

Shelby County Plan Commission

May 24, 2022 at 7:00 PM

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MEETING AGENDA

Shelby County Plan Commission
May 24, 2022 at 7:00 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the April 26, 2022 meeting.

OLD BUSINESS

None.

NEW BUSINESS

RZ 22-10 – SANDERS REZONING: Rezoning of 1.45-acres from the A2 (Agricultural) District to the R1 (Single-Family Residential) District. Located at 4967 N Brandywine Rd, Shelbyville, Brandywine Township.

SD 22-06 – SANDERS SIMPLE SUBDIVISION: Subdivision of 1.45-acres from a 19.03-acre parent tract and waiver of Simple Subdivision prerequisites. Located at 4967 N Brandywine Rd, Shelbyville, Brandywine Township.

SD 22-07 – LAKESIDE KNOLL SIMPLE SUBDIVISION: Subdivision of 7.803 acres into two building lots (2.369 acres & 3.177 acres) and one 2.258-acre lot including an existing single-family residence and waivers of subdivision design standards. Located at 7258 N 600 W, Fairland, Moral Township.

SD 22-08 – RICE-MEDLOCK SIMPLE SUBDIVISION: Subdivision of a 2-acre building lot from 41.01 acres and waivers of subdivision design standards, subdivision project applicability, and platting requirements. Located on the west side of CR 675 W, 400-feet north of CR 900 N, Moral Township.

RZ 22-11 – BOWMAN REZONING: Rezoning of 52-acres from the A1 (Conservation Agricultural) District, A2 (Agricultural) District, C1 (Neighborhood Commercial) District, and C2 (Highway Commercial) District to the I2 (High Intensity Industrial) District to allow for the processing and distribution of landscape products. Located at 208 S Franklin St, Fairland, Town of Fairland, Brandywine Township.

RZ 22-12 – QUIKTRIP REZONING: Rezoning of 8.08-acres from the M2 (Multiple-Family Residential) District to the C2 (Highway Commercial) District to allow for development of a Travel Center. Located at 9377 N Frontage Rd, Fairland, Moral Township.

DISCUSSION

None.

ADJOURNMENT

The next regular meeting of the Shelby County Plan Commission is scheduled for Tuesday, **June 28, 2022 at 7:00 PM.**

Property Details

Location: 4967 N Brandywine Rd,
 Shelbyville, Brandywine Township.

Property Size: 1.457-acres.

Current Land Use: Estate Residential.

Current Zoning Classification

A2 (Conservation Agricultural)

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

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	A2	Cropland
South	RE	Estate Residential
East	A2	Estate Residential
West	R1	Single-Family Residential

Staff Report

Case Number: RZ 22-10 / SD 22-06

Case Name: Sanders Rezoning – A2 (Agricultural) to R1 (Single-Family Residential) & Sanders Simple Subdivision

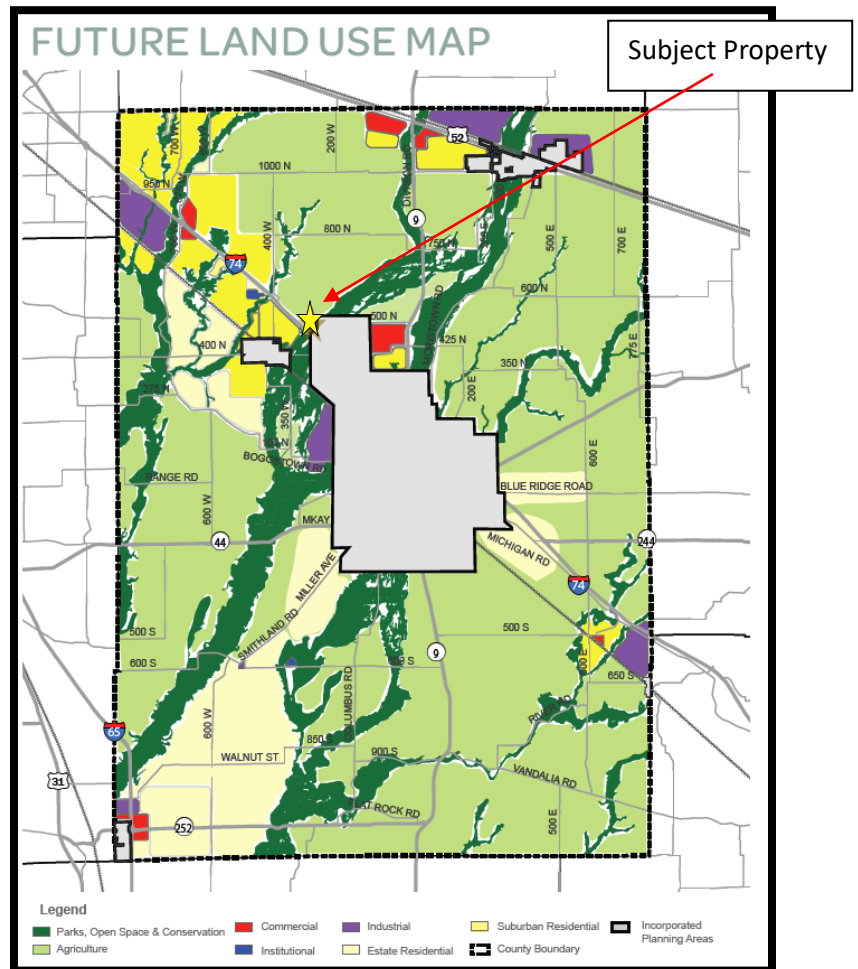
Requests

Rezoning of 1.457-acres from the A2 (Agricultural) District to the R1 (Single-Family Residential) District to allow for a one-lot Simple Subdivision.

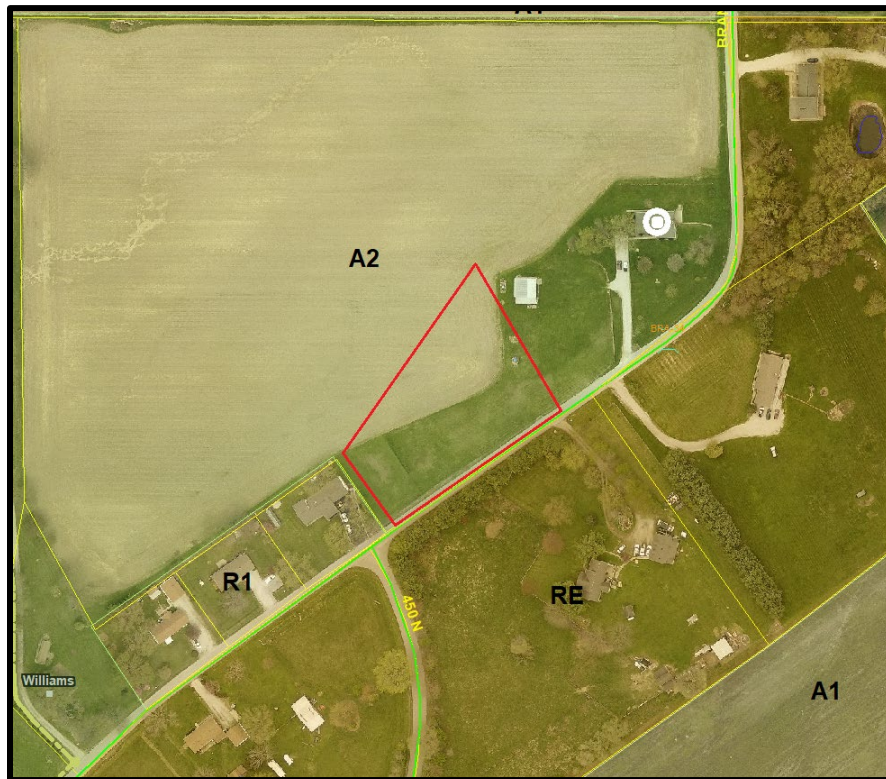
Simple Subdivision of 1.475-acres from a 19.03-acre parent tract.

Waiver of Simple Subdivision prerequisites to allow for Simple Subdivision of property zoned R1.

Future Land Use Map



Property Map



Case Description

- Approval of the requests would allow for development of one single-family residential building lot.
- A 15-foot-wide strip of land would exist between the lot and the adjacent property to the east to allow for field access on the remaining tract. This area would not qualify for a placement of a future residential driveway due to the limited width of the access strip and proximity to the intersection of CR 450 N and Brandywine Rd.
- The USDA Soil Survey classifies 61% of the site as 'Not Prime Farmland' and 39% of the site as "Prime Farmland."

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

Adjacent homesites to the east lie within the R1 District and sit on lots under one-acre. Therefore, approval of the rezoning would not conflict with the zoning or character of the area.

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

Development of the property would increase the value of the property. The property includes area not currently used for crop production and area not designated as Prime Farmland.

3. The Conservation of Property Values throughout the Jurisdiction

Development of the property for residential purposes has no perceivable impact on property values throughout the jurisdiction.

4. Responsible Development and Growth

Adjacent homesites to the east lie within the R1 District and sit on lots under one-acre. Therefore, the rezoning would not conflict with the zoning or character of the area.

5. The Comprehensive Plan

The property includes area not currently used for crop production and area not designated as Prime Farmland. Therefore, approval of the rezoning would not significantly conflict with the Agricultural land use recommendation of the Comprehensive Plan.

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 R1.
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 R1 would allow for a smaller lot that does not incorporate as much land currently used for crop production and which does not conflict with the character of the area.

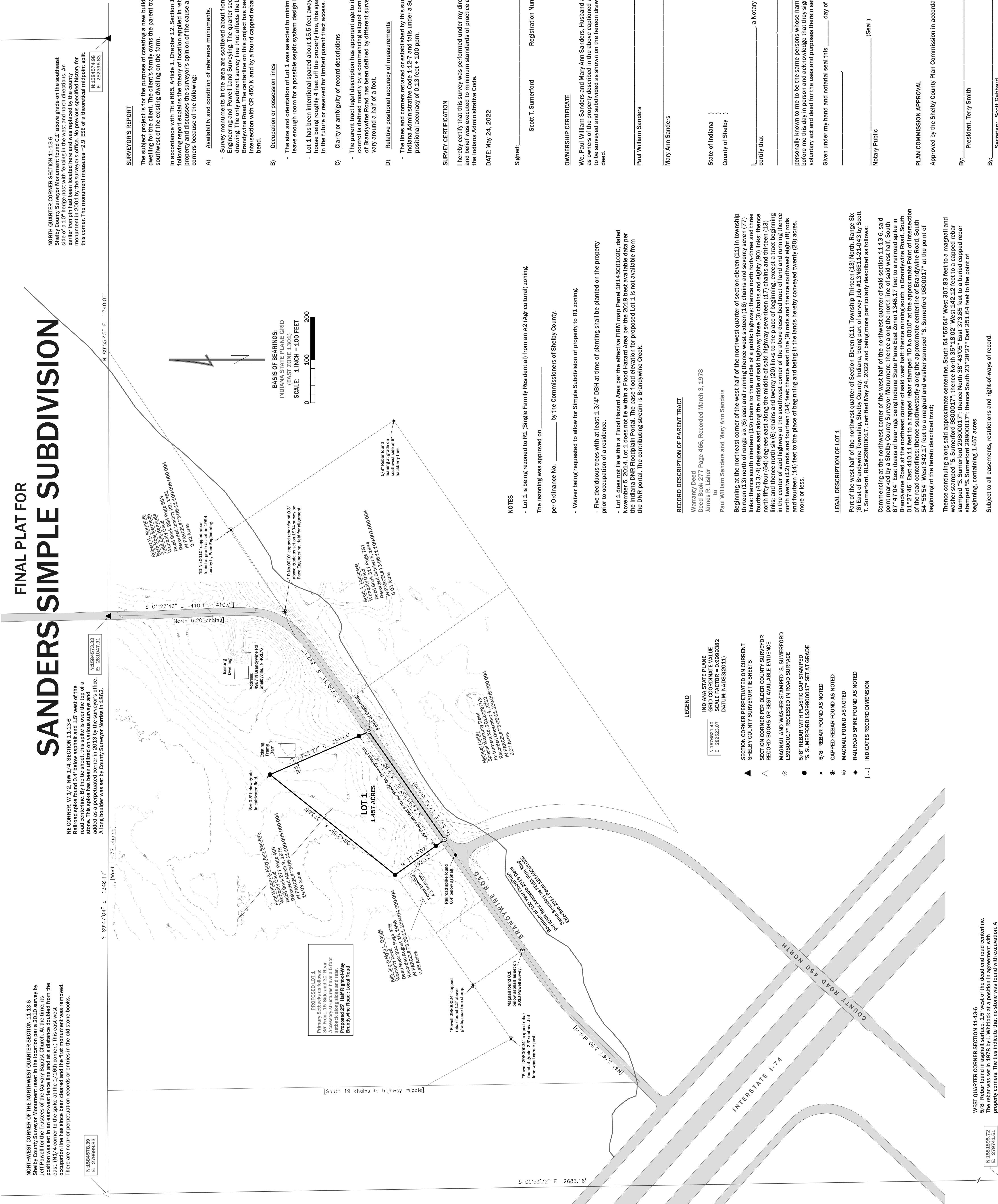
Staff Recommendation

APPROVAL of the **Rezoning, Simple Subdivision, and Waiver** primarily because adjacent homesites lie within the R1 District, adjacent homesites sit on lots under one-acre, the property includes area not currently used for crop production, and the property includes area not designated as Prime Farmland.

