial Use of the property. The development would utilize screening and landscaping and would not necessitate improvements to the public road, and therefore would function as an integral part of the overall development area of the I-74 / Pleasant View Interchange and have minimal impact on adjacent properties.

### Staff Recommendation

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**The quality of development will set a precedent for future commercial and industrial development at the I-74 / Pleasant View interchange. The Plan Commission should give careful consideration of the nature of the use, aesthetic quality of the development, and impacts on public roads and utilities prior to making a recommendation.**

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

1. The property shall not be used for recycling processing, sewage treatment, or outdoor storage of materials unrelated to the proposed contracting company.
2. Development of the site inconsistent with the Site Plan submitted with the rezoning application as determined by the Zoning Administrator shall not be permitted without Site Plan Approval from the Plan Commission.
- ~~3. Variances from Landscaping Standards (LA) or Outdoor Storage Standards (OS) identified in the Unified Development Ordinance shall not be permitted without Site Plan Approval from the Plan Commission.~~  
*\*amended 6/23/20*

Variances from Development Standards shall not be permitted without Site Plan Approval from the Plan Commission. Variances from Section 5.50 LT-01: General Lighting Standards are exempt from this requirement.  
*\*amended 6/23/20*

4. 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 and N 850 W.
5. 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.

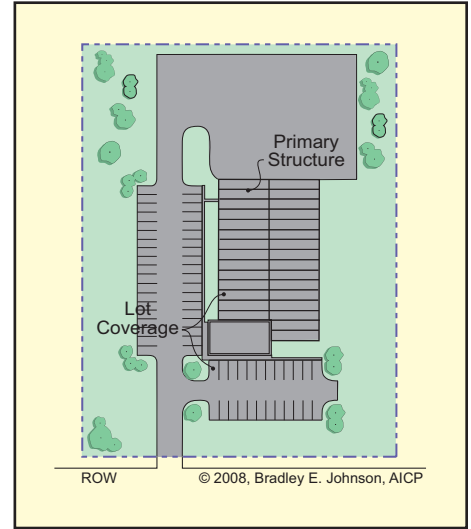
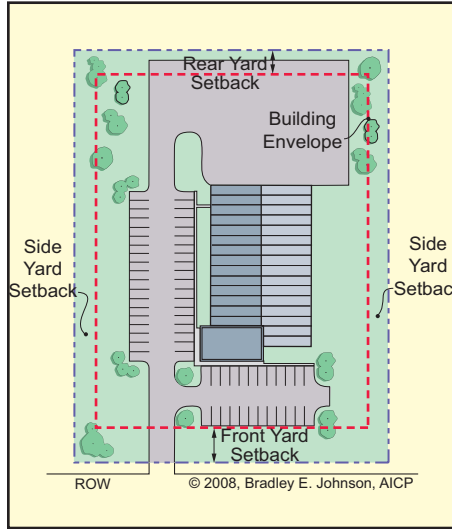
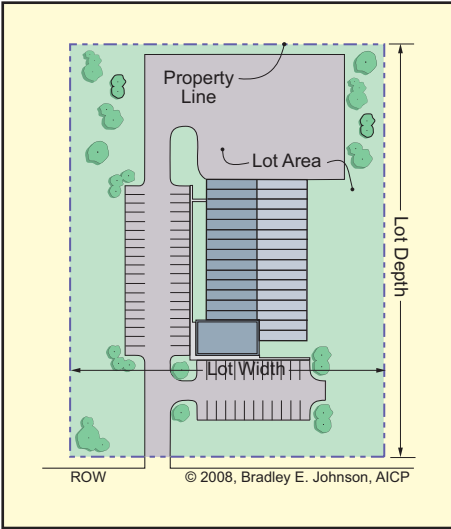
### Applicant/Owner Information

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Applicant:	BRC Land Holdings, LLC / Terry Morgan 7225 W Broad Ripple Crossing Blvd. Fairland, IN 46126	Applicant's Attorney:	David A. Retherford 8801 Southeastern Avenue Indianapolis, IN 46239
Owner:	Same		

# High Intensity Industrial (I2) District

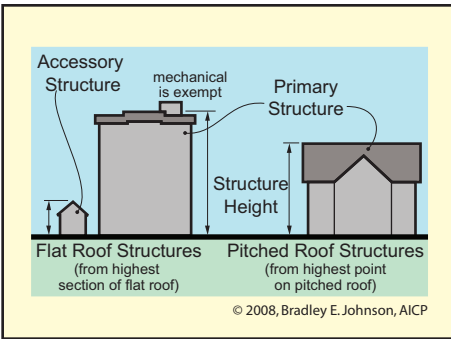
## 2.36 I2 District Development Standards



- Minimum Lot Area**
  - 2 acres
- Minimum Lot Width**
  - 200 feet
- Minimum Lot Frontage**
  - 100 feet
- Sewer and Water**
  - Public sanitary sewer and water utility required

- Minimum Front Yard Setback**
  - 40 feet
- Minimum Side Yard Setback**
  - 20 feet
- Minimum Rear Yard Setback**
  - 20 feet

- Maximum Lot Coverage**
  - 85% of lot area
- Maximum Primary Structures**
  - no limit



- Maximum Structure Height**
  - 70 feet for primary structure
  - 60 feet for accessory structure

### Additional Development Standards that Apply

<ul style="list-style-type: none"> <li><b>Accessory Structure (AS)</b> <ul style="list-style-type: none"> <li>• AS-01 ..... Page 5-4</li> <li>• AS-07 ..... Page 5-6</li> </ul> </li> <li><b>Density and Intensity (DI)</b> <ul style="list-style-type: none"> <li>• DI-01 ..... Page 5-10</li> </ul> </li> <li><b>Driveway (DW)</b> <ul style="list-style-type: none"> <li>• DW-01 ..... Page 5-11</li> <li>• DW-04 ..... Page 5-14</li> </ul> </li> <li><b>Environmental (EN)</b> <ul style="list-style-type: none"> <li>• EN-01 ..... Page 5-16</li> </ul> </li> <li><b>Fence and Wall (FW)</b> <ul style="list-style-type: none"> <li>• FW-01 ..... Page 5-17</li> <li>• FW-07 ..... Page 5-19</li> </ul> </li> <li><b>Floodplain (FP)</b> <ul style="list-style-type: none"> <li>• FP-01 ..... Page 5-20</li> </ul> </li> <li><b>Floor Area (FA)</b> <ul style="list-style-type: none"> <li>• FA-01 ..... Page 5-26</li> </ul> </li> <li><b>Height (HT)</b> <ul style="list-style-type: none"> <li>• HT-01 ..... Page 5-27</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li><b>Landscaping (LA)</b> <ul style="list-style-type: none"> <li>• LA-01 ..... Page 5-36</li> <li>• LA-02 ..... Page 5-37</li> <li>• LA-05 ..... Page 5-38</li> <li>• LA-06 ..... Page 5-38</li> <li>• LA-07 ..... Page 5-39</li> </ul> </li> <li><b>Lighting (LT)</b> <ul style="list-style-type: none"> <li>• LT-01 ..... Page 5-41</li> </ul> </li> <li><b>Loading (LD)</b> <ul style="list-style-type: none"> <li>• LD-01 ..... Page 5-42</li> </ul> </li> <li><b>Lot (LO)</b> <ul style="list-style-type: none"> <li>• LO-01 ..... Page 5-43</li> </ul> </li> <li><b>Outdoor Storage (OS)</b> <ul style="list-style-type: none"> <li>• OS-06 ..... Page 5-46</li> </ul> </li> <li><b>Parking (PK)</b> <ul style="list-style-type: none"> <li>• PK-01 ..... Page 5-44</li> <li>• PK-03 ..... Page 5-48</li> </ul> </li> <li><b>Performance (PF)</b> <ul style="list-style-type: none"> <li>• PF-01 ..... Page 5-55</li> </ul> </li> <li><b>Public Improvement (PI)</b> <ul style="list-style-type: none"> <li>• PI-01 ..... Page 5-56</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li><b>Pond (PN)</b> <ul style="list-style-type: none"> <li>• PN-01 ..... Page 5-57</li> </ul> </li> <li><b>Setback (SB)</b> <ul style="list-style-type: none"> <li>• SB-01 ..... Page 5-59</li> </ul> </li> <li><b>Sewer and Water (SW)</b> <ul style="list-style-type: none"> <li>• SW-01 ..... Page 5-61</li> </ul> </li> <li><b>Sign (SI)</b> <ul style="list-style-type: none"> <li>• SI-01 ..... Page 5-64</li> <li>• SI-03 ..... Page 5-68</li> </ul> </li> <li><b>Storage Tank (ST)</b> <ul style="list-style-type: none"> <li>• ST-01 ..... Page 5-71</li> <li>• ST-02 ..... Page 5-71</li> </ul> </li> <li><b>Structure (SR)</b> <ul style="list-style-type: none"> <li>• SR-01 ..... Page 5-72</li> </ul> </li> <li><b>Telecom. Facility (TC)</b> <ul style="list-style-type: none"> <li>• TC-01 ..... Page 5-73</li> </ul> </li> <li><b>Temporary Use (TU)</b> <ul style="list-style-type: none"> <li>• TU-01 ..... Page 5-75</li> <li>• TU-04 ..... Page 5-75</li> </ul> </li> <li><b>Vision Clearance (VC)</b> <ul style="list-style-type: none"> <li>• VC-01 ..... Page 5-76</li> </ul> </li> </ul>
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# High Impact (HI) District

