

Shelby County Plan Commission

September 26, 2023 at 7:00 PM

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MEETING AGENDA

Shelby County Plan Commission
September 26, 2023 at 7:00 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the July 25, 2023 meeting.

OLD BUSINESS

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 ***This case has been WITHDRAWN by the petitioner.**

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 ***This case has been WITHDRAWN by the petitioner.**

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

RZ 23-19 – SCHWIER & CO., LLC REZONING: Rezoning of 38.197-acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District. Located east of and adjoining 9174 N 250 E, Morristown, Hanover Township.

SCHWIER & CO., LLC WAIVERS OF SUBDIVISION STANDARDS: Located east of and adjoining 9174 N 250 E, Morristown, Hanover Township.

NEW BUSINESS

RZ 23-20 – WELLS REZONING: Rezoning of 0.52-acres from the R1 (Single-Family Residential) District to the C2 (Highway Commercial) District and of 2.03-acres from the RE (Residential Estate) District to the C2 (Highway Commercial) District to allow for speculative commercial development. Located at 1803 & 1815 S 450 E, Shelbyville, Liberty Township.

SD 23-16 – RHODEN SIMPLE SUBDIVISION: Simple Subdivision of 5-acres into a 2.5-acre building lot and a 2.5-acre lot including an existing single-family residence and waiver of subdivision standards. Located at 6045 N 600 W, Fairland, Moral Township.

DISCUSSION

None

ADJOURNMENT

The next regular meeting of the Shelby County Plan Commission is scheduled for Tuesday, **October 24, 2023** at **7:00 PM**.

Property Details

Location: East of and adjoining 453 E 700 S, Shelbyville, Washington Township.

Property Size: 14.74-acres.

Current Land Use: Cropland.

Current Zoning Classification

RE (Residential Estate)

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

Future Land Use per Comp Plan

Agriculture

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.

Staff Report

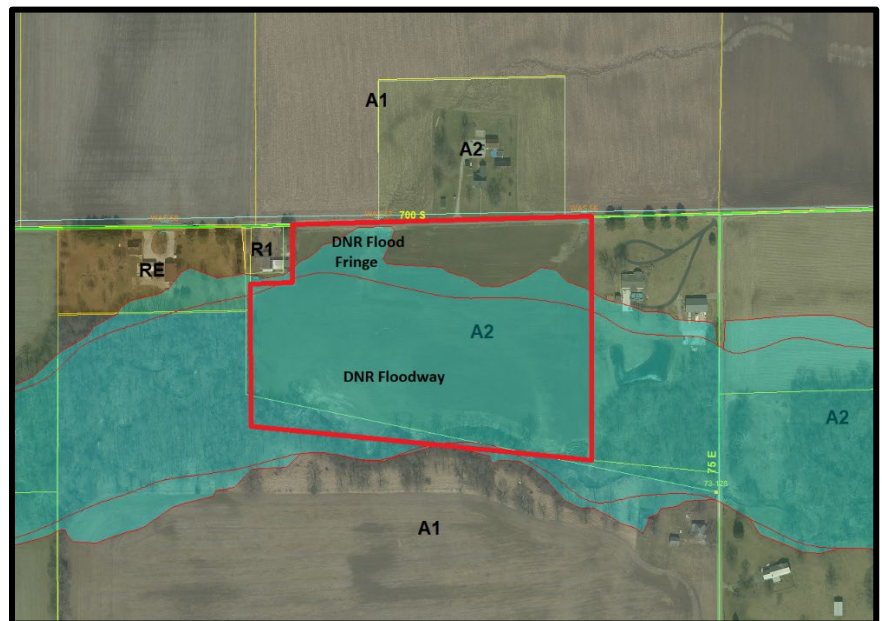
Case Number: SD 23-02

Case Name: Davis 700 S Simple Subdivision

Request

Simple Subdivision of 14.74-acres into a 9.5-acre building lot and a 4.74-acre building lot.

Property Map



Case Description

- The petitioner plans to subdivide the property into a 9.5-acre lot and 4.74-acre lot to list for sale as single-family building lots. Currently, the UDO allows for development of one single-family dwelling on the property without Plan Commission approval.
- On March 28, 2023 the Plan Commission recommended approval of a rezoning of the property from A2 (Agricultural) to RE (Residential Estate). The County Commissioners approved the rezoning on April 10, 2023. The approval included a stipulation: *Development including single-family dwellings, accessory structures, and alteration of land in the Designated Flood Hazard Area shall be prohibited.* This stipulation is referenced on the plat.

- At the March Plan Commission meeting, neighbors and a few members of the Plan Commission expressed concern that development of the property may have a detrimental impact on worsening flooding or causing backup of water onto adjacent properties. The petitioner commissioned Burke Engineering to conduct a Floodplain Engineering Study in response to these concerns. The conclusion of the study states: *Since the proposed building area is above the floodplain elevation, Burke has determined that the building structure should have no detrimental impact on worsening flooding or causing backup of surcharge water onto adjacent properties.*
- The Technical Advisory Committee (TAC) / Site Plan Review Committee would review a detailed site plan including structure layout, elevation of development, drainage infrastructure, and septic system design for compliance with County codes prior to issuance of permits for each new single-family residence.
- Flood Hazard Area information is included for informational purposes only. Per State Code, the Plan Commission must approve any subdivision of property that complies with local subdivision code. Shelby County's subdivision code does not restrict subdivision of property due to flood hazard area restrictions.

Staff Analysis Findings of Fact

Staff has reviewed the proposed plat and has determined:

1. The subdivision of land is consistent with the Shelby County Comprehensive Plan.
2. The subdivision of land satisfies the development requirements of Article 06: Subdivision Types.
3. The subdivision of land satisfies the standards of Article 07: Design Standards.
4. The subdivision of land satisfies any other applicable provisions of the Unified Development Ordinance.
5. The subdivision of land satisfies the construction requirements of Shelby County's Construction Standards.

Staff Recommendation

APPORVAL

Applicant/Owner Information

Applicant:	Matt Davis 6652 W Base Rd. Greensburg, IN 47240	Owner:	Gary Davis 4978 E 875 S St. Paul, IN 47272
Surveyor:	Scott T Sumerford 3149 N Riley Hwy. Shelbyville, IN 46176		



LOT 1
9.8
ACRES

LOT 1
9.9
ACRES

BASIS OF BEARINGS:
INDIANA STATE PLANE GRID
(EAST ZONE 1300)
SCALE: 1 INCH = 50 FEET



50' FRONT SETBACK FOR PRIMARY/DWELLING

PROPOSED 25' HALF R/W LINE

APPROX. DNR FLOOD FRINGE

EXTENT OF INDIANA DNR APPROXIMATE FLOODWAY

Immediate Front Area Above Fringe
1.02 Acres

Immediate Front Area Above Fringe
1.26 Acres

DAVIS PROPERTY FLOODPLAIN ENGINEERING REPORT

SHELBY COUNTY, IN

JULY 2023

Prepared for:

City of Shelbyville
Attn: Eric Glasco
Stephenson Rife LLP
2150 Intelliplex Drive, Suite 200
Shelbyville, IN 46176

Prepared by:

Christopher B. Burke Engineering, LLC
115 W. Washington St., Ste. 1368 S.
Indianapolis, IN 46204

Burke Project No. 19.R230213.00000



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EXECUTIVE SUMMARY

Christopher B. Burke Engineering, LLC (Burke) was retained by the City of Shelbyville to evaluate the floodplain and floodway footprint on property owned by Matt Davis located at 4978 E 875 S St. Paul, IN 47272. The property is located partially within the floodplain and floodway of South Fork Lewis Creek, as defined by an approximate Zone A study performed by Indiana Department of Natural Resources (IDNR). Burke analyzed topographic information of the site at the location where the client is proposing to build a residential structure.

From analyzing the area where building is proposed on the Davis property adjacent to South Fork Lewis Creek, Burke came to the following conclusions:

1. Based on the proposed site and development footprint where the building is proposed, the proposed residential use of the land will be outside of the floodplain and floodway of the South Fork Lewis Creek, as shown by the IDNR INFIP (Indiana Floodplain Information Portal).
2. The topographic map provided from the survey completed by Scott T. Sumerford shows higher elevation contours around the proposed residential structure area that are above the base flood elevation of the IDNR floodplain study of 732.6 feet, NAVD.
3. Based on the topographic map provided by surveyor, Scott T. Sumerford, the proposed residential land marked “above fringe” on **Exhibit 2** lies outside the delineated floodplain and above the floodplain elevation of the IDNR approximate study. Since the area is outside of the floodplain, no floodplain permit will be required for building according to the Shelby County Planning Department.
4. Since the proposed building area is above the floodplain elevation, Burke has determined that the building structure should have no detrimental impact on worsening flooding or causing backup of surcharge water onto adjacent properties.

From analyzing the proposed areas marked “above fringe” on the Scott T. Sumerford survey, Burke recommends the following:

1. Burke has identified the approximate floodplain elevation from the IDNR study at the location of the proposed building area as 732.6 feet, NAVD. The land shown on the topographic survey marked in the proposed building area is above the floodplain elevation, however, Burke recommends that the residential construction be built with lowest floor grade 2 feet above the floodplain elevation (i.e., 734.6 feet, NAVD) in the proposed area to account for an engineering safety factor and to account for potential future, more accurate estimate of the 100-year discharge or a more accurate hydraulic analysis.

1.0 INTRODUCTION

1.1 BACKGROUND

Christopher B. Burke Engineering, LLC (Burke) was retained by City of Shelbyville to evaluate the floodplain and floodway footprint on property owned by Gary Davis located at 4978 E 875 S St. Paul, IN 47272. The property is located partially within the floodplain and floodway of South Fork Lewis Creek, as defined by an approximate Zone A study performed by Indiana Department of Natural Resources (IDNR). Burke analyzed topographic information of the site at the location where the client is proposing to build a residential structure.

The Davis property is southwest of the 700 South and 75 East Intersection in Washington Township, south of Shelbyville. The property is adjacent to 453 E 700 S, Shelbyville, IN 46176. The proposed project area outlined on **Exhibit 1**.

1.2 PURPOSE OF STUDY

The purpose of this study is to evaluate the feasibility of placing a residential structure on property owned by Gary Davis located at 4978 E 875 S St. Paul, IN 47272. The proposed building site is approximately 14.74 acres in size on a set of two lots that are 9.8 and 4.9 acres in size. The parcel is 73-15-08-200-012.000-021 in Shelby County, Indiana. The area marked for proposed residential development on the parcels is shown in Appendix 2.

1.3 DATA GATHERING

Several sources of information were used to evaluate the feasibility of residential construction in the proposed building area. The following sources of information have been incorporated into the analysis.

1.3.1 FLOODPLAIN INFORMATION

Sources of floodplain information for the site include the Indiana Floodplain Information Report (INFIP) and the effective FEMA Flood Insurance Rate Map (FIRM) which can both be found in **Appendix 1**. The IDNR approximate study indicates that the 100-year floodplain elevation for the site is approximately 732.6 feet at the east property boundary and 730.5 feet at the west (downstream) property boundary. The floodplain and floodway delineations, as well as the 100-year elevation points in relation to the topographic survey are shown on **Exhibit 2**. No independent hydrologic or hydraulic analyses were performed by Burke as part of this study.

1.3.2 TOPOGRAPHIC INFORMATION

Elevation data surveyed for the site by Scott T. Sumerford indicates that the area marked for residential building development along the north property edge, as shown on the survey map in **Appendix 2**, has ground elevations which are at elevation 732.6 feet and above. All land shown within the 1.02- and 1.26-acre areas marked for residential development appears to be above the floodplain elevation.

2.0 PROPOSED DESIGN

Based on discussion with the client's representative, Davis proposes to build residential structures located just south of East 700 South in Shelby County, Indiana.

2.1 DESIGN ELEMENTS

The lowest grade in the areas marked “above fringe” according to topographic mapping from Scott T. Sumerford’s survey shown on Exhibit 2 is listed in **Table 1**.

Parcel	Ground Elevation Outside Floodplain Limits (ft., NAVD)
73-15-08-200-012.000-021	732.6

Table 1: Elevation Information

As shown in Table 1, the documented elevation of the “above fringe” areas is above the floodplain elevation of 732.6 feet that is delineated by the IDNR Approximate Zone A mapping elevations.

2.2 CONSTRUCTION CONSIDERATIONS

According to the Shelby County Planning Department a floodplain permit must be required to construct a building, building addition, deck, pool, or other structure or to grade land in an area designated as a flood hazard area by the Indiana Department of Natural Resources, Division of Water, Best Available Data. Section 1.6 of the Shelby County Storm Drainage, Erosion and Sediment Control Ordinance states, “The 1945 Flood Control Act (Indiana Code 14-28-1) of the state of Indiana prohibits the construction of abodes or residences in or on a floodway. Flood Hazard Management Ordinance says that prior approval of the Department of Natural Resources is required for any type of construction, excavation, or filling in or on a floodway.”

In the case of the Davis property, if residential building occurs in the portion of surveyed property that is above the 100-year flood elevation (outside the floodplain / floodway limits), then building should be allowed per County and State statutes.

3.0 CONCLUSIONS AND RECOMMENDATIONS

3.1 CONCLUSIONS

From analyzing the area where building is proposed on the Davis property adjacent to South Fork Lewis Creek, Burke came to the following conclusions:

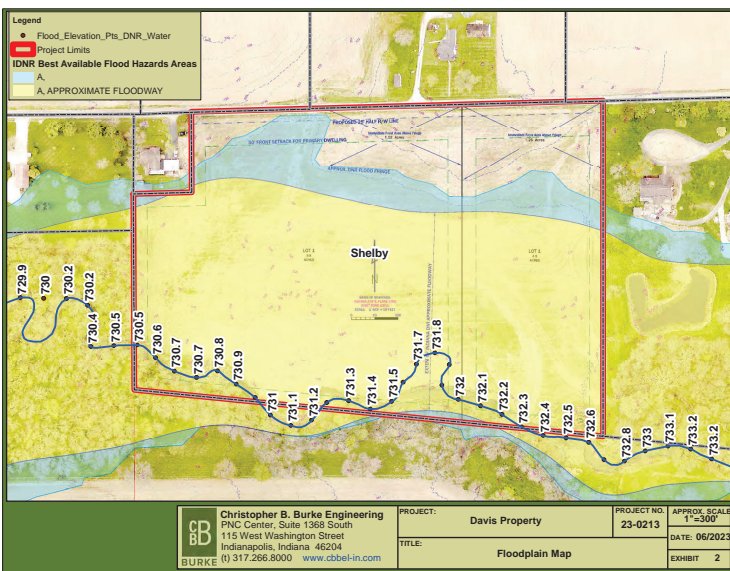
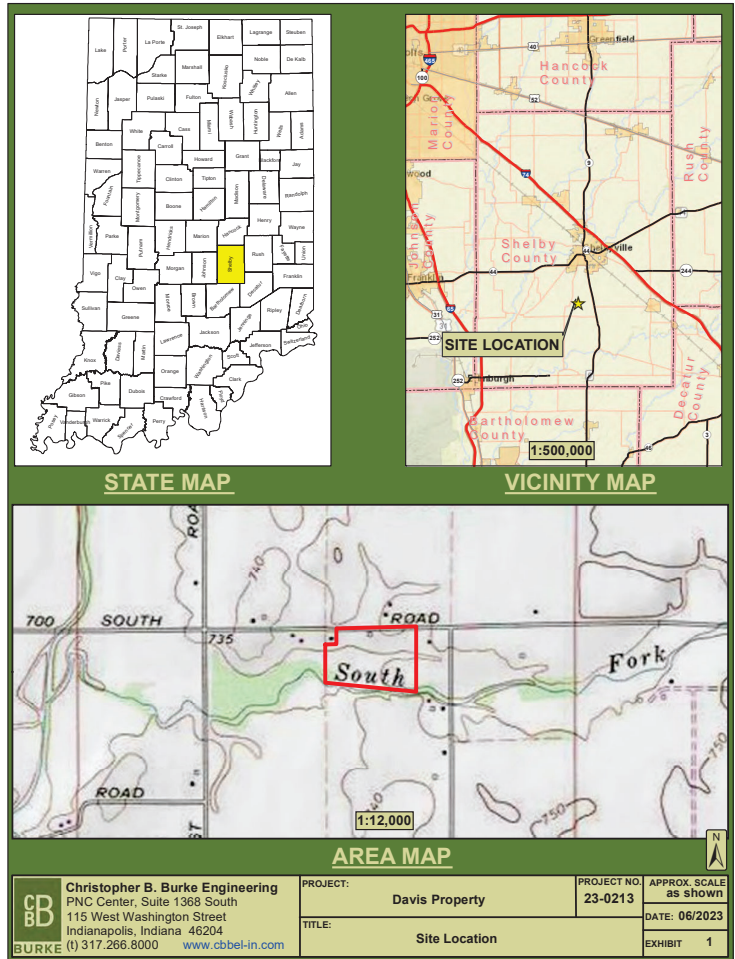
1. Based on the proposed site and development footprint where the building is proposed, the proposed residential use of the land will be outside of the floodplain and floodway of the South Fork Lewis Creek, as shown by the IDNR INFIP (Indiana Floodplain Information Portal).
2. The topographic map provided from the survey completed by Scott T. Sumerford shows higher elevation contours around the proposed residential structure area that are above the base flood elevation of the IDNR floodplain study of 732.6 feet, NAVD.
3. Based on the topographic map provided by surveyor, Scott T. Sumerford, the proposed residential land marked “above fringe” on Exhibit 2 lies outside the delineated floodplain and above the floodplain elevation of the IDNR approximate study. Since the area is outside of the floodplain, no floodplain permit will be required for building according to the Shelby County Planning Department.
4. Since the proposed building area is above the floodplain elevation, Burke has determined that the building structure should have no detrimental impact on worsening flooding or causing backup of surcharge water onto adjacent properties.