Applicant/Owner Information

Applicant:	Suzanne Tormoehlen 12122 Briarway Center Dr. Indianapolis, IN 46259	Surveyor:	Scott T Sumerford 3149 N Riley Hwy. Shelbyville, IN 46176
Owner:	Paul & Mary Ann Sanders 4967 N Brandywine Rd. Shelbyville, IN 46176		

FINAL PLAT FOR SANDERS SIMPLE SUBDIVISION



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

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This document is only considered an original copy if an inked seal and original signature is inked.

CLIENT
Suzanne Tormoehlen
11222 Briarway Center Dr.
Indianapolis, IN 46259

PROJECT
Subdivision of Sander's parent tract into a 1.5 acre parcel for a future purpose of constructing a new home for the family.

LAST DATE OF FIELDWORK
April 02, 2022

CERTIFICATION DATE
May 24, 2022

NOTES/REVISIONS
NONE TO DATE

JOB LOCATION
PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 11 TOWNSHIP 13 NORTH, RANGE 6 EAST BRANDYWINE TWP., SHELBY COUNTY, IN

JOB NUMBER
13N6E11-21-043

ORIGINAL DRAWING SIZE
ARCH D

SHEET
1 OF 1

SURVEYOR'S REPORT

The subject project is for the purpose of creating a new buildable parcel for constructing a possible new dwelling for the client. The client's family owns the parent tract and the client has selected an area to the southwest of the existing dwelling on the farm.

In accordance with Title 865, Article 1, Chapter 12, Section 12. of the Indiana Administrative Code, the following report explains the theory of location applied in retracing the lines and corners of the surveyed property and discusses the surveyor's opinion of the cause and amount of uncertainty in those lines and corners because of the following:

A) **Availability and condition of reference monuments**

- Survey monuments in the area are scattered about from previous survey work by Kenneth Bowman, Pace Engineering and Powell Land Surveying. The quarter section lines are as documented in the attached drawing. The only pertinent survey line that affects the boundary of proposed Lot 1, is the centerline of Brandywine Road. The centerline on this project has been established from the railroad spike found in the intersection with CR 450 N and by a found capped rebar (Pace) at the Point of Intersection at the road bend.

B) **Occupation or possession lines**

- The size and orientation of Lot 1 was selected to minimize the reduction of tillable farm ground and to leave enough room for a possible septic system design in the northerly corner of the lot.
- Lot 1 has been intentional spaced about 15.5 feet away from the Boggs property. With the neighboring house being roughly 4 feet off the property line, this spacing could potentially be conveyed to the neighbor in the future or reserved for limited parent tract access.

C) **Clarity or ambiguity of record descriptions**

- The parent tract legal description has apparent age to it by the usage of chains, rods and feet. Boundary control is defined mostly by a commencing aliquot corner and the middle of a public highway. The middle vary around a half of a foot.

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 1.12.7 and falls under a Suburban Survey Classification with a relative positional accuracy of 0.13 feet + 100 ppm.

SURVEY CERTIFICATION

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

DATE: May 24, 2022

Signed: _____ Scott T. Sumerford Registration Number: 9800017

OWNERSHIP CERTIFICATE

We, Paul William Sanders and Mary Ann Sanders, Husband and Wife of Shelby County do hereby certify that as 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.

Paul William Sanders _____ (Seal)
Mary Ann Sanders _____ (Seal)

State of Indiana)
County of Shelby)

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

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

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

Notary Public _____ (Seal)

PLAN COMMISSION APPROVAL

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

By: _____ Date _____
President, Terry Smith

By: _____ Date _____
Secretary, Scott Gabbard

NOTES

- Lot 1 is being rezoned to R1 (Single Family Residential) from an A2 (Agricultural) zoning. The rezoning was approved on _____ by the Commissioners of Shelby County.
- Waiver being requested to allow for Simple Subdivision of property to R1 zoning.
- Five deciduous trees with at least 1 3/4' DBH at time of planting shall be planted on the property prior to occupation of a residence.
- Lot 1 does not lie within a Flood Hazard Area per the effective FIRM map Panel 18145C0102C, dated November 5, 2014. Lot 1 does not lie within a Flood Hazard Area per the 2019 best available data per the Indiana DNR Floodplain Portal. The base flood elevation for proposed Lot 1 is not available from the DNR portal. The contributing stream is Brandywine Creek.

RECORD DESCRIPTION OF PARENT TRACT

Warranty Deed
Deed Book 277 Page 466, Recorded March 3, 1978
James L. Lisher
to
Paul William Sanders and Mary Ann Sanders

LEGAL DESCRIPTION OF LOT 1

Part of the west half of the northwest quarter of Section Eleven (11), Township Thirteen (13) North, Range Six (6) East of Brandywine Township, Shelby County, Indiana, being part of survey Job #13N6E11-21-043 by Scott T. Sumerford, RLS#298000017, certified May 24, 2022, and being more particularly described as follows:

Commencing at the northwest corner of the west half of the northwest quarter of said section 11-13-6, said point marked by a Shelby County Survey Monument; thence along the north line of said west half, South 87° 47' 04" East (basis of bearings being Indiana State Plane East Zone) 1348.17 feet to a railroad spike in Brandywine Road at the northeast corner of said west half; thence running south in Brandywine Road, South 01° 27' 46" East, 410.11 feet to a capped rebar stamped "D NO.0010" at the approximate Point of Intersection of the railroad spike and the centerline of said west half; thence South 54° 55' 54" West 342.17 feet to the beginning of the herein described tract;

Thence continuing along said approximate centerline, South 54° 55' 54" West 307.83 feet to a magnum and washer stamped "S. SUMERFORD 98000017"; thence North 35° 18' 02" West 142.12 feet to a capped rebar stamped "S. SUMERFORD 298000017"; thence North 38° 43' 05" East 373.85 feet to a buried capped rebar stamped "S. SUMERFORD 298000017"; thence South 23° 28' 27" East 251.64 feet to the point of beginning, containing 1.457 acres.

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

SECTION CORNER PERPETUATED ON CURRENT SHELBY COUNTY SURVEYOR TIE SHEETS

SECTION CORNER PER OLDER COUNTY SURVEYOR RECORD BOOKS OR BEST AVAILABLE EVIDENCE

MAGNALL AND WASHER STAMPED "S. SUMERFORD LS29800017" RECESSED IN ROAD SURFACE

5/8" REBAR FOUND AS NOTED

5/8" REBAR FOUND AS NOTED

CAPPED REBAR FOUND AS NOTED

MAGNALL FOUND AS NOTED

RAILROAD SPIKE FOUND AS NOTED

[...] INDICATES RECORD DIMENSION

WEST QUARTER CORNER SECTION 11-13-6
The rebar found in this well will be used as the centerline of the property. This well is in agreement with property corners. The ties indicate that no stone was found with excavation. A long hauler was set in 1862 by D. Norris, county surveyor.

N15818957.22
E: 279744.61

Property Details

Location: 7258 N 600 W, Fairland, Moral Township.

Property Size: 7.803-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

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.

Surrounding Development

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

Staff Report

Case Number: SD 22-07

Case Name: Lakeside Knoll Simple Subdivision

Requests

Simple Subdivision of 7.803 acres into two building lots (2.369 acres & 3.177 acres) and one 2.258-acre lot including an existing single-family residence.

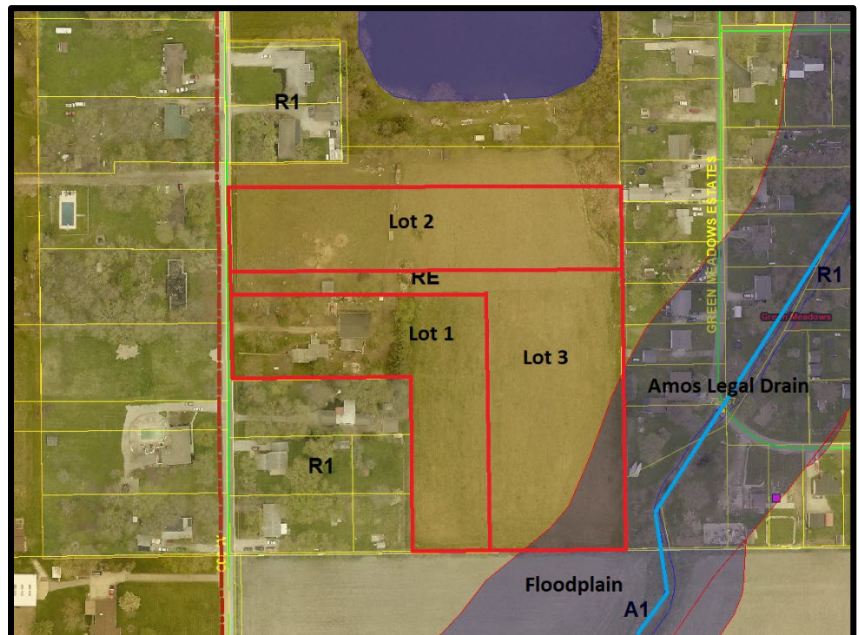
Waivers of subdivision design standards to allow:

1. All lots having less than 160-feet of frontage;
2. All lots having less than 160-feet of lot width;
3. Side lot lines of Lot 2 & Lot 3 not within a 15-degree angle to the right-of-way.

Purpose of Subdivision Code Requirements

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.

Property Map



Case Description

- Approval of the requests would allow for development of two new single-family residential building lots. An existing single-family residence and accessory structures would remain on a third lot within the subdivision.
- The property includes adequate road frontage to create two lots in compliance with all requirements of the UDO. Approval of the waiver requests would allow for the creation of three lots.
- Green Meadow Estates adjoins the property to the east. The subdivision includes ¼-acre to ½-acre lots developed in the late 1950s and early 1960s. The neighborhood experiences drainage and flooding problems due to the limitations of development design at the time of development of the neighborhood and location of much of the neighborhood in a FEMA designated Special Flood Hazard Area Floodway.
- Approximately one-half acre of the southeast corner of proposed Lot 3 lies within a Federal Emergency Management Agency (FEMA) Special Flood Hazard Area Floodway (map # 18145C0020C, effective on 11/05/2014). State Code and the UDO prohibit development of dwelling units within the floodway. Development of accessory structures would require State and local floodplain permits.
- Drainage
 - The petitioner intends to drain all three lots into a new drainage tile located in a proposed 20-foot-wide drainage easement along the east property lines of Lot 2 and Lot 3.
 - Lot 3 would also include a 20-foot-wide drainage easement across the lot to allow Lot 1 to access the drainage tile.
 - Section 7.11 of the UDO requires location of all drainage infrastructure serving multiple lots in a subdivision in a minimum 20-foot-wide drainage easement. Section 7.11 also requires that the plat description of the easement “allow access by the owner association, County Surveyor, County Drainage Board for the purpose of widening, deepening, sloping, improving, maintaining, replacing tile, or protecting said drainage swale or subsurface tile.”
 - The petitioner intends to outlet the drainage tile into Dry Fork Ditch through a proposed 20-foot-wide drainage easement located on the west half of Lot 20 in Forest Brook Estates. Creation of the easement would require approval from the owner of the west half of Lot 20.
 - Dry Fork Ditch also lies within the 75-foot-wide William Amos Legal Drain easement. The petitioner must obtain approval from the County Drainage Board to outlet the drainage tile into the legal drain.
 - The petitioner must have the off-site easement recorded and County Drainage Board approval of the drainage outlet prior to approval of Site Plans by the Technical Review Committee allowing for development of the lots. The UDO does not require engineered drainage plans or approval of off-site drainage facilities prior to approval of a subdivision plat.

- The Technical Review Committee would review the specific location, type, size, and slopes of drainage infrastructure at the time of Site Plan review and prior to issuance of construction permits.
- Access
 - Lot 3 would include a 31-foot-wide fee-simple land access strip to CR 600 W and a proposed 31-foot-wide ingress & egress access easement.
 - The petitioner intends to install one driveway within the easement to provide access to all three lots. The UDO limits use of shared driveways to two lots, therefore the petitioner would need to obtain a variance from the Board of Zoning Appeals to allow three lots to use the driveway as a primary access to a public road. If the BZA denies the variance, the petitioner would install a separate driveway on Lot 2.
 - The petitioner intends to abandon the existing driveway on proposed Lot 1.
 - The 31-foot-wide access strip and easement would allow for installation of a driveway at the minimum width required by the UDO of 11-feet and at the minimum setback from the side property lines required by the UDO of 10-feet.