## 2.37 HI District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The HI (High Impact) District is intended to be used as follows:</b></p> <p><b>Use, Type and Intensity</b></p> <ul style="list-style-type: none"> <li>• All intensities of high impact uses</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>• Existing and new development</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>• Enact quality time, place, and manner development standards to minimize impacts on adjacent properties while encouraging economic vitality</li> <li>• Minimize light, noise, water, and air pollution</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>• OP, A3, I1, I2, and HI</li> </ul> <p><b>County Commissioners</b></p> <ul style="list-style-type: none"> <li>• As a condition of rezoning, allow only the use petitioned for and presented</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>• Use this zoning district for existing high impact developments and carefully for new high impact development</li> <li>• Be sensitive to environmental protection</li> </ul> <p><b>Board of Zoning Appeals</b></p> <ul style="list-style-type: none"> <li>• Allow a special exception use only when it is compatible with the surrounding areas</li> <li>• Be sensitive to the potential for light pollution, noise pollution, loading berth placement, pedestrian safety, and vehicular safety</li> </ul>	<p><b>Commercial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• amusement park</li> <li>• casino</li> <li>• race track-horses</li> <li>• race track-automobile</li> <li>• retail (type 6), special handling</li> <li>• shooting range</li> </ul> <p><b>Industrial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• biofuels production (e.g. ethanol plant)</li> <li>• electrical generation plant</li> <li>• gravel/sand mining</li> <li>• incinerator</li> <li>• junk yard</li> <li>• rendering plant</li> <li>• scrap metal yard</li> <li>• telecommunication facility</li> <li>• transfer station</li> </ul> <p><b>Institutional Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• government operation (non-office)</li> <li>• jail</li> <li>• juvenile detention facility</li> </ul>	<p><b>Industrial Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• construction materials landfill</li> <li>• sanitary landfill/refuse dump</li> <li>• storage tanks (hazardous)</li> </ul> <p><b>Institutional Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• prison</li> </ul>

Statement of Intent:

The Applicant has recently closed on the purchase of the subject 16.7 acres; and is requesting a rezoning of the property to the I-2 classification for purposes of relocating the corporate and operational headquarters of the HIS Group from Indianapolis to Shelby County. The company consists of a Union highway, bridge and site work contracting division, a Union environmental and emergency response contracting division, and a management unit which performs the administrative, sales and accounting functions for the two contracting divisions. Approximately 40 full time and 30 part time employees are anticipated to work at the new headquarters: and seasonally the company employees in excess of 100 additional union employees at the various jobsites. The Site Plan indicates a primary office parking lot that would be accessed from frontage road by approximately 30 vehicles a day. A separate equipment entry via 850 W will be utilized by approximately 25 pickups and medium trucks a day, and the semi's with trailers that are primarily used to haul the company's equipment. The equipment yard will include both outdoor and under roof storage for a variety of heavy equipment, but ONLY ON THE RARE OCCASIONS THAT THIS EQUIPMENT IS NOT AT A JOB SITE. The materials anticipated to be stored onsite in this same area includes wood forms, lumber, pilings, pipe and structures, miscellaneous steel, concrete barrier wall, and similar contracting materials.

# APPLICATION FOR REZONING

## FINDINGS OF FACT

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

Applicant: BRC Land Holdings, LLC \_\_\_\_\_

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

Location: 0 N. Frontage Road, Fairland, IN 46126 \_\_\_\_\_

1. The request is consistent with the Shelby County Comprehensive Plan because: This larger area is proposed as future industrial development
2. The request is consistent with the current conditions and the character of the structures and uses in each district because: There are a variety of industrial uses such as a former gravel pit, a trucking company, an electrical contractor, and a fire training facility within ½ mile to the South. Sanitary sewers are proposed to be extended to this area. It is close to the Pleasant View interchange on I-74, and a new concrete plant was just approved to the East.
3. The request is consistent with the most desirable use for which the land in each district is adapted because: The availability of sewers, the proximity to I-74 and to Indianapolis, and the amount of large tracts of open ground make this larger area attractive for industrial development, which is important for property taxes and job generation.
4. The request is consistent with the conservation of property values throughout the jurisdiction because: It is within a larger area which is planned for industrial development, and in which few homes exist; and building a larger industrial tax base will likely reduce or at least stabilize residential property taxes.
5. The request is consistent with the responsible growth and development because: This property is within the larger area South of the Pleasant View exit which has been preserved, even over the rejection of prior attempts to develop a portion of it for residential uses, so that when utilities were available and the market was there, it would be able to be developed as an industrial area similar to the existing industrial development West of Pleasant View along the North side of I-74. The Petitioner is a successful and reputable contracting company, and the presence of their corporate headquarters at this location will likely attract additional desirable industrial development in this area.

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?





FUTURE PARKING

FUTURE PARKING

(81) PARKING SPACES

130 ft

9,100-SF  
PROPOSED  
OFFICE

70 ft

FUTURE EXPANSION

110 ft

15,400-SF  
PROPOSED  
WAREHOUSE

140 ft

70 ft

7,000-SF  
PROPOSED  
SHOP

100 ft

CONC.  
APPROACH

FUTURE  
EXPANSION

TRUCK ACCESS

FENCED-IN AREA  
±7.5 ACRES ENCLOSED

FENCE, TYP.

FENCE, TYP.

