

Shelby County Plan Commission

March 28, 2023 at 7:00 PM

Table of Contents

Agenda.....	3
RZ 23-03 Jugaad LLC Rezoning Findings of Fact	4
RZ 23-04 Davis Rezoning.....	5
Staff Report	5
Site Plan.....	8
RZ 23-06 / SD 23-03 IN RNG Interconnect, LLC Rezoning & ING – Pile Farms Simple Subdivision.....	9
Staff Report	9
I2 District Intent, Permitted Uses, and Special Exception Uses	13
UDO Industrial Land Use Table	14
Petitioner’s Statement of Intent	15
Petitioner’s Findings of Fact	16
Site Plan.....	17
Plat.....	18
RZ 23-08 / SD 23-04 Adams Rezoning & Adams & Adams Simple Subdivision	19
Staff Report	19
Plat.....	22
RZ 23-07 Northwest Shelby County Regional Sewer District Rezoning	23
Staff Report	23
IS District Intent, Permitted Uses, and Special Exception Uses	27
Petitioner’s Statement of Intent	28
Petitioner’s Findings of Fact	29
Site Plan.....	30

MEETING AGENDA

Shelby County Plan Commission
March 28, 2023 at 7:00 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the February 28, 2023 meeting.

OLD BUSINESS

RZ 23-03 – JUGAAD LLC REZONING: Negative Findings of Fact.

RZ 23-04 – DAVIS REZONING: Rezoning of 14.74-acres from the A2 (Agricultural) District to the RE (Residential Estate) District to allow for two new single-family residential lots. Located east of and adjoining 453 E 700 S, Shelbyville, Washington Township.

RZ 23-06 – IN RNG INTERCONNECT, LLC REZONING: Rezoning of 6.696-acres from the A1 (Conservation Agricultural) District to the I2 (High Intensity Industrial) District to allow for a natural gas injection facility. Located at 5445 S Smithland Rd, Shelbyville, Hendricks Township

SD 23-03 – RNG-PILE FARMS SIMPLE SUBDIVISION: Subdivision of a 6.696-acre industrial lot from a 49.17-acre parent tract and waiver of subdivision standards. Located at 5445 S Smithland Rd, Shelbyville, Hendricks Township.

NEW BUSINESS

RZ 23-08 – ADAMS REZONING: Rezoning 4.2-acres from the A1 (Conservation Agricultural) District & A2 (Agricultural) District to the RE (Residential Estate) District. Located at 8297 S 750 E, Saint Paul, Nobel Township.

SD 23-04 – ADAMS & ADAMS SIMPLE SUDIVISION: Simple Subdivision of a 2-acre single-family building lot and a 2.2-acre lot including an existing single-family residence from 60.87-acres. Located at 8297 S 750 E, Saint Paul, Nobel Township.

RZ 23-07 – NORTHWEST SHELBY COUNTY REGIONAL SEWER DISTRICT REZONING: Rezoning of 19.217-acres from the A2 (Agricultural) District to the IS (Institutional) District to allow for development of a wastewater treatment plant. Located south of and adjoining 4875 W 600 N, Fairland, Brandywine Township.

DISCUSSION

None.

ADJOURNMENT

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

REZONING FINDINGS OF FACT

Applicant: Jugaad LLC Rezoning

Case #: RZ 23-03

Location: East of and adjoining 9075 N Frontage Rd, Fairland, Moral Township.

1. The request is **NOT** consistent with the Shelby County Comprehensive Plan because:

The rezoning is not consistent with Land Use Goal 1, Strategy 1 identified in the Comprehensive Plan due to the existing residential character context.

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.

The rezoning is not consistent with Natural Resource Goal 2, Strategy 3 identified in the Comprehensive Plan due to proposed development occurring in a designated floodplain, removal of mature trees, and due to possible environmental impacts to the adjacent creek.

Natural Resources Goal 2: Protect and enhance local water-based resources, such as surface water, groundwater, and wetlands.

Strategy 3: Protect and enhance the county's land-based natural resources, such as floodplains, wooded areas, riparian areas and soils.

2. The request is **NOT** consistent with the current conditions and the character of structures and uses in each district because:

The property is adjacent to residential estate lots.

3. The request is **NOT** consistent with the most desirable use for which the land in each district is adapted because:

The property includes significant natural and water-based resources that if persevered, provide a natural based amenity to the community and prevents environmental impacts to wildlife, groundwater, and surface water of the creek associated with development of the site. Additionally, the petitioner did not provide adequate evidence of local demand for the proposed truck parking facility or benefit of the proposed development to the local community.

4. The request is **NOT** consistent with the conservation of property values throughout the jurisdiction because:

Development of the property would impact the aesthetic quality of the I-74 corridor, thereby potentially impacting property values throughout the jurisdiction.

5. The request is **NOT** consistent with responsible growth and development because:

The property is not located within the Shelby County Northwest Economic Development Area (EDA) and the County has not proposed any road or utility improvements in the Pleasant View area outside the EDA. Development of the property would remove, and impact desirable natural and water-based resources. Additionally, the petitioner did not provide adequate evidence of local demand for the proposed truck parking facility or benefit of the proposed development to the local community.

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

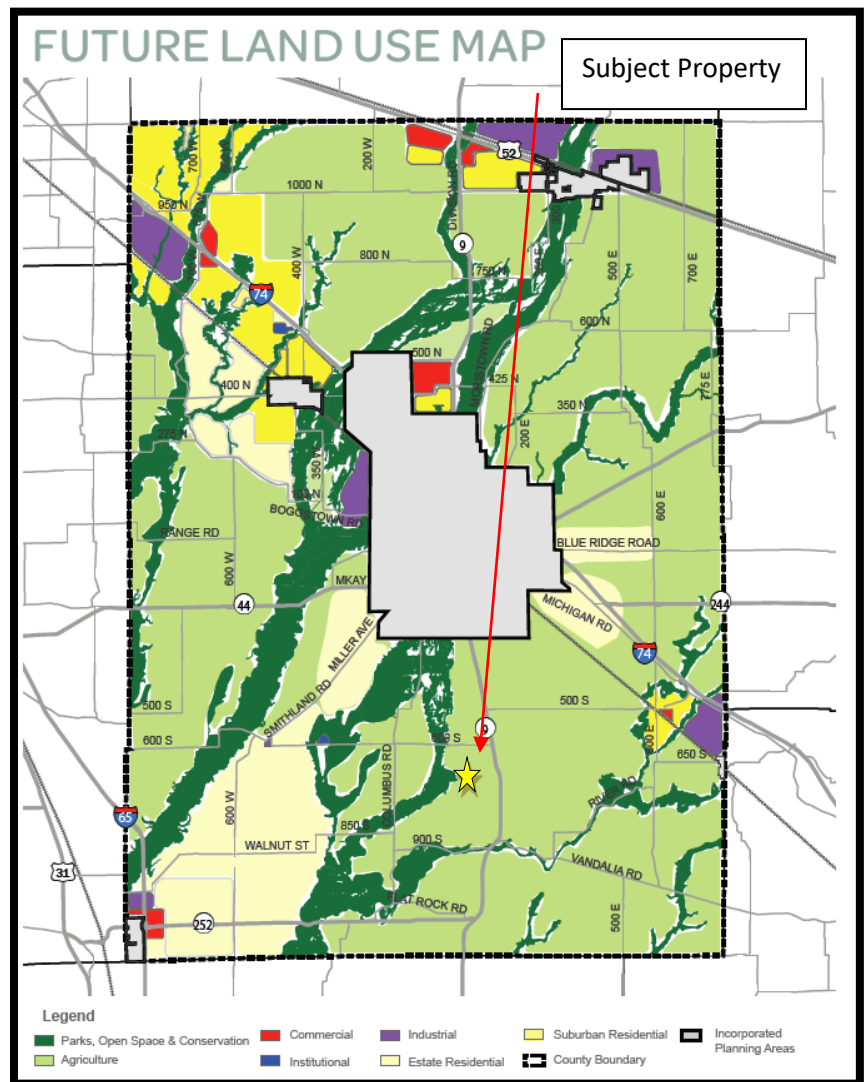
Case Number: RZ 23-04

Case Name: Davis Rezoning – A2 (Agricultural) to RE (Residential Estate)

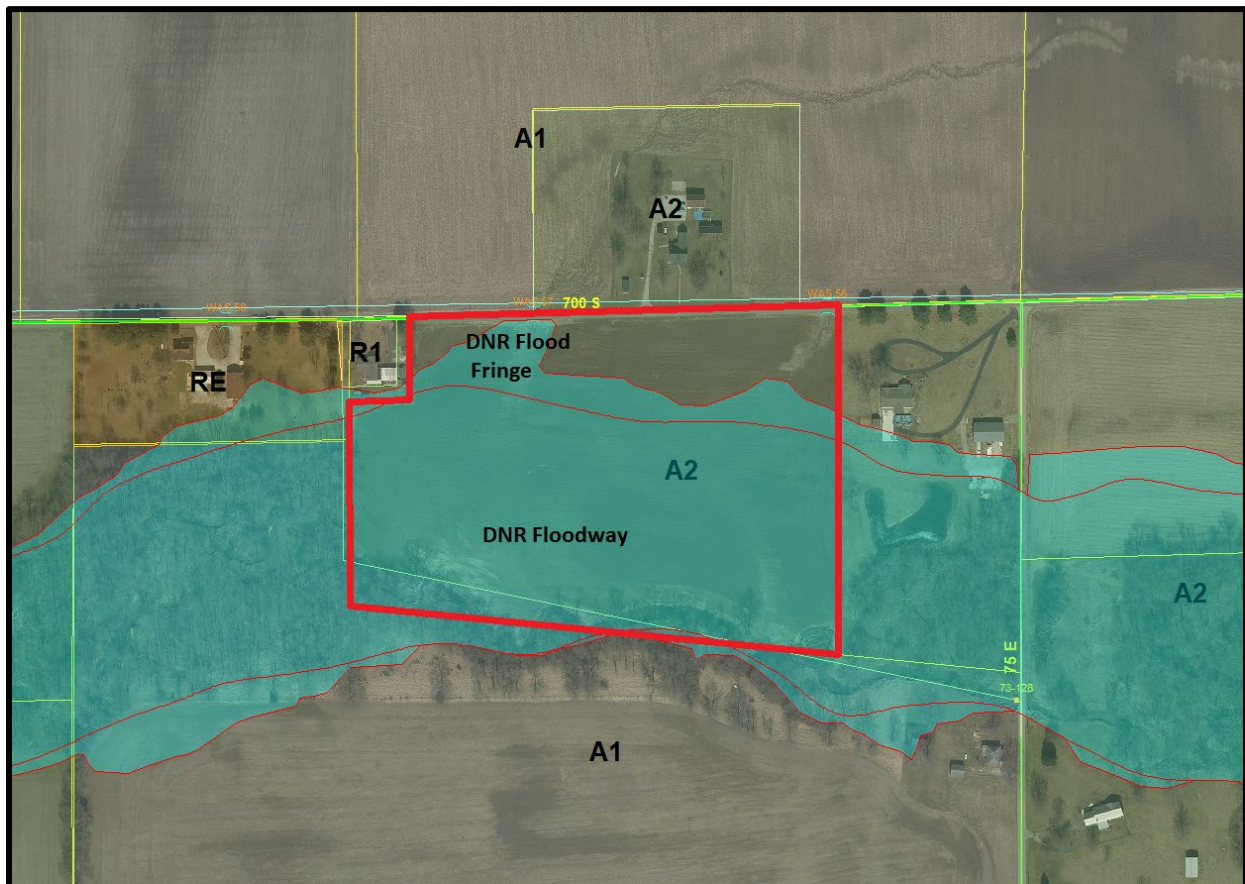
Request

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		



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

Immediate Front Area Above Fringe
1.02 Acres

APPROX. DNR FLOOD FRINGE

EXTENT OF INDIANA DNR APPROXIMATE FLOODWAY

Immediate Front Area Above Fringe
1.26 Acres

Property Details

Location: 5445 S Smithland Rd,
Shelbyville, Hendricks Township.