Staff Analysis Findings of Fact

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, pending approval of waivers from road frontage, lot width, and side lot line angle requirements.
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 the waivers would allow for development of an additional building lot exceeding the size of surrounding residential lots on property recommended for Suburban Residential Development by the Comprehensive Plan.

Staff Recommendation

APPROVAL primarily because the Comprehensive Plan recommends development of the property and surround area for Suburban Residential use.

Applicant/Owner Information

Applicant:	Brent A Goolsby 3908 N 525 W Fairland, IN 46126	Surveyor:	Scott T Sumerford 3149 N Riley Hwy. Shelbyville, IN 46176
Owner:	Same		

Warrenty Deed
Instrument No. 2021002400, Recorded March 29, 2021

Matthew J. Kapfhammer

Brent A. Goolsby

Part of the southwest quarter of the southwest quarter of Section Twenty-nine (29), Township Fourteen (14) North, Range Six (6) East, Moral Township, Shelby County, Indiana, said tract being a part of Job #14NE629-15-004 by Scott T. Sumnerford and more particularly described as follows:

Commencing at the southwest corner said section 29-14-6, said point being marked by a ½ inch rebar; thence along the west line of said southwest quarter, North 00° 34'36" West (basis of bearings being State Plane Indiana East Zone) 1322.32 feet to a ½ inch rebar at the southwest corner of the northwest quarter of the southwest quarter of said section 29; thence along the south line of said southwest quarter, North 00° 32'28" West 1325.93 feet to the west quarter corner of said section 29, said point being marked by a railroad spike over a stone; thence along the north line of the northwest quarter of the southwest quarter of said section 29, North 89° 16'38" East 677.05 feet to the west line of Barker's Green Meadows Survey and The Extension thereof as recorded in Miscellaneous Record Book 33 Page 482 and Book 36 Page 468, said point being South 89° 16'38" West 666.00 feet from the northeast corner of said quarter quarter and being marked by a capped rebar stamped "S. Sumnerford 29800017"; thence along the west line of said quarter quarter and being marked by a capped rebar stamped "S. Sumnerford 29800017"; thence along the west line of Barker's Green Meadows Survey and The Extension thereof as recorded in Miscellaneous Record Book 33 Page 482 and Book 36 Page 468, said point being North 00° 31'02" East 550.00 feet to the southeast corner of a certain 6.05 acre tract and marked by in Deed Record Book 220 Page 138 and being marked by a capped rebar stamped "S. Sumnerford 29800017"; said point being the point of beginning of the herein described tract.

Thence continuing along the west line of said Barker's Survey, South 00° 31'02" East 774.81 feet to the south line of said quarter quarter, said point being South 89° 10'58" West 666.00 feet from the southwest corner of said quarter quarter and marked by a capped rebar stamped "S. Sumnerford 29800017"; thence along the south line of said quarter quarter, South 89° 10'58" West 376.50 feet to the southeast corner of a certain 0.23 acre tract, said point being North 89° 10'58" East 300.00 feet from the southwest corner of said quarter quarter and marked by a capped rebar stamped "S. Sumnerford 29800017"; thence parallel to the west line of said quarter quarter, North 00° 32'28" West 300.00 feet to the northeast corner of a certain 0.689 acre tract and marked by a capped rebar stamped "S. Sumnerford 29800017"; thence along the north line of said 0.689 acre tract, South 89° 16'38" West 300.00 feet to the west line of said quarter quarter and marked by a capped rebar stamped "S. Sumnerford 9800017"; the west line of said quarter quarter and being marked by a washer and magrail stamped "S. Sumnerford 9800017"; thence along the south line of said 0.46 acre tract, North 00° 32'28" West 375.93 feet to the southwest corner of a certain 0.46 acre tract and marked by a washer and magrail stamped "S. Sumnerford 9800017"; thence along the south line of said 0.46 acre tract, North 00° 32'28" West 100.00 feet to the southwest corner of a certain 6.05 acre tract, said point being marked with a capped rebar stamped "S. Sumnerford 29800017"; thence along the east line of said quarter quarter, North 00° 32'28" West 300.00 feet to the southwest corner of said quarter quarter and being marked by a capped rebar stamped "S. Sumnerford 29800017"; thence along the south line of said 6.05 acre tract and parallel to the north line of said quarter quarter, North 89° 16'38" East 476.82 feet to the point of beginning, containing 9.519 acres.

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

EXCEPT

The south portion of a 7.509 acre tract conveyed to David Wurdick and Kira Wurdick per Instrument No. 2019000195, containing 0.844 acres as depicted upon a Boundary Adjustment Survey by Scott T. Sumnerford, LS#29800017, certified May 24, 2022 and being more particularly described as follows:

ALSO EXCEPT

A proposed conveyance of 0.872 acres adjacent to the south side of the 0.844 acre exception as depicted upon a Boundary Adjustment Survey by Scott T. Sumnerford, LS, certified April 26, 2022.

Said tract containing 7.803 acres after said exceptions and being the summation of proposed Lots 1, 2 and 3 of the subject Lakeside Knoll Simple Subdivision.

LEGAL DESCRIPTION DRAINAGE EASEMENT ACROSS EAST SIDE OF LOTS

An easement for drainage purposes being Twenty (20) feet of even width located in part of the northwest quarter of the southwest quarter of Section Twenty-nine (29), Township Fourteen (14) North, Range Six (6) East, Moral Township, Shelby County, Indiana being part of survey Job #14NE629-22-036 by Scott T. Sumnerford, LS#29800017, certified May 24, 2022 and being more particularly described as follows:

Commencing at the southwest corner said section 29-14-6, said point being marked by ½ inch rebar; thence along the west line of said southwest quarter, North 00° 34'36" West (basis of bearings being State Plane Indiana East Zone) 1322.32 feet to a ½ inch rebar at the southwest corner of the northwest quarter of the southwest quarter of said section 29; thence along the west line of the said northwest quarter of the southwest quarter, North 00° 32'28" West 1325.93 feet to the west quarter corner of said section 29, said point being marked by a railroad spike over a stone; thence along the north line of the northwest quarter of the southwest quarter of said section 29, North 89° 16'38" East 677.05 feet to the west line of Barker's Green Meadows Survey and The Extension thereof as recorded in Miscellaneous Record Book 33 Page 482 and Book 36 Page 468, said point being South 89° 16'38" West 666.00 feet from the northeast corner of said quarter quarter and being marked by a capped rebar stamped "S. Sumnerford 29800017"; said monument being hereinafter referred to as a capped rebar; thence along the west line of said Barker's Survey, South 00° 31'02" East 690.00 feet to a capped rebar at the northeast corner of Lot Numbered Two (2) of Lakeside Knoll Subdivision and the point of beginning of the herein described easement, said easement lying immediately on the west side of the following described line, with the sidelines of said easement being lengthened or shortened to being from the north line of said Lot 2 and to terminate on the south line of Lot Numbered three (3) of said subdivision:

Thence continuing along the west line of said Barker's Survey, South 00° 31'02" East 246.84 to a certain point identified as point "A"; thence continuing South 00° 31'02" East 581.98 feet to the south line of said quarter quarter, North 00° 31'02" East 690.00 feet to a washer and magrail stamped "S. Sumnerford 9800017"; thence along a capped rebar; said point being the point of termination of said easement;

ALSO

An easement being a strip of ground Twenty (20) feet of even width, the sidelines of said easement being lengthened or shortened to begin from the west line of the above described Twenty (20) feet strip and to terminate on the east line of said Lot Numbered One (1), the easement measuring Ten (10) feet on either side of the following described centerline:

Beginning at the above reference point "A"; thence South 75° 18'45" West 268.16 feet to the point of termination. NOTE: The above easement shall allow access by the owner association, County Surveyor, County Drainage Board for the purpose of widening, deepening, sloping, improving, maintaining, replacing title, or protecting said drainage swale or subsurface tile.

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

LEGAL DESCRIPTION DRAINAGE EASEMENT ACROSS COOPER TRACT 20

An easement for drainage purposes being a strip of ground Twenty (20) feet of even width located in the west part of Tract Numbered Twenty (20) of Barker's Green Meadow Survey as recorded in Miscellaneous Record Book 33 Page 452 in the Office of the Shelby County Recorder, lying west of the centerline of Dry Fork Ditch and being part of the northwest quarter of the southwest quarter of Section Twenty-nine (29), Township Fourteen (14) North, Range Six (6) East, Moral Township, Shelby County, Indiana being part of survey Job #14NE629-22-036 by Scott T. Sumnerford, LS#29800017, certified May 24, 2022, the sidelines of said easement being lengthened or shortened to begin from the west line of said Tract 20 and terminating on the approximate centerline of Dry Fork Ditch, the easement measuring Ten (10) feet on either side of the following described centerline:

Commencing at the southwest corner said section 29-14-6, said point being marked by a ½ inch rebar; thence along the west line of said southwest quarter, North 00° 34'36" West (basis of bearings being State Plane Indiana East Zone) 1322.32 feet to a ½ inch rebar at the southwest corner of the northwest quarter of the southwest quarter of said section 29; thence along the west line of the said northwest quarter of the southwest quarter of said section 29, North 00° 32'28" West 1325.93 feet to the west quarter corner of said section 29, said point being marked by a railroad spike over a stone; thence along the north line of the northwest quarter of the southwest quarter of said section, North 89° 16'38" East 677.05 feet to the west line of Barker's Green Meadows Survey and The Extension thereof as recorded in Miscellaneous Record Book 33 Page 482 and Book 36 Page 468, said point being South 89° 16'38" West 666.00 feet from the northeast corner of said quarter quarter and being marked by a capped rebar stamped "S. Sumnerford 29800017"; said monument being hereinafter referred to as a capped rebar; thence along the west line of said Barker's Survey, South 00° 31'02" East 1271.302 feet to a point being the point of beginning of said easement centerline.

Thence South 75° 32'26" East 70.47 feet to the centerline of Dry Fork Ditch and the point of termination.

NOTE: The above easement shall allow access by the owner association, County Surveyor, County Drainage Board for the purpose of widening, deepening, sloping, improving, maintaining, replacing title, or protecting said drainage swale or subsurface tile.

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

FINAL PLAT FOR

LAKESIDE KNOLL SIMPLE SUBDIVISION

LEGAL DESCRIPTION OF LOT 1

Part of the northwest quarter of the southwest quarter of Section Twenty-nine (29), Township Fourteen (14) North, Range Six (6) East, Moral Township, Shelby County, Indiana being part of survey Job #14NE629-22-036 by Scott T. Sumnerford, LS#29800017, certified May 24, 2022 and being more particularly described as follows:

Commencing at the southwest corner said section 29-14-6, said point being marked by a ½ inch rebar; thence along the west line of said southwest quarter, North 00° 34'36" West (basis of bearings being State Plane Indiana East Zone) 1322.32 feet to a ½ inch rebar at the southwest corner of the northwest quarter of the southwest quarter of said section 29; thence along the west line of the said northwest quarter of the southwest quarter of said section 29, North 00° 32'28" West 1325.93 feet to the west quarter corner of said section 29, said point being marked by a railroad spike over a stone; thence along the north line of the northwest quarter of the southwest quarter of said section, North 89° 16'38" East 677.05 feet to the west line of Barker's Green Meadows Survey and The Extension thereof as recorded in Miscellaneous Record Book 33 Page 482 and Book 36 Page 468, said point being South 89° 16'38" West 666.00 feet from the northeast corner of said quarter quarter and being marked by a capped rebar stamped "S. Sumnerford 29800017"; said monument being hereinafter referred to as a capped rebar; thence along the west line of said Barker's Survey, South 00° 31'02" East 1323.44 feet to the south line of said quarter quarter, said point being North 89° 10'58" East 666.00 feet from the southwest corner of said quarter quarter and marked by a capped rebar; thence along the south line of said quarter quarter, South 89° 10'58" West 260.00 feet to a capped rebar at the point of beginning of the herein described tract.

Thence continuing along said south line, South 89° 10'58" West 116.50 feet to the southeast corner of a certain 0.23 acre tract, said point being North 89° 10'58" East 300.00 feet from the southwest corner of said quarter quarter and marked by a capped rebar stamped "S. Sumnerford 29800017"; thence along the north line of said 0.23 acre tract, North 00° 32'28" West 1325.93 feet to the west line of Barker's Green Meadows Survey and The Extension thereof as recorded in Miscellaneous Record Book 33 Page 482 and Book 36 Page 468, said point being North 89° 16'38" West 666.00 feet from the northeast corner of said quarter quarter and being marked by a capped rebar stamped "S. Sumnerford 9800017"; thence along the north line of said 0.689 acre tract, South 89° 16'38" West 300.00 feet to the west line of said quarter quarter and marked by a washer and magrail stamped "S. Sumnerford 9800017"; thence along the west line of said quarter quarter, North 00° 32'28" West 152.46 feet to the southeast corner of a certain 6.05 acre tract, said point being marked with a capped rebar stamped "S. Sumnerford 29800017"; thence along the east line of said quarter quarter, North 89° 16'38" East 416.69 feet to a capped rebar; thence South 00° 31'02" East 451.78 feet to the point of beginning, containing 2.258 acres.