DETENTION AREA

N 850 W

MOUNDING

MOUNDING

# Staff Report

## Property Details

**Location:** 6801 W 500 N, Fairland, Sugar Creek Tomship.

**Property Size:** 1.584 acres

**Current Land Use:** Residential Estate

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

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

**Proposed Zoning Classification**  
R1 (Single-Family Residential)

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

**Future Land Use per Comp Plan**  
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

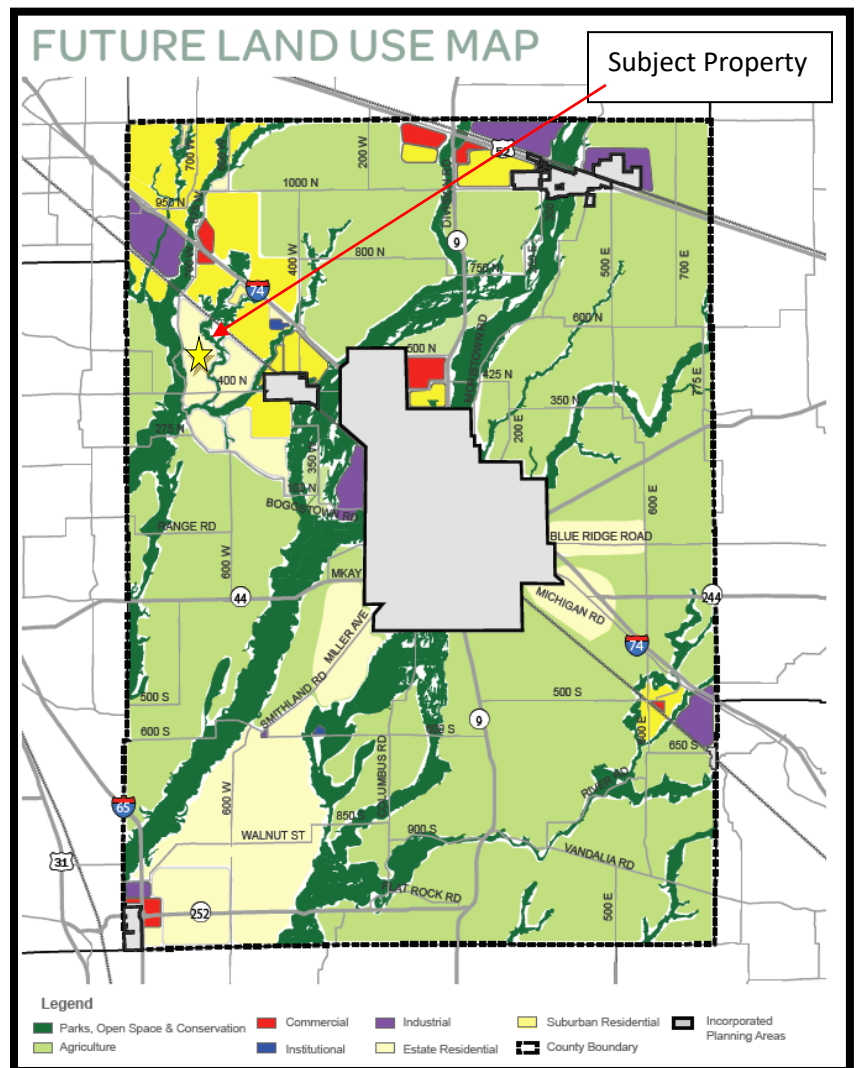
	Zoning	Land Use
North	RE	Residential Estate
South	A1	Cropland
East	R1	Single-Family Residential
West	Re	Residential Estate

**Case Number:** RZ 20-05  
**Case Name:** Douglas S Lamb – RE (Residential Estate) to R1 (Single-Family Residential)

## Requests

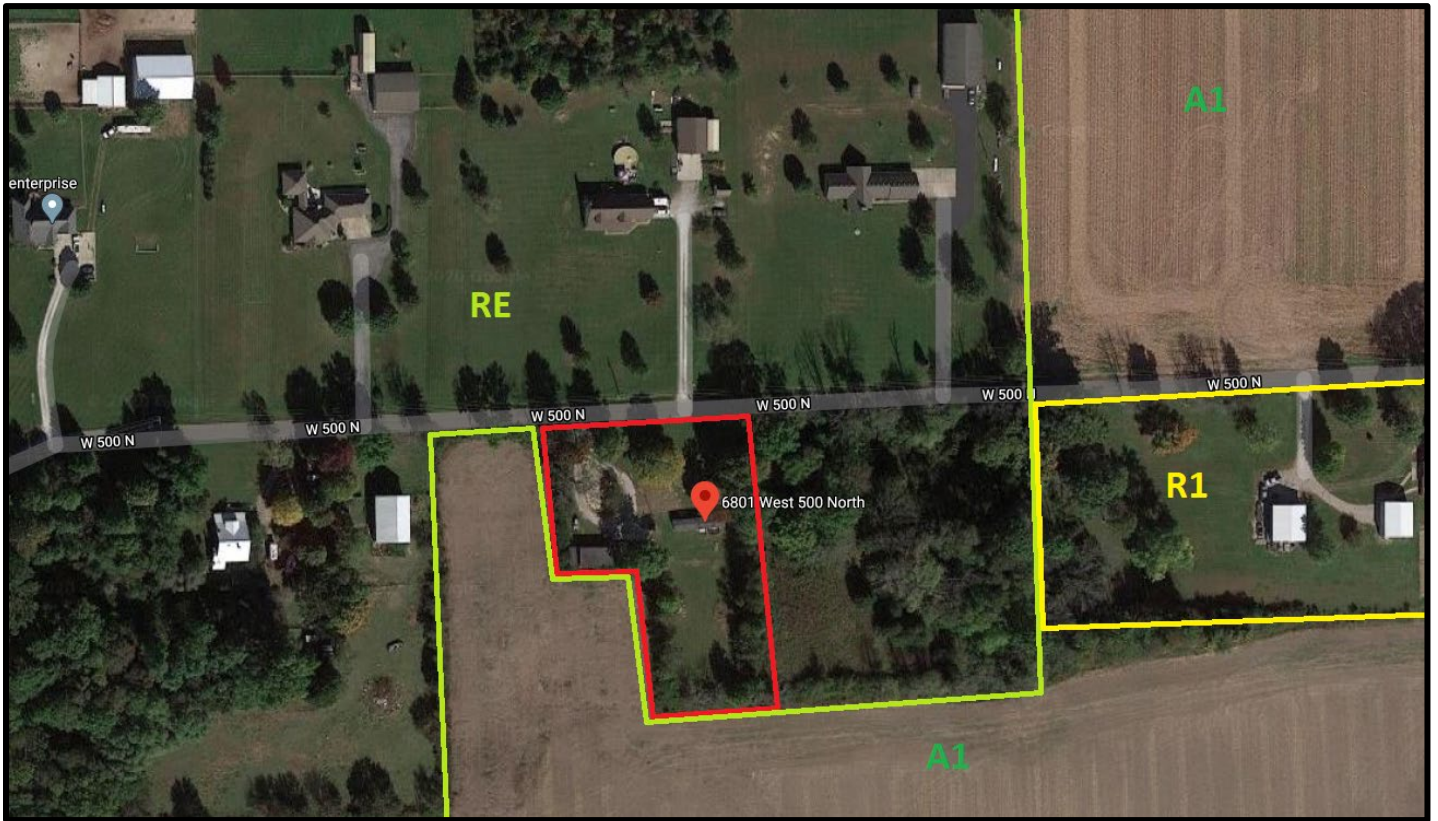
**Rezoning** of 1.584 acres from the RE (Residential Estate) District to the R1 (Single-Family Residential) District.

## Future Land Use Map



## Property Map

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## Case Description

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- The petitioner currently owns a 3.59-acre tract. The rezoning would allow for subdivision of the tract into a 2-acre lot and a 1.584-acre lot.
- The rezoning only applies to the proposed 1.584-acre lot. The proposed 2-acre lot would comply with the lot dimensional requirements of the RE District, and therefore would remain zoned RE.
- The proposed 1.584-acre lot currently includes a single-family residence and a mobile home. The property tax card indicates that the mobile home was placed on the property in 1992. The petitioner stated that he plans to remove the mobile home from the property.
- The petitioner's son plans to build a new single-family dwelling on the 2-acre lot.
- The petitioner plans to seek final approval of the Simple Subdivision at a future Plan Commission meeting. Approval of the subdivision would require a waiver from the minimum 6-acre parent tract requirement for Simple Subdivisions.

## Staff Analysis Findings of Fact

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

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

The neighborhood consists of residential lots ranging from ½-acre to 12-acres. Therefore, a 1.584-acre lot would be consistent with the size of other residential lots in the neighborhood.

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

The existing single-family residence and mobile home sit at the western edge of the lot which allows for adequate area for an additional residential lot in compliance with the lot dimensional requirements of the UDO. Existing development and the size of the property would limit the area for future crop production.

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

Removal of the mobile home would likely increase the value of the property.

**4. Responsible Development and Growth**

Approval of the rezoning would allow for creation of a property resembling the size of other properties in the neighborhood and the approval would not significantly conflict with any provisions of the Comprehensive Plan.

**5. The Comprehensive Plan**

Approval of the rezoning would allow for a new rural residential housing opportunity. The property is not well suited for agricultural use, has access to utilities and should not significantly disrupt agricultural activities. Therefore, the rezoning does not significantly conflict with any provisions of the Comprehensive Plan.

## Staff Recommendation

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**APPROVAL** primarily because approval of the rezoning would allow for creation of a property resembling the size of other properties in the neighborhood and the approval would not significantly conflict with any provisions of the Comprehensive Plan.