3.2 RECOMMENDATIONS

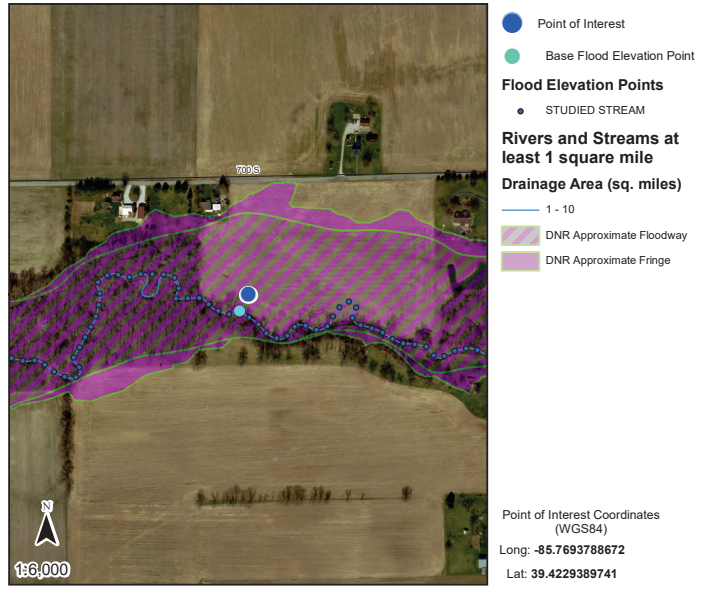
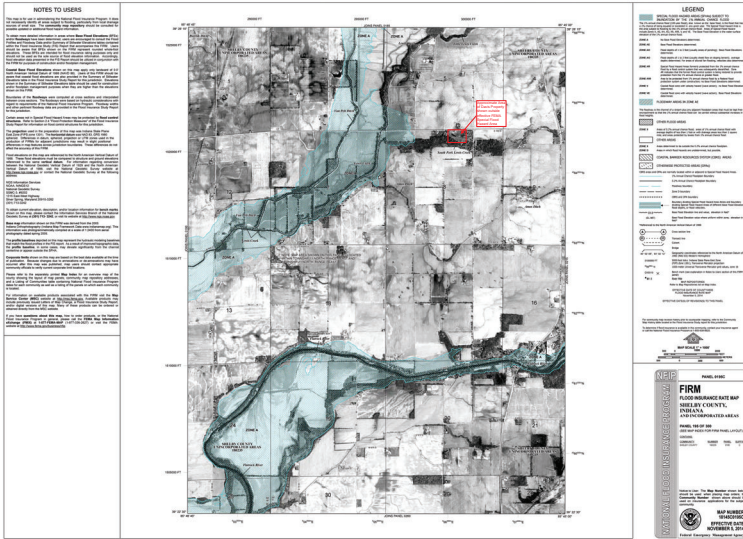
From analyzing the proposed areas marked “above fringe” on the Scott T. Sumerford survey and based on the IDNR best available data floodplain analysis, Burke recommends the following:

1. Burke has identified the approximate floodplain elevation from the IDNR study at the location of the proposed building area as 732.6 feet, NAVD. The land shown on the topographic survey marked in the proposed building area is above the floodplain elevation, however, Burke recommends that the residential construction be built with lowest floor grade 2 feet above the floodplain elevation (i.e., 734.6 feet, NAVD) in the proposed area to account for an engineering safety factor and to account for potential future, more accurate estimate of the 100-year discharge or a more accurate hydraulic analysis.

EXHIBITS



APPENDIX 1: FLOODPLAIN DATA



The information provided below is based on the point of interest shown in the map above.

County: **Shelby** Approximate Ground Elevation: **727.6 feet (NAVD88)**
Stream Name: **South Fork Lewis Creek** Base Flood Elevation: **730.8 feet (NAVD88)**
Drainage Area: **Not available**

Best Available Flood Hazard Zone: **DNR Approximate Floodway**
National Flood Hazard Zone: **Not Mapped**

Is a Flood Control Act permit from the DNR needed for this location? **yes**
Is a local floodplain permit needed for this location? **yes-**

Floodplain Administrator: **Desiree Calderella, Planning Director, Shelby County Plan Commission**
Community Jurisdiction: **Shelby County, County proper**
Phone: **(317) 392-6338**
Email: **dcalderella@co.shelby.in.us**

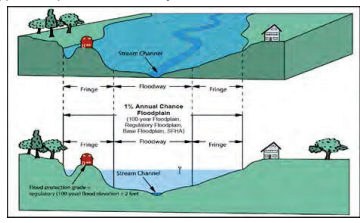
US Army Corps of Engineers District: **Louisville** Date Generated: 6/13/2023

About the Floodplain Analysis and Regulatory Assessment (FARA):

All streams have a floodplain, whether mapped or not. This FARA, and the information provided herein, is designed for sites along streams with a mapped floodplain that delineates the floodway portion of the floodplain; see the image below for a visual guide to the floodplain, floodway, and flood fringe. The information in this document was determined using an automated mapping tool. The DNR has high confidence in the tool, but there are scenarios where the floodplain information provided requires additional review from the DNR.

All streams in DNR jurisdiction (streams that have a drainage area one square mile or greater) are shown by a blue line on the map on page 1. However, a floodplain/floodway may or may not be mapped for every stream. In any of the following scenarios, or if you have more detailed floodplain information, use the link at the bottom of this page to request a staff review of the site. Please note that staff review may take several weeks to complete.

- Scenarios that require additional DNR review:
- The base flood elevation on page 1 is not available
 - The tool selects the nearest flood elevation point for a stream outside the floodplain associated with the point of interest
 - There is not a delineated floodway for the stream nearest your point of interest
 - The point of interest is along a stream without a mapped floodplain
 - The point of interest is in a mapped floodplain of another stream, but the stream nearest the point of interest does not have a mapped floodplain with a floodway of its own



If DNR review is required, do not use this FARA for your site's determination. If you have questions about DNR permitting requirements, you can contact DNR, Division of Water toll-free at 1-877-928-3755 and select option 1 to speak to a Technical Services staff member. You can also write to the division at water_inquiry@dnr.in.gov or use the Indiana Waterways Inquiry Request tool at waterways.in.gov to submit a permitting determination request to both DNR and the Indiana Department of Environmental Management at once.

We recommend keeping a copy of this FARA for your records as the DNR will not have a copy on file.
LINK: https://survey123.arcgis.com/share/3291526f6c453e95c1980887bdcfb2?FIELD.LAT1=39.4229389741&FIELD.LON1=-85.7693788672&FIELD.DNR_PERMIT=yes&FIELD.LOC.&FIELD.STREAM=SOUTH%20FORK%20LEWIS%20CREEK&FIELD.INIT_DATE=06/13/2023&FIELD.BFE=730.8

The loss of lives and property caused by floods and the damage resulting from floods is a matter of deep concern to Indiana affecting the life, health, and convenience of the people and the protection of property. The Indiana Floodplain Information Portal is designed to show flood risk associated with Indiana waterbodies and provide information specifically for local and state floodplain permitting. The information provided is based on the regulatory floodplain limits; floods exceeding the regulatory floodplain can and do occur. If you are seeking information regarding lake or dam permitting, see the corresponding section below, under the permitting information section.

Floodplain Information:

All streams have a floodplain, whether mapped or not. This FARA, and the information provided herein, is designed for sites along streams with a mapped floodplain. See page 2 for scenarios where this FARA should not be used and additional review from the DNR may be required.

The Best Available Floodplain Layer (BAFL) is the mapping developed by the DNR that provides the best flood risk information currently available. This information should be used for construction, planning, and flood risk assessment. The BAFL incorporates the National Flood Hazard Layer (NFHL) from FEMA's Flood Insurance Rate Maps (FIRMS) for AE zones. The layer has completed modeling and more detailed studies using more recent LIDAR data for areas designated as A zone on the FIRM or areas that were not identified on the FIRM. BAFL mapping exists for over 80% of streams in Indiana. BAFL mapping should not be used for insurance rating purposes or for mandatory flood insurance purchase requirements related to the National Flood Insurance Program. See the Flood Insurance Information section on the following pages for information on flood insurance requirements. Common flood hazard zones are described below; to find the flood hazard zones associated with your point of interest, see the legend on page 1.

- Floodway (FEMA Zone AE Floodway, DNR Detailed, DNR Approximate): The floodway includes the stream channel and the overbank area necessary to carry the 1% annual chance flood, also known as the base flood, which has a 1% chance of being equaled or exceeded in any given year. The water surface at this level is referred to as the Base Flood Elevation (BFE). Land in this area is considered to have a high flood risk. Construction in the floodway area requires a permit from the DNR, Division of Water. Local floodplain ordinances require local construction permits. Flood insurance is strongly recommended and may be required by FEMA. See the Permitting Information and Flood Insurance Information sections of this document for more information.
- Special Flood Hazard Area (FEMA Zone A, FEMA Zone AE without floodway, DNR Approximate without floodway): Any natural ground levels that have an elevation lower than the Base Flood Elevation are considered floodway area. The floodway includes the stream channel and the overbank area necessary to carry the 1% annual chance flood, also known as the base flood, which has a 1% chance of being equaled or exceeded in any given year. The water surface at this level is referred to as the Base Flood Elevation (BFE). Land in this area is considered to have a high flood risk. Construction in the floodway area requires a permit from the DNR, Division of Water. Local floodplain ordinances require local construction permits. Flood insurance is strongly recommended and may be required by FEMA. See the Permitting Information and Flood Insurance Information sections of this document for more information.
- Special Flood Hazard Area (FEMA Zone AH – Ponding, FEMA Zone AO – Sheet Flow): Land in this area is considered to have a high flood risk. These areas are subject to the 1% annual chance flood with average

If the link above does not work, send a copy of this FARA to infpinquiry@dnr.in.gov and describe the reason you are requesting a staff review. Include your name and contact information so that staff can follow-up with you.

depths of 1 to 3 feet. A Construction in the Floodway permit is not required from the DNR, Division of Water. Local floodplain ordinances require local construction permits. Do not use the BFE generated by this tool for zones AH and AO; please refer to the FEMA Flood Insurance Study or FIRM for the depth or flood elevation. Flood insurance is strongly recommended and may be required by FEMA. See the Permitting Information and Flood Insurance Information sections of this document for more information.

- Fringe (DNR Detailed, DNR Approximate, FEMA Zone AE): Area outside the floodway but still subject to flooding during the 1% annual chance flood. The 1% annual chance flood, also known as the base flood, has a 1% chance of being equaled or exceeded in any given year. Land in this area is considered to have a high flood risk. A Construction in the Floodway permit is not required from the DNR, Division of Water. Local floodplain ordinances require local construction permits. Flood insurance is strongly recommended and may be required by FEMA. See the Permitting Information and Flood Insurance Information sections of this document for more information.
- Additional Floodplain Area (0.2% Annual Chance Flood): Land in this area is considered to have a moderate risk of flooding. These areas are subject to the 0.2% annual chance (500-year) flood. A Construction in the Floodway permit is not required from the DNR, Division of Water. Local floodplain ordinances may require local construction permits; contact the local Floodplain Administrator for more information. Flood insurance is strongly recommended.
- Additional Floodplain Area (Zone X – Protected by Levee): This zone includes areas protected from the 1% annual chance flood by levee, dike, or other structure subject to failure during larger floods. A Construction in the Floodway permit is not required from the DNR, Division of Water. Local floodplain ordinances may require local construction permits; contact the local Floodplain Administrator for more information. Flood insurance is strongly recommended.

Permitting Information:

Flood Control Act (Construction in the Floodway):

- The Flood Control Act (IC 14-28-1) requires the prior approval of the DNR, Division of Water for any construction in the floodway area including an obstruction, fill, excavation, or the construction of a building.

A permit application form and permit application assistance manual can be obtained from our website at: <https://www.in.gov/dnr/water/regulatory-permit-programs/>. You may choose to file an electronic application through our website at: <https://www.in.gov/dnr/water/regulatory-permit-programs/file-a-permit-application-online/>. Please be aware that in addition to the application fee, there is a \$15.00 Enhanced Access Fee to submit an electronic application.

- Local Ordinances / Permitting: For proposed construction at the point of interest marked on the map, you may also be required to obtain permits from or coordinate with the local floodplain administrator, plan commission, zoning office, and county drainage board.

Construction permitting by local government entities is independent of the State's permitting authority. Local floodplain ordinances require that the lowest floor of a new building or an addition to

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Page 4

an existing building proposed in the Special Flood Hazard Area (SFHA) be elevated at least 2 feet above the Base Flood Elevation (BFE). Some communities in the state regulate to the additional floodplain area also known as the 0.2% chance flood. If a basement is included, the basement floor shall be considered the lowest floor. Special Flood Hazard Area (SFHA) means the land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year. The area may be designated as Zone A, AE, AH, AO, AR, A99 or VE on the Flood Insurance Rate Map (FIRM). The area may also be designated on the DNR best available floodplain layer or designated by the community as a flood prone area.

- Indiana Department of Environmental Management: You may also be required to obtain a construction stormwater general permit from the Indiana Department of Environmental Management (IDEM) if the proposed project will disturb one acre or more. Inquiries may be sent to Stormwat@idem.IN.gov. IDEM permits may also be required for impacts to wetlands and streams especially if any work is proposed below the ordinary high-water mark of a waterbody. Go to [waterways.IN.gov](https://www.in.gov/waterways) to submit a permitting determination request, call (317) 233-8488 or (800) 451-6027, or visit the IDEM webpage at <https://www.in.gov/idem/cleanwater/> for more information.