Property Size: 6.696-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

I2 (High Intensity Industrial)
This district is established for high intensity industrial uses and heavy manufacturing facilities.

Plan Commission:

Use this zoning district for existing developments and carefully for new industrial development.

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

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 23-06 / SD 23-03
Case Name: IN RNG Interconnect, LLC Rezoning – A1 (Conservation Agricultural) to I2 (High Intensity Industrial) & RNG - Pile Farms Simple Subdivision

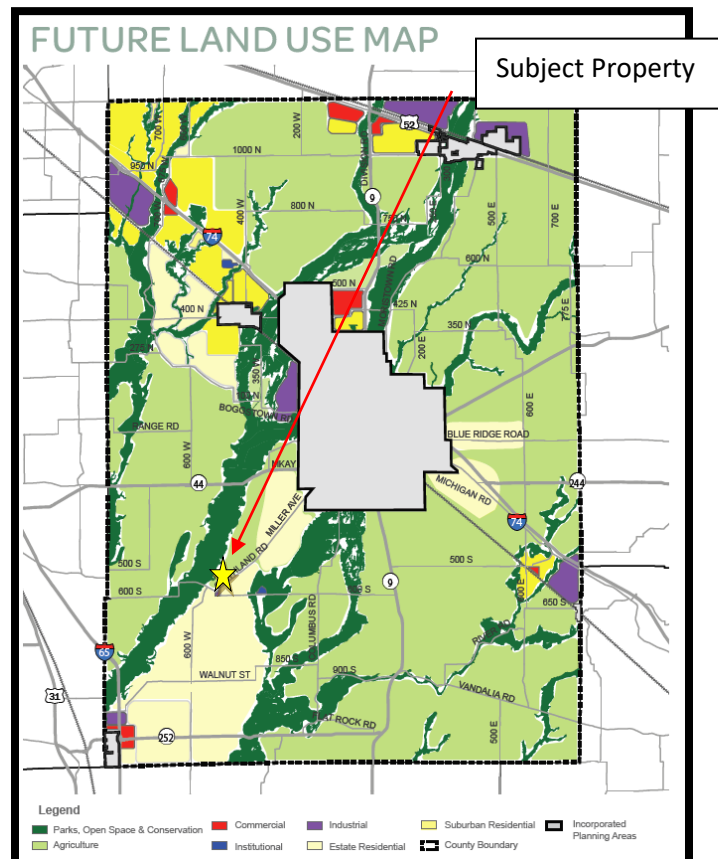
Request

Rezoning of 6.696-acres from the A1 (Conservation Agricultural) District to the I2 (High Intensity Industrial) District to allow for a natural gas injection facility.

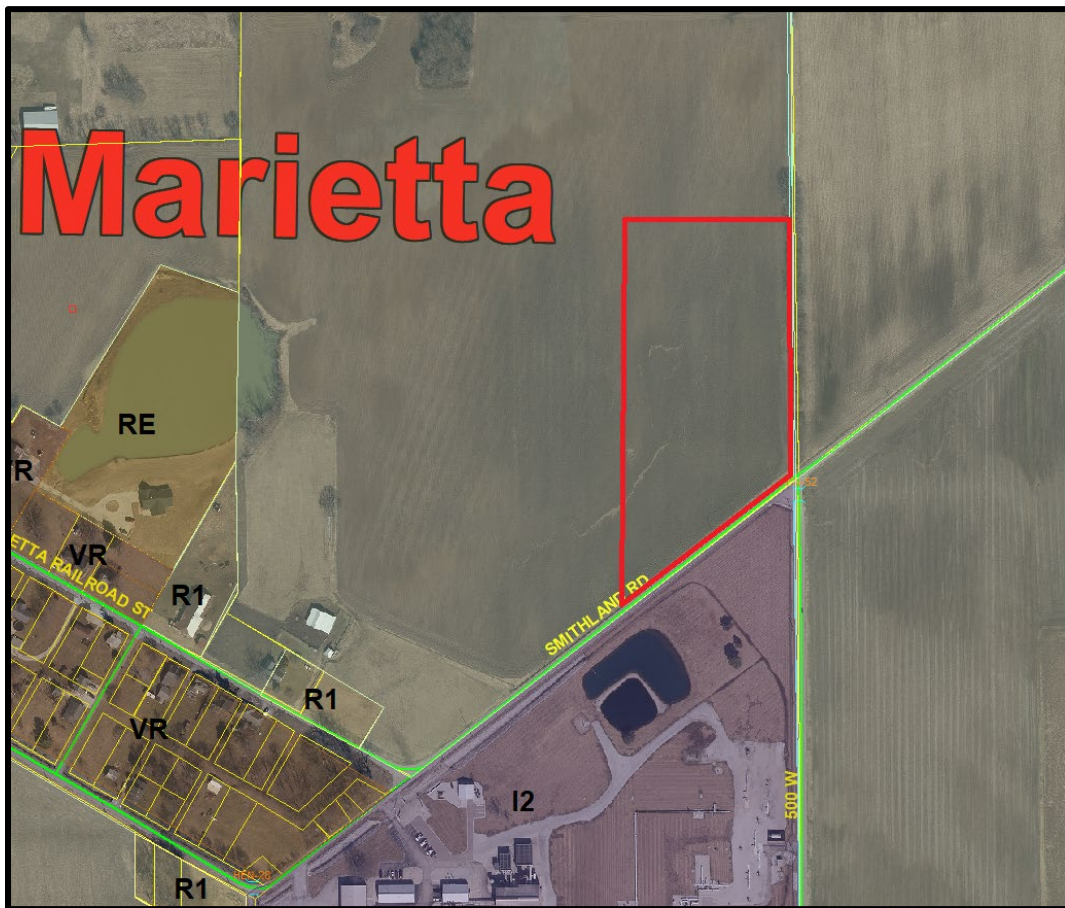
Simple Subdivision of a 6.696-acre industrial lot from a 49.17-acre parent tract.

Waiver of subdivision type standards to allow for Simple Subdivision of property zoned I2 (Simple Subdivisions only permitted for property zoned A3, A4, or RE).

Future Land Use Map



Property Map



Case Description

- The petitioner intends to develop a natural gas injection facility on site. The operation would involve injecting natural gas produced by animals at local farms into an existing TC Energy natural gas pipeline. The natural gas would be cleaned and compressed into tube trailers at the farm and delivered to the site by truck on a regular basis.
- The petitioner indicated that they currently have a business arrangement with a large dairy farm in Decatur County.
- Proposed development includes below grade pipelines and above grade decanters, compressors, a ANR metering and regulation station, filter separator, emergency generator, monitoring and control building, security fence, and paved parking and maneuvering areas.
- Notable development standards included in the UDO which would apply to the development include the following:
 - Landscape Buffer "B" along all property lines: One (1) canopy tree and two (2) ornamental or evergreen trees shall be planted for every sixty (60) feet of contiguous boundary with the adjacent lot. Each tree shall be planted within fifteen (15) feet of the property line, but no closer than five (5) feet to the property line.

- Ten (10) deciduous trees within the interior of the lot.
 - All site lighting must be full cut-off fixtures.
 - Paved driveway, parking, and maneuvering areas.
 - Above ground storage tank minimum setback requirements: not permitted in front of the monitoring and control building, a minimum of thirty (30) feet from the monitoring and control building, and a minimum of thirty (30) feet from property lines.
- The property lies approximately 1/10-mile from the unincorporated community of Marietta and adjacent to the Michigan Wisconsin Pipeline natural gas facility. The natural gas facility lies within the I2 zoning district.
 - The UDO permits utility facilities in the IS (Institutional) District, C2 (Highway Commercial) District, I1 (Low Intensity Industrial) District, I2 District, and HI (High Impact) District. Staff recommended that the petitioner apply to rezone the property to I2 to reflect the zoning of the adjacent natural gas utility facility to the south.
 - The USDA Soil Survey classifies the property as Prime Farmland if Drained.
 - Per Section DPI-01 of the UDO, nonagricultural and non-residential developments must dedicate to the County right-of-way along any adjoining road consistent with the recommendations of the Comprehensive Plan. The plat includes the recommended 50-foot (0.575-acre) right-of-way dedication.
 - The Site Plan/Technical Advisory Committee, which consists of the Planning Director, Building Inspector, County Surveyor, Health Department Environmental Technician, and a representative from the County Commissioners would review a detailed site plan prior to issuing construction permits. USI Consultants, Inc would review the drainage plans to ensure the project design complies with the County's Drainage & Sediment Control Ordinance.

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

Rezoning of the property to I2 to allow for use of the property for a natural gas injection utility facility would not deviate from the I2 zoning designation or gas utility use of adjacent property to the south.

The property also adjoins land used for agricultural production in the A1 (Conservation Agricultural) District. The UDO does not designate A1 as an appropriate adjacent zoning district to the I2 District, however, the proposed use would have minimal impact on adjacent properties relative to the majority of uses permitted in the I2 District. Other uses permitted in the I2 District could pose negative impacts and would deviate from the character of the area, and therefore should be discouraged.

The rezoning would allow for a desirable gas utility use of property that includes an existing natural gas pipeline.

Land Use Goal 1, Strategy 1 states: Balance development patterns and character with available transportation and utility resources and existing character context. While the Plan designates the future land use of the property as agriculture, the existence of a natural gas line on the property and the adjacent natural gas facility support rezoning of the property for utility use. The proposed development would also use natural gas produced at farms.

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

1. The subdivision of land is consistent with the Shelby County Comprehensive Plan.
2. The subdivision of land satisfies the development requirements of Article 06: Subdivision Types, pending approval of a waiver to allow for Simple Subdivision of property zoned I2.
3. The subdivision of land satisfies the standards of Article 07: Design Standards.
4. The subdivision of land satisfies any other applicable provisions of the Unified Development Ordinance.
5. The subdivision of land satisfies the construction requirements of Shelby County's Construction Standards.
6. Approval of a waiver to allow for Simple Subdivision of property zoned I2 would allow for development of one industrial lot which does not necessitate internal streets, public improvements, or common area required by an Industrial Park Subdivision.

Staff Recommendation

Staff recommends **APPROVAL** primarily because the existence of a natural gas pipeline on the property and the existence of a natural gas facility on adjacent property to the south support rezoning of the property for utility use. Staff recommends the following **stipulations**:

1. Use and development of the site shall be consistent with the Statement of Intent and Site Plan submitted with the rezoning application. The Zoning Administrator shall have the discretion to require Plan Commission approval of any modification to the site plan.
2. Written approval of the project by the owner of the pipeline and permits from all applicable federal and state permitting agencies shall be submitted to the County prior to issuance of an Improvement Location Permit.