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### *Applicant/Owner Information*

Applicant: Douglas S Lamb  
6800 W 500 N  
Fairland, IN 46126

Owner: Douglas S & Linda K Lamb

**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: Douglas S. Lamb, Linda K. Lamb  
Case #: RZ2005  
Location: 6801 W 500N, Fairland IN 46126

1. The request is consistent with the Shelby County Comprehensive Plan because: \_\_\_\_\_

We will be selling a 2 Acre plat to our son + his family to build a single family dwell.

2. The request is consistent with the current conditions and the character of structures and uses in each district because: \_\_\_\_\_

NO future building on the land at this time (foreseeable future)

3. The request is consistent with the most desirable use for which the land in each district is adapted because: \_\_\_\_\_

wooded area not suitable for farming

4. The request is consistent with the conservation of property values throughout the jurisdiction because: \_\_\_\_\_

Should enhance due to increasing value of property (and surrounding prop)

5. The request is consistent with responsible growth and development because: \_\_\_\_\_

if we build single family, that would prevent near future multi unit housing

**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.

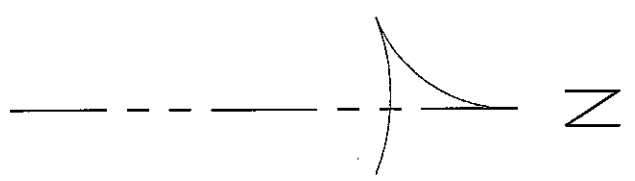
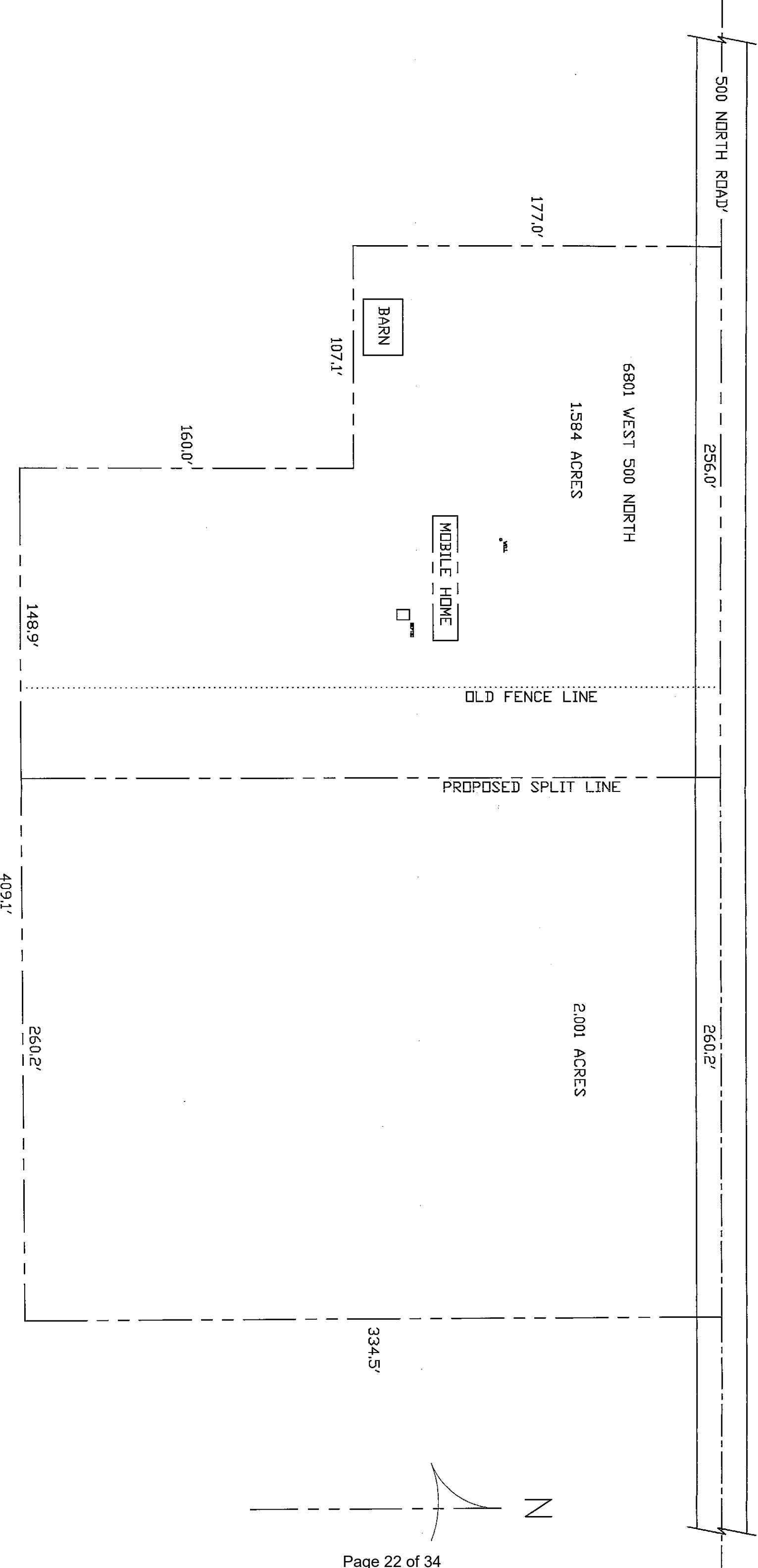
**Finding 2:** How is the proposed use, and/or other possible future uses permitted in the proposed zoning district, similar to surrounding structures and uses of land?

**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?

43,560 SQ. FT. PER ACRE



# Staff Report

Case Number: SD 20-01

Case Name: Jordan Simple Subdivision

## Property Details

Location: 4450 W 300 N, Fairland

Property Size: 5.473 acres

Current Land Use: Residential Estate

### 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

*The 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 become available.*

### Surrounding Development

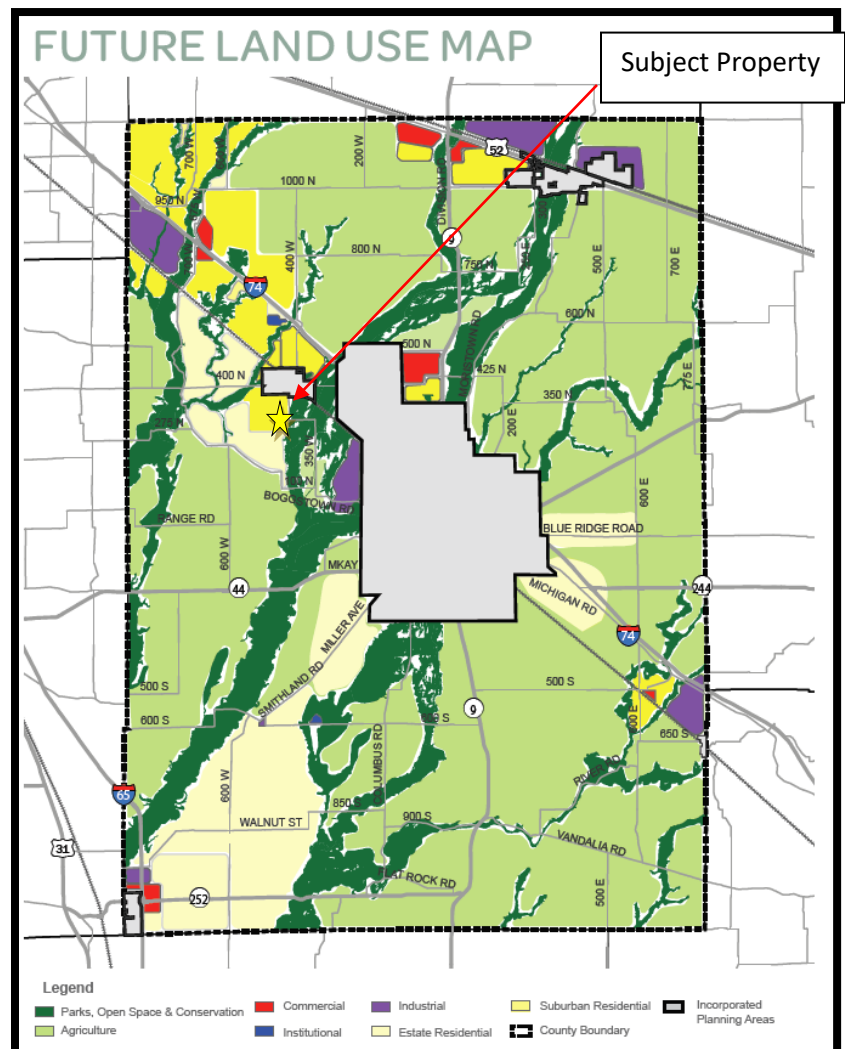
	Zoning	Land Use
North	A1	Cropland
South	A1	Cropland
East	RE	Residential Estate
West	RE	Residential Estate

## Requests

**Simple Subdivision** to allow for subdivision of 5.473 acres into a 2-acre tract and 3.473-acre tract.

**Waivers of Subdivision Design Standards** to allow for Simple subdivision of a tract less than 6-acres and a lot with 60-feet of road frontage (minimum 160-feet of road frontage required).

