

# Shelby County Plan Commission

March 23, 2021 at 7:00 PM

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# MEETING AGENDA

Shelby County Plan Commission  
March 23, 2021 at 7:00 P.M.

## CALL TO ORDER

## ROLL CALL

## APPROVAL OF MINUTES

Minutes from the February 23, 2021 meeting.

## OLD BUSINESS

**RZ 21-03 – SMITH REZONING:** Rezoning of 1.144 acres from the RE (Residential Estate) District to the R1 (Single-Family Residential) District. Located at 11949 S 300 W, Flat Rock, Washington Township.

**SD 21-01 – SMITH SIMPLE SUBDIVISION:** Subdivision of 3.458 acres into a 2.314-acre building lot and a 1.144-acre lot including an existing single-family residence and waivers of subdivision design standards. Located at 11949 S 300 W, Flat Rock, Washington Township.

## NEW BUSINESS

None.

## DISCUSSION

None.

## ADJOURNMENT

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

## Property Details

**Location:** 11949 S 300 W, Flat Rock, Washington Township.

**Property Size:** 3.458-acres (1.144-acres included in the rezoning).

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

### Proposed Zoning Classification

R1 (Single-Family Residential)

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

### Future Land Use per Comp Plan

Agricultural

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

### Surrounding Development

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

# Staff Report

**Case Number:** RZ 21-03 / SD 21-01

**Case Name:** Smith Rezoning – RE (Residential Estate) to R1 (Single-Family Residential) & Smith Simple Subdivision

## Requests

**Rezoning** of 1.144 acres from the RE (Residential Estate) District to the R1 (Single-Family Residential) District to allow for a two-lot Simple Subdivision.

**Simple Subdivision** of 3.458 acres into a 2.314-acre building lot and a 1.144-acre lot including an existing single-family residence.

**Waivers** of subdivision design standards to allow:

1. Simple Subdivision of a 3.458-acre parent tract (minimum 6 acre parent tract required);
2. Simple Subdivision of property zoned R1 (Simple Subdivisions only permitted in the A3, A4, & RE Districts);
3. A lot having 25-feet of road frontage (minimum 50-feet of frontage required);
4. A lot having a width of 25-feet (minimum 100-feet lot width required);
5. A new lot in the R1 District without access to public water & sewer;
6. Side lot lines not within a 15-degree angle to the right-of-way.

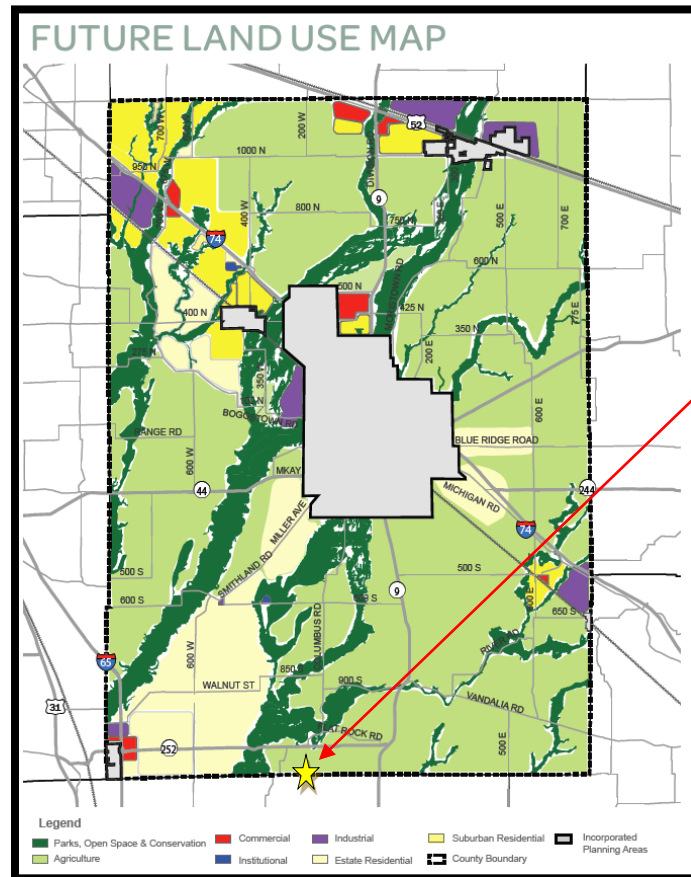
## Purposed of Subdivision Design Requirements

The UDO limits the size of the parent tract to at least 6-acres to discourage re-subdivision of 5-acre residential tracts created prior to 1999.