- Indiana Department of Health: The state rules which address on-site sewage systems in a floodplain are IDOH Rule 410 IAC 6-8.3-63(e), 70(c)(2), and 72(c)(2) for residential systems and 410 IAC 6-10.1-71(e), 77(c)(2), and 80(c)(2) for commercial systems. The Indiana Department of Health (IDOH) is responsible for administering 410 IAC 6-10.1 and County Health Departments are responsible for administering 410 IAC 6-8.3. The Department of Natural Resources requires that all septic systems in a floodway meet IDOH requirements. Both subsurface trench systems and mound systems are prohibited in all areas below the BFE; it is highly likely that either a connection to a public sewer system or an off-site cluster system will be required. It is recommended that you contact IDOH for compliance with commercial system requirements and your County Health department for compliance with residential system requirements. If you have questions regarding the state rules, you may wish to contact:

Alice Quinn, Senior Environmental Manager
Environmental Public Health Division
Indiana Department of Health
100 N. Senate Ave., N855
Indianapolis, IN 46204
Telephone: (317) 518-4388
Email: alquinn@isdh.in.gov

- Indiana State Chemist: You may also be required to obtain permits from the Indiana State Chemist, especially if any work is proposed involving pesticide or fertilizer applications. To contact the Office of Indiana State Chemist call (765) 494-1492; or visit their webpage at <https://www.oisc.purdue.edu/index.html> for more information.

Lake Preservation Act:

- The Lake Preservation Act (IC 14-26-2) requires the approval of the DNR, Division of Water for any construction or project that is proposed below the legal or normal water level, and located over, along, or lakeward of the shoreline of a public freshwater lake, or within 10 feet landward of the shoreline for construction of a wall whose lowest point is below the legal lake level. A list of public freshwater lakes can be found in the "Public Freshwater Lake List" document at <https://www.in.gov/nrc/nonrule-policy-documents-mpd/>. Contact the DNR, Division of Water for more information on permitting requirements if working near a public freshwater lake or near or on a lake not on the Public Freshwater Lake List.

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Regulation of Dams:

- A permit under the Flood Control Act (IC 14-28-1) and Regulation of Dams (IC 14-27-7.5) is required for a proposed dam, or work to an existing dam, if any one of the following criteria is met:
 - the drainage area above the dam is greater than one square mile, or;
 - the height of the dam is more than 20 feet as measured from the lowest point in the natural streambed under the centerline of the dam to the crest of the dam, or;
 - the maximum volume of water impounded by the dam to the crest (high pool level during the design storm event) is more than 100 acre-feet, or;
 - upon receiving a petition from a downstream property owner or resident, the DNR, Division of Water deems the dam a high hazard dam

If a permit is required for a proposed dam, or work to an existing dam, it will be necessary for you to obtain the services of a registered professional engineer experienced in dam design and construction to make a complete geotechnical and hydrologic/hydraulic engineering evaluation of the project, develop plans and specifications, and submit the technical documentation to the DNR, Division of Water with an application for review. Your engineer will need to work with other technical professionals (i.e. geotechnical, engineering geologists, structural engineers, etc.) to develop safe, adequate plans and specifications.

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If a dam does not require a permit, we would suggest the following action:

- consult with a professional engineer experienced in dams design, maintenance, and repair to develop a design that will minimize the risk to the downstream properties; the DNR, Division of Water does not offer design services.
- upon completion of the project, obtain a set of as-built plans signed and stamped by a Professional Engineer certifying that the dam was constructed in accordance with acceptable engineering standards.

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Visit <https://www.fema.gov/flood-maps/change-your-flood-zone/paper-application-forms> to submit a LOMA application online or to obtain the LOMA application forms and instructions. These can also be obtained by contacting FEMA toll-free at 1-877-336-2627. There is no fee for a LOMA application, although fees may be associated with hiring a surveyor to obtain the elevation information for the Elevation Certificate or LOMA application form.

If the LOMA is issued by FEMA and the mortgage lender accepts the LOMA determination, the property owner may be reimbursed up to one year of flood insurance payments. Be aware that regardless of if FEMA issues a LOMA, the mortgage lender has the final decision regarding flood insurance requirements. Finally, note that if a LOMA is issued by FEMA, flood insurance may still be purchased and is encouraged. The policy may have a lower premium and can provide coverage for events larger than the 1% annual chance flood.

Disclaimer:

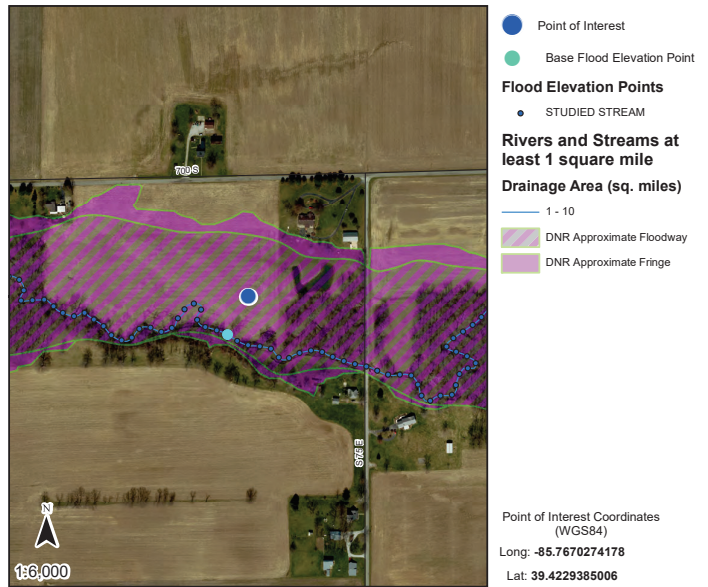
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When using this FARA for a determination of permitting requirements, the user shall maintain a copy of the FARA for documentation purposes. The DNR, Division of Water will not have a record of this FARA.

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The information provided below is based on the point of interest shown in the map above.

County: **Shelby** Approximate Ground Elevation: **729.1 feet (NAVD88)**
 Stream Name: **South Fork Lewis Creek** Base Flood Elevation: **732.2 feet (NAVD88)**
 Drainage Area: **Not available**

Best Available Flood Hazard Zone: **DNR Approximate Floodway**

National Flood Hazard Zone: **Not Mapped**

Is a Flood Control Act permit from the DNR needed for this location? **yes**

Is a local floodplain permit needed for this location? **yes-**

Floodplain Administrator: **Desiree Calderella, Planning Director, Shelby County Plan Commission**

Community Jurisdiction: **Shelby County, County proper**

Phone: **(317) 392-6338**

Email: **dcaldere@co.shelby.in.us**

US Army Corps of Engineers District: **Louisville**

Date Generated: 6/12/2023

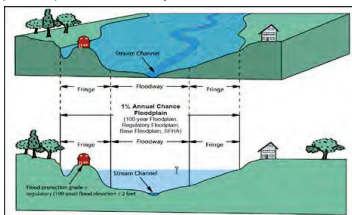
About the Floodplain Analysis and Regulatory Assessment (FARA):

All streams have a floodplain, whether mapped or not. This FARA, and the information provided herein, is designed for sites along streams with a mapped floodplain that delineates the floodway portion of the floodplain; see the image below for a visual guide to the floodplain, floodway, and flood fringe. The information in this document was determined using an automated mapping tool. The DNR has high confidence in the tool, but there are scenarios where the floodplain information provided requires additional review from the DNR.

All streams in DNR jurisdiction (streams that have a drainage area one square mile or greater) are shown by a blue line on the map on page 1. However, a floodplain/floodway may or may not be mapped for every stream. In any of the following scenarios, or if you have more detailed floodplain information, use the link at the bottom of this page to request a staff review of the site. Please note that staff review may take several weeks to complete.

Scenarios that require additional DNR review:

- The base flood elevation on page 1 is not available
- The tool selects the nearest flood elevation point for a stream outside the floodplain associated with the point of interest
- There is not a delineated floodway for the stream nearest your point of interest
- The point of interest is along a stream without a mapped floodplain
- The point of interest is in a mapped floodplain of another stream, but the stream nearest the point of interest does not have a mapped floodplain with a floodway of its own



If DNR review is required, do not use this FARA for your site's determination.

If you have questions about DNR permitting requirements, you can contact DNR, Division of Water toll-free at 1-877-928-3755 and select option 1 to speak to a Technical Services staff member. You can also write to the division at water_inquiry@dnr.in.gov or use the Indiana Waterways Inquiry Request tool at waterways.in.gov to submit a permitting determination request to both DNR and the Indiana Department of Environmental Management at once.

We recommend keeping a copy of this FARA for your records as the DNR will not have a copy on file.

LINK:

https://survey123.arcgis.com/share/3293526fdca453e95c19b08b7bdcfb?FIELD1_ATI=39.4229385006&FIELD_LON1=-85.7670274178&FIELD_DNR_PERMIT=yes&FIELD_LOC&FIELD_STREAM=SOUTH%20FORK%20LEWIS%20CREEK&FIELD_INIT_DATE=06/12/2023&FIELD_BFE=732.2

The loss of lives and property caused by floods and the damage resulting from floods is a matter of deep concern to Indiana affecting the life, health, and convenience of the people and the protection of property. The Indiana Floodplain Information Portal is designed to show flood risk associated with Indiana waterbodies and provide information specifically for local and state floodplain permitting. The information provided is based on the regulatory floodplain limits; floods exceeding the regulatory floodplain can and do occur. If you are seeking information regarding lake or dam permitting, see the corresponding section below, under the permitting information section.

Floodplain Information:

All streams have a floodplain, whether mapped or not. This FARA, and the information provided herein, is designed for sites along streams with a mapped floodplain. See page 2 for scenarios where this FARA should not be used and additional review from the DNR may be required.

The Best Available Floodplain Layer (BAFL) is the mapping developed by the DNR that provides the best flood risk information currently available. This information should be used for construction, planning, and flood risk assessment. The BAFL incorporates the National Flood Hazard Layer (NFHL) from FEMA's Flood Insurance Rate Maps (FIRMS) for AE zones. The layer has completed modeling and more detailed studies using more recent LIDAR data for areas designated as A zone on the FIRM or areas that were not identified on the FIRM. BAFL mapping exists for over 80% of streams in Indiana. BAFL mapping should not be used for insurance rating purposes or for mandatory flood insurance purchase requirements related to the National Flood Insurance Program. See the Flood Insurance Information section on the following pages for information on flood insurance requirements. Common flood hazard zones are described below; to find the flood hazard zones associated with your point of interest, see the legend on page 1.

- Floodway (FEMA Zone AE Floodway, DNR Detailed, DNR Approximate): The floodway includes the stream channel and the overbank area necessary to carry the 1% annual chance flood, also known as the base flood, which has a 1% chance of being equaled or exceeded in any given year. The water surface at this level is referred to as the Base Flood Elevation (BFE). Land in this area is considered to have a high flood risk. Construction in the floodway area requires a permit from the DNR, Division of Water. Local floodplain ordinances require local construction permits. Flood insurance is strongly recommended and may be required by FEMA. See the Permitting Information and Flood Insurance Information sections of this document for more information.
- Special Flood Hazard Area (FEMA Zone A, FEMA Zone AE without floodway, DNR Approximate without floodway): Any natural ground levels that have an elevation lower than the Base Flood Elevation are considered floodway area. The floodway includes the stream channel and the overbank area necessary to carry the 1% annual chance flood, also known as the base flood, which has a 1% chance of being equaled or exceeded in any given year. The water surface at this level is referred to as the Base Flood Elevation (BFE). Land in this area is considered to have a high flood risk. Construction in the floodway area requires a permit from the DNR, Division of Water. Local floodplain ordinances require local construction permits. Flood insurance is strongly recommended and may be required by FEMA. See the Permitting Information and Flood Insurance Information sections of this document for more information.
- Special Flood Hazard Area (FEMA Zone AH – Ponding, FEMA Zone AO – Sheet Flow): Land in this area is considered to have a high flood risk. These areas are subject to the 1% annual chance flood with average

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If the link above does not work, send a copy of this FARA to infopquiry@dnr.in.gov and describe the reason you are requesting a staff review. Include your name and contact information so that staff can follow-up with you.

depths of 1 to 3 feet. A Construction in the Floodway permit is not required from the DNR, Division of Water. Local floodplain ordinances require local construction permits. Do not use the BFE generated by this tool for zones AH and AO; please refer to the FEMA Flood Insurance Study or FIRM for the depth of flood elevation. Flood insurance is strongly recommended and may be required by FEMA. See the Permitting Information and Flood Insurance Information sections of this document for more information.

- Fringe (DNR Detailed, DNR Approximate, FEMA Zone AE): Area outside the floodway but still subject to flooding during the 1% annual chance flood. The 1% annual chance flood, also known as the base flood, has a 1% chance of being equaled or exceeded in any given year. Land in this area is considered to have a high flood risk. A Construction in the Floodway permit is not required from the DNR, Division of Water. Local floodplain ordinances require local construction permits. Flood insurance is strongly recommended and may be required by FEMA. See the Permitting Information and Flood Insurance Information sections of this document for more information.
- Additional Floodplain Area (0.2% Annual Chance Flood): Land in this area is considered to have a moderate risk of flooding. These areas are subject to the 0.2% annual chance (500-year) flood. A Construction in the Floodway permit is not required from the DNR, Division of Water. Local floodplain ordinances may require local construction permits; contact the local Floodplain Administrator for more information. Flood insurance is strongly recommended.
- Additional Floodplain Area (Zone X – Protected by Levee): This zone includes areas protected from the 1% annual chance flood by levee, dike, or other structure subject to failure during larger floods. A Construction in the Floodway permit is not required from the DNR, Division of Water. Local floodplain ordinances may require local construction permits; contact the local Floodplain Administrator for more information. Flood insurance is strongly recommended.

Permitting Information:

Flood Control Act (Construction in the Floodway):

- The Flood Control Act (IC 14-28-1) requires the prior approval of the DNR, Division of Water for any construction in the floodway area including an obstruction, fill, excavation, or the construction of a building.

A permit application form and permit application assistance manual can be obtained from our website at: <https://www.in.gov/dnr/water/regulatory-permit-programs/>. You may choose to file an electronic application through our website at: <https://www.in.gov/dnr/water/regulatory-permit-programs/file-a-permit-application-online/>. Please be aware that in addition to the application fee, there is a \$15.00 Enhanced Access Fee to submit an electronic application.

- Local Ordinances / Permitting: For proposed construction at the point of interest marked on the map, you may also be required to obtain permits from or coordinate with the local floodplain administrator, plan commission, zoning office, and county drainage board.

Construction permitting by local government entities is independent of the State's permitting authority. Local floodplain ordinances require that the lowest floor of a new building or an addition to

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an existing building proposed in the Special Flood Hazard Area (SFHA) be elevated at least 2 feet above the Base Flood Elevation (BFE). Some communities in the state regulate to the additional floodplain area also known as the 0.2% chance flood. If a basement is included, the basement floor shall be considered the lowest floor. Special Flood Hazard Area (SFHA) means the land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year. The area may be designated as Zone A, AE, AH, AO, AR, A99 or VE on the Flood Insurance Rate Map (FIRM). The area may also be designated on the DNR best available floodplain layer or designated by the community as a flood prone area.

- Indiana Department of Environmental Management: You may also be required to obtain a construction stormwater general permit from the Indiana Department of Environmental Management (IDEM) if the proposed project will disturb one acre or more. Inquiries may be sent to Stormwat@idem.IN.gov. IDEM permits may also be required for impacts to wetlands and streams especially if any work is proposed below the ordinary high-water mark of a waterbody. Go to waterways.IN.gov to submit a permitting determination request, call (317) 233-8488 or (800) 451-6027, or visit the IDEM webpage at <https://www.in.gov/idem/cleanwater/> for more information.

- Indiana Department of Health: The state rules which address on-site sewage systems in a floodplain are IDOH Rule 410 IAC 6-8.3-63(e), 70(c)(2), and 72(c)(2) for residential systems and 410 IAC 6-10.1-71(e), 77(c)(2), and 80(c)(2) for commercial systems. The Indiana Department of Health (IDOH) is responsible for administering 410 IAC 6-10.1 and County Health Departments are responsible for administering 410 IAC 6-8.3. The Department of Natural Resources requires that all septic systems in a floodway meet IDOH requirements. Both subsurface trench systems and mound systems are prohibited in all areas below the BFE; it is highly likely that either a connection to a public sewer system or an off-site cluster system will be required. It is recommended that you contact IDOH for compliance with commercial system requirements and your County Health department for compliance with residential system requirements. If you have questions regarding the state rules, you may wish to contact:

Alice Quinn, Senior Environmental Manager
Environmental Public Health Division
Indiana Department of Health
100 N. Senate Ave., N855
Indianapolis, IN 46204
Telephone: (317) 518-4388
Email: alquinn@isdh.in.gov

- Indiana State Chemist: You may also be required to obtain permits from the Indiana State Chemist, especially if any work is proposed involving pesticide or fertilizer applications. To contact the Office of Indiana State Chemist call (765) 494-1492; or visit their webpage at <https://www.oisc.purdue.edu/index.html> for more information.

