

Shelby County Plan Commission

July 28, 2020 at 7:00 PM

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MEETING AGENDA

Shelby County Plan Commission
July 28, 2020 at 7:00 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the June 23, 2020 meeting.

BUSSINESS CONTINUED TO AUGUST 25, 2020

RZ 20-10 – HUNGERFORD REZONING: Rezoning of 9.62 acres from the A2 (Agricultural) District to the RE (Residential Estate) District to allow for a two-lot Simple Subdivision. Located at 3919 S 800 E, Waldron, Liberty Township.

SD 20-06 – HUNGERFORD SIMPLE SUBDIVISION: Subdivision of 9.62 acres into a building lot and a lot including an existing residence. Located at 3919 S 800 E, Waldron, Liberty Township.

OLD BUSSINESS

None.

NEW BUSINESS

RZ 20-09 – SHELBY COUNTY COMMISSIONERS / VASSAR RENTALS REZONING: Rezoning of 0.26 acres from the R1 (Single-Family Residential) District to the C2 (Highway Commercial) District to assign the zoning district consistent with the historical zoning designation and use of the property. Located at 15-17 Hale Rd, Shelbyville, Addison Township.

RZ 20-11 – PURDUE REZONING: Rezoning of +/- 5.27 acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for a two-lot Simple Subdivision. Located at 5302 West Marietta Railroad Street, Shelbyville, Hendricks Township.

SD 20-07 – JEFFERSON PURDUE SIMPLE SUBDIVISION: Subdivision of 6.241 acres into a 5.270-acre building lot and 0.971-acre lot including an existing residence. Located at 5302 West Marietta Railroad Street, Shelbyville, Hendricks Township.

DISCUSSION

ADJOURNMENT

The next regular meeting of the Shelby County Board of Zoning Appeals is scheduled for Tuesday, **August 25, 2020 at 7:00 PM.**

Property Details

Location: 15-17 Hale Rd, Shelbyville, Addison Township.

Property Size: 0.26 acres.

Current Land Use: Commercial

Current 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.

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

Future Land Use per Comp Plan Incorporated Planning Area

Surrounding Development

	Zoning	Land Use
North	R1 (Shelbyville)	Multi-Family Residential
South	IL (Shelbyville)	Institutional
East	R1	Two-Family Residential
West	R1	Single-Family Residential