Applicant/Owner Information

Applicant:	IN RNG Interconnect, LLC 7675 Omnitech Place, Suite 190 Victor, NY 14564	Owner:	Pile Farms, LLC 5866 S 425 W Shelbyville, IN 46176
Surveyor:	SME-USA		

High Intensity Industrial (I2) District

2.35 I2 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The I2 (High Intensity Industrial) 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 industrial uses Industrial parks, manufacturing facilities, and utility usage Stand alone buildings or multiple primary structures <p>Application of District</p> <ul style="list-style-type: none"> Existing and new development <p>Development Standards</p> <ul style="list-style-type: none"> Enact 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, A3, C2, I1, I2, and HI <p>Plan Commission</p> <ul style="list-style-type: none"> Use this zoning district for existing developments and carefully for new industrial 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 the potential for light pollution, noise pollution, loading berth placement, pedestrian safety, and vehicular safety 	<p>Agricultural Permitted Uses</p> <ul style="list-style-type: none"> processing of agricultural products storage of agricultural products <p>Commercial Permitted Uses</p> <ul style="list-style-type: none"> farm implement sales <p>Industrial Permitted Uses</p> <ul style="list-style-type: none"> assembly distribution facility flex-space food processing heavy manufacturing light manufacturing liquid fertilizer storage/distribution outdoor storage radio/TV station recycling processing sewage treatment plant sign painting/fabrication storage tanks (non-hazardous) telecommunication facility testing lab tool and die shop transfer station warehouse warehouse storage facility water treatment plant welding <p>Institutional Permitted Uses</p> <ul style="list-style-type: none"> police, fire, or rescue station recycling collection point 	

Industrial Uses

	OP	A1	A2	A3	A4	RE	R1	R2	VR	M1	M2	MP	VM	IS	C1	C2	I1	I2	HI
Industrial Uses																			
assembly																	P	P	
bio-diesel production		P	P	P	P	P													
bilofuel production																			P
construction material landfill																			S
distribution facility																	P	P	
electrical generation plant																			P
equipment rental																	P		
flex-space																	P	P	
food processing					P													P	
gravel/sand mining																			P
heavy equipment repair					P														
heavy manufacturing																		P	
incinerator																			P
junk yard																			P
light manufacturing																	P	P	
liquid fertilizer storage/distribution					P													P	
methane production				P															
outdoor storage					P													P	
radio/TV station																		P	
recycling processing																		P	
rendering plant																		S	
research center																	P		
sanitary landfill/refuse dump																			S
scrap metal yard																			P
sewage treatment plant																		P	
sign painting/fabrication																		P	
storage tanks (hazardous)																			S
storage tanks (nonhazardous)					P													P	
telecommunication facility														P			P	P	P
testing lab																	P	P	
tool and die shop																	P	P	
transfer station																	P	P	P
utility facility, above ground														P		P	P	P	P
warehouse																	P	P	
warehouse storage facility																	P	P	
water treatment plant																		P	
welding					P												P	P	



February 22, 2023

Planning Commission
c/o Desiree Calderella
Shelby County
25 W Polk Street, Room 201
Shelbyville, IN 46176

Re: IN RNG Interconnect Application

Dear Sir/Madam:

The enclosed application documentation package is being submitted for the review and approval for Subdivision and Rezoning at the February 28, 2023 Planning Commission meeting. The REV LNG, LLC project team appreciates the time taken by your staff to review this application.

The current property owner is intending to sell approximately 6.5 acres to IN RNG Interconnect, LLC to construct a renewable gas injection site. Renewable natural gas will be produced at local farms, compressed into tube trailers, and then hauled to this site. The tube trailers will be connected to a decanter which effectively reduces the gas pressure prior to injection into the ANR transmission line on the north side of the property.

Most of the pipelines moving gas on site will be below grade. Equipment associated with this project that will be above grade include the decanters, compressors, ANR metering and regulation station, filter separator, emergency generator, and a monitoring and control building. The equipment is needed to manage gas pressure and meter the injection into the gas transmission main.

I am available to discuss any questions or comments regarding this permit application documentation package or any aspect of the project.

Sincerely,

Steven Wilkinson
Project Manager
REV LNG, LLC

**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: IN RNG Interconnect, LLC

Case #: _____

Location: 5445 S Smithland Road, Shelbyville, IN 46176

1. The request **is** consistent with the Shelby County Comprehensive Plan because: in accordance with the 2019 plan, the land is classified as Suitable for Development. The site is served by a Major Collector functional class road.

2. The request **is** consistent with the current conditions and the character of structures and uses in each district because: Existing area is a mix of agricultural, residential and the heavy industrial site across the street.

3. The request **is** consistent with the most desirable use for which the land in each district is adapted because: _____
The comprehensive plan depicted this area to remain agricultural. This project supports local dairy operations and future dairy projects.
_____ The land close to the the natural gas pipelines will not be usable for future residential/commercial projects due to clearances needed, that could leave it un-farmable.

4. The request **is** consistent with the conservation of property values throughout the jurisdiction because: _____
The site will be constructed and operated in accordance with all federal, state, and local regulations.
_____ This project will not materially change the character of the area and therefore not impact property values in a negative manner.

5. The request **is** consistent with responsible growth and development because: _____
Project will use land not available for typical development.
_____ By maintaining regulatory compliance, the project will provide a positive economic impact from employment and tax revenue.

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?

PARENT DESCRIPTION:

ALL THAT PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 12 NORTH, RANGE 6 EAST, AND BEING NORTHEAST OF RAILROAD STREET IN THE TOWN OF MARIETTA AND NORTHWEST OF THE MIDDLE OF THE RAILROAD STREET IN THE TOWN OF WAREHICKS, SHELBY COUNTY, INDIANA, INCLUDED IN THE PLAT OR PLATS IN THE TOWN OF MARIETTA IN SHELBY COUNTY, INDIANA, AND IN SAID DESCRIBED TRACT, BEING 48.91 ACRES, MORE OR LESS.

EXCEPT THEREFROM THE FOLLOWING:

PART OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 12 NORTH, RANGE 6 EAST, IN SHELBY COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCING AT THE INTERSECTION OF CHURCH STREET AND RAILROAD STREET IN THE EAST (ASSUMED BEARING) ALONG THE CENTERLINE OF SAID RAILROAD STREET 1331.79 FEET TO A RAILROAD SPIKE, THENCE NORTH $31^{\circ}16'20''$ EAST $33.0'$ TO AN IRON PIN ON THE NORTH LINE OF RAILROAD STREET, SAID PIN BEING THE POINT OF BEGINNING; THENCE CONTINUING N $31^{\circ}16'20''$ EAST 124.85 FEET TO AN IRON PIN; THENCE SOUTH 80.70 TO EAST 27.82'28
 BEING 67.91'79'58" ALONG THE CENTERLINE OF SAID RAILROAD STREET TO THE POINT OF BEGINNING. CONTINUING S $31^{\circ}24'30''$ WEST 124.85 FEET TO AN IRON PIN ON THE NORTH LINE OF SAID RAILROAD STREET, THENCE NORTH $60^{\circ}00'00''$ WEST ALONG THE NORTH LINE OF SAID STREET 277.98 FEET TO THE POINT OF BEGINNING, CONTAINING 0.797 ACRES, MORE OR LESS.

LOT 1 DESCRIPTION:

PART OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 12 NORTH, RANGE 6 EAST, HENDRICKS TOWNSHIP, SHELBY COUNTY, INDIANA, BASED ON AN ORIGINAL SURVEY BY NOLAN R. MARK, INDIANA PROFESSIONAL SURVEYOR LICENSE NUMBER 21900003 OF THE TOWN OF MARIETTA, SHELBY COUNTY, INDIANA, DATED JANUARY 20, 2023, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER AS MONUMENT BY A 5/8" INCH REBAR WITH "POWELL IDENTIFICATION CAP FOUND FLUSH; THENCE NORTH 0 DEGREES 30 MINUTES 48 SECONDS WEST (INDIANA STATE PLANE COORDINATE SYSTEM - EAST ZONE AND BASIS OF BEARINGS TO FOLLOW) 1560.79 FEET ALONG THE EAST LINE OF SAID QUARTER TO A 5/8" INCH REBAR WITH MARK LS21900003 IDENTIFICATION CAP SET 0.2 FEET ABOVE GRADE; THENCE SOUTH 52 DEGREES 21 MINUTES 01 SECONDS WEST 500.25 FEET TO A 5/8" INCH REBAR WITH MARK LS21900003 IDENTIFICATION CAP SET 0.2 FEET ABOVE GRADE; THENCE SOUTH 52 DEGREES 21 MINUTES 01 SECONDS WEST 390.60 FEET TO A 5/8" INCH REBAR WITH MARK LS21900003 IDENTIFICATION CAP SET 0.2 FEET ABOVE GRADE; THENCE SOUTH 89 DEGREES 57 MINUTES 31 SECONDS EAST 390.60 FEET TO A 5/8" INCH REBAR WITH MARK LS21900003 IDENTIFICATION CAP SET 0.2 FEET ABOVE GRADE AT SAID EAST LINE OF SAID QUARTER; THENCE SOUTH 0 DEGREES 30 MINUTES 48 SECONDS WEST ALONG THE NORTH LINE OF SAID QUARTER 277.98 FEET TO THE POINT OF BEGINNING, CONTAINING 0.122 ACRES, MORE OR LESS, SUBJECT TO EASEMENTS OF RECORD.

RIGHT-OF-WAY DESCRIPTION:

PART OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 12 NORTH, RANGE 6 EAST, HENDRICKS TOWNSHIP, SHELBY COUNTY, INDIANA, BASED ON AN ORIGINAL SURVEY BY NOLAN R. MARK, INDIANA PROFESSIONAL SURVEYOR LICENSE NUMBER 21900003 OF THE TOWN OF MARIETTA, SHELBY COUNTY, INDIANA, DATED JANUARY 20, 2023, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER AS MONUMENT BY A 5/8" INCH REBAR WITH "POWELL IDENTIFICATION CAP FOUND FLUSH; THENCE NORTH 0 DEGREES 30 MINUTES 48 SECONDS WEST (INDIANA STATE PLANE COORDINATE SYSTEM - EAST ZONE AND BASIS OF BEARINGS TO FOLLOW) 1488.07 FEET ALONG THE EAST LINE OF SAID QUARTER TO A 5/8" INCH REBAR WITH MARK LS21900003 IDENTIFICATION CAP SET 0.2 FEET ABOVE GRADE AND BEING THE POINT OF BEGINNING OF HEREIN DESCRIBED TRACT:
 THENCE SOUTH 0 DEGREES 30 MINUTES 48 SECONDS EAST 62.72 FEET ALONG SAID EAST LINE TO A MAG NAIL FOUND FLUSH AT THE CENTERLINE OF SMITHLAND ROAD; THENCE SOUTH 52 DEGREES 21 MINUTES 01 SECONDS WEST 501.04 FEET ALONG SAID CENTERLINE TO MAG NAIL WITH MARK LS21900003 IDENTIFICATION WASHER SET FLUSH; THENCE SOUTH 89 DEGREES 57 MINUTES 31 SECONDS EAST 390.60 FEET TO A 5/8" INCH REBAR WITH MARK LS21900003 IDENTIFICATION CAP SET 0.2 FEET ABOVE GRADE WITH MARK LS21900003 IDENTIFICATION CAP SET 0.2 FEET ABOVE GRADE; THENCE NORTH 52 DEGREES 21 MINUTES 01 SECONDS WEST ALONG THE NORTH LINE OF SAID QUARTER; THENCE NORTH 52 DEGREES 21 MINUTES 01 SECONDS WEST 500.25 FEET TO THE POINT OF BEGINNING, CONTAINING 0.575 ACRES, MORE OR LESS, SUBJECT TO EASEMENTS OF RECORD.