## Future Land Use Map







- The lot and previously developed rural neighborhood would likely not return to farmland. Therefore, approval of the waiver would not interfere with the goals of conservation of farmland and natural resources identified in the Comprehensive Plan.
- The lot has frontage on two roads.
- Generally, the minimum 6-acre requirement should apply to vacant property including farmland and natural resources rather than developed property.
- The addition of one lot to a developed six-lot neighborhood would not significantly alter the character of the neighborhood.

## Case Description

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- The UDO allows for Simple Subdivisions in the RE District, therefore rezoning approval is not required prior to simple subdivision of the property.
- Tract 4A (3.473 acres) would include the original, larger existing single-family residence and exiting septic system. The petitioner plans to add a new well and driveway to Tract 4A. The new driveway would comply with driveway separation requirements and all other driveway standards identified in the UDO.
- Tract 4B (2 acres) would include the accessory structure remodeled into a dwelling unit, existing septic field, existing well, and existing driveway. The Health Department has required removal of the current septic system and installation of a new system on Tract 4B.
- The deed for the property includes restrictive covenants, one which states: The tract shall not be divided or subdivided after original conveyance and no more than one single family dwelling shall be erected thereon. Individual property owners within the development can enforce covenants using the civil court system, however the Plan Commission does not have the power to enforce covenants unless it approved a plat conditional on covenants. However, the Plan Commission can take covenants into consideration when making decisions on waivers from ordinance requirements.
- The UDO limits the size of the parent tract to at least 6-acres to discourage re-subdivision of 5-acre tracts. Prior to 1999, the County exempted land subdivided into tracts 5-acres or more from platting requirements, which resulted in the creation of an abundance of 5-acre tracts throughout the County. However, the current Plan Commission has allowed subdivisions of tracts under 6-acres because development of these tracts would not eliminate a significant amount of farmland.
- The minimum road frontage requirement discourages the creation of ‘flag lots.’ Flag lots represent disorderly development which could lead to future property line disputes and cause difficulty for visitors or emergency vehicles in locating the house from the public road.

## Staff Analysis

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Staff has reviewed the proposed plat and has determined:

1. The subdivision of land is consistent with the Shelby County Comprehensive Plan.
2. The subdivision of land satisfies the development requirements of Article 06: Subdivision Types., pending approval of a waiver allow for subdivision of a tract less than 6-acres.

3. The subdivision of land satisfies the standards of Article 07: Design Standards, pending approval of a waiver allowing a lot with 60-feet of road frontage.
4. The subdivision of land satisfies any other applicable provisions of the Unified Development Ordinance, pending approval of a waiver to allow for 60-feet of road frontage.
5. The subdivision of land satisfies the construction requirements of the Shelby County's Construction Standards.
6. Allowing for a waiver of the 6-acre minimum tract requirement would allow for development of property not currently used for agricultural production and allowing a waiver of the road frontage requirement would allow for legal transition of the land use of the property from estate residential to low-density, single-family residential as recommended by the Comprehensive Plan. Therefore, the approval of the waivers would not contradict the purpose of the UDO or recommendations of the Comprehensive Plan.

### Staff Recommendation

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**APPROVAL** primarily because:

1. A waiver of the 6-acre minimum tract requirement would allow for development of property not currently used for agricultural production.
2. A waiver of the road frontage requirement would allow for legal transition of the land use of the property from estate residential to low-density, single-family residential as recommended by the Comprehensive Plan.
3. The subdivision complies with all other requirements of the UDO.

#### *Applicant/Owner Information*

Applicant

Robert & Karen Jordan  
4450 W 300 N  
Fairland, IN 46126

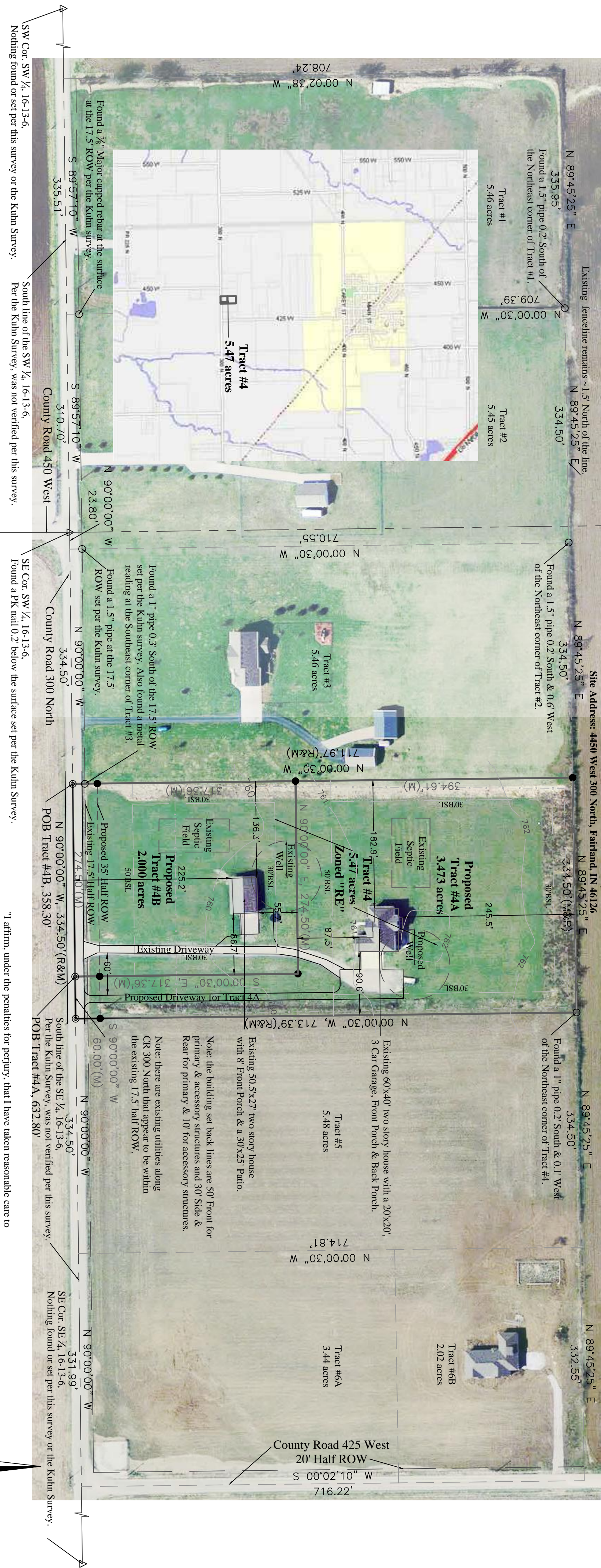
Surveyor:

Powell Land Surveying, LLC  
4634 N 575 E  
Shelbyville, IN 46176

# Jordan Minor Subdivision

Part of the Southeast and Southwest Quarters of Section 16, Township 13 North, Range 6 East, Brandywine, Township, Shelby County, Indiana.