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

LEGAL DESCRIPTION OF LOT 2

Part of the northwest quarter of the southwest quarter of Section Twenty-nine (29), Township Fourteen (14) North, Range Six (6) East, Moral Township, Shelby County, Indiana being part of survey Job #14NE629-22-036 by Scott T. Sumnerford, LS#29800017, certified May 24, 2022 and being more particularly described as follows:

Commencing at the southwest corner said section 29-14-6, said point being marked by a ½ inch rebar; thence along the west line of said southwest quarter, North 00° 34'36" West (basis of bearings being State Plane Indiana East Zone) 1322.32 feet to a ½ inch rebar at the southwest corner of the northwest quarter of the southwest quarter of said section 29; thence along the west line of the said northwest quarter of the southwest quarter of said section 29, North 00° 32'28" West 1325.93 feet to the west quarter corner of said section 29, said point being marked by a railroad spike over a stone; thence along the north line of the northwest quarter of the southwest quarter of said section, North 89° 16'38" East 677.05 feet to the west line of Barker's Green Meadows Survey and The Extension thereof as recorded in Miscellaneous Record Book 33 Page 482 and Book 36 Page 468, said point being South 89° 16'38" West 666.00 feet from the northeast corner of said quarter quarter and being marked by a capped rebar stamped "S. Sumnerford 29800017"; said monument being hereinafter referred to as a capped rebar; thence along the west line of said Barker's Survey, South 00° 31'02" East 690.00 feet to a capped rebar and the point of beginning of the herein described tract.

Thence continuing along said west line, South 00° 31'02" East 152.46 feet to a capped rebar; thence South 89° 16'38" West 676.70 feet to a washer and magrail stamped "S. Sumnerford 9800017"; on the west line of said quarter quarter, North 00° 31'02" East 581.98 feet to a washer and magrail stamped "S. Sumnerford 9800017"; thence North 89° 16'38" East 676.76 feet to the point of beginning, containing 2.989 acres.

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

LEGAL DESCRIPTION OF LOT 3

Part of the northwest quarter of the southwest quarter of Section Twenty-nine (29), Township Fourteen (14) North, Range Six (6) East, Moral Township, Shelby County, Indiana being part of survey Job #14NE629-22-036 by Scott T. Sumnerford, LS#29800017, certified May 24, 2022 and being more particularly described as follows:

Commencing at the southwest corner said section 29-14-6, said point being marked by a ½ inch rebar; thence along the west line of said southwest quarter, North 00° 34'36" West (basis of bearings being State Plane Indiana East Zone) 1322.32 feet to a ½ inch rebar at the southwest corner of the northwest quarter of the southwest quarter of said section 29; thence along the west line of the said northwest quarter of the southwest quarter of said section 29, North 00° 32'28" West 1325.93 feet to the west quarter corner of said section 29, said point being marked by a railroad spike over a stone; thence along the north line of the northwest quarter of the southwest quarter of said section, North 89° 16'38" East 677.05 feet to the west line of Barker's Green Meadows Survey and The Extension thereof as recorded in Miscellaneous Record Book 33 Page 482 and Book 36 Page 468, said point being South 89° 16'38" West 666.00 feet from the northeast corner of said quarter quarter and being marked by a capped rebar stamped "S. Sumnerford 29800017"; said monument being hereinafter referred to as a capped rebar; thence along the west line of said Barker's Survey, South 00° 31'02" East 842.46 feet to a capped rebar and the point of beginning of the herein described tract.

Thence continuing along said west line, South 00° 31'02" East 482.35 feet to the south line of said quarter quarter, said point being South 89° 10'58" East 666.00 feet from the southwest corner of said quarter quarter and marked by a capped rebar; thence along the south line of said quarter quarter, South 89° 10'58" West 260.00 feet to a capped rebar; thence North 00° 31'02" West 451.78 feet to a capped rebar; thence South 89° 16'38" West 416.69 feet to a washer and magrail stamped "S. Sumnerford 9800017"; on the west line of said quarter quarter; thence along said west line, North 00° 32'28" West 31.00 feet to a washer and magrail stamped "S. Sumnerford 9800017"; thence North 89° 16'38" East 676.70 feet to the point of beginning, containing 3.177 acres.

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

LEGAL DESCRIPTION ACCESS EASEMENT

An easement for ingress and egress being Thirty-One (31) feet of even width located in part of the northwest quarter of the southwest quarter of Section Twenty-nine (29), Township Fourteen (14) North, Range Six (6) East, Moral Township, Shelby County, Indiana being part of survey Job #14NE629-22-036 by Scott T. Sumnerford, LS#29800017, certified May 24, 2022 and being more particularly described as follows:

Commencing at the southwest corner said section 29-14-6, said point being marked by a ½ inch rebar; thence along the west line of said southwest quarter, North 00° 34'36" West (basis of bearings being State Plane Indiana East Zone) 1322.32 feet to a ½ inch rebar at the southwest corner of the northwest quarter of the southwest quarter of said section 29; thence along the west line of the said northwest quarter of the southwest quarter of said section 29, North 00° 32'28" West 1325.93 feet to the west quarter corner of said section 29, said point being marked by a railroad spike over a stone; thence along the north line of the northwest quarter of the southwest quarter of said section, North 89° 16'38" East 677.05 feet to the west line of Barker's Green Meadows Survey and The Extension thereof as recorded in Miscellaneous Record Book 33 Page 482 and Book 36 Page 468, said point being South 89° 16'38" West 666.00 feet from the northeast corner of said quarter quarter and being marked by a capped rebar stamped "S. Sumnerford 29800017"; said monument being hereinafter referred to as a capped rebar; thence along the west line of said Barker's Survey, South 00° 31'02" East 842.46 feet to a capped rebar at the southeast corner of Lot Numbered Two (2) of Lakeside Knoll Subdivision; thence along the south line of said Lot 2, South 89° 16'38" West 260.00 feet to the point of beginning of the herein described easement.

Thence South 00° 31'02" East 31.00 feet to a capped rebar at the northeast corner of Lot Numbered One (1) of said Lakeside Knoll Subdivision; thence along the north line of said Lot 1, South 89° 16'38" West 416.69 feet to a washer and line, North 00° 32'28" West 31.00 feet to a washer and magrail stamped "S. Sumnerford 9800017"; at the southwest corner of said Lot 2; thence along the south line of said Lot 2, North 89° 16'38" East 416.70 feet to the point of beginning, containing 0.297 acres.

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

SURVEYOR'S REPORT

The client purchased this property about a year ago from a previous survey client. I had done a complete boundary survey of the overall property back in 2015 and said survey was recorded as Instrument No. 2015006323. After the initial survey, my previous client sold off roughly the north half of the property which contained the borrow pit pond. The south portion is being subdivided into three lots per the subject plat, with a remnant piece along the north side to be conveyed to the northernly portion of the subject plat. The remnant was certified on April 26, 2022 but has not been recorded or closed upon as of the writing of this surveyor's report.

In accordance with Title 36S, Article 1, Chapter 12, Section 12. of the Indiana Administrative Code, the following report explains the theory of location applied in retacing the lines and corners of the surveyed property, and discusses the surveyor's opinion of the cause and amount of uncertainty in those lines and corners because of the following:

- Availability and condition of reference monuments.
 - New monumentation was set on the interior lines of the proposed lots. The north line of Lot 2 was staked with the above mentioned boundary adjustment. The other exterior corner stakes were set with the original 2015 survey. No extensive verification was done to verify the existing condition of formerly published survey monuments.
- Occupation or possession lines
 - There is little change in occupation lines noted, except for some clean up and thinning of fence remnants along the south line of the parent tract. Notes as seen in 2015 are still indicated upon the subject plat for reference.

- Clarity or ambiguity of record descriptions
 - As mentioned, it has been proposed to convey 0.872 acres of the Goolsby property to a prospective developer who plans on purchasing the Murdoch property to the north. The client intends to subdivide the entire parcel into three lots and does not intend leave any remnant. The completion of this adjustment transaction, however, is not expected to happen until after this proposed subdivision is probably finished.

- Relative positional accuracy of measurements
 - The lines and corners retraced or established by this survey have been executed meeting Title 36S, Indiana Administrative Code §12-7 and falls under a Suburban Survey Classification with a relative positional accuracy of 0.13 feet ± 100 ppm.

SURVEY CERTIFICATION

I hereby certify that this survey was performed under my direct supervision and to the best of my knowledge and belief was executed to minimum standards of practice as contained in Rule 12. of Title 36S, Article 1. of the Indiana Administrative Code.

DATE: May 24, 2022

Signed:

Scott T. Sumnerford

Registration Number: 38800017

OWNERSHIP CERTIFICATE

I, Brent A. Goolsby of Shelby County, Indiana, do hereby certify that I am the owner of the property described in the above captioned and that as such owner have caused the property to be surveyed and subdivided as shown on the herein drawn plat, as my own free and voluntary act and deed.

Brent A. Goolsby _____ (Seal)

State of Indiana)
County of Shelby)

_____, 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 acknowledged that they signed the above certificate as their own free and voluntary act and deed for the uses and purposes therein set forth.

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

Notary Public _____ (Seal)

PLAN COMMISSION APPROVAL

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

By: _____ Date: _____

President, Terry Smith

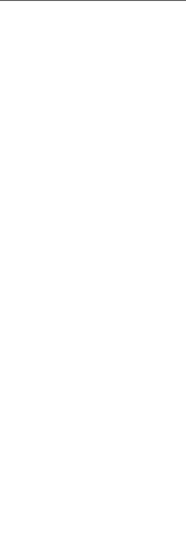
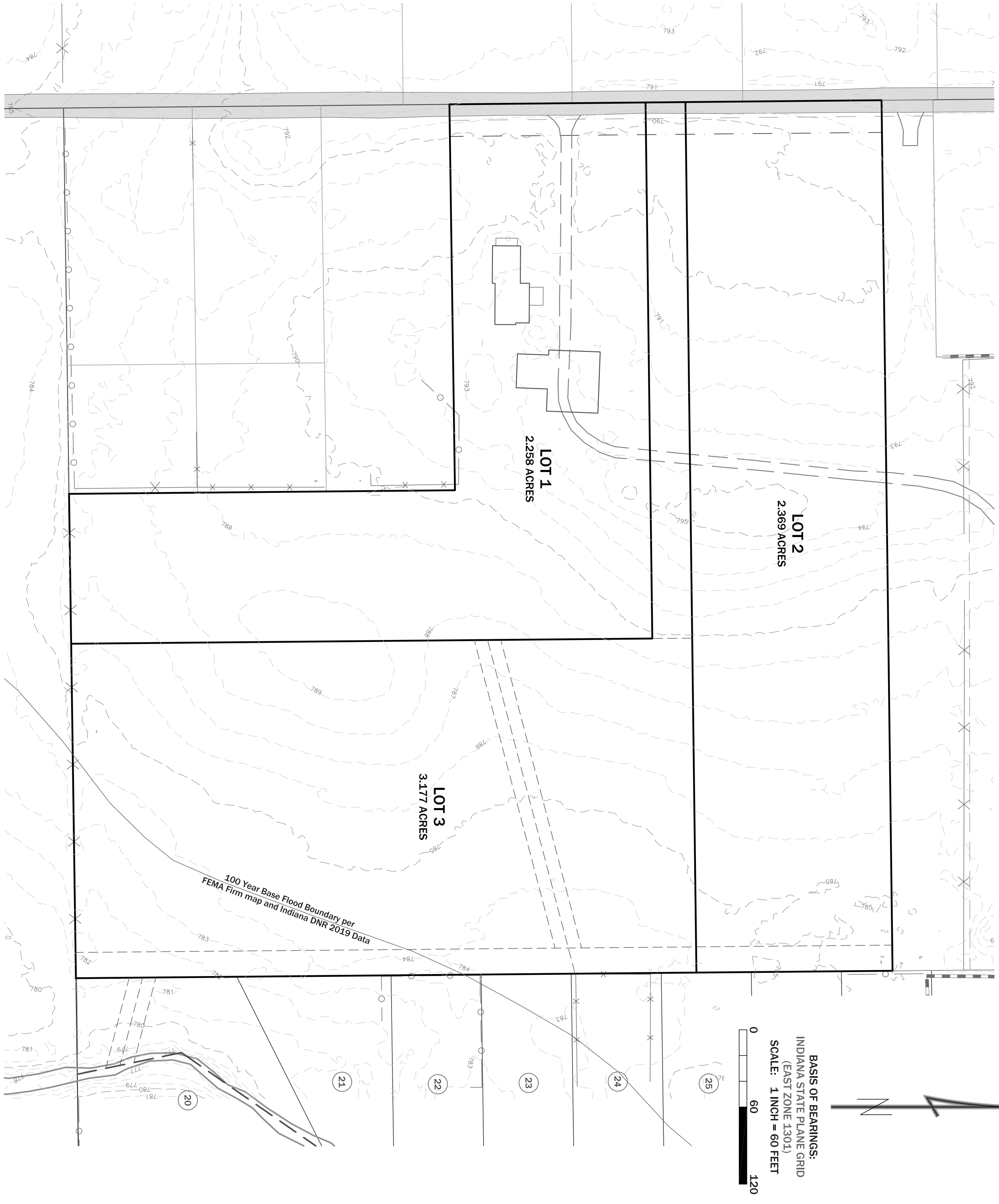
By: _____ Date: _____

Secretary, Scott Gabbard

NOTES

- The deciduous trees with at least 1.3/4" DBH at time of planting shall be planted on each lot prior to occupation of the residence constructed on the lot.