Lake Preservation Act:

- The Lake Preservation Act (IC 14-26-2) requires the approval of the DNR, Division of Water for any construction or project that is proposed below the legal or normal water level, and located over, along, or lakeward of the shoreline of a public freshwater lake, or within 10 feet landward of the shoreline for construction of a wall whose lowest point is below the legal lake level. A list of public freshwater lakes can be found in the "Public Freshwater Lake List" document at <https://www.in.gov/nrc/nonrule-policy-documents-mpd/>. Contact the DNR, Division of Water for more information on permitting requirements if working near a public freshwater lake or near or on a lake not on the Public Freshwater Lake List.

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Regulation of Dams:

- A permit under the Flood Control Act (IC 14-28-1) and Regulation of Dams (IC 14-27-7.5) is required for a proposed dam, or work to an existing dam, if any one of the following criteria is met:
 - o the drainage area above the dam is greater than one square mile, or;
 - o the height of the dam is more than 20 feet as measured from the lowest point in the natural streambed under the centerline of the dam to the crest of the dam, or;
 - o the maximum volume of water impounded by the dam to the crest (high pool level during the design storm event) is more than 100 acre-feet, or;
 - o upon receiving a petition from a downstream property owner or resident, the DNR, Division of Water deems the dam a high hazard dam

If a permit is required for a proposed dam, or work to an existing dam, it will be necessary for you to obtain the services of a registered professional engineer experienced in dam design and construction to make a complete geotechnical and hydrologic/hydraulic engineering evaluation of the project, develop plans and specifications, and submit the technical documentation to the DNR, Division of Water with an application for review. Your engineer will need to work with other technical professionals (i.e. geotechnical, engineering geologists, structural engineers, etc.) to develop safe, adequate plans and specifications.

In order to expedite the permitting process, the Project Engineer should meet with the DNR, Division of Water staff to discuss details of the project before work commences on the plans, specifications, and engineering report. It is important that all survey, hydrology/hydraulic, geotechnical, structural, and mechanical engineering evaluations are complete and accurate prior to submitting the application for a permit.

If a dam does not require a permit, we would suggest the following action:

- o consult with a professional engineer experienced in dams design, maintenance, and repair to develop a design that will minimize the risk to the downstream properties; the DNR, Division of Water does not offer design services.
- o upon completion of the project, obtain a set of as-built plans signed and stamped by a Professional Engineer certifying that the dam was constructed in accordance with acceptable engineering standards.

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APPENDIX 2: TOPOGRAPHIC INFORMATION

Property Details

Location: East of and adjoining 453 E 700 S, Shelbyville, Washington Township.

Property Size: 14.74-acres.

Current Land Use: Cropland.

Current Zoning Classification
A2 (Agricultural)

This district is established for general agricultural areas and buildings associated with agricultural production.

Proposed Zoning Classification
RE (Residential Estate)

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

Future Land Use per Comp Plan
Agriculture

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.

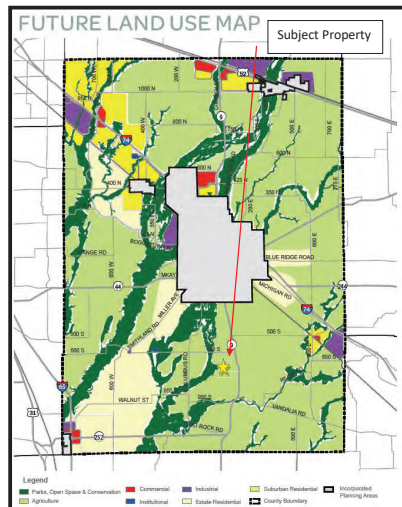
Staff Report

Case Number: RZ 23-04
Case Name: Davis Rezoning – A2 (Agricultural) to RE (Residential Estate)

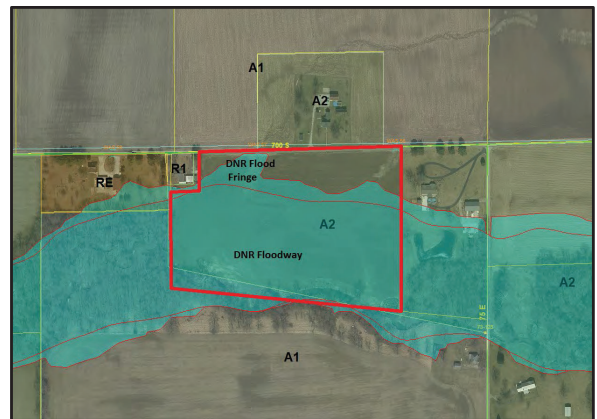
Request

Rezoning of 14.74-acres from the A2 (Agricultural) District to the RE (Residential Estate) District to allow for a two-lot Simple Subdivision.

Future Land Use Map



Property Map



Case Description

- The petitioner plans to subdivide the property into a 9.5-acre lot and 4.74-acre lot to list for sale as single-family building lots.
- If the rezoning is approved, the petitioner would apply for a Simple Subdivision at a subsequent Plan Commission meeting.
- Most of the property lies within an Indiana Department of Natural Resources (IDNR) Best Available Data Flood Hazard Area.
- Approximately one-acre of each proposed lot lies outside of the Flood Hazard Area. One-acre generally provides adequate area for a typical single-family dwelling, accessory structures, and septic system. Soil tests would further determine development feasibility.
- The USDA Soil Survey classifies most of the property within the Flood Hazard Area as *Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season* or *Not Prime Farmland*. The survey classifies most of the property outside of the Flood Hazard Area as *Prime farmland if drained*.

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**
Most residential properties in the area exceed five acres. Therefore, development of two residences on 14.74-acres would not conflict with the residential density of the area.
2. **The Most Desirable Use for Which the Land in Each District is Adapted**
Most of the property lies within flood prone areas which limits large-scale productive agricultural use of the property. Residential development of the property would provide a more economically sensible use of the property.
3. **The Conservation of Property Values throughout the Jurisdiction**
Development of the property for residential purposes would have no perceivable impact on property values throughout the County.
4. **Responsible Development and Growth**
Approval of the rezoning would allow for use of land not conducive to large-scale agricultural production for residential development. However, residential development in areas subject to flooding can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Therefore, development should not occur in the designated flood hazard area.
5. **The Comprehensive Plan**
Approval of the rezoning would allow for use of land not conducive to large-scale agricultural production for residential development.

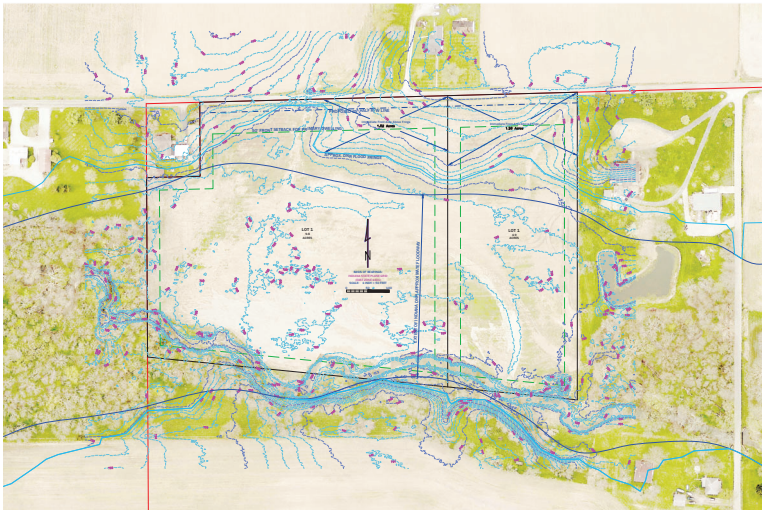
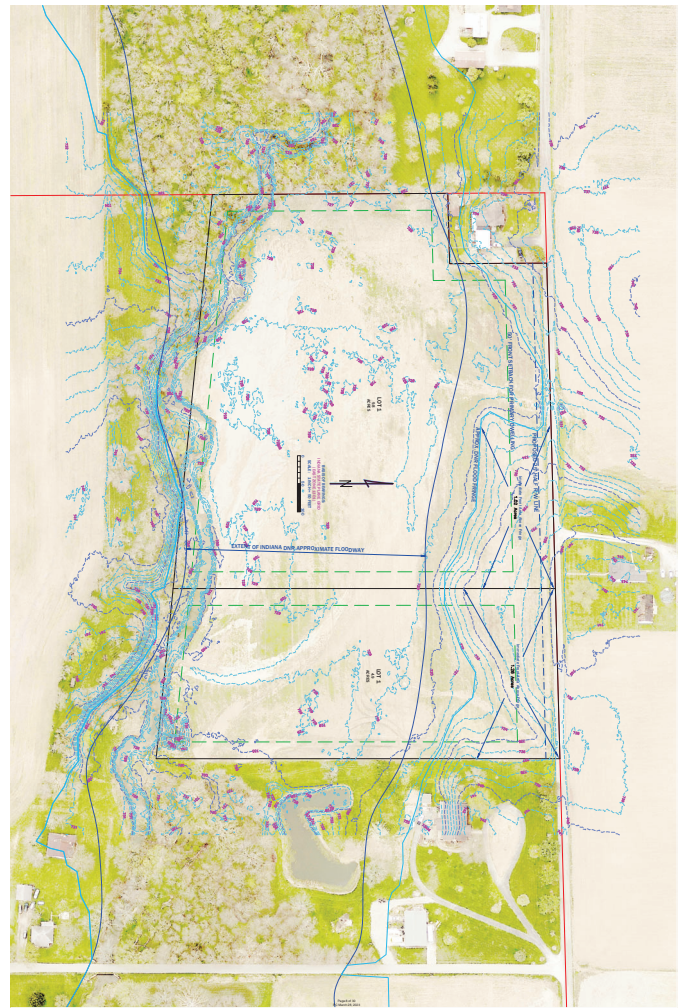
Staff Recommendation

APPROVAL primarily because the rezoning would allow for use of land not conducive to large-scale agricultural production for residential development.

Recommended Stipulation: Development including single-family dwellings, accessory structures, and alteration of land in the Designated Flood Hazard Area shall be prohibited.

Applicant/Owner Information

Applicant:	Matt Davis 6652 W Base Rd. Greensburg, IN 47240	Owner:	Gary Davis 4978 E 875 S St. Paul, IN 47272
Surveyor:	Scott T Sumerford 3149 N Riley Hwy. Shelbyville, IN 46176		



ADAMS ENVIRONMENTAL CORP.
P.O. BOX 3206
ANDERSON, IN 46018

Telephone No.: 765-609-7810

Soil Scientist Tom Adams
IRSS CERT #72
IOWPA #591
Date of Assistance: 04/20/23

Name: Matt Davis
Address: 4978 E 875 S
St. Paul, IN 47272

- Telephone No.: Phone: 812-593-6049 Matt Davis
- Location: County: Shelby Township: Washington
Site Address: East & adjacent to 453 E 700 S, Shelbyville, IN 46176
LOT 2 (EAST TRACT)
Legal Description: T. 11N R. 7E Sec. 8
Longitude: 39° 25' 27" N Latitude: 85° 46' 4" W
Basement w/ Restroom: Unknown
Acreage 14.74 Number of Bedrooms ?
Evidence of Subsurface Drainage Outlet: Surface

• Brief Description of Site: Gently sloping glacial outwash over till soil.

• Purpose for Assistance:

<input checked="" type="checkbox"/> Residential X Proposed Expansion	Repair Replacement	Commercial
--	-----------------------	-------------------

• People at site: Tom Adams, Scott Sumerford, Gary Davis

• Location of well/drinking water source: Well not located X
City water
Other

• Landscape Position:

X Upland, does it pond water?	Yes	No X	Unknown
X Terrace, does it pond water?	Yes	No X	Unknown
Does it flood?	Yes	No	Unknown
Flood plain			

• Observation/Comments:

GENERAL SITE INFORMATION **DAVIS, Matt LOT 2 (EAST TRACT) 04-20-2023**

Soil Symbol on Sketch: Wc (Westland clay loam, till substratum) Landscape Position: Up/Terr Up/Terr
 Present Land Use: Cropland Percent Slope: 2-4% 2-4%
 Present Vegetation: Corn Residue Kind of Slope: Cont Cont
 Shape of Slope: Linear Linear
 Direction of Slope: South South

Depth to limiting layer: Hole # 1 Hole # 2
 Compact Till 48 in. 31 in.
 Poor Filter _____
 Bedrock _____
 Fragipan _____

Depth to seasonal high water table: Hole # 1 Hole # 2
 11 in. 10 in.

FaMnC = Iron & Manganese Concretions	Cont. = Continuous
C.C. = Carbonate Coats	S.S. = Sideslope
S.C. = Sil Coats	1 = Weak
D.C. = Organic Coats	2 = Moderate
C.L. = Claylines	3 = Strong
SAGR = Sand and Gravel	ALLUV. = Alluvium
H.SL = Heavy Silt Loam	O.W. = Outwash
% Coarse = % Coarse Fragments	

SOIL PROPERTIES

Depth (inches)	Soil Horizon	USDA Texture	% Coarse	Color*	Matrix	Mottles	Coatings	Grade	Structure Size	Shape	Consistency	Effervescence	Parent Mat
0-11	Ap	SL	2%	4/3	None	None	None	2	F M	GR	FR	None	ALLUV.
11-20	Bt1	CL	2%	4/3	5/1	FaMnC	None	2	F	SBK	FI	None	ALLUV.
20-42	Bt2	CL	2%	7.5YR4/4	5/2	FaMnC	None	2	M	SBK	FI	None	ALLUV.
42-48	Bt3	CL	8%	3/4	5/2	FaMnC	None	2	M	SBK	FI	None	ALLUV.
48+	2Cd	L	<10%	5/3	None	None	None	None	MASSIVE	None	VFI	STRONG	TILL

Depth (inches)	Soil Horizon	USDA Texture	% Coarse	Color*	Matrix	Mottles	Coatings	Grade	Structure Size	Shape	Consistency	Effervescence	Parent Mat
0-10	Ap	SL	1%	4/3	None	None	None	2	F M	GR	FR	None	ALLUV.
10-31	Bt	CL	8%	7.5YR4/4	5/1	FaMnC	None	2	M	SBK	FI	None	ALLUV.
31+	Cd	L	<10%	5/3	None	None	None	None	MASSIVE	None	VFI	STRONG	TILL

* All colors are 10YR unless stated otherwise. ** Relic Structure - Fill material that has soil structure.
 Observation/Comments: HB = House Boring

GENERAL SITE INFORMATION **DAVIS, Matt LOT 2 (EAST TRACT) 04-20-2023**

Soil Symbol on Sketch: Wc (Westland clay loam, till substratum) Landscape Position: Up/Terr Up/Terr
 Present Land Use: Cropland Percent Slope: 2-4% 2-4%
 Present Vegetation: Corn Residue Kind of Slope: Cont Cont
 Shape of Slope: Linear Linear
 Direction of Slope: South South

Depth to limiting layer: Hole # 3 Hole # 4
 Compact Till 30 in. 26 in.
 Poor Filter _____
 Bedrock _____
 Fragipan _____

Depth to seasonal high water table: Hole # 3 Hole # 4
 10 in. 12 in.