Owner & Client: Robert D. Jordan and Karen L. Jordan, 317-965-4103  
 Site Address: 4450 West 300 North, Fairland, IN 46126



### Parent description for Tract #4, owned by Robert D. & Karen L. Jordan, per Instrument #0402941.

Beginning at a masonry nail on the South line of the Southeast quarter of Section 16, Township 13 North, Range 6 East, in Brandywine Township, Shelby County, Indiana, said point being 358.30 feet North 90 degrees 00 minutes 00 seconds East (assumed bearing) of the Southwest corner of said quarter section; and running thence North 00 degrees 00 minutes 00 seconds West a distance of 317.36 feet to a Powell capped rebar; thence South 90 degrees 00 minutes 00 seconds West a distance of 274.50 feet to a Powell capped rebar set on the West line of Tract #4 per a survey by Stephan H. Kuhn, recorded in Survey Book 3, Page 361; thence North 00 degrees 00 minutes 30 seconds West, along said line a distance of 394.61 feet to a Powell capped rebar set at the Northeast corner of said Tract #4; thence North 89 degrees 45 minutes 25 seconds East, along the North line of said Tract #4 a distance of 334.50 feet to an iron pipe at the Northeast corner of said Tract #4; thence South 00 degrees 00 minutes 30 seconds East, along the East line of said Tract #4 a distance of 713.39 feet to a mag nail with a Powell washer set on the South line of said quarter section at the Southeast corner of said Tract #4; thence South 90 degrees 00 minutes 00 seconds West, along said line a distance of 60.00 feet to the point of beginning, containing 3.473 acres more or less, and subject to the right-of-way of the public road along the entire South side thereof.

### Description for the proposed Tract #4A per this subdivision.

Beginning at a mag nail with a Powell washer set at the Southwest corner of Tract #4 per a survey by Stephan H. Kuhn, recorded in Survey Book 3, Page 361, being on the South line of the Southeast quarter of Section 16, Township 13 North, Range 6 East, in Brandywine Township, Shelby County, Indiana, said point being 358.30 feet North 90 degrees 00 minutes 00 seconds East (assumed bearing) of the Southwest corner of said quarter section; and running thence North 00 degrees 00 minutes 30 seconds West a distance of 317.36 feet to a Powell capped rebar; thence South 90 degrees 00 minutes 00 seconds West a distance of 274.50 feet to a Powell capped rebar set on the West line of Tract #4 per a survey by Stephan H. Kuhn, recorded in Survey Book 3, Page 361; thence North 00 degrees 00 minutes 30 seconds West, along said line a distance of 394.61 feet to a Powell capped rebar set at the Northeast corner of said Tract #4; thence North 89 degrees 45 minutes 25 seconds East, along the North line of said Tract #4 a distance of 334.50 feet to an iron pipe at the Northeast corner of said Tract #4; thence South 00 degrees 00 minutes 30 seconds East, along the East line of said Tract #4 a distance of 713.39 feet to a mag nail with a Powell washer set on the South line of said quarter section at the Southeast corner of said Tract #4; thence South 90 degrees 00 minutes 00 seconds West, along said line a distance of 60.00 feet to the point of beginning, containing 3.473 acres more or less, and subject to the right-of-way of the public road along the entire South side thereof.

### Description for the proposed Tract #4B per this subdivision.

Beginning at a mag nail with a Powell washer set at the Southwest corner of Tract #4 per a survey by Stephan H. Kuhn, recorded in Survey Book 3, Page 361, being on the South line of the Southeast quarter of Section 16, Township 13 North, Range 6 East, in Brandywine Township, Shelby County, Indiana, said point being 358.30 feet North 90 degrees 00 minutes 00 seconds East (assumed bearing) of the Southwest corner of said quarter section; and running thence North 00 degrees 00 minutes 30 seconds West a distance of 317.36 feet to a Powell capped rebar; thence South 90 degrees 00 minutes 00 seconds West a distance of 274.50 feet to a Powell capped rebar set on the West line of Tract #4 per a survey by Stephan H. Kuhn, recorded in Survey Book 3, Page 361; thence North 00 degrees 00 minutes 30 seconds West, along said line a distance of 394.61 feet to a Powell capped rebar set at the Northeast corner of said Tract #4; thence North 89 degrees 45 minutes 25 seconds East, along the North line of said Tract #4 a distance of 334.50 feet to an iron pipe at the Northeast corner of said Tract #4; thence South 00 degrees 00 minutes 30 seconds East, along the East line of said Tract #4 a distance of 713.39 feet to a mag nail with a Powell washer set on the South line of said quarter section at the Southeast corner of said Tract #4; thence South 90 degrees 00 minutes 00 seconds West, along said line a distance of 60.00 feet to the point of beginning, containing 3.473 acres more or less, and subject to the right-of-way of the public road along the entire South side thereof.

### Surveyor's Report:

This report is in accordance with Title 865, Article 11.1, 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 retrace and subdivide a 5.47 acres tract which has two houses located on it, into a 2.00 acre and a 3.473 acre tract each with one house. The parent 5.47 acre tract being Tract #4 created per a survey by Stephan H. Kuhn recorded in Survey Book 3, Page 361-362, being a part of the Southeast and Southwest quarters of Section 16, Township 13 North, Range 6 East, Shelby County, Indiana. Owned by Robert D. & Karen L. Jordan, per Instrument #0402941. The field work was performed on 10-25-2012.

### Availability and condition of the reference monuments:

1. Southeast corner of the Southwest quarter of section 16-13-6, Found a PK nail 0.2' below the surface set per the Kuhn survey, per the county files.
2. No monuments were found at the Southwest corner of the Southeast quarter of the Southwest quarter of section 16-13-6. The Kuhn survey states that he used the existing center of the right of ways at the approximate quarter section corners to establish the South lines of the said quarters, and it is unclear as to what he used to create the East line of the said Southwest quarter section. The said section lines were not verified per this survey and there is an unknown amount of uncertainty with said corners.
3. The geometry of the Kuhn survey was held and rotated about the PK nail found at the Southeast corner of the Southwest quarter section 16-13-6 to best fit the found monuments as shown on the herein plat with their relationship to the calculated location.

### Occupation or possession lines:

There is a chain link fence that is 5' to 8' inside the boundary lines along the East line, 12' along the North line & 15' to 5' along the West line of the parent tract.

### Clarity or ambiguity of the record description used and / or adjoiner's description:

There were no ambiguities found, the parent 5.47 acre tract is Tract #4 created per a survey by Stephan H. Kuhn recorded in Survey Book 3, Page 361-362.

### Relative position accuracy of Measurements:

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 plus the above stated uncertainties.

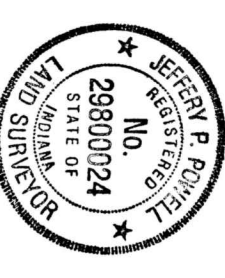
"I affirm, under the penalties for perjury, that I have taken reasonable care to reduce each social security number in this document, unless required by law."

*Jeffery P. Powell*

**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 plat. This plat correctly represents said survey and subdivision in every detail. Monuments shown are in place as located.

Witness my hand this 8 day of February, 2020.

*Jeffery P. Powell*  
 Jeffery P. Powell  
 Registered Land Surveyor  
 No. 29800024



**Owners Certification:**  
 We, Robert D. Jordan & Karen L. Jordan, 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 \_\_\_\_\_, 2020.

Robert D. Jordan \_\_\_\_\_ Karen L. Jordan \_\_\_\_\_

### Notary Certification:

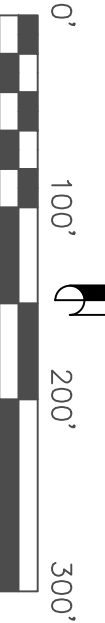
I, \_\_\_\_\_, a Notary Public in and for said County and State, do hereby certify that Robert D. Jordan & Karen L. Jordan, Personally known to me to be the same person whose name is subscribed to the above certificate appeared before me this day in person and acknowledged that they signed the above 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 \_\_\_\_\_, 2020.

Notary Public \_\_\_\_\_

### Plan Commission Approval:

Approved by the Shelby County Plan Commission in accordance with Subdivision Regulations.  
 By: \_\_\_\_\_ Date \_\_\_\_\_  
 By: Doug Warnecke, President Plan Commission Date \_\_\_\_\_  
 By: \_\_\_\_\_ Date \_\_\_\_\_  
 By: Scott Gabbard, Secretary Plan Commission Date \_\_\_\_\_



Note: Bearings based on the survey by Kuhn, recorded in Survey Book 3, Page 361-362.