SURVEYOR'S REPORT:

PURPOSE OF SURVEY:
 THE PURPOSE OF THIS SURVEY WAS TO CREATE A SUBDIVISION FROM AN EXISTING TRACT OF LAND DESCRIBED IN INSTRUMENT NUMBER 2012003540 IN THE OFFICE OF THE RECORDER OF SHELBY, INDIANA. THE PROPERTY ADDRESS BEGINS 5296 WEST MARIETTA RAILROAD STREET.

IN ACCORDANCE WITH TITLE 86S, ARTICLE 1, RULE 12, SECTION 1 THROUGH 30 OF THE INDIANA ADMINISTRATIVE CODE, THE BELOW THEORY OF LOCATION WAS BASED UP THE FOLLOWING OPINIONS AND OBSERVATIONS: A RESULT OF UNCERTAINTIES IN LINES AND CORNERS BECAUSE OF THE FOLLOWING:
BASIS OF BEARINGS:
 THE BASIS OF BEARINGS FOR THIS SURVEY ARE BASED ON THE MEASURED BEARING AND DISTANCE ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 32. THE RECORD BEARING FOR THIS LINE PER THE SUBJECT DEED IS (BEARING), THE MEASURED BEARING OF THIS LINE INDIANA STATE PLANE COORDINATE SYSTEM - EAST ZONE IS SOUTH 52 DEGREES 21 MINUTES 01 SECONDS WEST.

DISCREPANCIES IN MEASUREMENTS:
 THE MEASURED POSITIONS, ACCURACY FOR THE USE OF THE PROPERTY, MONUMENTS, LOCATIONS THAT WERE NOT AS SHOWN IN RELATION TO THE THEORETICAL CORNER. THERE IS MORE WEIGHT THROWN IN TO FOUND MONUMENTS THAN THE RECORD DEED DISTANCES. THE MEASURED AND CALCULATED DISTANCES ARE SHOWN IN RELATION TO EACH.

AVAILABILITY AND CONDITION OF REFERENCE MONUMENTS

- THE MONUMENTS FOUND ARE SHOWN ON THE SURVEY UNDER MONUMENT LEGEND.
- A) AVAILABILITY AND CONDITION OF REFERENCE MONUMENTS
 - B) OCCUPATION OR POSSESSION LINES
 - C) CLARITY OR AMBIGUITY OF DESCRIPTIONS
 - D) RELATIVE POSITIONAL ACCURACY OF THE MEASUREMENTS

- 1) INSTRUMENT NUMBER 2012003540 (TRUSTEE'S DEED) - SUBJECT PARCEL
- 2) INSTRUMENT NUMBER 0303910 (WARRANTY DEED) - NORTH/EAST ADJOINER
- 3) INSTRUMENT NUMBER 2022005317 (PERSONAL REPRESENTATIVE'S DEED) - SOUTHWEST ADJOINER
- 4) INSTRUMENT NUMBER 200106927 (OIL/GAS LEASE) - WEST ADJOINER
- 5) INSTRUMENT NUMBER 201309852 (WARRANTY DEED) - WEST ADJOINER
- 6) INSTRUMENT NUMBER 201309852 (WARRANTY DEED) - WEST ADJOINER
- 7) RECORDED PLAT OF MARIETTA AS RECORDED IN PLAT BOOK 3 PAGE 134-135

RELATIVE POSITIONAL ACCURACY OF THE MEASUREMENTS BASED ON THE USE OF THE PROPERTY (URBAN - COMMERCIAL PROPERTY, INDUSTRIAL PROPERTY, CONDOMINIUMS, TOWNHOUSES, APARTMENTS, MULTITENANT DEVELOPMENTS--SUBURBAN - SINGLE FAMILY RESIDENTIAL, SUBDIVISION LOTS--RURAL SURVEY - REAL ESTATE LYING IN RURAL AREAS) THE ACCEPTABLE RELATIVE POSITIONAL ACCURACY IS ALWAYS'S STANDARD 0.07 FEET (21 MILLIMETERS) PLUS 50 PPM PER THE RETRACEMENT SURVEY.

THEORY OF LOCATION:

THE SOUTH (501.04 FEET) LINE OF THE SUBJECT TRACT WAS ESTABLISHED DURING THE RETRACEMENT SURVEY IS THE BASIS OF BEARINGS FOR THIS SURVEY.
 THE EAST (887.00 FEET) LINE OF THE SUBJECT TRACT WAS ESTABLISHED BY MONUMENTS A AND D. THESE MONUMENTS ESTABLISHED THE BEARING FOR THIS LINE. MONUMENT B WAS FOUND AT THE POINT OF BEGINNING. THE POINT OF BEGINNING IS THE POINT OF THE CORNER ESTABLISHED BY THE MONUMENTS. THE DISTANCE WAS ESTABLISHED PER THE BUYER'S REQUEST.
 THE REMAINING LINES OF THE PARCEL WERE ESTABLISHED BASED ON THE BUYER'S REQUEST.

THIS SURVEY IS MADE ONLY WITH ORIGINAL SIGNATURE AND SEAL, FULL PAYMENT OF INVOICE, AND COMPLETE WITH ALL PAGES OF SURVEY. THE INFORMATION SHOWN ON THE SURVEY DOCUMENTS IS INTENDED FOR THE TRANSACTION ONLY, AS DATED ON SAID SURVEY DOCUMENTS. ANY RELEASE WITHOUT WRITTEN VERIFICATION AND APPROVAL BY THE LAND SURVEYOR FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO THE LAND SURVEYOR.
 SINCE THE LAST DATE OF FIELD WORK OF THIS SURVEY, CONDITIONS BEYOND THE KNOWLEDGE OR CONTROL OF ON THE MARK LAND SURVEYING, LLC, MAY HAVE ALTERED THE VALIDITY AND CIRCUMSTANCES SHOWN OR NOTED HEREON.

SURVEYORS CERTIFICATE:

I, NOLAN R. MARK, HEREBY CERTIFY THAT I AM PROFESSIONAL SURVEYOR REGISTERED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAT AND REAL ESTATE DESCRIPTION ACCURATELY DEPICTS A PARCEL OF LAND DESCRIBED IN INSTRUMENT NUMBER 2012003540 WITHIN THE OFFICE OF THE RECORDER OF SHELBY COUNTY, INDIANA ALONG WITH A BOUNDARY RETRACEMENT SURVEY AS OF SHELBY COUNTY, INDIANA. THE RECORDED DATE OF THIS SURVEY IS FEBRUARY 28, 2023. THIS SURVEY WAS COMPLETED BY THE DIRECT SUPERVISION IN ACCORDANCE WITH TITLE 86S IAC 1-12-1 THRU 30, AND THAT THERE HAS BEEN NO CHANGE FROM THE MATTERS OF SURVEY REVEALED BY THE ABOVE REFERENCE SURVEY.
 DATE: FEBRUARY 28TH, 2023

NOLAN R. MARK, PS
 PROFESSIONAL SURVEYOR NO. LS21900003

Dated: _____

OWNERS CERTIFICATE:

THIS SUBDIVISION CONSISTS OF 1 LOT AND 1 BLOCK AS SHOWN HEREON.
 THE SIZE OF LOTS ARE SHOWN IN FIGURES DENOMING FEET AND DECIMAL PARTS THEREOF.
 WE, THE UNDERSIGNED, OWNER OF THE REAL ESTATE SHOWN AND DESCRIBED HERewith, DO HEREBY LAY OFF PLAT AND SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE WITH THE WITNESS MY HAND AND SEAL THIS _____ DAY OF _____, 2023.

AFFIRMATION STATEMENT:

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

NOTARY CERTIFICATE:

STATE OF INDIANA)
) SS:
 COUNTY OF _____)
 WITNESS MY HAND AND SEAL THIS _____ DAY OF MARCH, 2022.
 REV. LNG, LLC, _____, PRESIDENT

WITNESS MY HAND AND NOTARIAL SEAL THIS _____ DAY OF MARCH, 2022.
 NOTARY PUBLIC (SEAL)
 MY COMMISSION EXPIRES: _____

PLAN COMMISSION APPROVAL:

APPROVED BY THE SHELBY COUNTY PLAN COMMISSION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS WITH WAINERS OF DESIGN STANDARDS.

PRESIDENT OF PLAN COMMISSION: TERRY SMITH DATE _____
 SECRETARY OF PLAN COMMISSION: SCOTT GABBARD DATE _____

RE-ZONE APPROVAL:

SHELBY COUNTY COMMISSIONERS REZONING ORDINANCE # _____ DAY OF _____, 2023
 WAS APPROVED BY THE SHELBY COUNTY COMMISSIONER ON THIS _____

FLOODPLAIN CERTIFICATION:

THIS PROPERTY IS WITHIN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN), FOR THE TOWN OF SHELBYVILLE, INDIANA, COMMUNITY NO. 180253, PANEL NO. 1814SC0175C, DATED NOVEMBER 5, 2014.

MONUMENT LEGEND:

- ✕~ MAG NAIL FOUND (FLUSH) - C.M.
- ✕~ 5/8" POST W/ POWELL ID TAG FOUND (+45.0') - C.M.
- ✕~ 5/8" POST W/ POWELL ID TAG FOUND (+50.25') - C.M.
- ✕~ 5/8" REBAR FOUND W/ POWELL ID. CAP FOUND (FLUSH) - C.M.
- ✕~ 5/8" REBAR FOUND W/ POWELL ID. CAP SET (+0.2') - C.M.
- ✕~ 5/8"x24" REBAR W/ MARK LS21900003* ID. CAP SET (+0.2') - C.M.
- ✕~ 5/8"x24" REBAR W/ MARK LS21900003* ID. CAP SET (+0.2') - C.M.
- ✕~ MAG NAIL W/ MARK LS21900003* ID. WASHHER SET (FLUSH)

LEGEND:

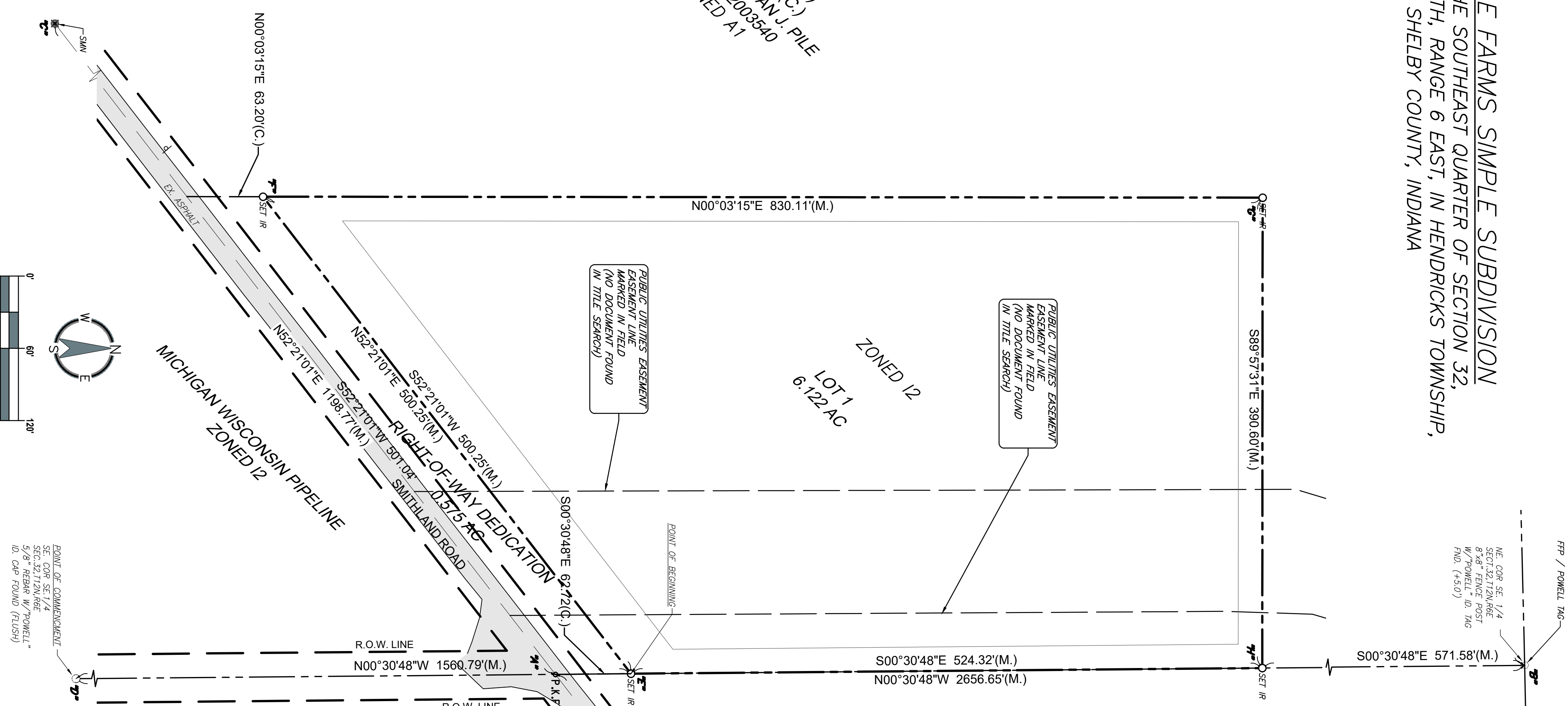
- M ~ MEASURED
- C ~ CALCULATED
- D ~ DEED
- T ~ TITLE
- C.M. ~ CONTROLLING MONUMENT
- O.M. ~ ORIGINAL MONUMENT
- N.H. ~ NO HISTORY

SITE
 5445 S SMITHLAND RD.
 SHELBYVILLE, IN 46178

LOCATION MAP
 NOT TO SCALE

RNG - PILE FARMS SIMPLE SUBDIVISION
 A PART OF THE SOUTHEAST QUARTER OF SECTION 32,
 TOWNSHIP 12 NORTH, RANGE 6 EAST, IN HENDRICKS TOWNSHIP,
 SHELBY COUNTY, INDIANA

48.113 ACRES (D)
 47.610 ACRES (C) PILE
 INST #2012003540
 ZONED A1
 KENNETH R. & JOAN J.



D&N FARMS
 INST.#0303910
 ZONED A1

Property Details

Location: 8297 S 750 E, Saint Paul, Nobel Township.

Property Size: 4.2-acres.

Current Land Use: Cropland / Estate Residential.

Current Zoning Classification

A1 (Conservation Agricultural)
This district is established for the protection of agricultural areas and buildings associated with agricultural production.

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.

Surrounding Development

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

Staff Report

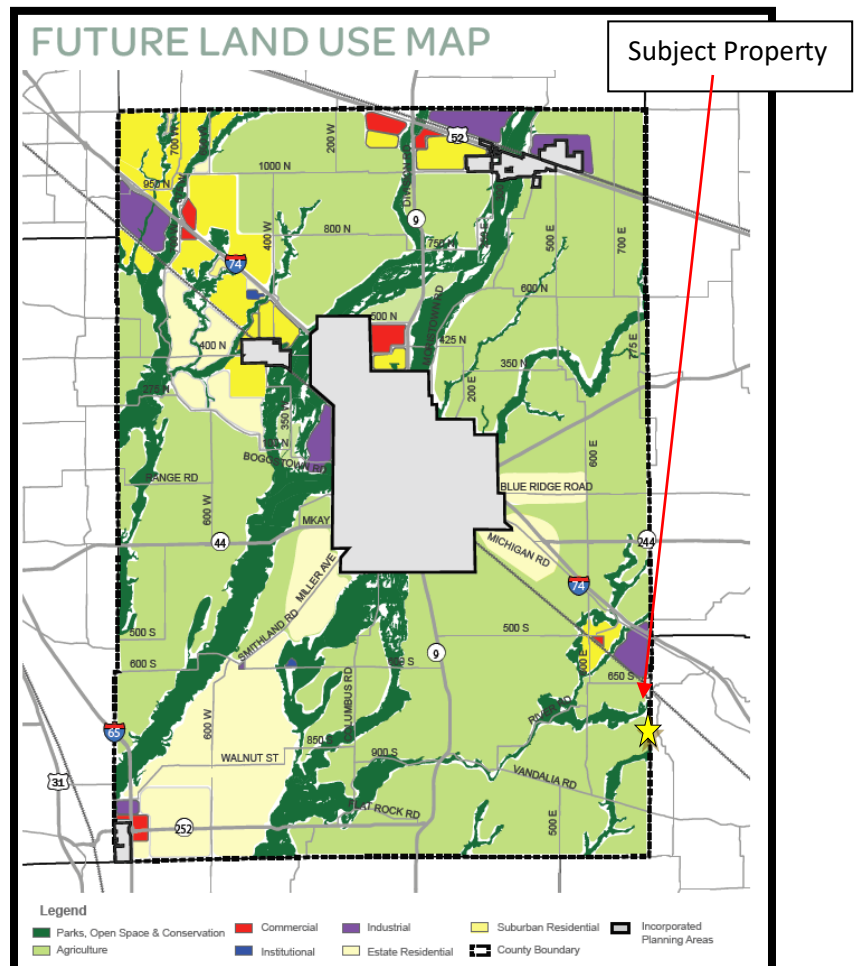
Case Number: RZ 23-08 / SD 23-04
Case Name: Adams Rezoning – A1 (Conservation Agricultural) and A2 (Agricultural) to RE (Residential Estate) & Adams and Adams Simple Subdivision

Requests

Rezoning of 4.2-acres from the A1 (Conservation Agricultural) District & A2 (Agricultural) District to the RE (Residential Estate) District to allow for a two-lot Simple Subdivision.

Simple Subdivision of a 2-acre single-family building lot and a 2.2-acre lot including an existing single-family residence from 60.87-acres.

Future Land Use Map



Property Map



Case Description

- Approval of the requests would allow for development of one single-family residential building lot.
- The second lot would include an existing single-family residence currently located on 6.63-acres of the parent tract.
- The USDA Soil Survey classifies the entire property as 'Prime Farmland if Drained.'

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 size of the proposed lots would reflect the size of the adjoining two residential lots to the north. Therefore, approval of the rezoning would not conflict with existing residential development in the area.

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

The proposed building lot sits between two existing residential lots, which limits agricultural production within this area of the parent tract. The proposed second lot currently includes a residential homesite.

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 residential use of property not conducive to large-scale agricultural production.

5. The Comprehensive Plan

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

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.
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

APPROVAL of the **Rezoning and Simple Subdivision** because the proposed building lot sits between two existing residential lots, which limits agricultural production within this area of the parent tract and because the proposed second lot currently includes a single-family residence.

Applicant/Owner Information

Applicant:	Mark Adams 8297 S 750 E Saint Paul, IN 47272	Surveyor:	Scott T Sumerford 3149 N Riley Hwy. Shelbyville, IN 46176
Owner:	ABC Adams, LLC 6590 E Shelby 1100 S Greensburg, IN 47240		

Trustee's Deed
Instrument No. 2017002790, Recorded May 25, 2017
Adams Irrevocable Trust
ABC Adams, LLC

Beginning at the northeast corner of the Northwest Quarter of Section 16, in Township 11 North of Range 8 East, running thence West 66-2/3 rods; thence South to the south line of said Northwest Quarter; thence East 66-2/3 rods; thence North to the place of beginning.

EXCEPT THEREFROM

Beginning at the southeast corner of the Northwest Quarter of Section 16 in Township 11 North and Range 8 East, running thence North 52 rods; thence West 23 rods; thence South 35 rods; thence East 23 rods to the place of beginning, containing 9 Acres, more or less.

ALSO EXCEPT THEREFROM

(Tracts #1 and #2 per recorded survey Inst.#2023001027, full desc. not included here)

ALSO INCLUDED

(Description for 6.63 acre parcel, per DR 327-43)

A part of the Northwest Quarter of Section 16, Township 11 North, Range 8 East, Shelby County, Indiana, described as follows:

Commencing at the southeast corner of the above described Northwest Quarter of Section 16; thence North with the east line of the quarter 528.00 feet (32 rods) to the true point of beginning of the tract therein described:

Thence West parallel with the south line of the quarter 412.50 feet (25 rods); thence North parallel with the east line of the quarter 700.00 feet; thence East parallel with the south line of the quarter 422.50 feet to the west line of the quarter; thence South with said east line of 700.00 feet to the point of beginning, containing 6.83 acres, more or less, and subject to the right of way thereon as described on the east line of the quarter.

(Description obtained from a survey prepared by W. (Bryon) Sumnerford, Jr. on April 21, 1997)

NORTHWEST CORNER SECTION 16-11-8
Shelby County Surveyor Monument found at the southeast corner of the quarter and an old cattle gate at the end of the public road. This monument was set by Jeff Powell in conjunction with a survey up in Section 9. A limestone is denoted by County Surveyor Elliott 1890s, but was most likely removed.

N-1515428.14
E-3530432.32

LEGAL DESCRIPTION LOT 1

Part of the northwest quarter of Section Sixteen (16), Township Eleven (11) North, Range Eight (8) East, Noble Township, Shelby County, Indiana, being part of the ABC Adams, LLC property as described in Instrument No. 2017002790, recorded May 25, 2017 in the Office of the Shelby County Recorder, and also being part of survey Job #21N8E16-23-008 by Scott T. Sumnerford, RLS#29800017, certified March 28, 2023 and being more particularly described as follows:

Commencing at the northeast corner of the northwest quarter of said section 16-11-8, said point being marked by a railroad spike over a stone; thence along the east line of said quarter section, South 00° 08'51" West (basis of bearings being Indiana State Plane East Zone) 1204.91 feet to a magrail and washer stamped "S. Sumnerford 9800017" at the point of beginning of the herein described tract:

Thence continuing along said east line, South 00° 08'51" West 209.93 feet to a magrail and washer stamped "S. Sumnerford 9800017"; thence North 89° 56'12" West 415.00 feet to a magrail and washer stamped "S. Sumnerford 29800017"; thence parallel with the east line of said quarter, North 00° 08'51" East 209.93 feet to a capped rebar stamped "S. Sumnerford 29800017"; thence South 89° 56'12" East 415.00 feet to the point of beginning, containing 2.000 acres.