- The southeast portion of Lot 3 does lie within a Flood Hazard Area per the effective FRM map Panel 18145C0020C, dated November 5, 2014. The same portion does lie within a Flood Hazard Area per the 2019 best available data per the Indiana DNR Floodplain Portal. The buildable portion of Lot 3 has an existing grade of .786 with the 100 year flood elevation being 784.0 per the portal. The contributing stream is Dry Fork Ditch.



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

Indiana Registered Surveyor No. 29800017

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April 27, 2022
May 24, 2022

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

CLIENT
Brent Goolsby
3908 N 525 W
Fairland, IN 46126

PROJECT
Subdivision of a 7.803 acre parent tract purchased by the client last year into three lots for proposed residential sites.

INDIANA TITLE 36S
BOUNDARY SURVEY

JOB LOCATION
PART OF THE NW ¼ OF THE SW ¼ OF SECTION 29, TOWNSHIP 29 NORTH, RANGE 6 EAST, MORAL TOWNSHIP, SHELBY COUNTY, INDIANA

JOB NUMBER
14NE629-22-036

ORIGINAL DRAWING SIZE ARCH D
SHEET 2 OF 2

Property Details

Location: West side of CR 675 W, 400-feet north of CR 900 N, Moral Township.

Property Size: 2-acre building lot and 39.01-acre remaining tract.

Current Land Use: Cropland / Natural Resources.

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	A1/RE	Cropland
South	A1/R1/VR	Estate Residential Single-Family Res.
East	RE	Estate Residential
West	RE	Sugar Creek

Staff Report

Case Number: SD 22-08

Case Name: Rice-Medlock Simple Subdivision

Requests

Simple Subdivision of a 2-acre building lot from 41.01 acres.

Waivers of subdivision design standards to allow:

1. A lot having 59.38-feet of road frontage (minimum 160-feet of frontage required);
2. A lot having a width of 41.46-feet (minimum 160-foot lot width required);
3. Side lot lines not within a 15-degree angle to the right-of-way.

Waiver of subdivision project applicably standards to allow re-subdivision of a parent tract split/subdivided within the previous five (5) years;

Waiver to exempt the remainder tract from platting requirements to establish the property as a building lot.

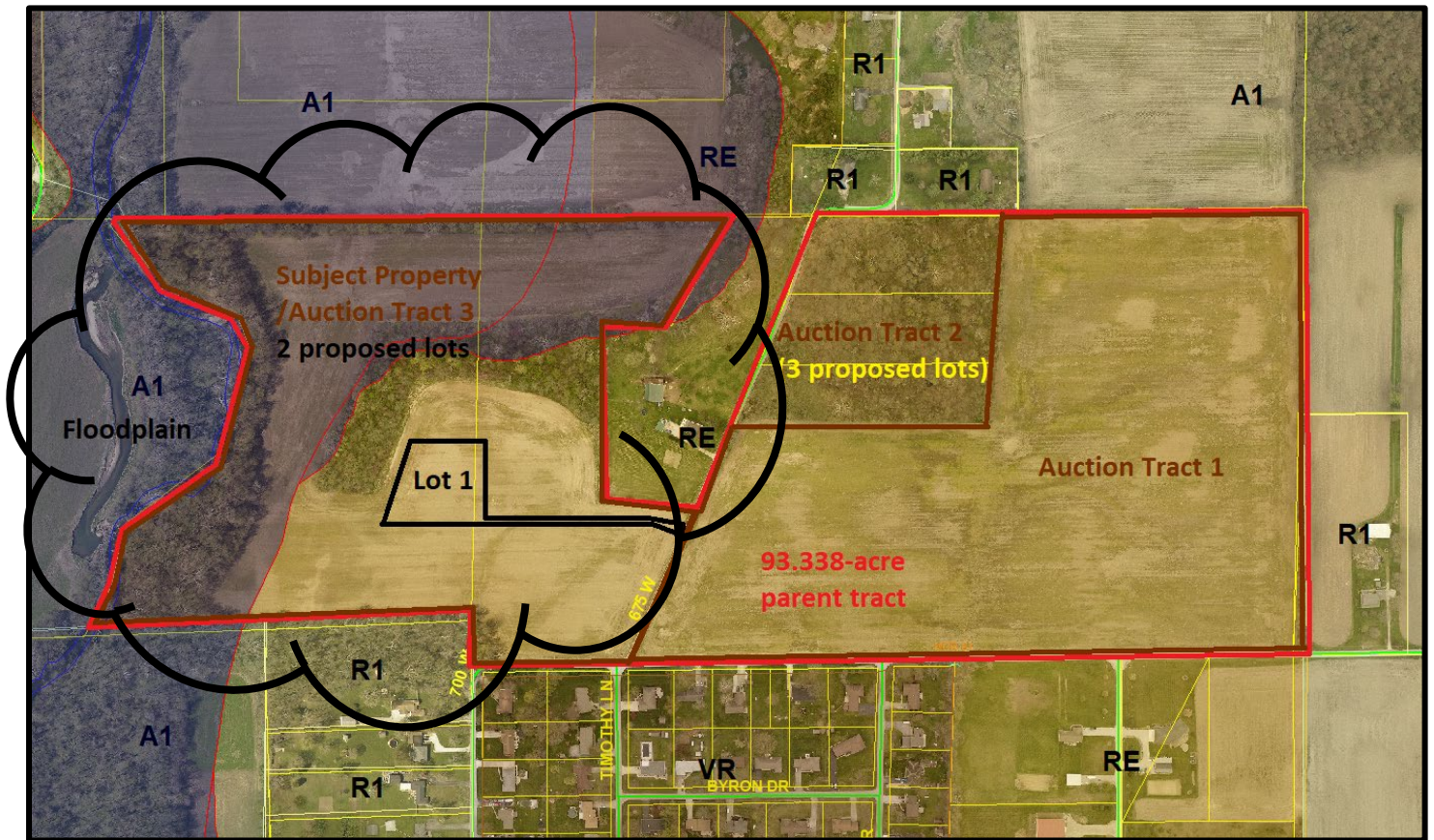
Purpose of Subdivision Code Requirements

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.

Restricting re-subdivision of property for a 5-year period prevents property owners from subdividing a parent tract multiple times to create additional lots than permitted by ordinance. The ordinance limits Simple Subdivision of property to three lots to maintain low-density development in rural areas while allowing a development option that does not necessitate significant road, drainage, and utility improvements.

Subdivision of property by plat allows the Plan Commission to review the subdivision of land and necessitates a survey and legal description for each lot included in the plat. Thereby promoting orderly subdivision of property, encouraging accurate establishment of property lines, and creating clear chain of title to property.

Property Map



Case Description

- Approval of the requests would allow for development of two single-family residential building lots.
- The petitioner intends to develop Lot 1 included in the Rice-Medlock Simple Subdivision in the immediate future and develop the southern portion of the remaining tract at a future date.
- Lot 1 would include a 41.46-foot-wide fee-simple land access strip to CR 675 W. This access strip would widen to 59.38-feet at the roadway. This access strip would also include an ingress-egress easement to allow the remaining tract to utilize the driveway providing access to Lot 1.
- A portion on the remaining tract lies within the Federal Emergency Management Agency (FEMA) Special Flood Hazard Area Flood Floodway and Fringe (map # 18145C0020C, effective on 11/05/2014). The petitioner does not intend to develop this area.
- The USDA Soil Survey classifies the area proposed for building sites as 'Not Prime Farmland.'
- Property and Zoning History

- 2003 - Zion Evangelical United Church of Christ acquired the 93.338-acre parent tract.
- 2007 – The Plan Commission and County Commissioners approved a rezoning of the 93.338-acre tract from A (Prime Agricultural Cropland) to R1 (Single-Family Residential) to allow the church to market the property for residential development. The ordinance in effect at the time would not have allowed for the creation of more than three lots without road, drainage, and utility improvements required as part of a major subdivision.
- 2008 – The County updated the county-wide zoning maps and assigned the subject property the RE (Residential Estate) zoning designation.
- 2021 – The church surveyed the property into three tracts for the purposes of public auction. State law allows for the subdivision and sale of property without approval from the local Planning Authority, however the Planning Authority may restrict development of property subdivided not in accordance with the local planning code. This split would have required Plan Commission approval of a Minor Subdivision Plat to develop the property for residential purposes. The UDO would have prohibited further subdivision of each of the three lots for a five-year period.
- 2021/2022 – The petitioner and two other buyers purchased each of the three tracts. The petitioner intends to construct two homes and one of the other buyers intends to construct three homes. The third buyer has not contacted the Planning Department.

Staff Analysis Findings of Fact

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, pending approval of waivers from road frontage, lot width, and side lot line angle requirements.
4. The subdivision of land satisfies any other applicable provisions of the Unified Development Ordinance, pending approval of waivers from project applicability and platting requirements.
5. The subdivision of land satisfies the construction requirements of Shelby County's Construction Standards.
6. Approval of waivers from road frontage, lot width, and side lot line angle requirements allow for creation of a lot on area designated as 'Not Prime Farmland' while removing a minimal amount of Prime Farmland for the driveway access to CR 675 W.
7. Approval of a waiver from the 5-year suspension on re-subdivision of property allows for re-subdivision of a lot significantly larger than typical lots in the RE District. Therefore, re-subdivision of the property would not have a significant impact on the residential density of the area or deviate from the character of the area. However, the Plan Commission should limit future subdivision of the property to discourage development of multiple lots without access to road, drainage, and utility improvements required as part of a major subdivision.

8. Approval of a waiver to exempt the remainder tract from platting requirements eliminates the need to survey a lot significantly larger than typical lots in the RE District.

Staff Recommendation

APPROVAL of the **Simple Subdivision and Waivers** primarily because the proposed development would not conflict with the rural residential character of the area. However, the Plan Commission should limit future subdivision of the property to prevent the creation of multiple lots without access to road, drainage, and utility improvements required as part of a major subdivision.

Recommended Stipulation: The building lot and remainder tract shall be subject to a ten (10) year suspension of further subdivision.

Applicant/Owner Information

Applicant:	Brent Rice 2345 Chandler Way Greenwood, IN 46143	Surveyor:	Scott T Sumerford 3149 N Riley Hwy. Shelbyville, IN 46176
Owner:	Same		

Property Details

Location: 208 S Franklin St, Fairland, Town of Fairland, Brandywine Township.

Property Size: 52-acres.

Current Land Use: Vacant/Cropland

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.

C1 (Neighborhood Commercial)

This district is established for the provision of small-scale retail goods and services required for regular or daily convenience of nearby neighborhoods and agricultural areas.

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.