- Legend
- △ Section Corner
  - Found Monuments
  - Powell Capped Rebar
  - ⊙ Mag Nail with Powell Washer

Note: The proposed Subdivision is located in a special flood hazard ZONE X, per the FEMA Flood Insurance rate map number 18145C0103C, 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: There are trees around the perimeter of the lots which appear to exceed the required amount per the landscaping requirements.

Note: The Subdivision will require a waiver of the parent Tract being less than the required 6.00 acres and Lot 4A will require a waiver from the required 160' of road frontage.

### Powell Land Surveying LLC

Jeffery P. Powell, PLS  
 4634 North, 575 East, Shelbyville, IN 46176  
 Office: 765-763-0147, Fax: 765-763-0122, Cell: 317-694-6073  
 Email: powellandsurveying@nsl.com  
 This Document was prepared by Jeffrey Powell.

# Staff Report

## Property Details

**Location:** Approximately 4498 W 800 N, Fairland, Moral Township.

**Property Size:** 7.85 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

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

#### Agricultural

*The purpose of this category is to provide for traditional agricultural practices (such as crop production and livestock grazing) and modern agricultural practices (such as agricultural research facilities and CAFOs). Rural home sites may also occur within this category; however, the emphasis should remain on agriculture. New residential subdivisions that remove prime farmland from production should be discouraged. The residential density of this category should be one lot for every five acres.*

### Surrounding Development

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

**Case Number:** RZ 20-04 / SD 20-04  
**Case Name:** Sutherland Rezoning – A1 (Conservation Agricultural) to RE (Residential Estate) & Sutherland Simple Subdivision

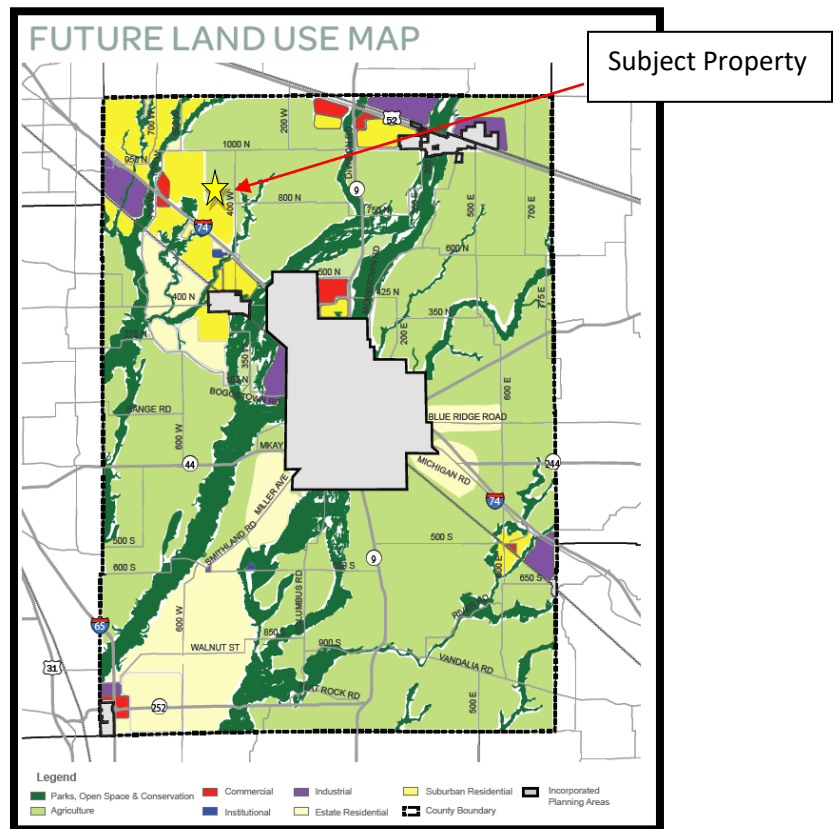
## Requests

**Rezoning** of 7.85 acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for three single-family residential building lots.

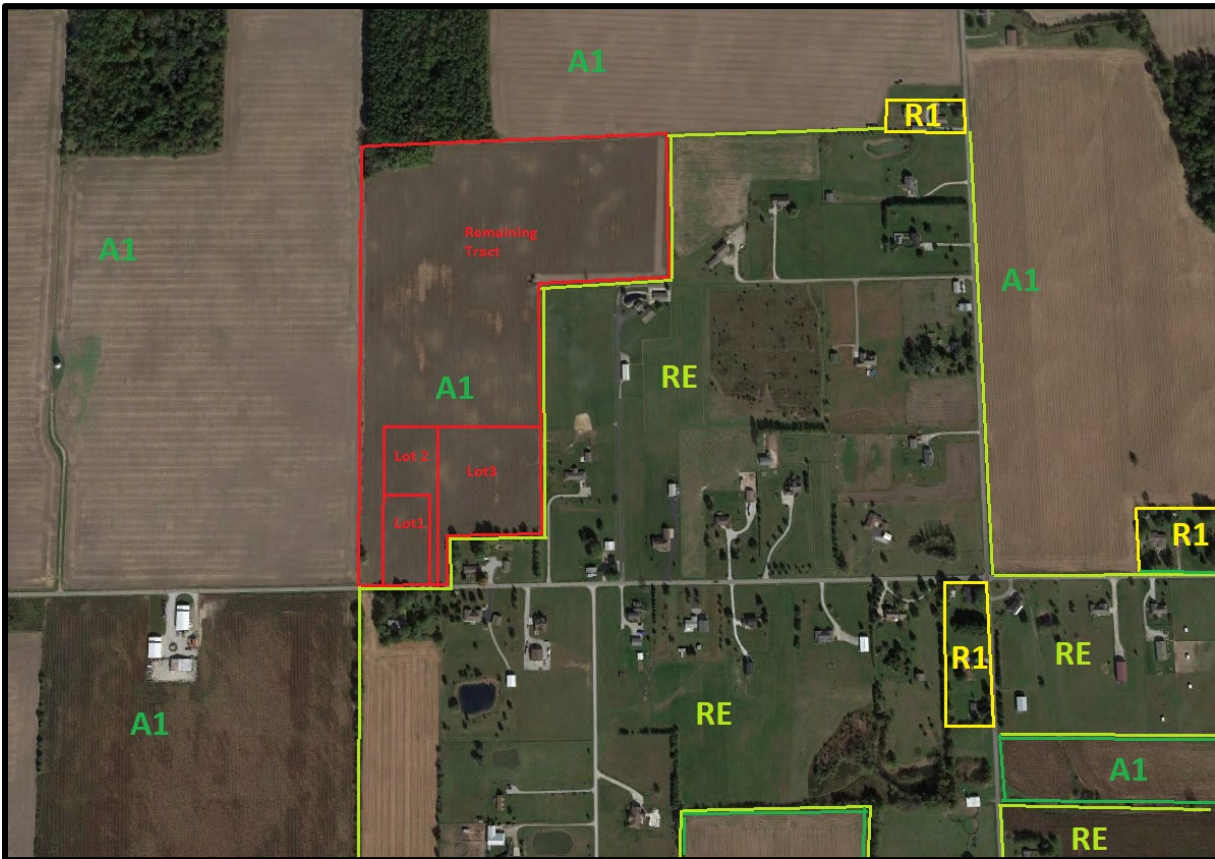
**Simple Subdivision** to allow for three single-family residential building lots.

**Waivers of Subdivision Design Standards** to allow for two lots having 25-feet of road frontage (minimum 160-feet required) and to allow for a buildable remaining tract for four (4) building lots total (maximum of 3 building lots permitted for Simple Subdivisions).