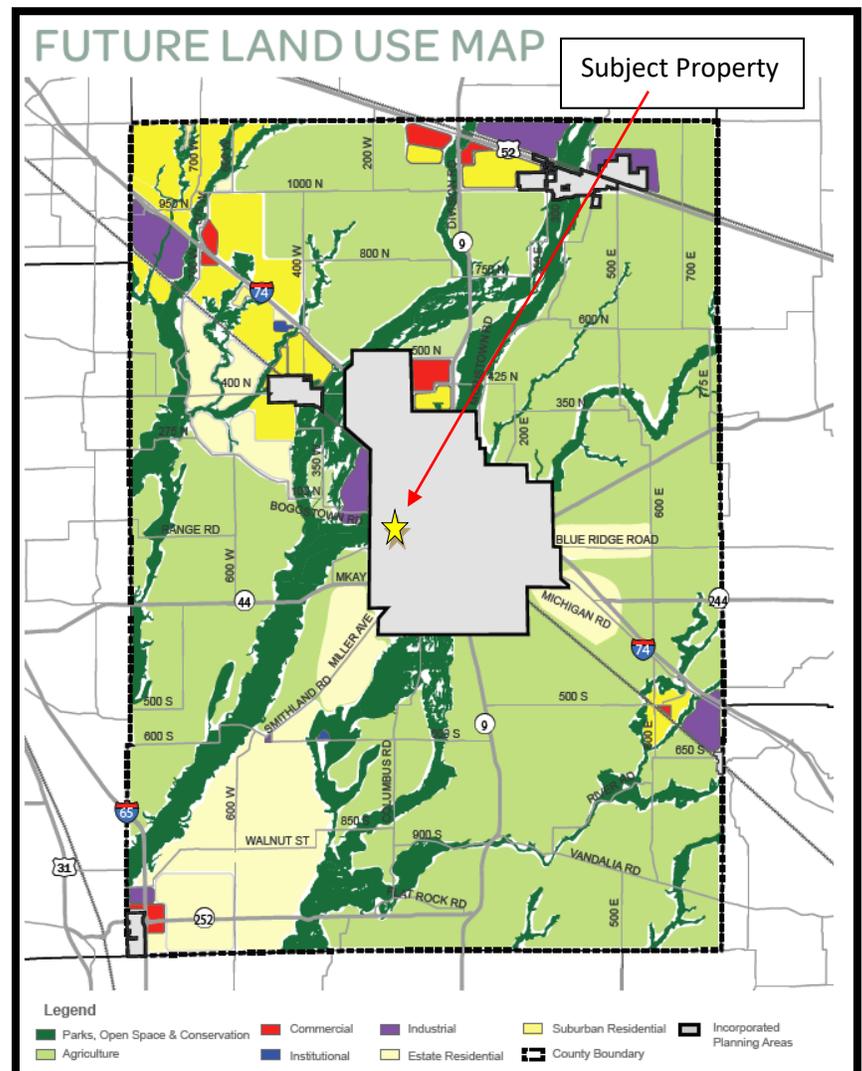
Staff Report

Case Number: RZ 20-09
Case Name: Shelby County Commissioners / Vassar Rentals - R1 (Single-Family Residential) to C2 (Highway Commercial)

Request

Rezoning of 0.26 acres from the R1 (Single-Family Residential) District to the C2 (Highway Commercial) District to assign the zoning district consistent with the historical zoning designation and use of the property.

Future Land Use Map



Property Map



Case Description

- The Planning Director, on behalf of the County Commissioners, requests a favorable recommendation from the Plan Commission to rezone the subject property from R1 to C2. The County likely made an error in assigning the property the R1 zoning designation when updating the County-wide zoning maps in 2008. Historically the County Commissioners have applied for a rezoning on behalf of the property owner in a situation where the County has assigned an incorrect zoning designation.
- The Planning Director noted the zoning map error when contacted by the property owner's real estate agent. The property owner plans to sell the property for commercial use.
- The property real estate listing states: property was once used as a body shop, mechanic shop, cold storage.
- The C2 District allows for most uses previously permitted and conducted on the property. The current ordinance does not include a zoning district that permits all uses permitted in the previous B3 districts.

- The history of the property supports a change of zoning from R1 to C2:
 - 1972 – The original County zoning maps designated the property as RP (Residential Platted).
 - 1986 – The County approved a request by the current property owner to rezone the property from RP (Residential Platted) to B3 (Commercial).
 - 2001 – The County adopted a new zoning ordinance in 1999 which removed the B3 (Commercial) District. The County updated the zoning maps in 2001 and assigned the property the B3 (Business Three) zoning designation.
 - 2008 – The County adopted a new zoning ordinance in 2008 which removed the B3 (Business Three) District. The County updated the zoning maps and assigned the property the R1 (Single-Family Residential) zoning designation.

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 uses permitted in the C2 District resemble commercial and industrial development in the surrounding area.

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

The C2 District allows for most uses previously permitted and conducted on the property.

3. The Conservation of Property Values throughout the Jurisdiction

Approval of the rezoning would allow for use of the property consistent with the historical use of the property and therefore the rezoning would not impact property values.

4. Responsible Development and Growth

Current and previous property owners have used the property for commercial and industrial purposes, the property had a business zoning designation of previous zoning maps, and the rezoning would not conflict with the Comprehensive Plan.

5. The Comprehensive Plan

The City of Shelbyville Planning & Building Department has reviewed the request and determined that the request is consistent with the City Comprehensive Plan.

Staff Recommendation

Staff recommends **APPROVAL**.