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

LEGAL DESCRIPTION LOT 2

Part of the northwest quarter of Section Sixteen (16), Township Eleven (11) North, Range Eight (8) East, Noble Township, Shelby County, Indiana, being part of the ABC Adams, LLC property as described in Instrument No. 2017002790, recorded May 25, 2017 in the Office of the Shelby County Recorder, and also being part of survey Job #21N8E16-23-008 by Scott T. Sumnerford, RLS#29800017, certified March 28, 2023 and being more particularly described as follows:

Commencing at the northeast corner of the northwest quarter of said section 16-11-8, said point being marked by a railroad spike over a stone; thence along the east line of said quarter section, South 00° 08'51" West (basis of bearings being Indiana State Plane East Zone) 1414.84 feet to a magrail and washer stamped "S. Sumnerford 9800017" at the point of beginning of the herein described tract:

These continuing along said east line, South 00° 08'51" West 230.93 feet to a magrail and washer stamped "S. Sumnerford 9800017"; thence North 89° 56'12" West 415.00 feet to a magrail and washer stamped "S. Sumnerford 29800017"; thence parallel with the east line of said quarter, North 00° 08'51" East 230.93 feet to a capped rebar stamped "S. Sumnerford 29800017"; thence South 89° 56'12" East 415.00 feet to the point of beginning, containing 2.200 acres.

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

N 89°57'06" E 2867.86'

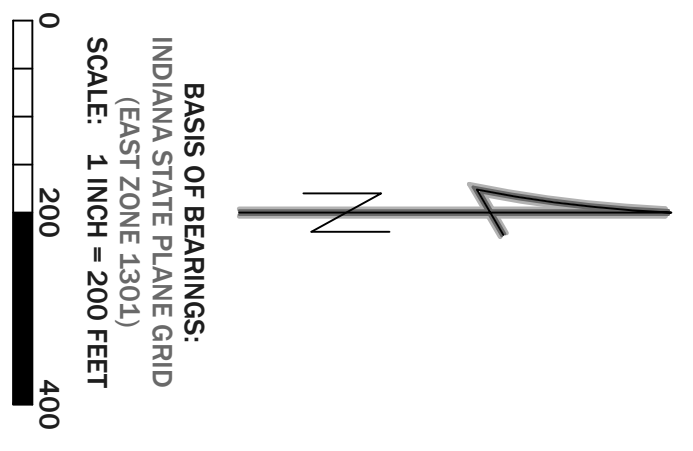
[West 66 2/3 rods]

NORTHEAST CORNER, NORTHWEST QUARTER SECTION 16-11-8
Railroad spike found 0.15' below asphalt and 2' west of the road centerline. The spike was referred to on a 2013 survey by Stouffer County Surveyor's Office in 4379, Whitlock. A stone was originally noted by County Surveyor Elliott. The stone measures 2.7' west and 5.9' north of a theoretical midpoint between section corners.

N-1515428.71
E-353711.00

FINAL PLAN FOR

ADAMS & ADAMS SIMPLE SUBDIVISION



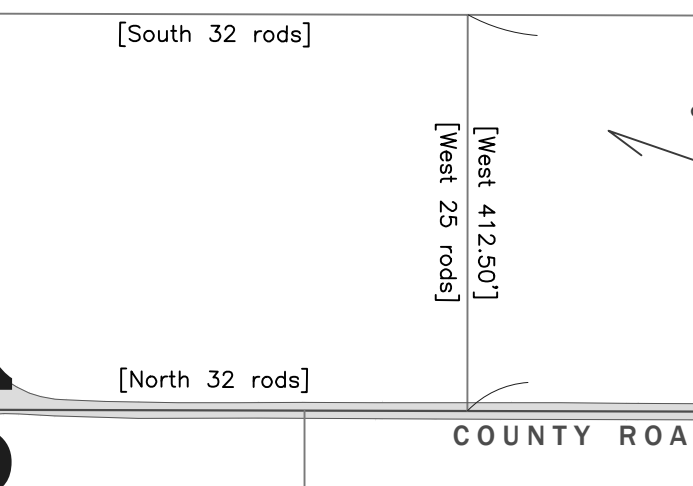
LEGEND

- INDIANA STATE PLANE GRID COORDINATE VALUE SCALE FACTOR = 0.99999326 DATUM: NAD83(2011)
- SECTION CORNER PERPETUATED ON CURRENT SHELBY COUNTY SURVEYOR'S SHEETS
- SECTION CORNER PER QUAD COUNTY SURVEYOR RECORD BOOKS OR BEST AVAILABLE EVIDENCE
- MAGNAIL AND WASHER STAMPED "S. SUMNERFORD L9890017" RECESSED IN ROAD SURFACE
- 5/8" REBAR WITH PLASTIC CAP STAMPED "S. SUMNERFORD L9890017 SET AT GRADE"
- [...] INDICATES RECORD DIMENSION

PROPOSED LOT 1 & LOT 2
Primary structure on site shown. Existing structures are shown. Accessory structures have a 10 foot setback along sides and rear.
CR 750 E - Local Road

ABC Adams, LLC
Instrument No. 2017002790
Recorded May 25, 2017
Recorded L# 173-10165-000-000-014
N 89°56'12" W 415.00'
E 415.00'
N 00°04'00" E 66.3 Acres

ABC Adams, LLC
Instrument No. 2017002790
Recorded May 25, 2017
Recorded L# 173-10165-000-000-014
N 89°56'12" W 415.00'
E 415.00'
N 00°04'00" E 66.3 Acres



CENTER OF SECTION 16-11-8
Shelby County Surveyor Monument found 0.7' below asphalt in the approximate centerline centerline. There is currently no rebar for this monument, but it appears to be in the correct location. A stone was also indicated by Taylor Sumnerford in the place of a found survey iron". A stone was also indicated by County Surveyor Elliott in the old books, but actual existence of the stone is unknown.

16

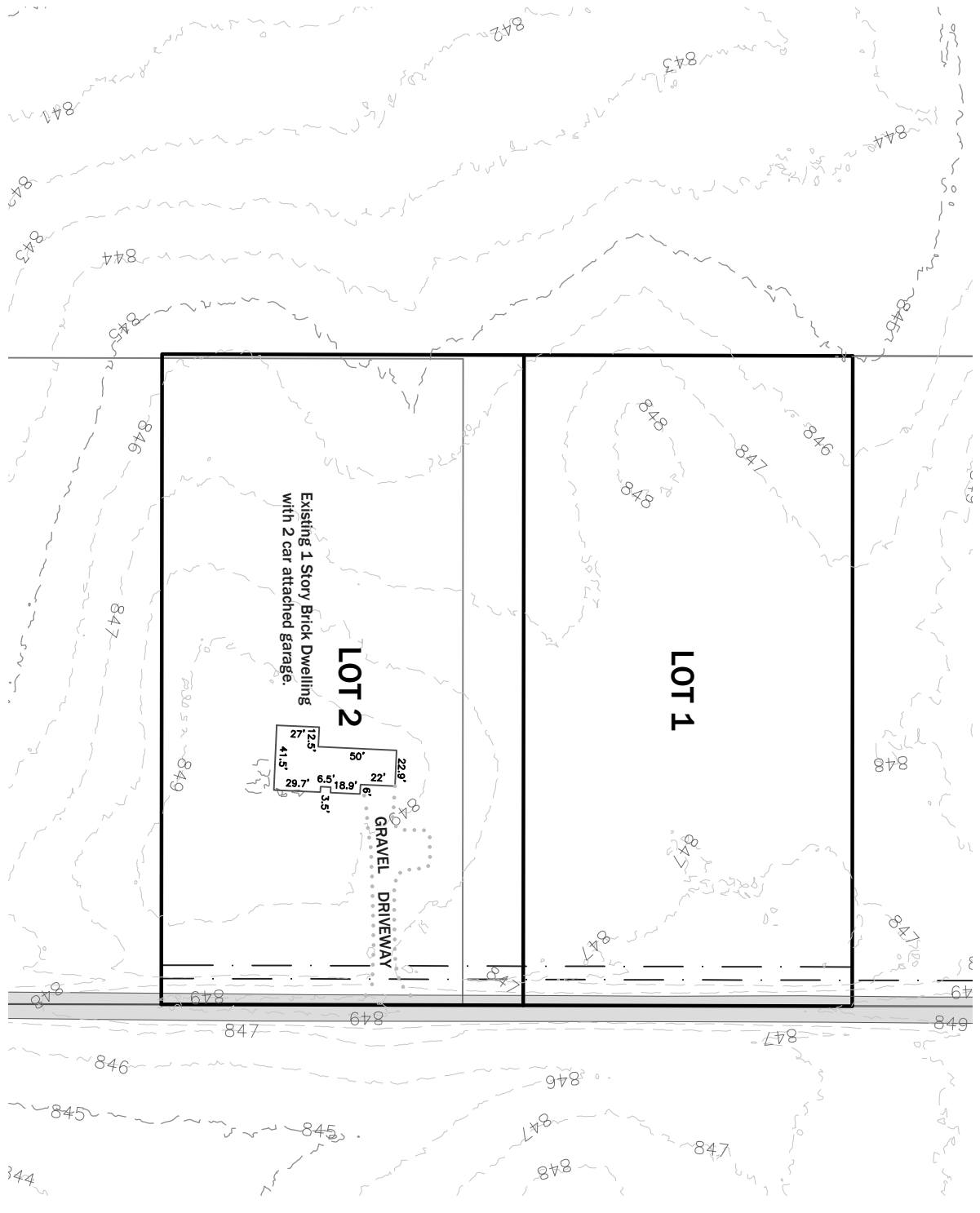
By: _____ Date _____
Secretary, Scott Gabbard

By: _____ Date _____
President, Terry Smith

- NOTES**
- Lot 1 and Lot 2 are being zoned to RE (Residential Estate) from a combination of A1 (Conservation Agriculture) zoning and A2 (Agriculture) zoning.
 - The rezoning was approved on _____
 - per Ordinance No. _____ by the Commissioners of Shelby County.
 - Five deciduous trees with at least 1.3"/4" DBH at time of planting shall be planted on Lot 1 prior to occupation of a residence.
 - Lot 1 and Lot 2 do not lie within a Flood Hazard Area per the effective FRM map Panel 181430C220C, dated November 5, 2014. Lot 1 and Lot 2 do not lie within a Flood Hazard Area per the 2022 best available data per the Indiana DNR Floodplain Portal. The base flood elevation for this area is 76.9 feet per the portal with the existing ground being around 66.8 feet. The property lies between the Flat River and Duck Creek, being more than 3000 feet away.
 - Lot 2 consists of 0.380 acres from Parcel No. 73-16-16-100-003-000-014 and 1.820 acres from Parcel No. 73-16-16-100-005-000-014.

PLAN COMMISSION APPROVAL

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



SURVEYOR'S REPORT

The client is dividing of his existing dwelling and another adjacent lot to the north for a potential homestead for family. The land for these two proposed lots comes from two different parent tracts belonging to ABC Adams.

- A) Availability and condition of reference monuments.
 - Refer to previously recorded survey of Tracts 1 and 2 done recently for additional reference history. Instrument No. 2023001027. The current record parcel, Lot 2 is being re-recorded from, was apparently described by go to the survey by Taylor Sumnerford. There does not appear to be any monumentation set as part of its creation.
- B) Occupation or possession lines
 - The lots here established on this plat have been intentionally extended southerly from previously surveyed Tracts 1 and 2, to preserve "squareness" to the surrounding ag fields.
- C) Clarity or ambiguity of record descriptions
 - Additional survey work may be done to modernize, combine and update the remaining farm ground not involved in these four residential tracts/lots. The remaining 4.81 acres to the south of Lot 2 will most likely be combined with the larger farm parcel.
- D) Relative positional accuracy of measurements
 - The lines and corners retraced or established by this survey have been executed meeting Title 865, Indiana Administrative Code 3-32-7, 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 12.0 of Title 865, Article 1 of the Indiana Administrative Code.