Simple Subdivisions provide a development option for low-density rural development utilizing private wells and septic systems. The relatively smaller size of new lots within the R1 District reflect development patterns near incorporated communities and unincorporated towns which often have access to public water and sewer facilities.

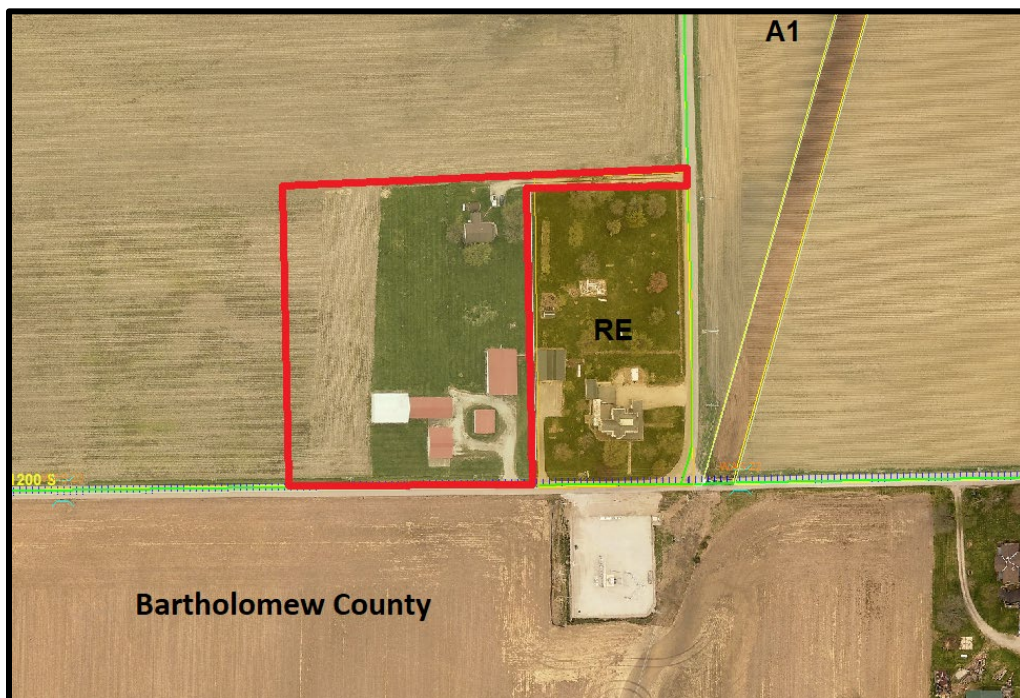
The minimum road frontage, minimum lot width, and property line angle requirements discourage the creation of ‘flag lots.’ Flag lots represent disorderly development which could lead to future property line disputes and cause difficulty for visitors or emergency vehicles in locating the house from the public road.

## Future Land Use Map



Subject Property

## Property Map



## Case Description

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- Approval of the requests would allow for development of one new single-family residential lot.
- The petitioner plans to construct a new residence on Lot 2 west of the existing buildings and in line with the closest building to the road.
- The rezoning would only apply to the lot including the existing single-family residence (Lot 1). The size of the new building lot (Lot 2) allows the property to remain zoned RE.
- The waiver to allow for Simple Subdivision of a parent tract less than 6-acres applies to both lots, however all other waivers only apply to the lot including the existing single-family residence (Lot 1). The waivers apply due to the proposed size of the lot and existing 25-foot-wide fee-simple strip of land providing access to 300 W.
- The USDA Soil Survey classifies the entire subdivision as 'Prime Farmland'.

## Staff Analysis Findings of Fact

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**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**

Development at the corner of 300 W and 1200 S has the appearance of higher density development in relation to surrounding rural development due to an existing residence, several agricultural buildings, and an electrical substation constructed close to the road. Approval of the rezoning would not alter the character of development at the intersection.

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

Approval of the rezoning would not result in a change in use of the property or prevent continued use of the existing agricultural buildings on the adjacent property for agricultural purposes.

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

Approval of the rezoning would have no perceivable impact on property values throughout the jurisdiction.

**4. Responsible Development and Growth**

Approval of the rezoning would allow for development consistent with existing development at the corner of 300 W and 1200 S.