## Future Land Use Map



## Property Map



## Comparison of Permitted Development versus Requests

	Approval Body	Permitted Development
Currently Permitted	Administrative Review	Allows for construction of a 'farmstead.' The Ordinance defines a farmstead as a single-family dwelling unit that is located on and used in connection with a farm. The Planning Director has interpreted this definition to imply that the owner of the property resides in the home and personally uses the property for agricultural activities.
Approval of a Rezoning of entire property & Compliance with Ordinance Standards	Plan Commission Review Approval by County Commissioners	Would allow for subdivision of the property into two single-family residential lots. No requirement to farm the property.
Approval of Petitioner's request including Waivers to deviate from Ordinance requirements.	Plan Commission Review Approval by County Commissioners Plan Commission Approval of Waivers	Would allow for subdivision of the property into four single-family residential lots. The fourth lot (remaining tract) would be a 'farmstead', therefore the owner must also conduct agricultural activities on the property.

## Case Description

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- The petitioner requests to subdivide the property into four building lots. Three lots would be within the plat (Lot 1 – 2 acres, Lot 2 – 2 acres, Lot 3 – 3.85 acres) and one building lot would be an un-platted Remaining Tract (33.651 acre).
- The petitioner plans to sell the three platted lots.
- The petitioner plans to build his personal single-family residence on approximately 2-acres at the northwest corner of the Remaining Tract and continue to use the remaining portion of the tract for agricultural purposes. The zoning of the Remaining Tract would remain A1.
- The three platted lots would have a shared driveway within an access easement. The Remaining Tract would have a separate driveway.
- ~~As currently proposed, the three platted lots would utilize an existing drain tile that flows from the west and outlets near the intersection of 800 N and 400 W. The drain tile limits the building area on Lot 3. The condition and maximum capacity of the tile is unknown. \*amended 6/23/20~~
- The property includes an existing drain tile allowing drainage to flow to the east. Only Lot 3 would utilize this drain tile. All other lots would utilize a new drainage system allowing drainage to flow to the west. The elevation of Lot 3 restricts drainage flow to the west. The plat would include drainage easements over the existing tile and any new drainage systems. \*amended 6/23/20
- The USDA Soil Survey identifies the property as Prime Farmland if Drained.
- Most residential lots in the area were created in the 1990s under the ‘5-acre rule’. The County previously exempted land subdivided into tracts 5-acres or more from platting requirements and did not impose a limit on the maximum number of lots, which resulted in the creation of an abundance of 5-acre residential tracts throughout the County. In 1999, the County passed an ordinance that required any land split into more than three lots comply with platting requirements and instituted regulations for cropland preservation. The current subdivision regulations went into effect in 2008.
- The UDO imposes a five-year suspension on re-subdivision of the remaining tract.

## Staff Analysis Findings of Fact

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

1. **Current Conditions and the Character of Current Structures and Uses in Each District**
2. **The Most Desirable Use for Which the Land in Each District Is Adapted**
3. **The Conservation of Property Values throughout the Jurisdiction**

4. Responsible Development and Growth

5. The Comprehensive Plan

Considerations	
Support of the Request	Potential Concerns
<b>Impacts on Surrounding Property</b>	
	<p>The front yard of proposed Lot 3 would adjoin the rear yard of the existing residential property to the south and likely the rear yard of the existing residential property to the east. Therefore, potentially impacting the privacy enjoyed by the owners of these existing properties.</p> <p><i>*recommended stipulation 1 addresses this issue</i></p>
<p><del>The residential properties to the east connected to the existing drain tile when initially developed.</del>            Drainage from the Remaining Tract, Lot 1, and Lot 2 would outlet to the west and therefore not impact any surrounding residential properties. Drainage from the one single-family residence currently permitted on the property could outlet to the east without Plan Commission approval.</p> <p><i>*amended 6/23/20</i></p>	<p>Drainage generated by Lot 3 <del>the platted properties</del> would flow across the properties to the east within the existing drain tile. The condition and maximum capacity of the tile is unknown.</p> <p><i>*recommended stipulation 2 addresses this issue</i>  <i>*amended 6/23/20</i></p>
<b>Development Design</b>	
	<p>Approval of the request could set a precedent for the creation of more than three building lots without access to public water, sanitary sewer, drainage facilities, and other infrastructure.</p> <p><i>*recommended stipulations 3 &amp; 4 address this issue</i></p>
<p>Lot size, road frontage, and lot configuration resemble surrounding properties.</p>	<p>Current ordinance requirements eliminate undesirable elements of existing development in the area, such as access easements, large lots that remove farm ground from production, allowance of multiple lots without infrastructure facilities, etc.</p>
	<p>The owner would have the ability to create two lots without approval of waivers.</p>

<p>The surrounding area includes two private roads with access easements that provide access to multiple properties.</p>	<p>Use of a shared driveway could cause disputes between property owners regarding proper usage, maintenance, etc.  <i>*recommended stipulation 2 addresses this issue</i></p>
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**Responsible Development & Growth / Conservation of Farmland**

<p>The Shelby County Development Corporation has indicated that a lack of housing exists in the County relative to housing demand.</p>	<p>Approval of the request would remove 'prime farmland if drained' from production.</p>
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<p>Subdivision of the property would encourage preservation of the farm ground on the Remaining Tract due to the five-year suspension on re-subdivision of property imposed by the Unified Development Ordinance.</p>	
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<p>The design on the subdivision allows for a large remaining tract having adequate road frontage along 800 N to provide a public road for a future major subdivision as the County population grows.</p>	
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**Comprehensive Plan**

<p>The <i>Agricultural Future Land Use</i> category recommends rural home sites if the emphasis remains on agriculture.</p>	<p>The <i>Agricultural Future Land Use</i> category recommends agricultural use.</p>
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<p>The <i>Agricultural Future Land Use</i> category discourages subdivisions and discourages a density less than one lot per five acres. The overall density of the development would be one lot per ten acres.</p>	<p>The <i>Agricultural Future Land Use</i> category discourages subdivisions.</p>
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<p>Community Character Goal 1, Strategy 5: Provide opportunities and resources which allow communities to grow in population.</p>	<p>Community Character Goal 2: Protect and promote our rural heritage and <i>agricultural assets</i>.  Strategy 3: <i>Preserve woodland, wetland, and agricultural resources</i> for future generations.</p>
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<p>Land Use Goal 1, Strategy 1: Balance development patterns and character with <i>available transportation and utility resources</i> and existing character context.</p>	<p>Land Use Goal 1, Strategy 6: Focus resources on areas having infrastructure that will support development and <i>encourage transition of developed areas without infrastructure to agricultural uses</i>.   Land Use Goal 2, Strategy 1: Preserve prime farmland and <i>agricultural road frontage</i> in rural areas of the county, Strategy 2: <i>Conserve agricultural land</i>.</p>
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Land Use Goal 3: Encourage re-investment and improvement within our *existing cities and unincorporated towns first*.

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

## Staff Recommendation

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**APPROVAL** primarily because:

- The size of the parent tract allows for the creation of four building lots at an overall density that exceeds the density of surrounding development (1 lot per 10 acres vs approximately 1 lot per 6 acres for surrounding development). Therefore, approval of the request would not result in alteration of the character of the area.
- Approval of the request would result in a suspension of re-subdivision of the remaining tract for at least 5 years as required by the UDO, therefore preserving farm ground on the remaining tract.
- The Shelby County Development Corporation has indicated that a lack of housing exists in the County relative to housing demand. Approval of the request would provide for housing opportunities.
- Staff is recommending stipulations to address potential impacts on surrounding property and development of the property without desired infrastructure, such as a public access road, water, sanitary sewer, and drainage facilities.

### Recommended Stipulations:

1. Landscape Buffer Yard "A" shall be installed and maintained on Lot 3 along the east and south property lines. Buffer Yard "A": 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.
2. ~~Drainage from the properties shall outlet to the west.~~ Only Lot 3 may utilize the existing drainage tile. A new drainage system shall be installed for the Remaining Tract, Lot 1, and Lot 2 and all drainage from these lots shall outlet to the west. *\*amended 6/23/20*
3. A Driveway Access and Maintenance agreement shall be recorded.
4. The owners of properties shall abandon any septic system and connect to sanitary sewer in the event that sanitary sewer becomes available along 800 N.

### *Applicant/Owner Information*

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Applicant:	Doug A. & Miranda L. Sutherland 4420 W 800 N Fairland, IN 46126	Surveyor:	Powell Land Surveying, LLC – Jeffery Powell 4634 N 575 E Shelbyville, IN 46176
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Owner: Same