DATE: March 28, 2023

Signed: _____
Scott T. Sumnerford Registration Number: 9800017

OWNERSHIP CERTIFICATE

I, Jacquelyn L. Crosby, as a member representative of ABC Adams, LLC do hereby certify that we are owners of the property described in the above captioned and that as such owners have caused the property to be surveyed and subdivided as shown on the hereon drawn plat, as our own free and voluntary act and deed.

Jacquelyn L. Crosby _____ (Seal)

State of Indiana)
County of Shelby)

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

personally known to me to be the same person whose name is subscribed to the above certificate appeared before me this day in person and acknowledge that they signed the above certificate as their own free and voluntary act and deed for the uses and purposes therein set forth.

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

Notary Public _____ (Seal)

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.

February 20, 2023
March 28, 2023

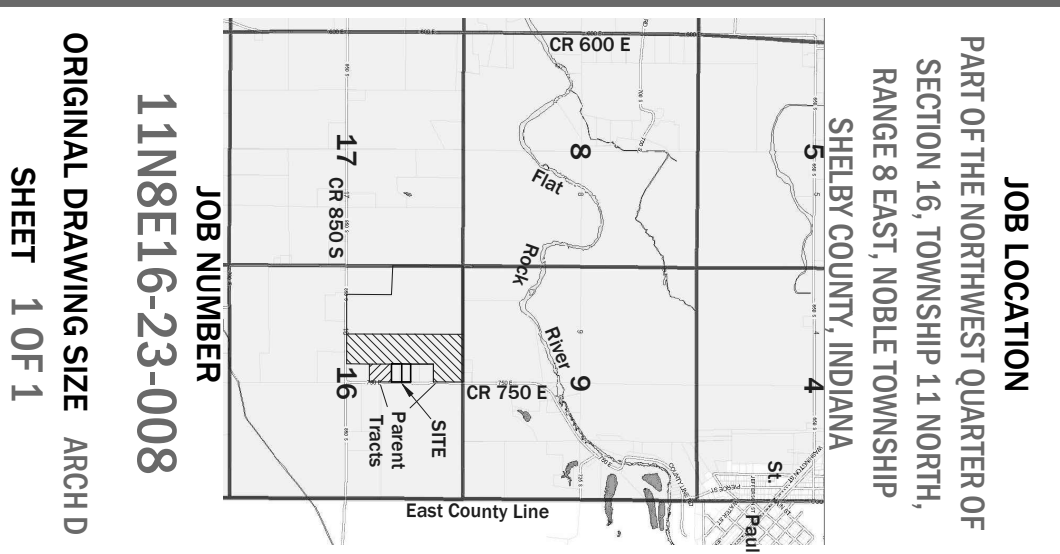
LAST DATE OF FIELDWORK
CERTIFICATION DATE
NOTES/REVISIONS
NONE TO DATE

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

CLIENT
Mark Adams
8297 S 750 E
St. Paul, IN 47272

PROJECT
Simple Subdivision process creating an additional residential lot and rearranging the parcel at 8297 S 750 E, St. Paul.

INDIANA TITLE 865
BOUNDARY
SURVEY



Property Details

Location: South of and adjoining 4875 W 600 N, Fairland, Brandywine Township.

Property Size: 19.217-acres.

Current Land Use: Cropland / Woodland.

Current Zoning Classification

A2 (Agricultural)

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

Proposed Zoning Classification

IS (Institutional)

Intent: This district is established for institutional and municipal owned lands for public purpose and use.

Application: Existing and new development. Buffer district or transitional district. Small area zoning. Spot zoning.

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

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

Future Land Use per Comp Plan

Suburban Residential

This purpose of this category is for the transition of land use from agricultural and estate residential uses to low to medium-density, single-family residential subdivisions as water and sewer facilities become available.

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	A2	Cropland
South	A2	Cropland / Woodland
East	RE	Woodland
West	A2	Cropland

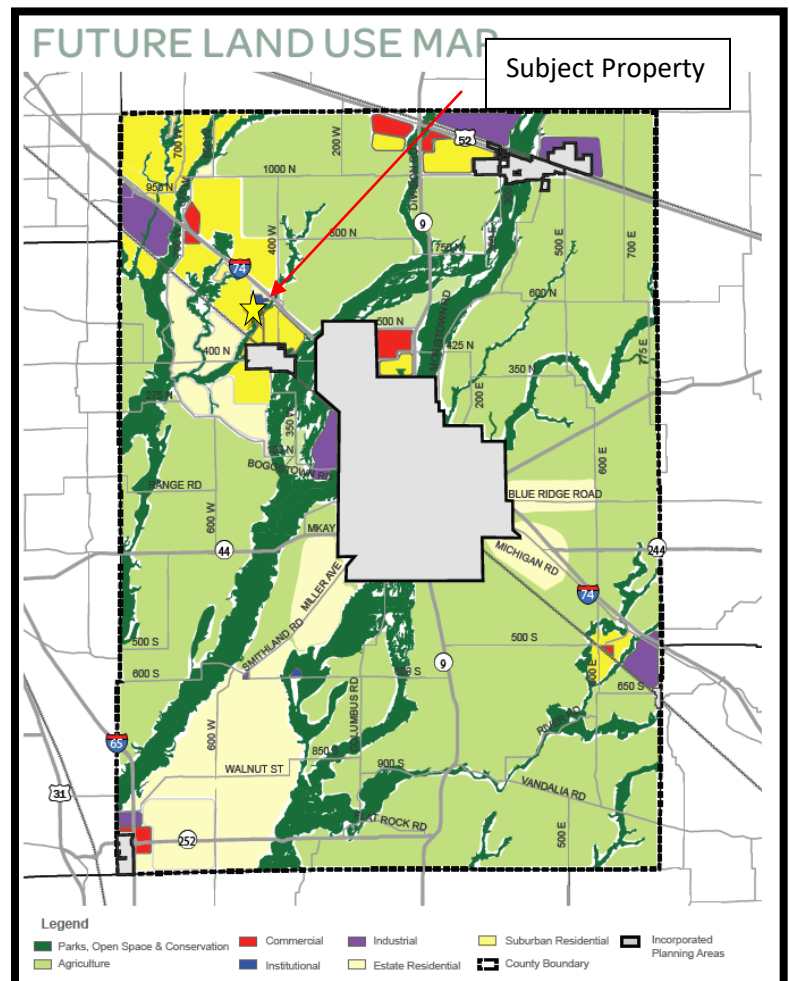
Staff Report

Case Number: RZ 23-07
Case Name: Northwest Shelby County Regional Sewer District Rezoning – A2 (Agricultural) to IS (Institutional)

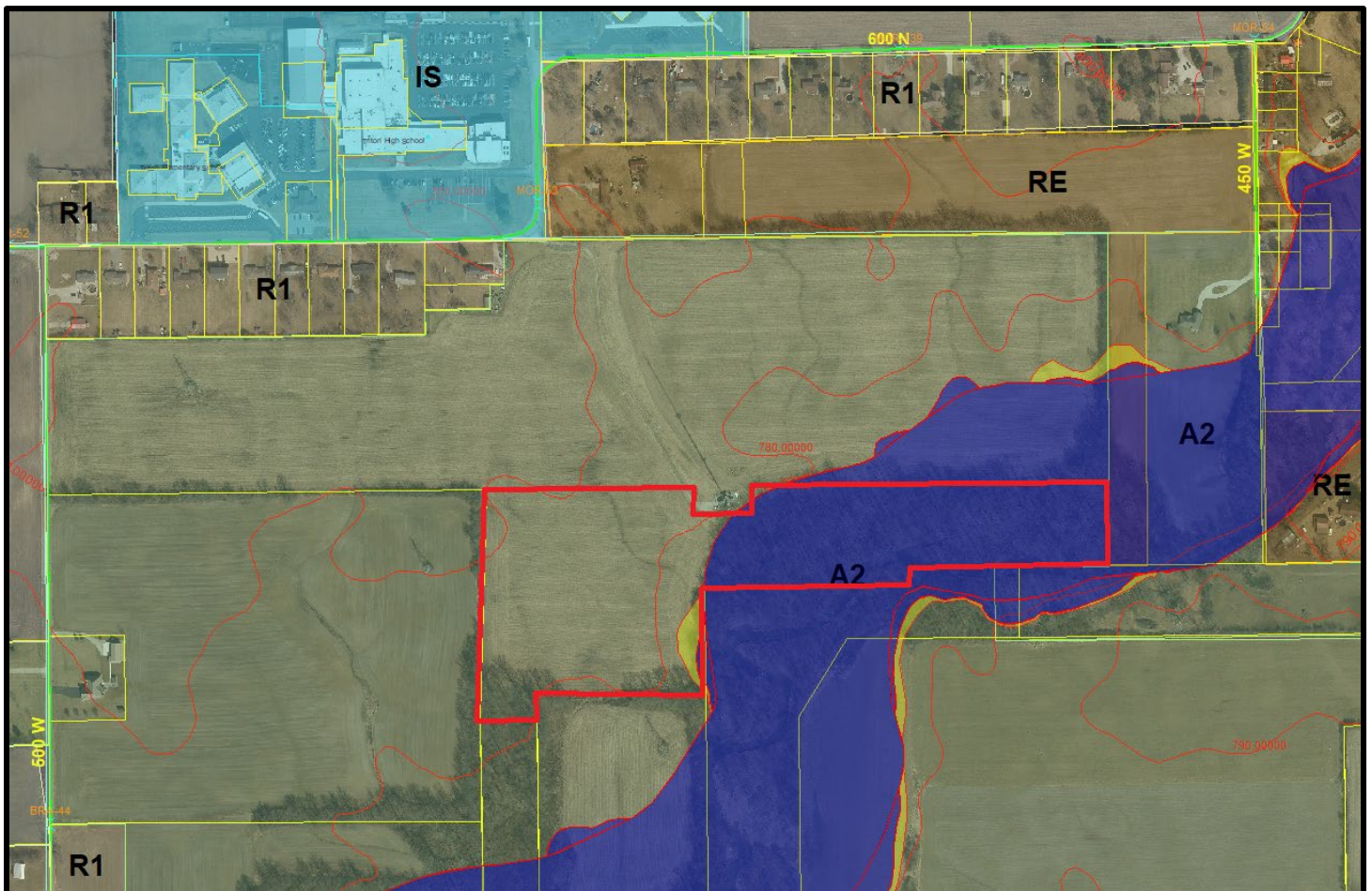
Request

Rezoning of 19.217-acres from the A2 (Agricultural) District to the IS (Institutional) District to allow for development of a wastewater treatment plant.

Future Land Use Map



Property Map



Case Description

- The petitioner intends to develop a wastewater treatment facility on the site. Properties included in the initial planned service area of the treatment facility include all properties within the town limits of Fairland, the Northwestern Consolidated School District campus, and the Clover Village subdivision.
- Proposed development includes wastewater treatment facility components, an outfall to Snail Creek, and driveway access to CR 600 N through an access easement on the adjoining property to the north.
- The petitioner indicated that the wastewater treatment facility will utilize modern technology for the treatment of wastewater, which would limit odor and mitigate environmental impacts. The petitioner indicated that they must submit a detailed plan outlining site development, operations, and IDEM compliance for project funding.
- Notable development standards included in the UDO which would apply to the development include the following:
 - Landscape Buffer “B” along all property lines: One (1) canopy tree and two (2) ornamental or evergreen trees shall be planted for every sixty (60) feet of contiguous boundary with the adjacent lot. Each tree shall

be planted within fifteen (15) feet of the property line, but no closer than five (5) feet to the property line. One site-trees may substitute for up to 20% of the landscape buffer.