**5. The Comprehensive Plan**

Approval of the rezoning would not result in a change in use of the property or prevent continued use of the existing agricultural buildings on the adjacent property for agricultural purposes.

**Simple Subdivision: Staff has reviewed the proposed plat and has determined:**

1. The subdivision of land is consistent with the Shelby County Comprehensive Plan.
2. The subdivision of land satisfies the development requirements of Article 06: Subdivision Types., pending approval of waivers to allow for Simple Subdivision of a parent tract less than 6-acres and Simple Subdivision of property within the R1 District.
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 a 15-degree angle to the right-of-way.
4. The subdivision of land satisfies any other applicable provisions of the Unified Development Ordinance, pending approval of waivers from lot frontage, lot width, and public water and sewer requirements.
5. The subdivision of land satisfies the construction requirements of the Shelby County's Construction Standards.
6. Approval of the waivers would allow for development of the property consistent with the character of existing development at the intersection of 300 W & 1200 S.

**Staff Recommendation**

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**APPROVAL of the Rezoning, Simple Subdivision, and Waivers** primarily because approval would allow for development of the property consistent with the character of existing development at the intersection of 300 W & 1200 S and would not prevent continued use of the agricultural buildings on the property for agricultural purposes.

*Applicant/Owner Information*

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Applicant:	Brady Smith 5100 S Shelby 900 W Franklin, IN 46131	Surveyor:	Scott T Sumerford 3149 N Riley Hwy. Shelbyville, IN 46176
Owner:	Hamilton Family Limited Partnership 2642 W Willow Rd. Flat Rock, IN 47234	Attorney:	Eric M. Glasco 2150 Intelliplex Dr., Ste. 200 Shelbyville, IN 46176

## Development at Northwest Corner of 300 W and 1200 S



Google Street View – Sep, 2015

## Building Site



Google Street View – Sep, 2015





**STEPHENSON**  
**RIFE**  
LLP

Eric M. Glasco  
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February 1, 2021

Property Owner: Hamilton Family Limited Partnership  
Applicant: Brady Smith

RE: Letter of Intent for Subdivision and Rezoning  
of 11949 S. 300 W. Flat Rock., Indiana

Dear Shelby County Plan Commission:

Stephenson Rife, on behalf of the property owner and the applicant identified above is proposing the subdivision and rezoning of property situated within Shelby County, Indiana. The property is located at 11949 S. 300 W. Flat Rock., Indiana 47234, and consists of 3.5 acres currently zoned A1. The property owner seeks to subdivide the property into two parcels, one consisting of 1 acre and the other consisting of approximately 2.5 acres, and then rezone the small parcel to R1 and the larger parcel to RE.

The property is currently used primarily for residential purposes and consists of a primary residence and a number of accessory structures. The resulting subdivision will separate the primary residence from the outbuildings. The applicant intends to build his residence on the parcel that will contain the accessory structures and sell the smaller parcel to a family member. The applicant intends to use the outbuildings to house equipment and materials used in his farming operation. The only waiver necessary with regard to the UDO addressed the road frontage requirement for the property to be zoned R1. That parcel already has a driveway that will provide the property with road access, but road frontage is below minimum feet required by the UDO.

Sincerely,  
Stephenson Rife

By   
Eric M. Glasco

**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: \_\_\_\_\_

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

Location: \_\_\_\_\_

1. The request is consistent with the Shelby County Comprehensive Plan because: Shelby County's comprehensive plan identifies the need to preserve the county's agricultural land while understanding that the county will contain residences. The present zoning (A1) is identified as preservation agriculture and has a minimum lot size of 20 acres. The current lot, prior to subdivision, consists of 3.5 acres and is almost wholly unillable land used for residential purposes. The rezone places the lot(s) in line with the County's comp plan.

2. The request is consistent with the current conditions and the character of structures and uses in each district because: The lot is currently is compatible with and used for residential purposes. The proposed rezone will place the zoning in line with the present compatible uses of the property.

3. The request is consistent with the most desirable use for which the land in each district is adapted because: The present parcel was previously seperated out from the lillable farmland and is used for residential purposes, which is the most desireable use for the parcel as platted, prior to subdivision.

4. The request is consistent with the conservation of property values throughout the jurisdiction because: The rezoning of the parcel will have no impact on property values throughout the area.

5. The request is consistent with responsible growth and development because: This rezone request seeks to put the zoning of the property in line with the present use of the property. It is in the best interest of the county to have zonings and uses compatible.

**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?