FaMnC = Iron & Manganese Concretions	Cont. = Continuous
C.C. = Carbonate Coats	S.S. = Sideslope
S.C. = Sil Coats	1 = Weak
D.C. = Organic Coats	2 = Moderate
C.L. = Claylines	3 = Strong
SAGR = Sand and Gravel	ALLUV. = Alluvium
H.SL = Heavy Silt Loam	O.W. = Outwash
% Coarse = % Coarse Fragments	

SOIL PROPERTIES

Depth (inches)	Soil Horizon	USDA Texture	% Coarse	Color*	Matrix	Mottles	Coatings	Grade	Structure Size	Shape	Consistency	Effervescence	Parent Mat
0-10	Ap	SL	2%	4/3	None	None	None	2	M	GR	FR	None	ALLUV.
10-30	Bt	CL	7%	7.5YR4/4	4/4 5/1	FaMnC	None	2	M	SBK	FI	None	ALLUV.
30+	2Cd	L	<10%	5/3	None	None	None	None	MASSIVE	None	VFI	STRONG	TILL

Depth (inches)	Soil Horizon	USDA Texture	% Coarse	Color*	Matrix	Mottles	Coatings	Grade	Structure Size	Shape	Consistency	Effervescence	Parent Mat
0-12	Ap	SL	2%	4/3	None	None	None	2	F	GR	FR	None	ALLUV.
12-26	Bt	CL	8%	7.5YR4/4	4/4 5/1	FaMnC	None	2	F	SBK	FI	None	ALLUV.
26+	2Cd	L	<10%	5/3	None	None	None	None	MASSIVE	None	VFI	STRONG	TILL

* All colors are 10YR unless stated otherwise. ** Relic Structure - Fill material that has soil structure.
 Observation/Comments: HB = House Boring

GENERAL SITE INFORMATION **DAVIS, Matt LOT 2 (EAST TRACT) 04-20-2023**

Soil Symbol on Sketch: Wc (Westland clay loam, till substratum) Landscape Position: Up/Terr Hole #
 Present Land Use: Cropland Percent Slope: 2-4%
 Present Vegetation: Corn Residue Kind of Slope: Cont
 Shape of Slope: Linear
 Direction of Slope: South

Depth to limiting layer: HB Hole #
 Compact Till 44 in.
 Poor Filter _____
 Bedrock _____
 Fragipan _____

Depth to seasonal high water table: HB Hole #
 12 in.

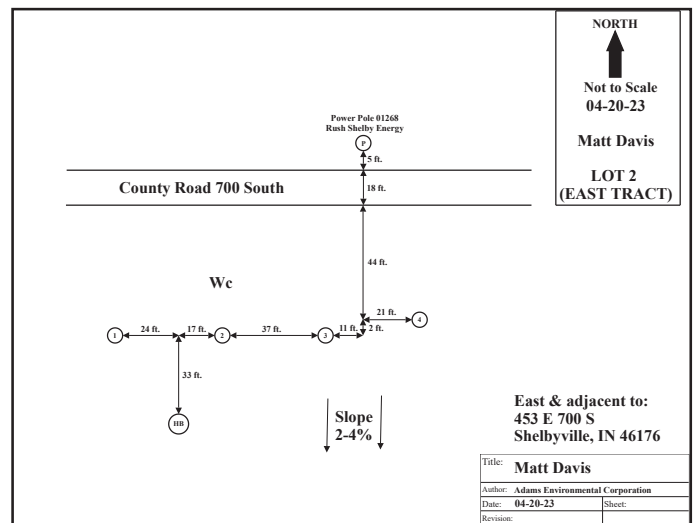
FaMnC = Iron & Manganese Concretions	Cont. = Continuous
C.C. = Carbonate Coats	S.S. = Sideslope
S.C. = Sil Coats	1 = Weak
D.C. = Organic Coats	2 = Moderate
C.L. = Claylines	3 = Strong
SAGR = Sand and Gravel	ALLUV. = Alluvium
H.SL = Heavy Silt Loam	O.W. = Outwash
% Coarse = % Coarse Fragments	

SOIL PROPERTIES

Depth (inches)	Soil Horizon	USDA Texture	% Coarse	Color*	Matrix	Mottles	Coatings	Grade	Structure Size	Shape	Consistency	Effervescence	Parent Mat
0-12	Ap	SL	1%	4/3	None	None	None	2	M	GR	FR	None	ALLUV.
12-31	Bt1	CL	2%	7.5YR4/4	5/1	FaMnC	None	2	M	SBK	FI	None	ALLUV.
31-44	Bt2	CL	8%	3/4	4/1	FaMnC	None	2	M C	SBK	FI	None	ALLUV.
44+	2Cd	L	<10%	5/3	None	None	None	None	MASSIVE	None	VFI	STRONG	TILL

Depth (inches)	Soil Horizon	USDA Texture	% Coarse	Color*	Matrix	Mottles	Coatings	Grade	Structure Size	Shape	Consistency	Effervescence	Parent Mat

* All colors are 10YR unless stated otherwise. ** Relic Structure - Fill material that has soil structure.
 Observation/Comments: HB = House Boring



Soil Scientist Tom Adams
IRSS CERT #72
IOWPA #591
Date of Assistance: 04/20/23

Name: Matt Davis
Address: 4978 E 875 S
St. Paul, IN 47272

• Telephone No.: Phone: 812-593-6049 Matt Davis
• Location: County: Shelby Township: Washington
Site Address: East & adjacent to 453 E 700 S, Shelbyville, IN 46176
LOT 1 (WEST TRACT)
Legal Description: T. 11N R. 7E Sec. 8
Longitude: 39° 25' 27" N Latitude: 85° 46' 4" W
Basement w/ Restroom: Unknown
Acreage 14.74 Number of Bedrooms ?
Evidence of Subsurface Drainage Outlet: Surface

• Brief Description of Site: Gently sloping glacial outwash over till soil.

• Purpose for Assistance:
Residential Commercial
X Proposed Repair
Expansion Replacement

• People at site: Tom Adams, Scott Sumerford, Gary Davis

• Location of well/drinking water source: Well not located X
City water
Other

• Landscape Position:
X Upland, does it pond water? Yes No X Unknown
X Terrace, does it pond water? Yes No X Unknown
Does it flood? Yes No Unknown
Flood plain

• Observation/Comments:

GENERAL SITE INFORMATION **DAVIS, Matt LOT 1 (WEST TRACT) 04-20-2023**

Soil Symbol on Sketch: Wc (Westland clay loam, till substratum)
Present Land Use: Cropland
Present Vegetation: Corn Residue

Landscape Position: Hole # 1 Hole # 2
Percent Slope: 2-4% 2-4%
Kind of Slope: Cont Cont
Shape of Slope: Linear Linear
Direction of Slope: SSW SSW

• Depth to limiting layer:
Hole # 1 Hole # 2
Compact Till 40 in. 40 in.
Poor Filter None None
Bedrock None None
Fragipan None None

• Depth to seasonal high water table:
Hole # 1 Hole # 2
11 in. 21 in.

FelMC = Iron & Manganese Concretions
C.C. = Carbonate Coats
S.C. = Sil Coats
O.C. = Organic Coats
C.L. = Claylines
SAGR = Sand and Gravel
H.SL = Heavy Sil Loam
% Coarse = % Coarse Fragments
Cont. = Continuous
S.S. = Sideslope
1 = Weak
2 = Moderate
3 = Strong
ALLUV. = Alluvium
O.W. = Outwash

SOIL PROPERTIES

Depth (inches)	Soil Horizon	USDA Texture	% Coarse	Matrix	Color*	Mottles	Coatings	Grade	Structure	Shape	Consistency	Effervescence	Parent Mat
0-11	Ap	SL	2%	4/3	None	None	None	2	F	M	GR	FR	None
11-23	Bt1	CL	4%	4/4	5/1	FelMC	None	2	F	SBK	FI	None	ALLUV.
23-40	Bt2	SaCL	6%	3/3	5/2	FelMC	None	2	M	SBK	FI	None	ALLUV.
40+	2Cd	L	<10%	5/3	None	None	None	None	MASSIVE	None	VFI	STRONG	TILL

Depth (inches)	Soil Horizon	USDA Texture	% Coarse	Matrix	Color*	Mottles	Coatings	Grade	Structure	Shape	Consistency	Effervescence	Parent Mat
0-10	Ap	SL	2%	4/3	None	None	None	2	F	M	GR	FR	None
10-21	Bt1	SCL	3%	2/3	5/4	5/2	FelMC	2	M	SBK	FI	None	ALLUV.
21-28	Bt2	CL	6%	3/3	5/2	FelMC	None	2	M	SBK	FI	None	ALLUV.
28-40	Bt3	SaCL	6%	3/4	4/2	FelMC	None	2	M	SBK	FI	None	ALLUV.
40+	2Cd	L	<10%	5/3	None	None	None	None	MASSIVE	None	VFI	STRONG	TILL

* All colors are 10YR unless stated otherwise.
** Relic Structure - Fill material that has soil structure.
Observation/Comments: **HB = House Boring**

GENERAL SITE INFORMATION **DAVIS, Matt LOT 1 (WEST TRACT) 04-20-2023**

Soil Symbol on Sketch: Wc (Westland clay loam, till substratum)
Present Land Use: Cropland
Present Vegetation: Corn Residue

Landscape Position: Hole # 3 **HB**
Up/Terr Up/Terr
Percent Slope: 2-4% 2-4%
Kind of Slope: Cont Cont
Shape of Slope: Linear Linear
Direction of Slope: SSW South

• Depth to limiting layer:
Hole # 3 **HB**
Compact Till None 31 in.
Poor Filter None None
Bedrock None None
Fragipan None None

• Depth to seasonal high water table:
Hole # 3 **HB**
20 in. 13 in.

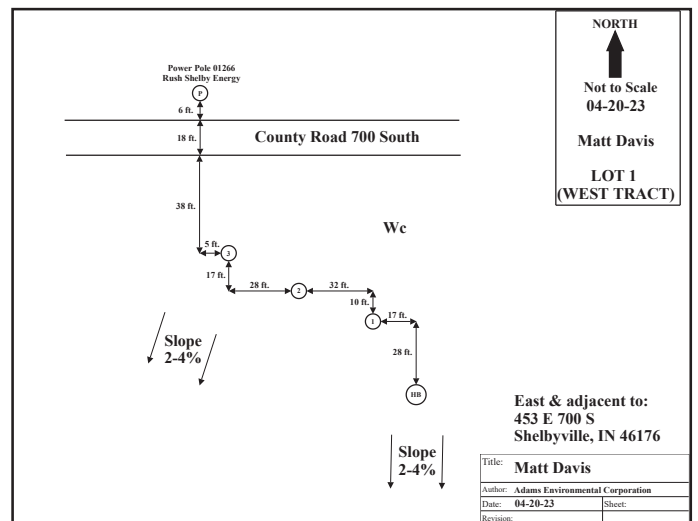
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C.C. = Carbonate Coats
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O.W. = Outwash

SOIL PROPERTIES

Depth (inches)	Soil Horizon	USDA Texture	% Coarse	Matrix	Color*	Mottles	Coatings	Grade	Structure	Shape	Consistency	Effervescence	Parent Mat
0-11	Ap	SL	2%	4/3	None	None	None	2	F	GR	FR	None	None
11-20	Bt1	SCL	4%	4/4	None	None	None	2	F	SBK	FI	None	ALLUV.
20-37	Bt2	CL	4%	4/6	5/2	FelMC	None	2	M	SBK	FI	None	ALLUV.
37-60	Bt3	CL	6%	3/6	5/1	FelMC	None	2	M	SBK	FI	None	ALLUV.

Depth (inches)	Soil Horizon	USDA Texture	% Coarse	Matrix	Color*	Mottles	Coatings	Grade	Structure	Shape	Consistency	Effervescence	Parent Mat
0-11	Ap	SL	1%	4/3	None	None	None	2	F	GR	FR	None	None
11-31	Bt	CL	6%	4/4	4/8	5/2	FelMC	2	M	SBK	FI	None	ALLUV.
31+	2Cd	L	<10%	5/3	None	None	None	None	MASSIVE	None	VFI	STRONG	TILL

* All colors are 10YR unless stated otherwise.
** Relic Structure - Fill material that has soil structure.
Observation/Comments: **HB = House Boring**



Property Details

Location: East of and adjoining 9174 N 250 E, Morristown, Hanover Township.

Property Size: 38.197-acres.

Current Land Use: Cropland.

Current Zoning Classification

A1 (Conservation Agricultural)

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

Proposed Zoning Classification

RE (Residential Estate)

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

Future Land Use per Comp Plan

Parks, Open Space, & Conservation

The purpose of this category is to provide for passive and active recreational activities, permanent preservation of significant natural areas, and preservation of natural features within clustered developments. This category applies to public and private lands.

Surrounding Development

	Zoning	Land Use
North	A1/A2	Cropland / Single-Family Residential
South	A2/R1	Estate Residential / Single-Family Residential
East	A2/R1	Cropland / Estate Residential
West	A2 /RE	Single-Family Residential Estate Residential

Staff Report

Case Number: RZ 23-19

Case Name: Schwier & Co., LLC Rezoning – A1 (Conservation Agricultural) to RE (Residential Estate) & Waivers of Subdivision Standards

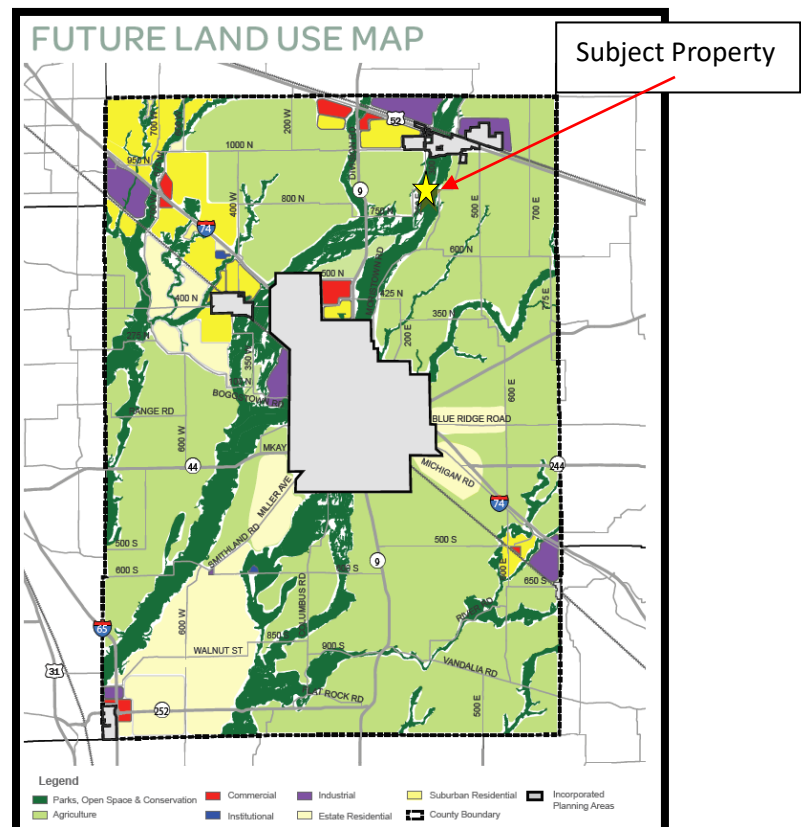
Requests

Rezoning of 38.197-acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District.

Waivers:

1. Of Simple Subdivision prerequisites to allow Simple Subdivision of property into nine lots (major subdivision process required for division into more than three lots);
2. Of subdivision design standards to allow two lots under two acres;
3. Of subdivision design standards to allow one lot with less than 160-feet of road frontage.

Future Land Use Map



Property Map



Case Description

- Approval of the rezoning would allow for subdivision of the property into three building lots through the Simple Subdivision Process. The Simple Subdivision process allows for division of property into one to three building lots without infrastructure improvements.
- Approval of the waivers would allow for subdivision of the property into nine building lots through the Simple Subdivision process. If the Plan Commission approves the waivers, per State Code the Plan Commission must approve the subdivision plat at a subsequent Plan Commission meeting because the plat would then comply with all applicable County requirements.
- The Unified Development Ordinance includes additional subdivision standards for division of property into more than three lots due to the higher impact that larger developments have on adjacent property and community infrastructure. If the Plan Commission allows subdivision of the property through the Simple Subdivision process, the Plan Commission would waive the following standards that apply to a Major Standard Subdivision:
 - Drainage Facilities required as prescribed by the Unified Development Ordinance and Shelby County Drainage Ordinance.
 - Dedication of right-of-way along perimeter streets required.
 - Minimum open space required: 15%
 - Minimum landscaping required: 35-feet along perimeter streets and 10-feet along subdivision exterior property lines.
 - Interior public road constructed to County specifications required. Access by individual lots to perimeter County roads prohibited.
 - Sidewalks required.