- Ten (10) deciduous trees within the interior of the lot.
 - All site lighting must be full cut-off fixtures.
 - Paved driveway, parking, and maneuvering areas.
 - Outdoor storage of equipment, machinery, building materials, waste or scrap materials, pallets, inoperable vehicles, and similar materials prohibited.
- A portion of the property lies within the Federal Emergency Management Agency (FEMA) Special Flood Hazard Area Zone AE (map # 18145C0101C effective on11/05/2014) Floodway and Flood Fringe. Proposed development, except for the outfall, would not encroach into the Special Flood Hazard Area.
 - The UDO permits waste treatment facilities only in the IS District. The UDO designates the A2 District and RE District adjacent to the property as appropriate adjacent zoning districts to the IS District.
 - If the rezoning is approved, the petitioner would apply for a Simple Subdivision at a subsequent Plan Commission meeting.
 - Development and use of the site must comply with all Indiana Department of Environmental Management (IDEM) regulations and County Environmental Regulations as indicted in Section 5.22 Environmental Standards of the UDO. Staff will request that the petitioner submit all applicable IDEM site development approvals to the Technical Advisory Committee.
 - The Site Plan/Technical Advisory Committee, which consists of the Planning Director, Building Inspector, County Surveyor, Health Department Environmental Technician, and a representative from the County Commissioners would review a detailed site plan prior to issuing construction permits. USI Consultants, Inc would review the drainage plans to ensure the project design complies with the County's Drainage & Sediment Control Ordinance.

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

The Comprehensive Plan recommends Suburban Residential development of the surrounding area as water and sewer facilities become available. Development of the property for a wastewater treatment facility would allow for establishment of a sewer facility for the area. Development of the property would not encroach into the designated floodplain, or the area of the property designated as Parks, Open Space, and Conservation.

The UDO designates the adjacent A2 District and RE District as appropriate adjacent zoning districts to the IS District. The UDO also recommends using the IS District for small area zoning / spot zoning for institutional uses.

Required landscape buffer yards and separation of the site from adjacent development and the public road would mitigate any aesthetic impacts.

Development of the property for a wastewater treatment plant in compliance with all IDEM and County standards would not pose a negative environmental impact or impact continued use of adjacent property for agricultural production.

Establishment of a needed sewer utility service in the area requires development of a new wastewater treatment plant.

Many properties in the area have older inefficient or failing septic systems that pose an environmental hazard, reduce the area of these properties available for development of accessory structures, and therefore reduce the use and value of these properties. Development of a new wastewater treatment plant would allow for the abandonment of private septic systems and abandonment of the Northwest Consolidated School District on-site treatment plant.

Staff Recommendation

Staff recommends **APPROVAL** primarily because landscape buffer yards and isolation of the site from adjacent development and the road would mitigate any aesthetic impacts. Development of the property in compliance with all IDEM and County standards would not pose a negative environmental impact or impact continued use of adjacent property for agricultural production.

Staff recommends the following **stipulations**:

1. Use and development of the site shall be limited to a wastewater treatment plant developed by the Northwest Shelby County Regional Sewer District.
2. An odor management and response plan certified by a qualified professional as determined by the TAC shall be submitted to the County prior to issuance of an Improvement Location Permit for development of the wastewater treatment plant.

Applicant/Owner Information

Applicant:	Northwest Shelby County Regional Sewer District 103 W Main Street Fairland, IN 46126	Owner:	Betty R Nelson Trust 1461 N 200 W Shelbyville, IN 46176
Attorney:	Ray Basile 13 N State Street Greenfield, IN 46140	Engineer:	Bram, Longest and Neff Engineering Pete Wamsley, PE 8320 Craig Street Indianapolis, IN 46250

Institutional (IS) District

2.27 IS District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The IS (Institutional) District is intended to be used as follows:</p> <p>Use, Type and Intensity</p> <ul style="list-style-type: none"> • Varying intensity institutionally owned lands, including State and County facilities <p>Application of District</p> <ul style="list-style-type: none"> • Existing and new development • Buffer district or transitional district • Small area zoning • Spot zoning <p>Development Standards</p> <ul style="list-style-type: none"> • Require quality time, place, and manner development standards to minimize impacts on adjacent residential properties while serving the needs of the overall community <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> • IP, A1, A2, A4, RE, R1, R2, VM, M1, M2, MP, VM, IS, C1, and I1 <p>County Commissioners</p> <ul style="list-style-type: none"> • As a condition of rezoning, allow only the use petitioned for and presented <p>Plan Commission</p> <ul style="list-style-type: none"> • Use this zoning district for existing developments and carefully for new institutional 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 	<p>Commercial Permitted Uses</p> <ul style="list-style-type: none"> • commercial training facility or school • farmers market • stadium • waste treatment facility, private • water treatment facility, private <p>Industrial Permitted Uses</p> <ul style="list-style-type: none"> • telecommunication facility <p>Institutional Permitted Uses</p> <ul style="list-style-type: none"> • bus station • cemetery /mausoleum • child care institution • church, temple or mosque • community center • crematory • government office • government operation (non-office) • hospital • jail • library • municipal airport • municipal heliport • museum • nature center • police, fire or rescue station • pool, public • post office • recycling collection point • research farm • school (P-12) • trade or business school • university or college • waste treatment facility, public • water treatment facility, public <p>Residential Permitted Uses</p> <ul style="list-style-type: none"> • assisted living facility • fair housing facility (large) • fair housing facility (small) • nursing home 	

Northwest Shelby County Regional Sewer District

103 W Main Street
Fairland, IN 46126

March 22, 2023

Letter of intent

The purpose of this rezone is build a centrally located waste water treatment plant that will service the Northwest Shelby County Regional Sewer District. The new plant would service the school and allow for the existing plant there to be decommissioned. The new plant would also service Clover Village and the Town of Fairland in the initial construction phase. The plant would also service any other areas within the district if needed in the future.

Jeremy Miller, Board President.

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: Northwest Shelby County Regional Sewer District

Case #: _____

Location: CR 600 N, Fairland

1. The request **is** consistent with the Shelby County Comprehensive Plan because: _____
The new treatment plant would service the existing community and allow for responsible growth, which is the intent of the comprehensive plan.
2. The request **is** consistent with the current conditions and the character of structures and uses in each district because: _____
The new plant would service the current needs of the area as well as allow for the existing treatment plant at the school to be removed.
3. The request **is** consistent with the most desirable use for which the land in each district is adapted because: _____
The entire district has been studied by 3 engineering firms since the district was created and this location was selected by each of them as the most desirable location.
4. The request **is** consistent with the conservation of property values throughout the jurisdiction because: _____
By bringing sanitary sewers to the area, it will improve both the quality of life as well as the property values in the area.
5. The request **is** consistent with responsible growth and development because: During the engineering studies, it was determined that NWSCRSD building their own treatment plant and infrastructure was the most responsible option for the community for now and generation to come.

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

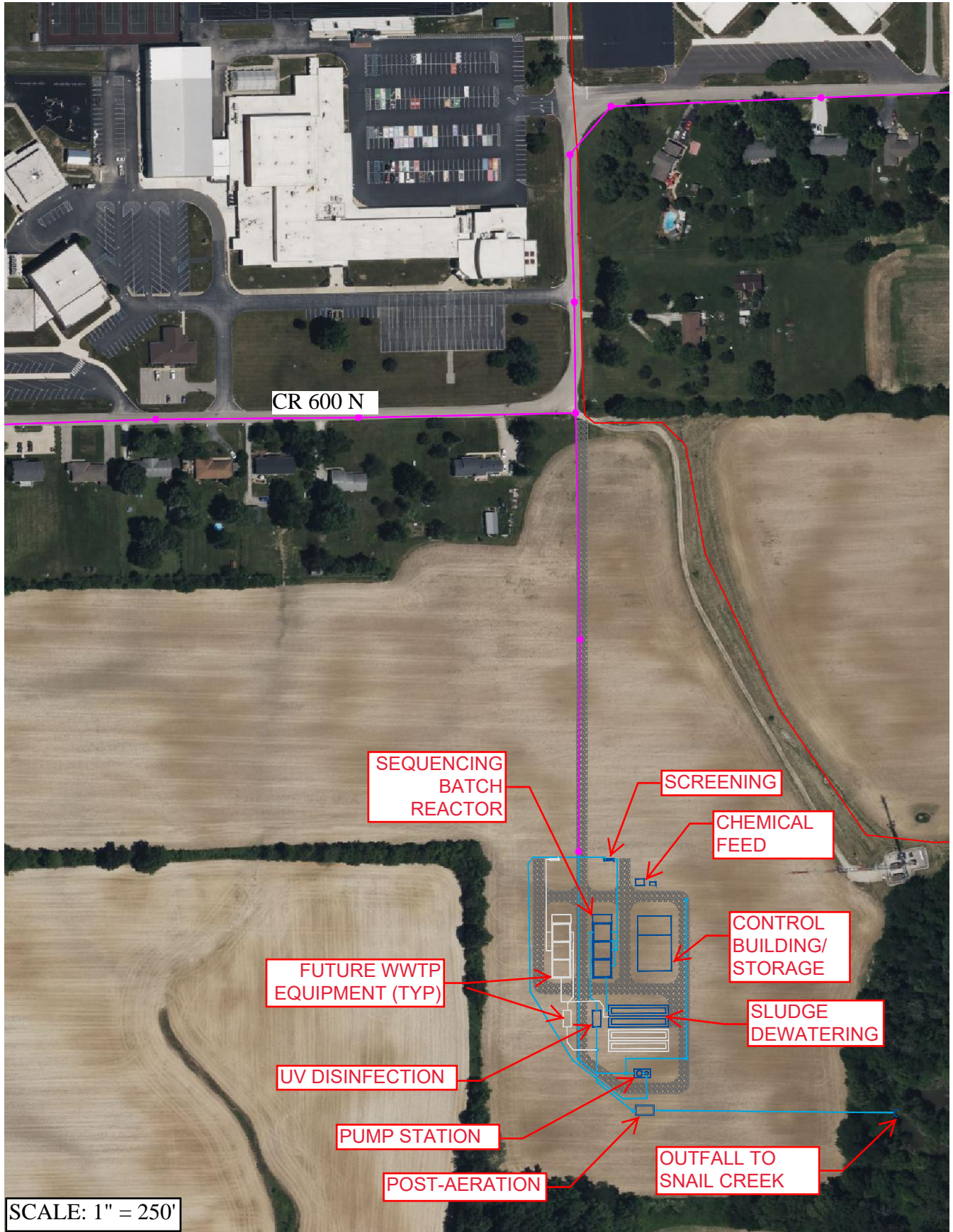
Finding 1: How is the proposed new zoning designation consistent with the future land use of the property identified in the Comprehensive Plan? If you do not know the future land use of the property, please ask the Planning Director.

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?



SCALE: 1" = 250'

NORTHWEST SHELBY CO. REGIONAL SEWER DISTRICT
 PROPOSED WASTE WATER TREATMENT PLANT
SITE OVERVIEW FIGURE