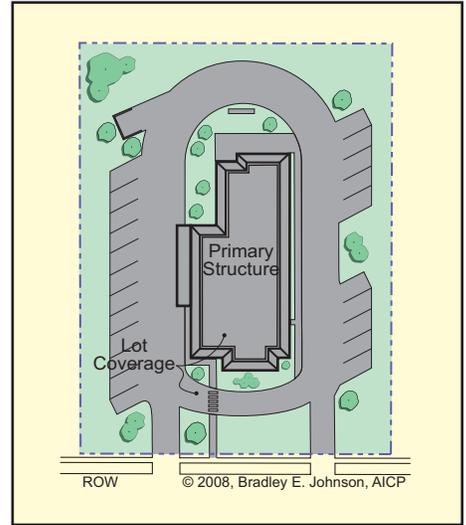
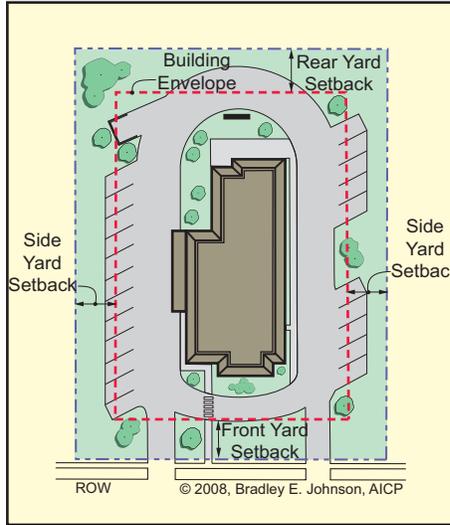
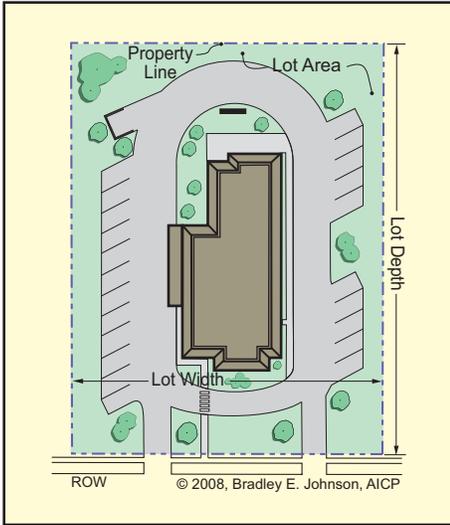
Applicant/Owner Information

Applicant:	Shelby County Commissioners 25 W Polk St. Shelbyville, IN 46176	Owner:	Vassar Rentals LLC 1238 Central Park Dr. Shelbyville, IN 46176
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Highway Commercial (C2) District

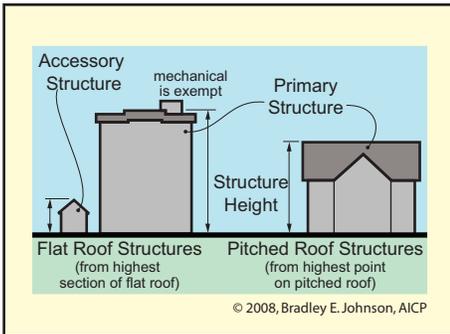
2.32 C2 District Development Standards



- Minimum Lot Area**
 - 20,000 square feet
- Minimum Lot Width**
 - 100 feet
- Minimum Lot Frontage**
 - 80 feet
- Sewer and Water**
 - Public sanitary sewer and water utility required

- Minimum Front Yard Setback**
 - 20 feet for primary structure
 - 40 feet for parking lot
- Minimum Side Yard Setback**
 - 25 feet
- Minimum Rear Yard Setback**
 - 30 feet

- Maximum Lot Coverage**
 - 70% of lot area
- Minimum Main Floor Area:**
 - 800 square feet
- Maximum Primary Structures**
 - no limit



- Maximum Structure Height**
 - 40 feet for primary structure
 - 15 feet for accessory structure