- Division of the property through the Major Standard Subdivision process would allow for division of the property into nearly thirty, one-acre lots with access along a public road.
- The petitioner has conducted preliminary soil analysis indicating favorable conditions for both well and septic installations. The County Health Department indicated that the soil type would likely not necessitate septic system drainage.
- The Technical Advisory Committee (TAC) / Site Plan Review Committee would review a detailed site plan including structure layout, elevation of development, drainage infrastructure, and septic system design for compliance with County codes prior to issuance on permits for any new single-family residence.

Staff Analysis Findings of Fact

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

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

The surrounding area includes residential estate lots and higher density single-family development. Therefore, development of residential estate lots would not conflict with surrounding development.

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

The property is located in a rural residential area, does not lie in a flood zone, has significant road frontage, and has suitable soils for installation of septic systems which renders the property desirable for residential estate development.

3. The Conservation of Property Values throughout the Jurisdiction

Development of the property for residential purposes in compliance with the provisions of the Unified Development Ordinance would have no perceivable impact on property values throughout the County.

4. Responsible Development and Growth

Approval of the rezoning would not conflict with the Comprehensive Plan. The TAC would review any proposed development for compliance with County codes. Approval would allow for additional housing opportunities in an area experiencing a housing shortage.

5. The Comprehensive Plan

The Future Land Use Map shows the property as Parks, Open Space, and Conservation due to proximity to a designated floodplain. However, the property does not lie in the floodplain and the map designates adjacent properties for agricultural use. Development of the property for residential purposes in compliance with the provisions of the Unified Development Ordinance would not conflict with the residential density recommended for agricultural areas by the Comprehensive Plan.

Waivers: The Unified Development Ordinance does not designate Findings of Fact for waiver approval. However, Staff recommends that the Board take the following facts into consideration when making their decision.

- The Shelby County Drainage Ordinance requires submittal of a drainage plan for major subdivisions. The drainage ordinance also includes required accommodations for runoff, required drainage easements, and drainage infrastructure design guidelines for major subdivisions. Approval of the waivers would waive the requirements of the drainage ordinance. However, due to lack of hard surface streets within the subdivision and the presence of soils that will likely accommodate septic systems without drainage, a strict adherence to the drainage ordinance may pose an unnecessary hardship. A drainage study would confirm the need for drainage infrastructure.
- The Unified Development Ordinance requires that most lots within a major subdivision access an public internal street rather than a County road. This requirement limits curb cuts onto County roads with higher traffic volumes, which protects the safety of the traveling public and promotes orderly development in the case where the parent tract has minimal road frontage. This requirement also provides a quiet, neighborhood street for use by the residents within the subdivision. Approval of the waivers would waive the internal street requirement. However, due to the presence of adequate road frontage and the limited number of proposed lots in comparison to other major subdivisions, provision of an internal public street may pose an unnecessary hardship.
- The Unified Development Ordinance requires sidewalks, landscaping, and open space for major subdivisions to encourage quality development that enhances the quality of life of residents of the subdivision and protects the character of the community. Approval of the waivers would waive these design guidelines. However, due to the limited number of proposed lots in comparison to other major subdivisions, provision of these design elements may pose an unnecessary hardship.
- Generally, Simple Subdivisions allow property owners to divide and develop lots for their personal use or for use by family members while Major Subdivisions allow developers to divide and sell lots. The additional requirements for Major Subdivisions places the burden on the developer to ensure that lots have adequate soils for septic systems and adequate infrastructure prior to listing lots for sale.
- Several sources indicate that the United States currently has a housing shortage. Locally, realtors have cited a significant housing shortage, especially in the rural areas of Shelby County. Allowing less-restricted subdivision of property through the grant of waivers would allow for additional housing opportunities.
- Approval to allow a nine-lot Simple Subdivision greatly exceeds the ordinance limitation of three lots. If the Plan Commission deems the waivers appropriate, the Board may consider a future ordinance amendment to allow Simple Subdivisions of property into more than three lots for consistency with their decision.

Staff Recommendation

APPROVAL of the rezoning primarily because development of residential estate lots would not conflict with surrounding residential development.

DENIAL of the waivers primarily due to the significant deviation from the maximum three-lot requirement for Simple Subdivisions. Staff recommends that the petitioner submit application for a Major Standard Subdivision and that the Plan Commission consider waivers from the Major Standard Subdivision requirements as appropriate if the petitioner can prove an unnecessary hardship.

Applicant/Owner Information

Applicant/Owner:	Schwier & Co., LLC 6158 W 300 S New Palestine, IN 46163	Attorney:	Jacob S. Brattain, McNeely Law LLP 2177 Intelliplex Drive, Ste. 251 Shelbyville, IN 46176
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July 3, 2023

Shelby County Plan Commission
25 W Poly Street, Room 201
Shelbyville, IN 46176

Re: Rezone Request for Shelby County Parcel # 73-06-11-100-020.000-004

Dear Plan Commission Members:

This letter serves as a letter of intent for the proposed zoning map amendment for property located known as Parcel Number: 73-03-15-400-039.000-007 (the "Property"). McNeelyLaw LLP represents owner of the Property, Schwier & Co., LLC ("Schwier"). Schwier recently purchased the Property, and is requested to rezone the Property in order to subdivide the Property into large, residential building lots.

The Property is approximately 38.2 acres and in the A1 zoning district. The Property is located approximately 1000' from the unincorporated town of Freeport, and is bound by Freeport Road on the North and County Road N 250 E on the west. The Property is not part of the floodplain or floodway and is currently being used for agricultural purposes. Residential lots immediately to the East of the Property on Freeport Road range from .25 acres to 1 acre, and residential lots immediately to the South of the Property on N 250 E also range from .25 acres to 1 acre.

If approved, Schwier will subdivide the Property into nine (9) residential building lots. Each of the lots would have road frontage, either on Freeport Road or N 250 E, and no internal drives or drainage systems would be required to support the development. Preliminary soil analysis indicated favorable conditions for both septic and well installations. If approved, two lots would be 1.74 acres, one would be 4.76 acres, and the remaining six would be 5.00 acres. All lots would be deed restricted and require minimum standards for size, materials, and setbacks.

To facilitate this proposed use of the Property, Schwier is requesting a waiver to allow for a simple subdivision for more than three (3) lots, and to rezone the Property from A1 to RE. This development would allow for responsible development in Shelby County, and would support demand for rural housing options in an area that already has other residential development.

Very truly yours,

McNeelyLaw LLP

Jacob S. Brattain

Jacob S. Brattain

**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: Jacob Brattain w/McNeelyLaw LLP for SCHWIER & CO., LLC

Case #: _____

Location: 38.2A 1/4mi East of Freeport, Parcel No. 73-03-15-400-039.000-007

1. The request is consistent with the Shelby County Comprehensive Plan because: the Comprehensive Plan encourages "future development in appropriate areas of the County" and the proposed rezone would allow for development of rural residential housing in an area that already has multiple residential dwellings.
2. The request is consistent with the current conditions and the character of structures and uses in each district because: several adjoining and adjacent properties are currently used for residential purposes, and by adding deed restrictions, the development can be controlled to ensure quality housing opportunities.
3. The request is consistent with the most desirable use for which the land in each district is adapted because: the underlying agricultural land is not prime farmland, and by ensuring large lots, it allows the rural characteristics of the property to remain intact while supporting development.
4. The request is consistent with the conservation of property values throughout the jurisdiction because: responsible residential development raises the values of surrounding residential properties.
5. The request is consistent with responsible growth and development because: the rezone will ensure that the established lots will remain large and preserve the rural characteristics that make Shelby County a desirable place to live.

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

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

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

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

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

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

Property Details

Location: 1803 & 1815 S 450 E, Shelbyville, Liberty Township.

Property Size: 2.55-acres.

Current Land Use: Single-Family Residential.

Current Zoning Classification

RE (Residential Estate)

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

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.

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

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

Future Land Use per Comp Plan

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	A2	Cropland / Cellular Facility
South	NA	I-74
East	A4	Agricultural Commercial
West	NA	I-74

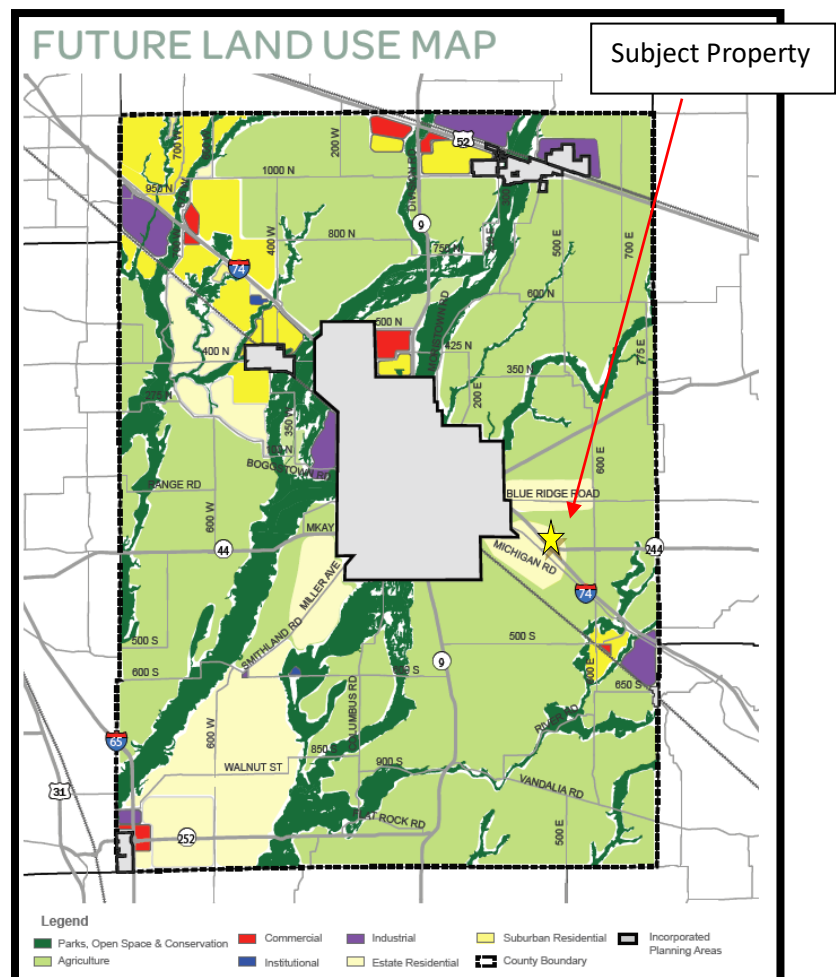
Staff Report

Case Number: RZ 23-20
Case Name: Dennis Wells – RE (Residential Estate) and R1 (Single-Family Residential) to C2 (Highway Commercial)

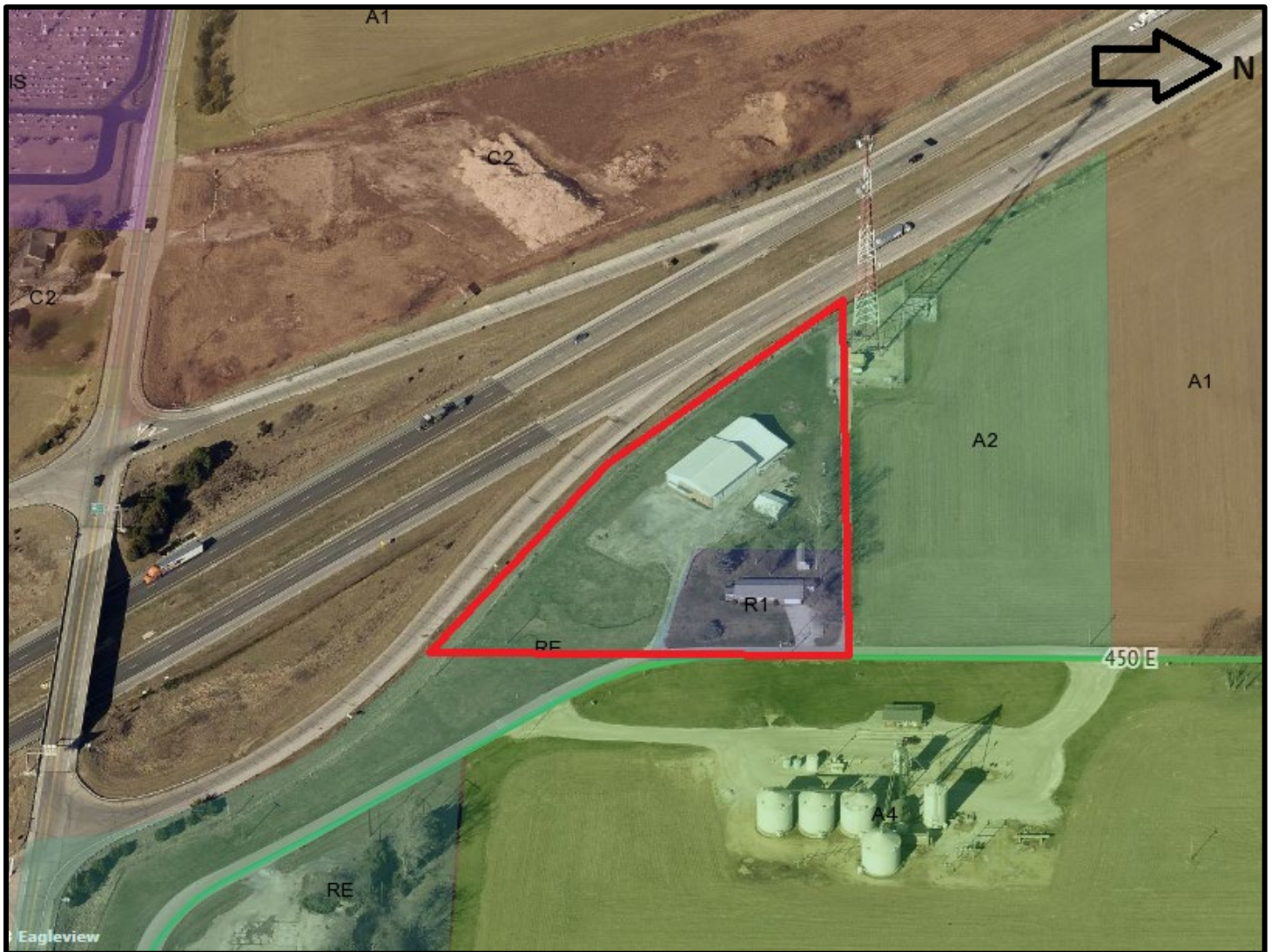
Request

Rezoning of 0.52-acres from the R1 (Single-Family Residential) District to the C2 (Highway Commercial) District and of 2.03-acres from the RE (Residential Estate) District to the C2 (Highway Commercial) District to allow for speculative commercial development.

Future Land Use Map



Property Map



Case Description

- The petitioner has requested to rezone the property to C2 to market the property for commercial development. The petitioner currently does not have a prospective buyer or end user.
- The County assigned the property the RE and R1 zoning designation in 2008 when the County updated the County-wide zoning maps. Prior to 2008, the property was zoned M1 (Limited Manufacturing) and had this zoning designation since the County adopted zoning regulations. The M1 district allowed for a variety of commercial and low-intensity industrial uses. When updating the zoning maps in 2008, the County assigned zoning designations primarily based on property size and existing use rather than historical zoning.
- Per the UDO, commercial use and/or development of the site would require upgrading the site to comply with all development standards applicable to the C2 District. Notable development standards which would apply include:

- Planting of twenty-seven (27) trees along the north property line, twenty (20) trees along I-74, four (4) trees along CR 450 E, and two (2) trees within the interior of the lot.
 - Visual relief along all facades of new buildings, such as moldings, columns, or faux windows.
 - All site lighting must be full cut-off fixtures.
 - Paved driveway, parking, and maneuvering areas.
- After approval of a rezoning, the UDO would allow for continued use of the property for residential purposes as a legal, non-conforming use. However, at the time that use of the property changes to commercial the property could not revert to residential use.
 - The property has access to electric lines and a gas line, however, does not have access to public water or public sanitary sewers.
 - The Site Plan/Technical Advisory Committee, which consists of the Planning Director, Health Department Environmental Technician, and a representative from the County Commissioners would review a detailed site plan for any proposed new development prior to issuing construction permits. USI Consultants, Inc would review the drainage plans to ensure that the project complies with the County's Drainage & Sediment Control Ordinance.