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

Incorporated Planning Area – Town of Fairland

Focus Area #3- Fairland / I-74

1. *Work with Johnson County officials on a committed timeline for completing the C.R. 400 extension through to I-65.*

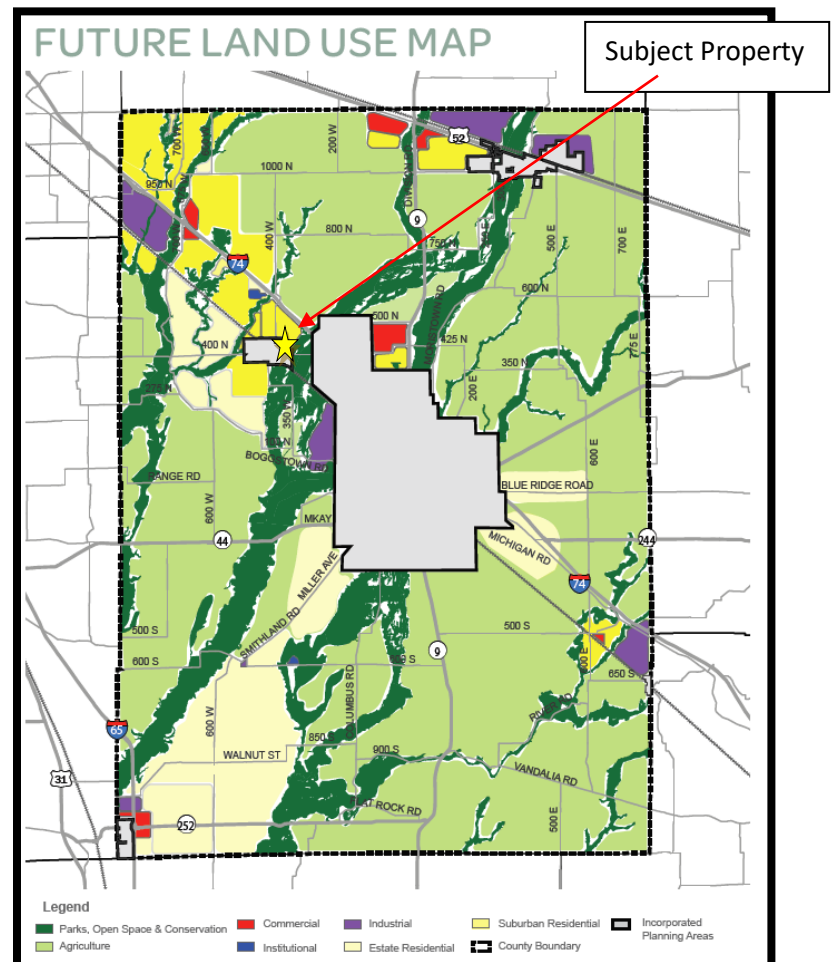
Staff Report

Case Number: RZ 22-11
Case Name: Bowman Rezoning – A1 (Conservation Agricultural), A2 (Agricultural), C1 (Neighborhood Commercial), and C2 (Highway Commercial) to the I2 (High Intensity Industrial)

Requests

Rezoning of 52-acres from the A1 (Conservation Agricultural) District, A2 (Agricultural) District, C1 (Neighborhood Commercial) District, and C2 (Highway Commercial) District to the I2 (High Intensity Industrial) District to allow for the processing and distribution of landscape products.

Future Land Use Map



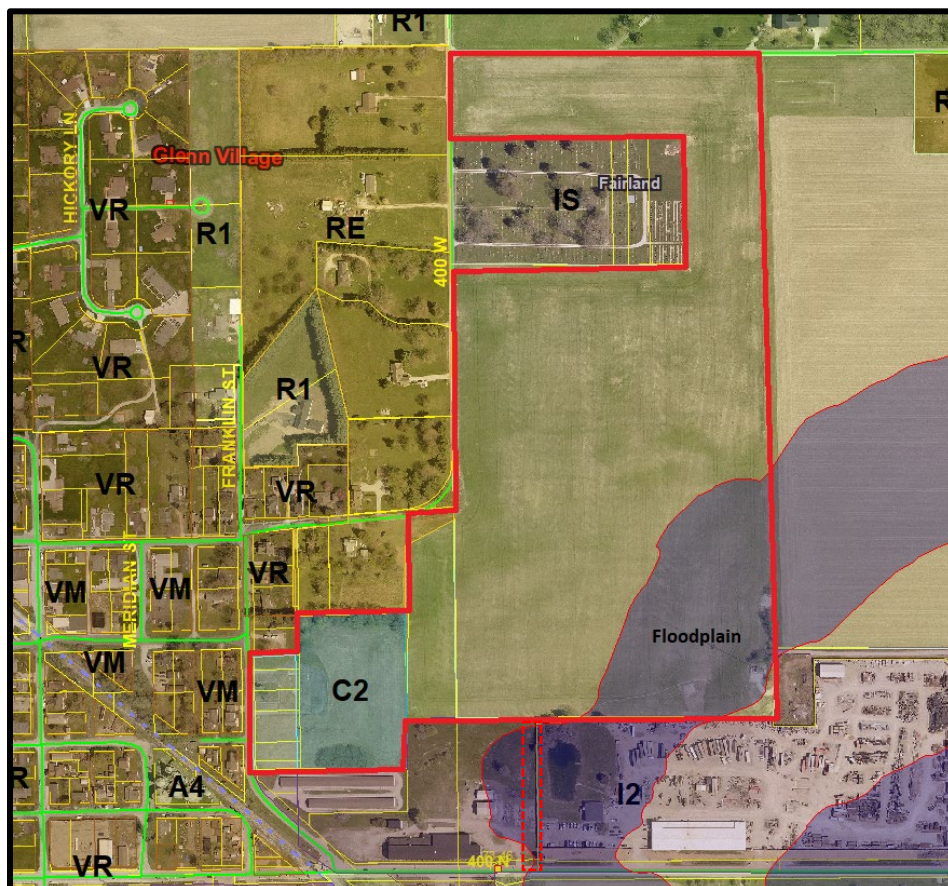
Property Details

2. *Develop a detailed planning study for desired land uses and development patterns surrounding Fairland and along the C.R. 400 corridor.*
3. *Collaborate with Fairland on plans for transitioning the town to a standalone planning entity.*
4. *Cooperate with the City of Shelbyville to study and implement future regional gateway treatments and corridor enhancements within this focus area.*
5. *Encourage the extension of public water and sewer facilities to this area.*
6. *Take advantage of the opportunities associated with the floodplain and encourage floodplain mitigation in areas targeted for development.*
7. *Encourage compliance with and enforce property maintenance and design guidelines.*

Surrounding Development

	Zoning	Land Use
North	A2	Estate Residential
South	I2	Contractor's Yard / Self Storage Facility
East	A1	Cropland
West	IS/RE/VM	Cemetery / Estate Residential / Single-Family Residential

Property Map



Case Description

- The petitioner intends to develop the property for use as a landscape supply business. On site-activities would include recycling, processing, and outdoor storage of landscape products such as soil, mulch, and decorative rock. The business would sell products wholesale to contractors and would also include on-site retail sales.
- Proposed development includes a 60'x120' office building, two access drives from Franklin Street primarily for employee and customer use, an access drive from 400 N primarily for truck deliveries, paved parking and maneuvering areas, gravel maneuvering areas, bulk storage bins, sediment trap, scale, and processing screen.
- The petitioner stated that outdoor storage would include product for retail sales in bulk storage bins and stockpiles of materials not to exceed a height of 40-feet.
- Approximately five acres of the southeast portion of the property lies within the Federal Emergency Management Agency (FEMA) Special Flood Hazard Area Flood Fringe (map # 18145C0103C, effective on 11/05/2014). This portion of the property sits five-to-ten feet lower than the portion of the property outside of the floodplain. The Indiana Department of Natural Resources (IDNR) has not established a base flood elevation for this area.
- The USDA Soil Survey identifies 71.8% of the area proposed for rezone as 'Prime Farmland', 14.7% as 'Prime Farmland if Drained' and 13.4% as 'Not Prime Farmland' (see attached map).
- The I2 District allows for distribution facilities which would permit wholesale distribution of landscape materials, allows for flex-space which would permit the office space and limited retail associated with the use, allows for recycling processing and heavy manufacturing which would allow for the recycling and processing of landscape materials, and allows for outdoor storage which would permit the outdoor storage of landscape materials.
- The Site Plan Committee, which includes the Planning Director, Building Inspector, and Health Department Environmental Technician would review a detailed site plan prior to issuing construction permits. USI Consultants, Inc. would review the drainage plans to ensure that the project design complies with the County's Drainage & Sediment Control Ordinance. The Fairland Town Board and Petitioner plan to engineer a drainage plan that will benefit both on-site and off-site drainage.
- The Fairland Town Board has reviewed the application for rezoning and has no objections to the proposed development.
- The UDO does not designate the zoning districts adjoining the property as appropriate adjacent districts to the I2 District. Staff has recommended stipulations of approval to mitigate potential aesthetic and nuisance impacts to adjacent property. In summary:
 - Limiting use of the portion of the property adjoining residential uses to office and retail use. These uses are permitted in the C1 and C2 Districts currently assigned to this portion of the property.
 - Prohibiting outdoor storage on the portion of the property adjoining residential uses.

- A high-intensity use landscape buffer and mound located at the minimum side-yard setback for the I2 District of 60-feet from the centerline of CR 400 W.
- A high-intensity use landscape buffer and mound located at the minimum side-yard setback of 60-feet from adjacent agricultural land and the Fairland Cemetery (may be waived with approval of adjacent property owners).

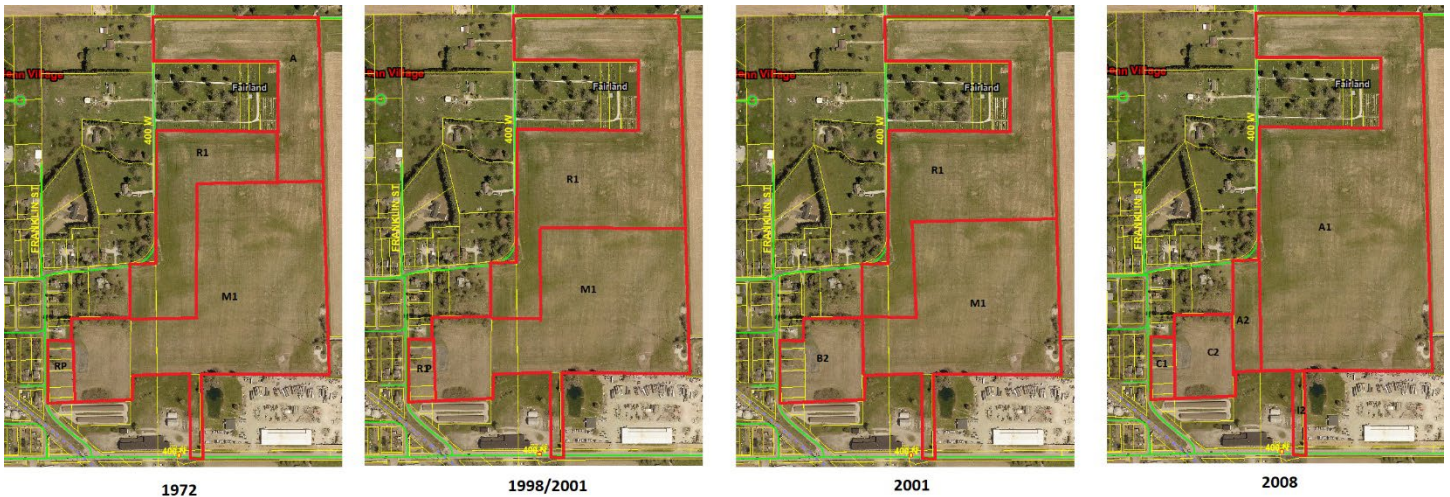
H. Buffer Yard "D":

1. **Canopy Tree:** One (1) canopy tree shall be planted for every forty (40) feet of contiguous boundary with the adjacent lot. Each tree shall be planted within twenty (20) feet of the property line; and
2. **Ornamental or Evergreen Tree:** Two (2) ornamental or evergreens tree shall be planted for every fifty (50) feet of contiguous boundary with the adjacent lot. Each tree shall be planted within twenty (20) feet of the property line; and
3. **Row of Evergreens:** One (1) evergreen tree shall be planted for every twelve (12) feet of contiguous boundary with the adjacent lot. The evergreen trees shall be planted in an irregular row spaced no closer than nine (9) feet apart or more than fifteen (15) feet apart. The irregular row shall be planted at least twenty-five (25) feet from the property line; and
4. **Fence or Mound:** A minimum six (6) foot tall opaque fence or a minimum five (5) foot tall undulating mound shall be installed roughly parallel to the property line. The fence or undulating mound shall be installed at least twenty-five (25) feet from the property line.



- Property & Zoning History

- Original development of the property included a bank building and parking and maneuvering areas near Franklin St.
- 1972 – The original County zoning maps designated the property RP (Residential Platted), M1 (Limited Manufacturing), R1 (Single-Family), and A (Prime Agricultural Cropland).
- 1998/2001 – The County updated the county-wide zoning maps and reassigned the subject property as RP (Residential Platted), M1 (Limited Manufacturing), and R1 (Single-Family).
- 2001 – The Plan Commission and County Commissioners approved a rezoning of 5.16-acres of the property from the RP and M1 District to the B2 (Business Two) District to allow for use of the property for a restaurant.
- 2008 – The County updated the county-wide zoning maps and reassigned the subject property as C1, C2, A2, and A1.
- 2011 – The restaurant was destroyed by fire.
- 2021 – The petitioner acquired the property.