Additional Development Standards that Apply

Accessory Structure (AS)	Landscaping (LA)	Public Improvement (PI)
• AS-01 Page 5-4	• LA-01 Page 5-36	• PI-01 Page 5-56
Density and Intensity (DI)	• LA-02 Page 5-37	Pond (PN)
• DI-01 Page 5-10	• LA-05 Page 5-38	• PN-01 Page 5-57
Driveway (DW)	• LA-06 Page 5-38	Setback (SB)
• DW-01 Page 5-11	• LA-07 Page 5-39	• SB-01 Page 5-59
• DW-04 Page 5-14	Lighting (LT)	Sewer and Water (SW)
Environmental (EN)	• LT-01 Page 5-41	• SW-01 Page 5-61
• EN-01 Page 5-16	Loading (LD)	Sexually Oriented Bus. (SX)
Fence and Wall (FW)	• LD-01 Page 5-42	• SX-01 Page 5-62
• FW-01 Page 5-17	Lot (LO)	• SX-02 Page 5-63
• FW-07 Page 5-19	• LO-01 Page 5-43	Sign (SI)
Floodplain (FP)	Outdoor Storage (OS)	• SI-01 Page 5-64
• FP-01 Page 5-20	• OS-01 Page 5-45	Storage Tank (ST)
Floor Area (FA)	• OS-02 Page 5-45	• ST-01 Page 5-71
• FA-01 Page 5-26	• OS-05 Page 5-46	Structure (SR)
Height (HT)	Parking (PK)	• SR-01 Page 5-72
• HT-01 Page 5-27	• PK-01 Page 5-47	Temporary Use (TU)
	• PK-03 Page 5-48	• TU-01 Page 5-75
	Performance (PF)	• TU-04 Page 5-75
	• PF-01 Page 5-55	Vision Clearance (VC)
		• VC-01 Page 5-76

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

Property Details

Location: 5302 West Marietta Railroad Street, Shelbyville, Hendricks Township.

Property Size: 6.241-acres (+/- 5.27 acres included in rezoning).

Current Land Use: Single-Family Residential

Current Zoning Classification
A1 (Conservation Agricultural) (+/- 5.27 acres)

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

VR (Village Residential) (+/- 0.971 acres)

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

Proposed Zoning Classification
RE (Residential Estate) (+/- 5.27 acres)

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.

(+/- 0.971 acres) will remain VR

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; continued on next page....

Staff Report

Case Number: RZ 20-11 / SD 20-07
Case Name: Purdue Rezoning – A1 (Conservation Agricultural) to RE (Residential Estate) & Jefferson Purdue Simple Subdivision