Staff Analysis Findings of Fact

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

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

- The proposed zoning would not conflict with use of property to the east for agricultural commercial purposes or use of property to the north for a telecommunications facility. The proposed zoning would also not conflict with property at the northwest corner of the I-74/SR244 interchange currently under development for a trailer sales facility. No properties used for residential purposes lie within 1,000 feet of the property.
- The UDO does not designate the adjacent A2 District as an appropriate adjacent district to the C2 District. New development should maintain a setback exceeding ordinance requirements to mitigate any potential environmental impacts to adjacent agricultural land and nuisance impacts to potential future use of adjacent property for a rural homesite.

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

- The UDO recommends C2 District zoning within 600-feet of intersections of arterial streets. The property lies within 600-feet of the I-74/SR244 interchange.
- Approval of the rezoning would allow for development of the site for a commercial service serving the traveling public currently not available at the I-74/SR244 interchange.

- The historical zoning of the property allowed for more intense commercial and industrial uses than permitted in the C2 District.
- Noise generated by traffic along I-74, high intensity agricultural use of adjacent property to the east, and aesthetic impacts associated with the cellular communications facility on the adjacent property to the north reduce the desirability of continued use of the property for residential purposes.

3. The Conservation of Property Values throughout the Jurisdiction

- Development of the site for commercial use would not impact value of surrounding properties used for higher intensity agricultural and commercial purposes.
- New development should maintain a setback exceeding ordinance requirements to mitigate any potential environmental impacts to adjacent agricultural land and nuisance impacts to potential future use of adjacent property for a rural homesite.

4. Responsible Development and Growth

- The property has access to I-74 and SR 244, both constructed to withstand a high volume of traffic.
- The property has access to electric and gas facilities.
- The developer of the property must submit septic systems plans to the State Department of Health for approval prior to development of the site.
- Due to the speculative nature of the zoning request, the end user should submit a development plan to the Plan Commission for review to provide the County and the public an opportunity to comment on the site design.

5. The Comprehensive Plan

The Comprehensive Plan designates the property for Estate Residential use; however, the Plan also encourages a balance of development patterns based on available transportation and utility resources and existing character context. Proximity to the I-74/SR244 interchange, available gas and electric facilities, existing adjacent C2 zoned property, and existing adjacent commercial uses support rezoning of the property for commercial use.

Land Use Goal 1: Welcome and promote future development in appropriate areas of the County.

- Strategy 1: Balance development patterns and character with available transportation and utility resources and existing character context.
- Strategy 5: Actively recruit investment at identified prime locations/ destinations/opportunity areas.
- Strategy 6: Focus resources on areas having infrastructure that will support development and encourage transition of developed areas without infrastructure to agricultural uses.

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

- Strategy 1: Encourage development of commercial/retail, multi-family, and single-family housing along the I-74 corridor.

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

Staff Recommendation

Staff recommends **APPROVAL**.

The Comprehensive Plan designates the property for Estate Residential use; however, the Plan also encourages a balance of development patterns based on available transportation and utility resources and existing character context. Proximity to the I-74/SR244 interchange, available gas and electric facilities, existing adjacent C2 zoned property, and existing adjacent commercial uses support rezoning of the property for commercial use.

However, due to the speculative nature of the rezoning request and adjacent lower intensity agricultural land to the north, Staff recommends the following **stipulations**:

1. Development Plan Approval as required by section 9.08 Development Plan of the Unified Development Ordinance shall be required prior to issuance of an Improvement Location Permit for any non-residential permanent construction, installation, addition, alteration, or relocation of a new structure, and/or permanent alteration to the land.
2. Structures, driveways, parking lots, and permitted outdoor storage areas shall maintain a fifty (50) foot setback from the north property line.
3. The current and any future property owner shall abandon any septic system and connect to sanitary sewer at the time sanitary sewer becomes available within 100-feet of the property lines.

Applicant/Owner Information

Applicant:	Dennis Wells 5954 S 20 W Greensburg, IN 47240	Owner:	Donald J Wells – Deceased
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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

**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: DENNIS WELLS

Case #: _____

Location: 1803 S 450E Shelbyville, Ind

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

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

IT HAS STRUCTURES SUITABLE FOR COMMERCIAL USE. SURROUNDING PROPERTIES ARE COMMERCIAL

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

THE PROPERTY IS IN AN IDEAL LOCATION FOR COMMERCIAL USE LOCATED AT I74 # 244 EXIT SURROUNDED BY OTHER COMMERCIAL PROPERTIES

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

IT WOULD NOT NEGATIVELY IMPACT SURROUNDING PROPERTY VALUES BECAUSE THEY ARE COMMERCIAL USE ALSO

5. The request is consistent with responsible growth and development because: IT COULD HAVE

A HUGE POSITIVE IMPACT ON OTHER PROPERTIES LOCATED AT THAT LOCATION. PROPERTY WAS FORMALLY ZONED MANUFACTURING

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

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

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

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

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

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

Property Details

Location: 6045 N 600 W, Fairland, Moral Township.

Property Size: 5-acres.

Current Land Use: Estate Residential.

Current Zoning Classification
 RE (Residential Estate)

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

Future Land Use per Comp Plan
 Parks, Open Space, & Conservation
The purpose of this category is to provide for passive and active recreational activities, permanent preservation of significant natural areas, and preservation of natural features within clustered developments. This category applies to public and private lands.

Surrounding Development

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

Staff Report

Case Number: SD 23-16

Case Name: Rhoden Simple Subdivision

Request

Simple Subdivision of 5-acres into a 2.5-acre building lot and a 2.5-acre lot including an existing single-family residence.

Waiver of Simple Subdivision prerequisites to allow for Simple Subdivision of property less than 6-acres.

Property Map



Case Description

- The petitioner intends to subdivide the property into a 2.5-acre building lot and a 2.5-acre lot including an existing single-family residence.
- The petitioner has obtained soil borings on the highest ground at the northwest corner of the proposed building lot.
- Flood Hazard Area
 - The new building lot lies within Federal Emergency Management Agency (FEMA) and Indiana Department of Natural Resources (IDNR) Flood Fringe. The FEMA detailed study designates the main branch Dry Fork, located ½-mile to the northwest, as the contributing stream. The study shows that a 100-year flood would run from the stream over to the proposed building lot at an elevation of approximately 781-feet above sea level. The ground level of the building site sits at approximately 777-feet above sea level. Therefore, to comply with ordinance requirements for development in the floodplain, the new home must be elevated by fill or foundation walls by approximately 6-feet (two feet above the flood elevation).
 - Indiana Department of Natural Resources (IDNR) has also conducted a detailed floodplain study. The IDNR study designates the Dry Fork tributary, located adjacent to the property, as the contributing stream and provides a 100-year flood elevation of 773.4-feet above sea level. Per this study, the building site would sit higher than the base flood elevation and therefore outside of the floodplain. However, floodwaters from the main branch of Dry Fork could overtake the floodwaters from the tributary and inundate a non-elevated structure.
 - The petitioner has submitted a request to DNR to define the flood elevation from the main branch of Dry Fork. The surveyor will update the Flood Statement included on the plat to reflect this number prior to recording the final plat.
 - Flood Hazard Area information is included for informational purposes only. Per State Code, the Plan Commission must approve any subdivision of property that complies with local subdivision code. Shelby County's subdivision code does not restrict subdivision of property due to flood hazard area restrictions.
- The Technical Advisory Committee (TAC) / Site Plan Review Committee would review a detailed site plan including structure layout, elevation of development, drainage infrastructure, and septic system design for compliance with County codes prior to issuance of permits for the new single-family residence.

Staff Analysis Findings of Fact

Staff has reviewed the proposed plat and has determined:

1. The subdivision of land is consistent with the Shelby County Comprehensive Plan.
2. The subdivision of land satisfies the development requirements of Article 06: Subdivision Types, pending approval of a waiver to allow Simple Subdivision of property less than 6-acres.
 - a. Approval of the waiver would allow for creation of two lots consistent in size with adjacent residential lots.

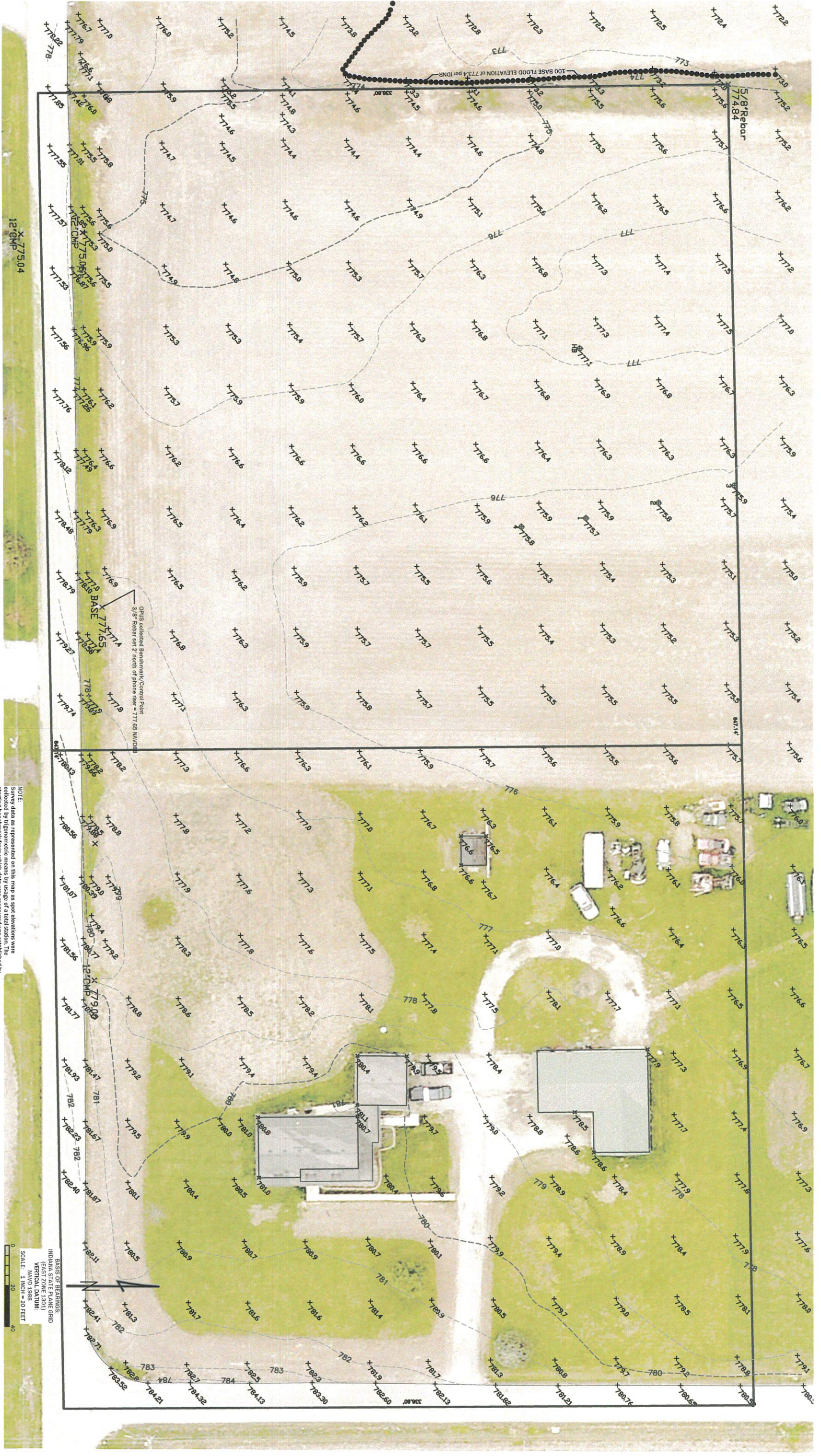
3. The subdivision of land satisfies the standards of Article 07: Design Standards, pending approval of a waiver to allow side lot lines not within fifteen degrees (15°) of a right angle to the street and right-of-way.
4. The subdivision of land satisfies any other applicable provisions of the Unified Development Ordinance.
5. The subdivision of land satisfies the construction requirements of Shelby County's Construction Standards.

Staff Recommendation

APPORVAL

Applicant/Owner Information

Applicant:	Travis Rhoden Jr. 6045 N 600 W Fairland, IN 46176	Owner:	Same
Surveyor:	Scott T Sumerford 3149 N Riley Hwy. Shelbyville, IN 46176		



12' GMP
X 775.04

NOTE:
Survey data as represented on this map as spot elevations were collected by trigonometric means by usage of a total station. The starting benchmark from which data was measured was established by a 3 hour collection of static GPS data that was submitted to NGS CORS.

SURVEY CERTIFICATION
I hereby certify that this survey was performed under my direct supervision and to the best of my knowledge and belief that the conditions and spot elevations as depicted are within 0.2 feet of the true conditions. I am a duly Licensed Professional Surveyor in the State of Indiana as shown here at an elevation higher than 773.4 feet being the Base Flood Elevation as determined from an Indiana Department of Natural Resources Floodplain Analysis and Regulatory Assessment (FARA), generated 4/12/2023.

DATE: May 19, 2023
Signed: *Scott T. Sumnerford*
Scott T. Sumnerford - Registration Number: 29800017

INDIANA REGISTERED SURVEYOR No. 29800017
SCOTT T. SUMNERFORD
LAND SURVEYING
3149 NORTH RILEY HIGHWAY
SHELBYVILLE, IN 46176-9462
BUSINESS PHONE (317) 401-6050

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This document is only considered an original copy if an inked seal and original signatures are attached.

INDIANA REGISTERED SURVEYOR No. 29800017
SCOTT T. SUMNERFORD
LAND SURVEYING
3149 NORTH RILEY HIGHWAY
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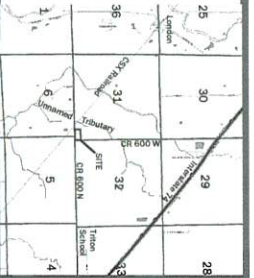
DATE: May 19, 2023
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INDIANA STATE PLANE GRID
EAST ZONE 1301J
VERTICAL DATUM:
NAVD 1988
SCALE: 1 INCH = 20 FEET
0 20 40

TOPOGRAPHIC SURVEY

JOB LOCATION
PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 14 NORTH, RANGE 6 EAST, MORAL TWP., SHELBY COUNTY, IN



CLIENT
Travis Rhoden Sr.
6129 N 600 W
Fairland, IN 46126

PROJECT
Elevation survey on 5 acre parcel located at 6045 N 600 W, Fairland for client's son for LOMA application/removal from SHA.