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
2. The Most Desirable Use for Which the Land in Each District Is Adapted
3. The Conservation of Property Values throughout the Jurisdiction

4. Responsible Development and Growth

5. The Comprehensive Plan

Considerations Contradicting Rezoning:

- The Comprehensive Plan
 - Land Use Goal 1: Welcome and promote future development in appropriate areas of the County.
 - Strategy 6: Focus resources on areas having infrastructure that will support development and encourage transition of developed areas without infrastructure to agricultural uses.
 - Land Use Goal 2: Ensure future development decisions enhance and don't detract from the County's rural character and agricultural function.
 - Strategy 1: Preserve prime farmland and agricultural road frontage in rural areas of the county.
 - Strategy 2: Conserve agricultural land.
 - Community Character Goal 2: Promote and protect our rural heritage and agricultural assets.
 - 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.
 - Focus Area #3- Fairland / I-74
 - Take advantage of the opportunities associated with the floodplain and encourage floodplain mitigation in areas targeted for development.
 - Encourage compliance with and enforce property maintenance and design guidelines.
- The property does not have access to public sanitary sewer.
- The UDO does not designate the zoning districts adjoining the property as appropriate adjacent districts to the I2 District.
- Nuisance and aesthetic impacts associated with high intensity industrial development could negatively impact the use, enjoyment, and value of adjacent residential properties. Nuisance impacts of the proposed use could include noise from trucks and processing of landscape materials, commercial lighting, truck and automobile traffic in excess of current traffic patterns, and impacts to groundwater. Processing equipment and stockpiles of materials would deviate from the residential and agricultural character of adjacent properties.
- The USDA Soil Survey identifies 71.8% of the area proposed for rezone as 'Prime Farmland'.
- Approximately five acres of the southeast portion of the property lies within a Federal Emergency Management Agency (FEMA) Special Flood Hazard Area.

Considerations Supporting Rezoning:

- The Comprehensive Plan
 - The Future Land Use Map shows the property in the Town of Fairland Incorporated Planning Area. The Fairland Town Board has reviewed the petition for rezoning and has no objections to the development.
 - Focus Area #3- Fairland / I-74
 - Collaborate with Fairland on plans for transitioning the town to a standalone planning entity.
 - Land Use Goal 1: Welcome and promote future development in appropriate areas of the County.
 - Strategy 2: Encourage additional development of residences, recreational venues, industries, and retail establishments in areas which will benefit currently populated portions of the county.
 - Community Character Goal 1: Focus on reinvestment and improvement within exiting populated areas and rural town centers first.
 - Strategy 3: Encourage and support improvements to properties and amenities in communities where it is desired to retain and attract residents.
 - Strategy 4: Work to create additional entertainment and shopping opportunities which appeal to future generations.
 - Strategy 5: Provide opportunities and resources which allow communities to grow in population.
 - Transportation Goal 1: Coordinate with adjacent jurisdictions to identify opportunities for future transportation and expansion of utilities.
 - Strategy 2: Ensure CR 400 N upgrades are completed and work to capitalize on the opportunities the interstate connector provides to Shelby County.
 - Economic Goal 2: Encourage diversity of business and industry throughout the County
 - Strategy 3: Identify Industrial development locations.
- Adjacent property to the south lies within the I2 District and includes high intensity industrial uses. The proposed use of the property would not pose nuisance impacts to these properties or conflict with the character of these properties.
- The historical zoning of the property allowed for use of most of the property for industrial purposes.
- The property has convenient access to a major arterial (CR 400) and I-74.
- The property lies within a developed area of the County and the proposed use would provide a commercial service currently not available in the County.

Staff Recommendation

The Future Land Use Map shows the property in the Town of Fairland Incorporated Planning Area and the Fairland Town Board has reviewed the petition for rezoning and has no objections to the development, therefore Staff recommends **APPROVAL**.

Staff recommends the following **stipulations** to mitigate potential environmental impacts and potential aesthetic and nuisance impacts to adjacent property:

1. The property rezoned to I2 shall not extend north of the south property line of Fairland Cemetery.
2. The property shall be surveyed into the two parcels, one parcel containing the area zoned I2 and once parcel containing the area to remain zoned A1. The survey shall be recorded prior to issuance of construction permits.
3. The property shall not be used for recycling processing unrelated to the proposed business, sewage treatment, or outdoor storage of materials unrelated to the proposed business.
4. The portion of the property currently in the C1 and C2 Districts shall only be used for office and retail flex-space related to the primary use of the property.
5. Outdoor storage of goods for retail sale, commercial vehicles, equipment, products, or materials shall not be permitted on property currently in the C1 and C2 Districts.
6. Outdoor stockpiles of materials shall not exceed 40-feet in height.
7. Landscape Buffer 'D' as indicated in the Unified Development Ordinance shall be installed along all roadways and property lines not adjoining property in the I2 District. The fence or undulating mound of the landscape buffer shall be installed at least twenty-five (25) feet from the center of roadway right-of-way and property lines. This requirement shall not apply to the portion of the property currently in the C1 and C2 Districts. This requirement may be waived from any property line with written permission from the adjoining property owner.
8. Development and outdoor storage of materials shall be prohibited in the floodplain unless FEMA approves a LOMA to remove this area from the floodplain.
9. 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: Mike Bowman
6544 W 300 N
Boggestown, IN 46110

Owner: Same

Attorney: Greg Graham
51 W Mechanic St.
Shelbyville, IN 46176

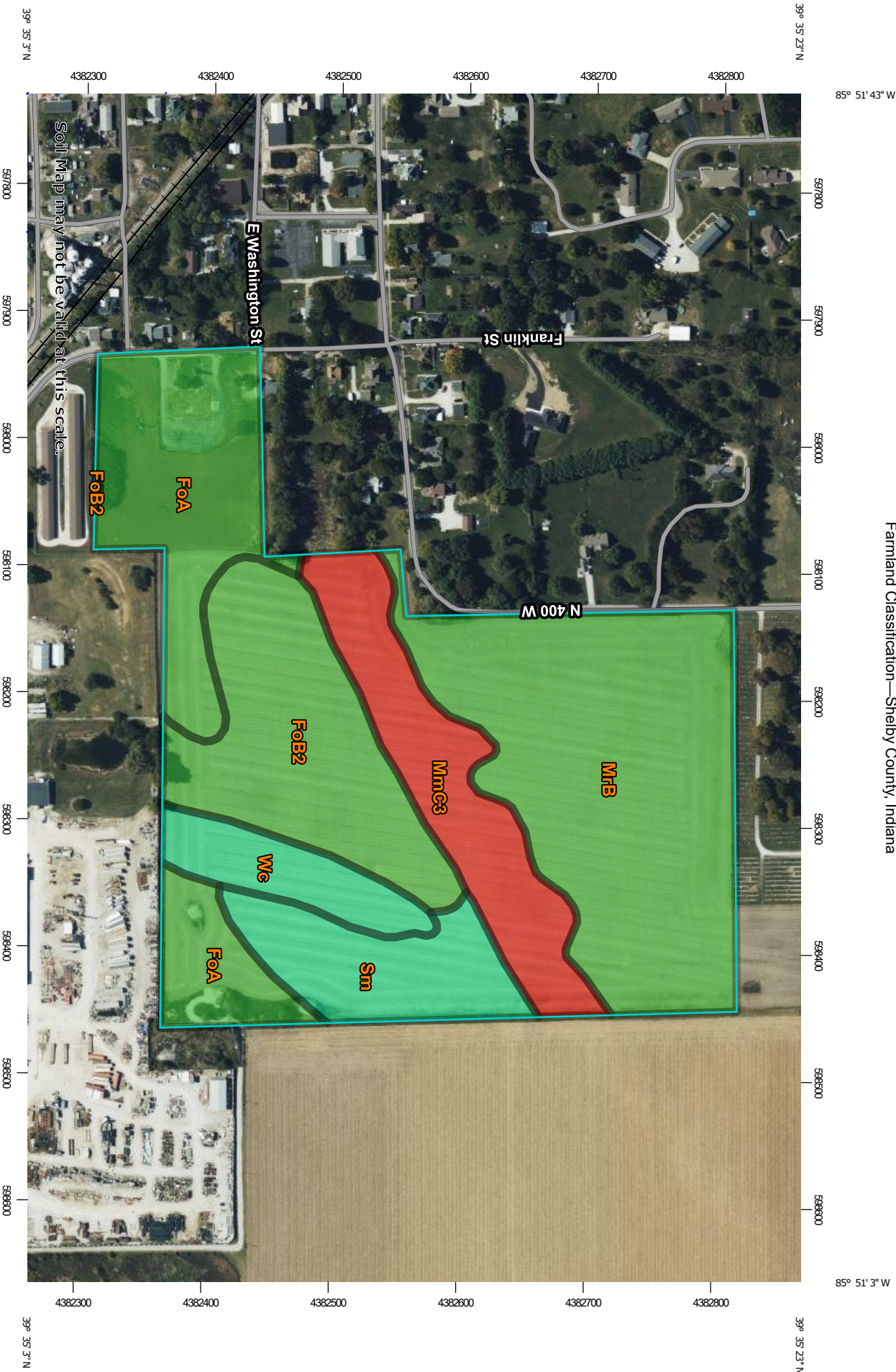
Project Engineer: Kevin Allen
8320 Craig St.
Indianapolis, IN 46250

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 	

Farmland Classification—Shelby County, Indiana



Soil Map may not be valid at this scale.

Map Scale: 1:4,280 if printed on A landscape (11" x 8.5") sheet.

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 16N WGS84

**Bowman
Group
Enterprises**

6222 W 800 N
FOUNTAIN TOWN, IN 46130
OFFICE 317/835-4246
FAX 317/835-4492
MOBILE 317/440-1406

April 18, 2022

Letter of intent

We are asking to rezone a 51 acres site within the town of Fairland town limits for the purpose of a landscape supply company which would include a recycling area where we would process and produce some of the products that we would sell wholesale to contractors and some retail through the store front. Some of the primary items would include topsoil, pulverized topsoil, manufactured topsoil, Mulch, crushed concrete in various sizes, limestone in various sizes, Decorative rock in various sizes, Drainage products, seed, straw, small hand tools used in landscaping and many more related products used in the industry. Many of these products are only available through specialize sources and this facility would give Landscapers a location in Shelby County to purchase these items without having to travel to Indianapolis.

Proposed by: MIKE BOWMAN

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: Bowman Group Enterprises LLC

Case #: _____
Location: 208 South Franklin Street, Fairland Indiana – Brandywine Twp. Part of the East Half of the Southeast Quarter of Section 9, and part of the West Half of the Southwest Quarter of Section 10; Township 13 North; Range 6 East

1. The request is consistent with the Shelby County Comprehensive Plan because: In accordance with goals outlined in Chapter 3 – Community Character of the Comprehensive Plan - 2019; This project would be in line with goals of re-investment in rural towns as well as the improvement blighted areas.
2. The request is consistent with the current conditions and the character of structures and uses in each district because: In accordance with Chapter 6 – Factors in Shaping Current Land Use; This project is within the CR 400 economic development corridor. The proposed use is consistent with the current land uses to the southeast, south, and southwest.
3. The request is consistent with the most desirable use for which the land in each district is adapted because: While the "most desirable use" can be subjective, the proposed site is within the Town of Fairland area. This would have the petitioner believe that strict agricultures use is no longer the primary use in the long term. This use should also be considered in compliance with the desire for re-investment in populated rural areas as stated in the "Community & Character / CC Goal 1" see page 44 of the Comprehensive Plan - 2019
4. The request is consistent with the conservation of property values throughout the jurisdiction because: This project would help improve the values of property in this part of Fairland. The property immediately west of the site is a vacant / burned two story home. The site itself is a vacant business location with no improvements other than the deteriorating remains of an asphalt parking lot.
5. The request is consistent with responsible growth and development because: The existing characteristics of this site are listed in several sections of the Comprehensive Plan – 2019 as being an undesirable use or condition. It is a former bank and restaurant site that was razed at least 8, maybe 10 years ago and has laid vacant since then. We do feel that this an appropriate use for a former commercial site to help re-invigorate Fairland.

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?

Town of Fairland

P. O. Box 150
Fairland, IN 46126
contactus@fairlandin.org

Board Members

President – Jeremy Creech

Vice President – Jeremy Miller

Secretary –Rick Daily

Clerk-Treasurer – Shea Fink

May 17, 2022

Shelby County Plan Commission,

We have reviewed the Staff report and are very pleased with the proposed development. I have met with Mr. Bowman on multiple occasions to discuss flow of product and drainage issues.

As far as the Drainage goes, we are in a winning scenario that will help the residents and this site. With the flow of product issues, we had discussed bins in the C2 area for customer distribution. This would keep customers out of the “production” area for their safety.

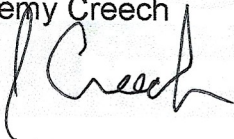
I am referring to this because of a bullet point on page 3.

Prohibiting outdoor storage on the portion of the property adjoining residential uses.

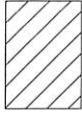
Because of the above-mentioned safety concern, I believe having outdoor storage within the concrete bin areas should be permissible. No random outdoor storage will be in that area.

Thank you for bringing the Town into the process. We are looking forward to Mr. Bowman’s business coming to us.