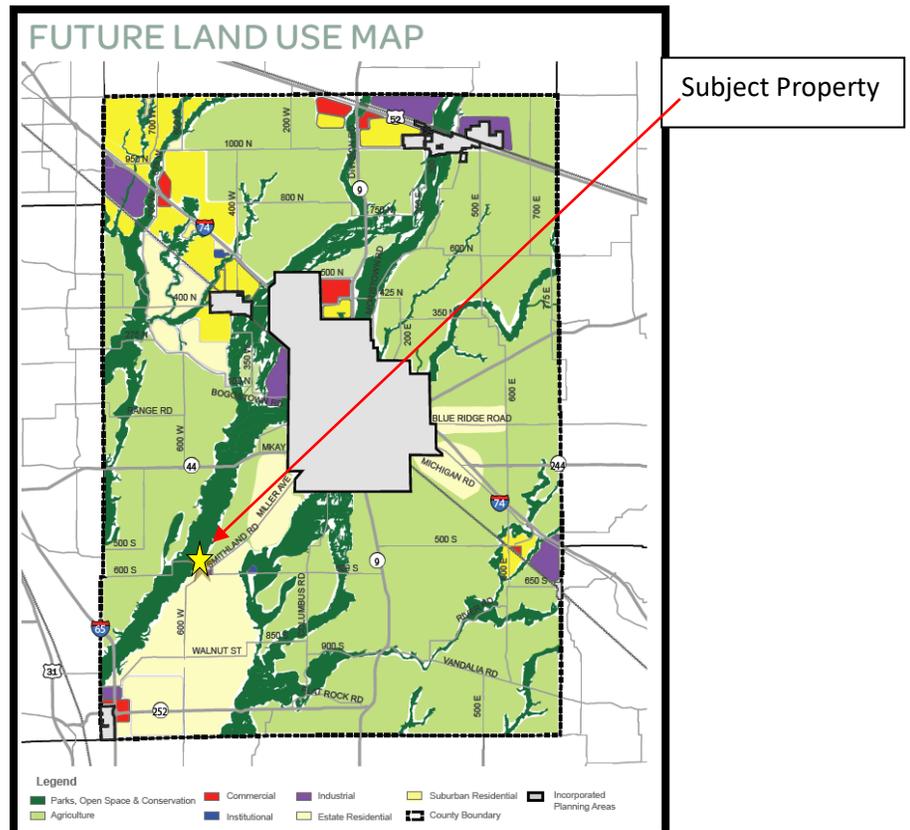
Requests

Rezoning of +/- 5.27 acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for a two-lot Simple Subdivision.

Simple Subdivision to allow for subdivision of 6.241 acres into a 5.270-acre building lot and 0.971-acre lot including an existing residence.

Waivers of subdivision design standards to allow for: (1) Simple Subdivision of property zoned VR (Simple Subdivisions only permitted in the A3, A4, & RE Districts). (2) A lot without road frontage (160-foot lot width and road frontage required) (3) Side lot lines not within a 15-degree angle to the Right-of-Way.

Future Land Use Map



Property Details

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	VR	Single-Family Residential
East	A1/R1	Cropland & Agricultural Buildings
West	A1/VR	Cropland & Single-Family Residential

Property Map



Case Description

- Approval of the requests would allow for construction of one new single-family residence on a 5.27-acre lot.
- The 5.27-acre lot would not have road frontage, however, would utilize the existing driveway on the 0.971-acre lot. The plat includes an ingress, egress, and utility easement over the driveway for the benefit of the 5.27-acre lot. The property owner contacted the owner of the vacant 0.5-acre lot between the south property line and the road to inquire about purchasing the property to gain road frontage, however the property owner did not wish to sell the property.
- The USDA Soil Survey identifies new building lot as 'Not Prime Farmland'.

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 property adjoins the unincorporated town of Marietta which includes several residential properties on relatively small lots. Therefore, development of a 5.27-acre lot with one new single-family residence and residential accessory structures would not conflict with the character of the area.

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

The USDA Soil Survey designates the proposed 5.27-acre lot as Not Prime Farmland, the lot currently does not include tillable ground, and the lot adjoins the unincorporated town of Marietta. These conditions support residential use of the property.

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

The USDA Soil Survey designates the proposed 5.27-acre lot as Not Prime Farmland, the lot currently does not include tillable ground, and the lot adjoins the unincorporated town of Marietta. These conditions support residential use of the property.

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 the new building lot would exceed five acres. Therefore, approval would not conflict with the Agricultural Future Land Use Designation of the Comprehensive Plan.

Staff Recommendation

APPROVAL the Rezoning because development of the property would not result in the loss of Prime Farmland, the property currently does not include tillable ground, and the property adjoins smaller residential properties in the unincorporated town of Marietta, therefore development of the property does not conflict with the character of the area or the Comprehensive Plan.

APPROVAL the Simple Subdivision and Waivers because:

1. The VR zoned 0.971-acre property is consistent with the size and use of surrounding residential properties.
2. The property owner contacted the owner of the vacant 0.5-acre lot to the south to inquire about purchasing the property to gain road frontage for the 5.27-acre lot, however the property owner did not wish to sell the property.
3. The parent tract currently includes side lot lines not within a 15-degree angle to the right-of-way.

Recommended Stipulation:

1. A Driveway Access and Maintenance agreement shall be recorded.

Applicant/Owner Information

Applicant: Jefferson Purdue
5302 W Marietta Railroad St.
Shelbyville, IN 46176

Owner: Same

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