LAST DATE OF FIELDWORK
March 21, 2023

CERTIFICATION DATE
May 19, 2023

NOTES/REVISIONS
NONE TO DATE

DATE: May 19, 2023
Signed: *Scott T. Sumnerford*
Scott T. Sumnerford - Registration Number: 29800017

INDIANA REGISTERED SURVEYOR No. 29800017
SCOTT T. SUMNERFORD
LAND SURVEYING
3149 NORTH RILEY HIGHWAY
SHELBYVILLE, IN 46176-9462
BUSINESS PHONE (317) 401-6050

DATE: May 19, 2023
Signed: *Scott T. Sumnerford*
Scott T. Sumnerford - Registration Number: 29800017

JOB NUMBER
14NGE31-23-010

ORIGINAL DRAWING SIZE ARCHD
SHEET 1 OF 1

FINAL PLAT FOR

RHODEN SIMPLE SUBDIVISION

LEGAL DESCRIPTION OF PARENT TRACT

Quinclaim Parcel
Instrument No. 2017002140, Recorded April 20, 2017
Travis L. Rhoden, Jr. and Dennise Rhoden
to
Travis Rhoden

A part of the Southeast Quarter of the Southeast Quarter of Section 31, Township 14 North, Range 6 East, Shelby County, Indiana, described as follows:
Beginning at the Southeast corner of said section 31; thence with the south line of the parent section South 89° 34'55" West 323.57 feet; thence parallel with the East line of the quarter section North 00° 00'00" East 336.60 feet; thence parallel with the East line of the quarter section North 89° 34'55" West 323.57 feet; thence parallel with the East line of the quarter section, thence with said East line South 00° 00'00" East 336.60 feet to the point of beginning, containing 5,000 acres more or less and subject to the right of way of the county roads on the East and south lines of the tract and also subject to any other existing right of ways, easements or restrictions.
Course data used in this description assumes the East line of the quarter section to run South.

The above description taken from the original survey recorded in Survey Book 2, Pages 180, 181, The Quinclaim description is partially lacking with errors in instrument No. 2017002140.

LEGAL DESCRIPTION LOT 1

Part of the southeast quarter of the southeast quarter of Section Thirty-one (31), Township Fourteen (14) North, Range Six (6) East, Moral Township, Shelby County, Indiana, being the east half of a certain 5.00 acre tract as surveyed by W. Taylor Sumnerford, recorded in Survey Book 2, Pages 180, 181, on September 10, 1993 in the Office of the Shelby County Recorder, also being part of survey Job #14N6E31-25-010 by Scott T. Sumnerford, RLS#29800017, certified September 26, 2023 and being more particularly described as follows:

Beginning at the southeast corner of the southeast quarter of the southeast quarter of said section 31-14-6, said point being marked by a magallal over a stone, thence along the south line of said quarter quarter section, South 89° 34'55" West 323.57 feet to a magallal and washer stamped "S. Sumnerford 98900017", thence parallel with the east line of said quarter quarter North 00° 00'00" East (basis of bearings assumed) 336.60 feet to a capped rebar stamped "S. Sumnerford 29800017", thence parallel with the south line of said quarter quarter, North 89° 34'55" East 323.57 feet to a magallal and washer stamped "S. Sumnerford 98900017" on the east line of said quarter quarter, thence along said east line, South 00° 00'00" West 336.60 feet to the point of beginning, containing 2,500 acres.

LEGAL DESCRIPTION LOT 2

Part of the southeast quarter of the southeast quarter of Section Thirty-one (31), Township Fourteen (14) North, Range Six (6) East, Moral Township, Shelby County, Indiana, being the west half of a certain 5.00 acre tract as surveyed by W. Taylor Sumnerford, recorded in Survey Book 2, Pages 180, 181, on September 10, 1993 in the Office of the Shelby County Recorder, also being part of survey Job #14N6E31-25-010 by Scott T. Sumnerford, RLS#29800017, certified September 26, 2023 and being more particularly described as follows:

Commencing at the southeast corner of the southeast quarter of the southeast quarter of said section 31-14-6, said point being marked by a magallal over a stone, thence along the south line of said quarter quarter section, South 89° 34'55" West 323.57 feet to a magallal and washer stamped "S. Sumnerford 98900017" at the point of beginning, containing 2,500 acres.
Thence continuing along said south line, South 89° 34'55" West 323.57 feet, thence parallel with the east line of said quarter quarter, North 00° 00'00" East (basis of bearings assumed) 336.60 feet, thence parallel with the east line of said quarter quarter, North 89° 34'55" East 323.57 feet to a capped rebar stamped "S. Sumnerford 29800017", thence parallel with the south line of said quarter quarter, South 00° 00'00" West 336.60 feet to the point of beginning, containing 2,500 acres.

SURVEYOR'S REPORT

The client's son owns the parent tract of 5 acres in the very southeast corner of section 31-14-6. His son lives in the existing dwelling on proposed Lot 1 and has family who wants to build a residence upon proposed Lot 2, the west half of the property. This subdivision will create the additional building footprint.

Availability and condition of reference monuments.

The subject property was originally surveyed by Taylor Sumnerford in 1993 and was split off as a 5 acre parcel at that time. The original tract was surveyed by Travis Rhoden's father, per deed from 2/4 Page 344 in 1993 and the original monument was a PK nail. The monument was destroyed by a fire in 1993 and the monument was replaced by a PK nail. The monument was replaced by a PK nail in 1993 and the monument was replaced by a PK nail in 1993.

Occupation or possession lines

Along the west line of the 5 acre parent tract lies a partial fence row. There was once a fence line running north and south along the west line of the 5 acre parent tract. The fence line was destroyed by a fire in 1993 and the fence line was replaced by a PK nail. The fence line was replaced by a PK nail in 1993 and the fence line was replaced by a PK nail in 1993.

There were no other title irregularities encountered, affecting the subject property from other adjoining title holders.

Relative positional accuracy of measurements

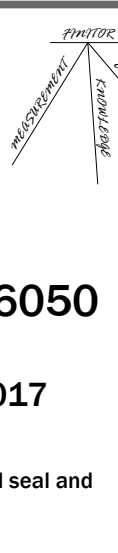
The lines and corners retraced or established by this survey have been executed meeting Title 865, Indiana Administrative Code 1-2-7 and falls under a Suburban Survey Classification with a relative positional accuracy of 0.13 feet +/- 100 ppm.

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: September 26, 2023

Signed: Scott T. Sumnerford Registration Number: 98900017



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

Indiana Registered Surveyor No. 29800017
Copyright © 2023 by Scott T Sumnerford
This document is only considered an original copy if an inked seal and original signature is affixed.

LAST DATE OF FIELDWORK: September 14, 2023
CERTIFICATION DATE: September 26, 2023
NOTES/REVISIONS: NONE TO DATE

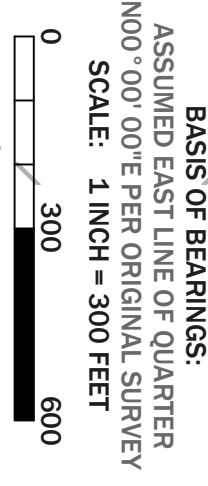
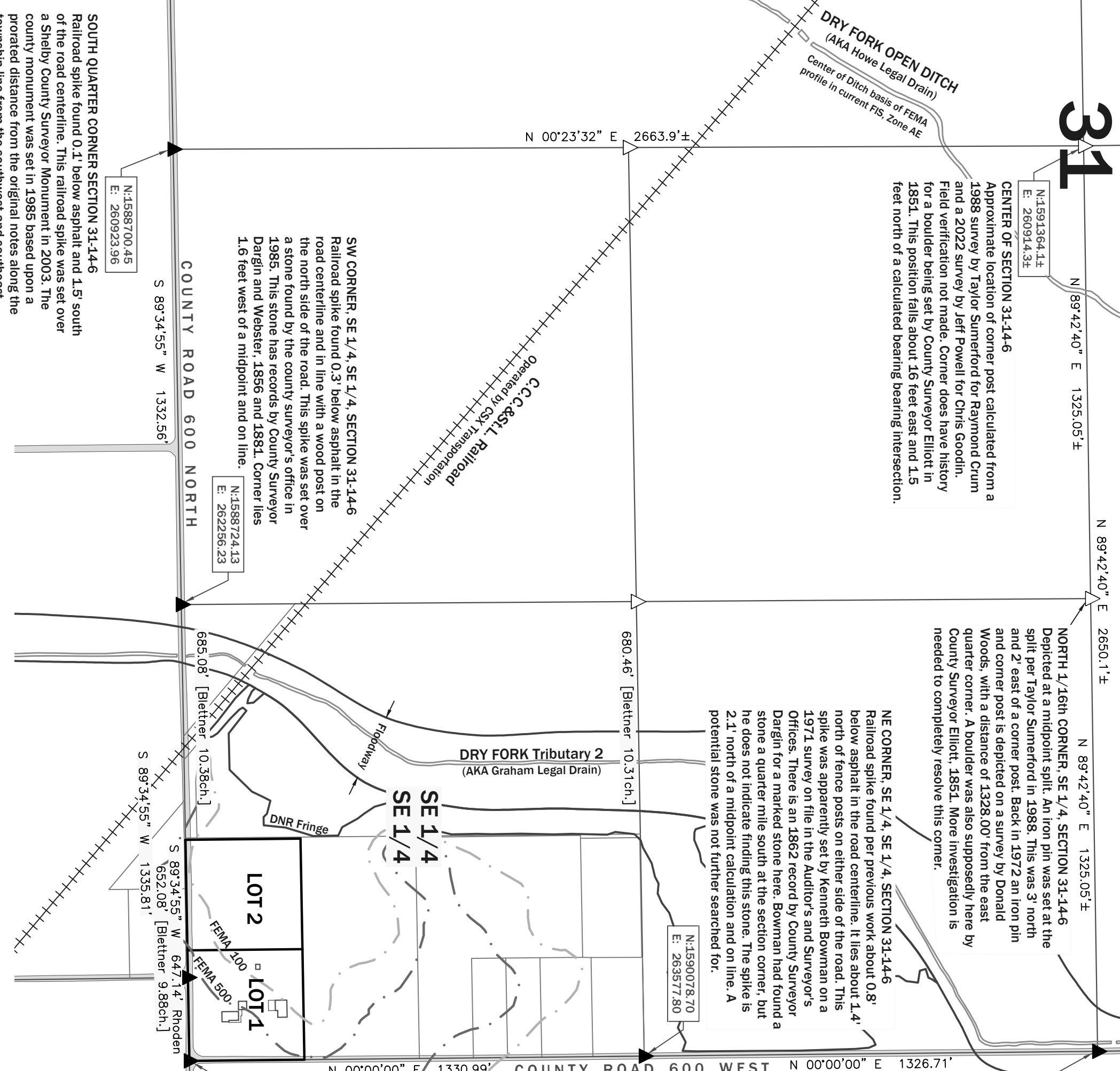
I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.
NAME: _____

CLIENT: Travis Rhoden, 6129 N 600 W, Fairland, IN 46126
PROJECT: Simple Subdivision splitting a 5 acre parcel into one existing and one future home site at 6045 N 600 W, Fairland.

INDIANA TITLE 865
BOUNDARY SURVEY

Job location map showing the site location within the southeast quarter of Section 31, Township 14 North, Range 6 East, Moral Twp., Shelby County, IN. Includes job number 14N6E31-23-010 and sheet information.

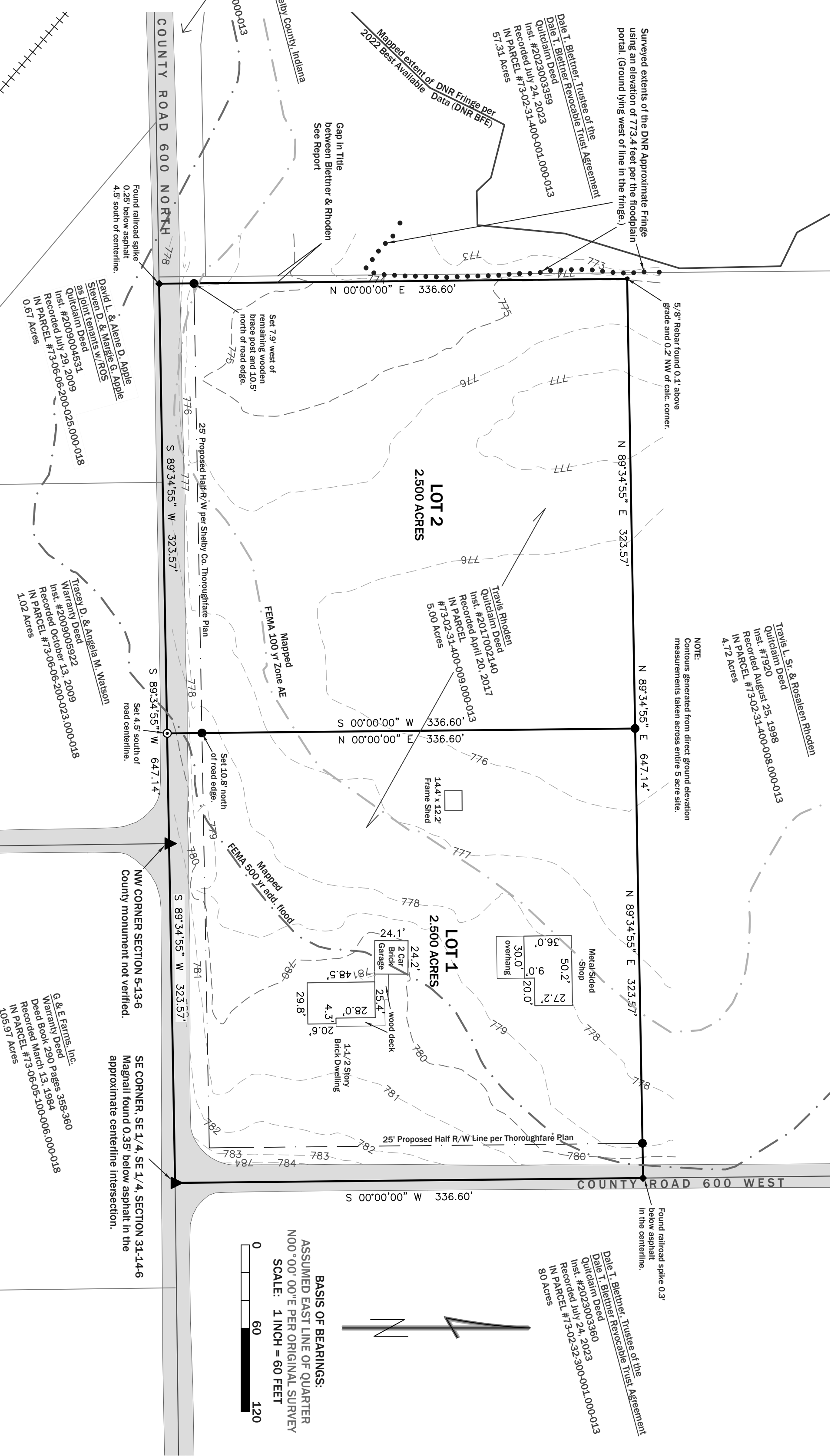
31



- NOTES: A waiver being requested for having a Simple Subdivision procedure on a parent tract containing less than 5 acres. Five deciduous trees with at least 1 3/4 inch DBH at the time of planting shall be planted on Lot 2 prior to occupation of the residence.

- FLOOD STATEMENT: Lots 1 and 2 do lie within a special flood hazard area per effective FEMA Flood Insurance Rate Map Panel Number 18145C0085C effective date of November 5, 2014. Both Lots 1 and 2 do not lie within a flood zone according to the 2022 Indiana Best Available Floodplain layer. The 100 year flood elevation per the FEMA FIRI map has the overall property in Zone AE with a downstream elevation of about 777 up to about 779.5 at the very upstream point in the flood profile. The contributing stream is the main branch of the Dry Fork. The 100 year flood elevation per the Best Indiana DNR Flood portal is 773.4 for a possible building set on Lot 2.

- LEGEND: INDIANA STATE PLANE GRID COORDINATE VALUE. SECTION CORNER PERPETUATED ON CURRENT SHEET. RECORD BOOKS OR BEST AVAILABLE EVIDENCE. MAGNAN AND WASHER STAMPED "S. SUMERFORD LS98900017" RECESSED IN ROAD SURFACE. 5/8" REBAR WITH PLASTIC CAP STAMPED "S. SUMERFORD LS98900017" SET AT GRADE. 5/8" REBAR FOUND AS NOTED. RAILROAD FOUND AS NOTED FROM 1993 SURVEY.



Job location map showing the site location within the southeast quarter of Section 31, Township 14 North, Range 6 East, Moral Twp., Shelby County, IN. Includes job number 14N6E31-23-010 and sheet information.