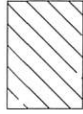
Thank you,
Jeremy Creech



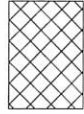
Board President
Town of Fairland
317-374-3337
jcreech@fairlandin.org



1.093 ACRES TO BE REZONED FROM C-1 TO I-2



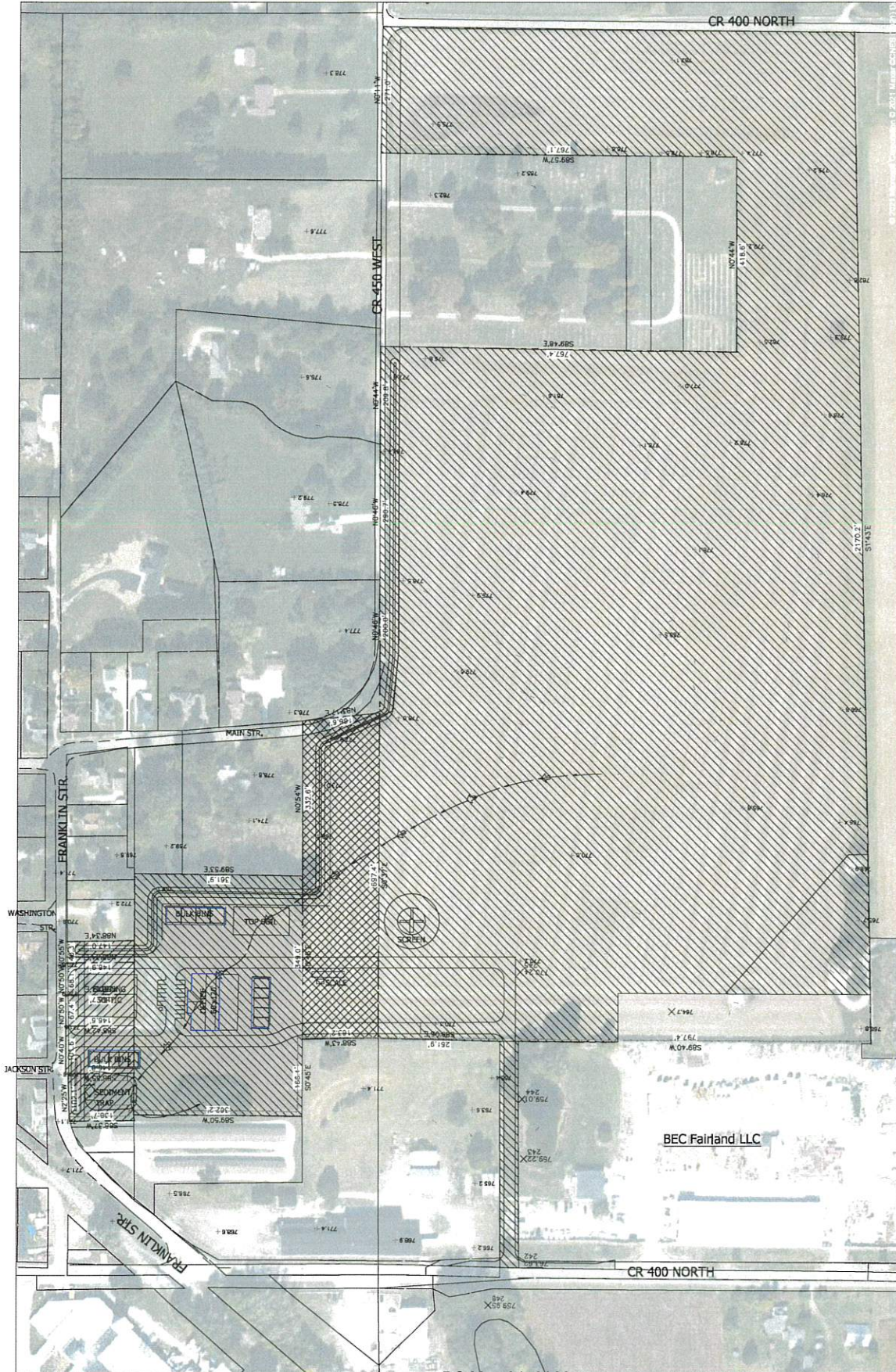
4.288 ACRES TO BE REZONED FROM C-2 TO I-2



2.600 ACRES TO BE REZONED FROM I-2 TO I-2



44.437 ACRES TO BE REZONED FROM I-1 TO I-2



Fairland Landscape Supply Company
CONCEPT SITE PLAN
REZONING APPLICATION

CR 400 West & 450 North - FAIRLAND, INDIANA
PROPOSED COMMERCIAL / INDUSTRIAL DEVELOPMENT

C.02
ALLEN CONSULTING SERVICES
NASHVILLE, INDIANA

Property Details

Location: 9377 N Frontage Rd,
Fairland, Moral Township.

Property Size: 8.08-acres.

Current Land Use: Single-Family
Residential.

Current Zoning Classification
M2 (Multiple-Family Residential)
*This district is established for apartment
complexes, row houses, and townhouses.*

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
Industrial
*The purpose of this category is to provide
for a full range of light and heavy
industrial uses. Types of uses include
manufacturing, processing, distribution
and storage. The designation should
accommodate a variety of industrial
establishments which:*

- *Employ high environmental quality standards*
- *May function as an integral part of an overall development area*
- *Require large tracts of land because of their nature and function*
- *Have minimal impacts on adjacent uses*

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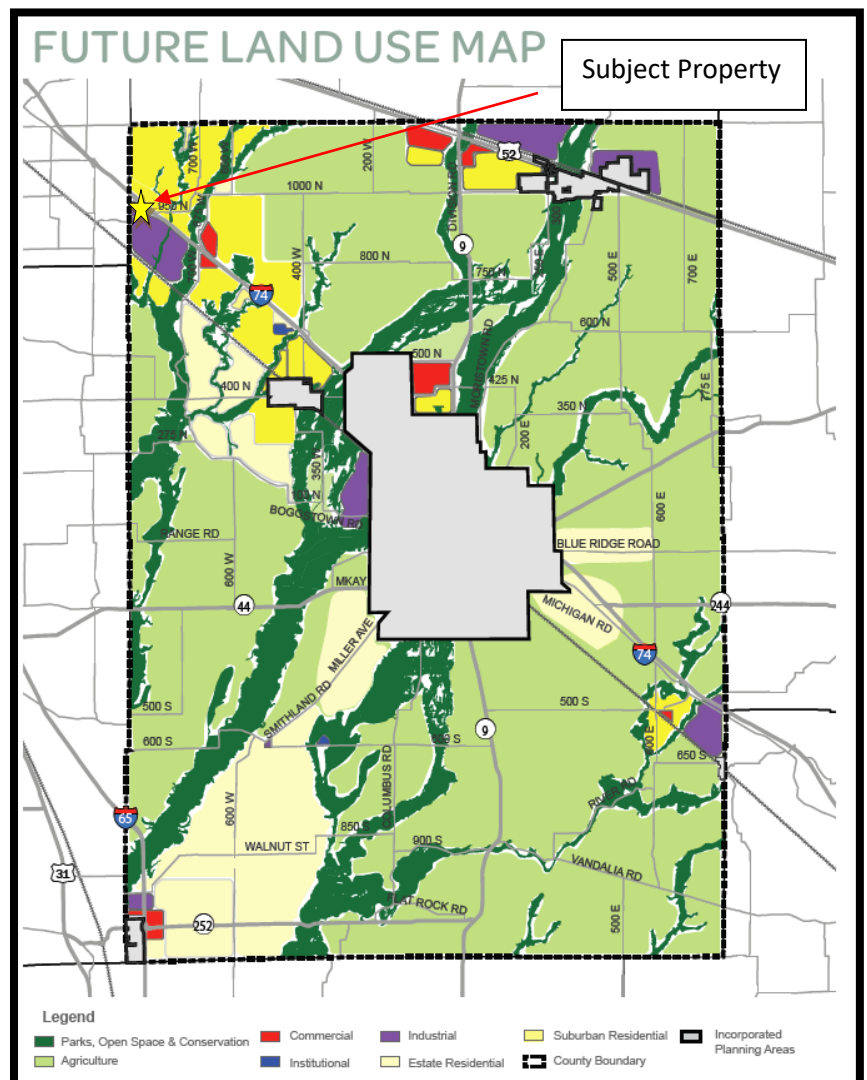
Staff Report

Case Number: RZ 22-12
Case Name: QuikTrip Corporation Rezoning -
M2 (Multiple-Family Residential) to C2
Highway Commercial)

Request

Rezoning of 8.08-acres from the M2 (Multiple-Family Residential) District to the C2 (Highway Commercial) District to allow for development of a Travel Center.

Future Land Use Map



Property Details

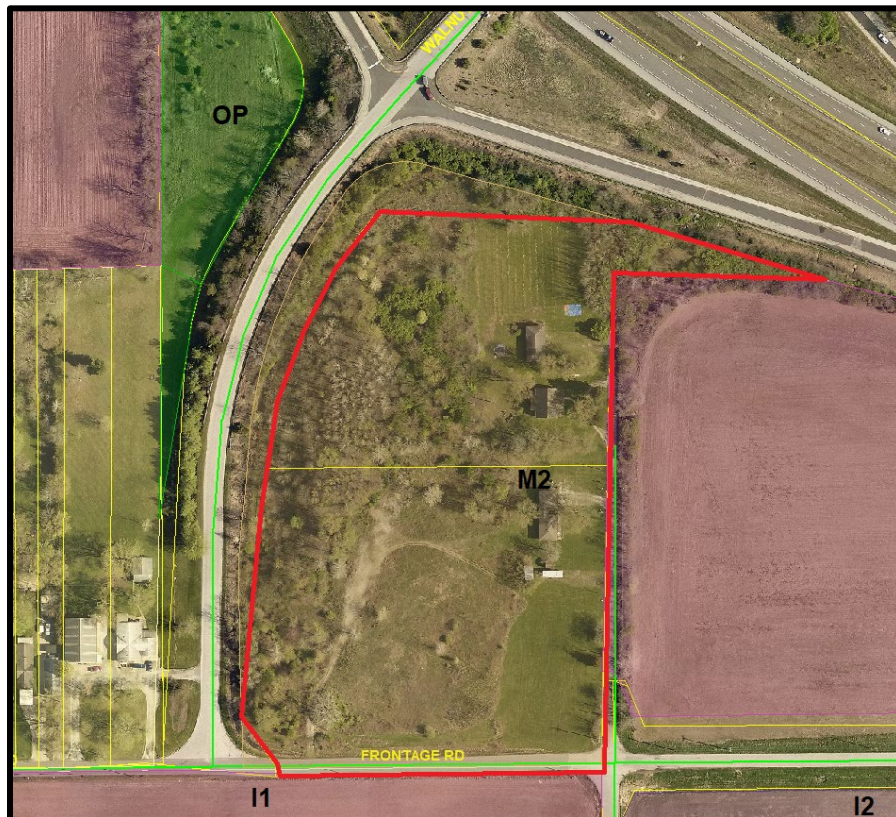
Focus Area #1- Northwest Corner

1. *Cooperate with Indy MPO for project inclusion and future funding applications.*
2. *Build County partnerships for future development potential- focus on residential and commercial opportunities utilizing non-prime farmland and suitable soil conditions as development opportunities.*
3. *Target residential, commercial, and industrial development near existing interchanges.*
4. *Take advantage of the gateway opportunity into Shelby County; utilize this portion of the county as a highly visible marketing opportunity for Shelby County and its communities.*
5. *Encourage the extension of public water & sewer facilities to this area.*
6. *Take advantage of the opportunities associated with the floodplain and encourage floodplain mitigation in areas targeted for development.*

Surrounding Development

	Zoning	Land Use
North	NA	I-74
South	I1	Cropland (Proposed light industrial development) & HIS - contractors office & yard
East	I1	Cropland (Central Crane - proposed equipment rental facility)
West	OP/R1	Open Space / /Single-Family Residential

Property Map



Case Description

Case Overview

- The petitioner seeks to rezone the property to C2 to allow for development of a new QuikTrip Travel Center, its first location in Indiana. The QuikTrip website states: *QuikTrip Corporation is a privately held company headquartered in Tulsa, Oklahoma. Founded in 1958, QuikTrip has grown to a more than \$11 billion company with more than 900 stores in 14 states. Those revenues place QuikTrip high on the Forbes listing of largest privately held companies. With over 24,000 employees, Fortune has ranked QuikTrip on the list of Best Companies To Work For for fourteen years. QuikTrip also gives back to the communities it serves, donating 5% of net profits to charitable organizations.* The petitioner notified the Plan Commission office in April of 2022 of their intent to file a rezoning to allow for the proposed use.
- The petitioner indicated that the Travel Center would provide retail, automobile, and trucking services; however, the building would not include showers and the site would be monitored to prevent overnight parking of trucks and automobiles.
- The UDO permits automobile-oriented businesses and medium and high intensity retail uses in the C2 District. The property complies with all lot dimension standards applicable to the C2 District.

Site Development

- Proposed development includes a 7,318 sq. ft. convenience store, twenty (20) gas pumps under a gas pump canopy, seventy-two (72) automobile parking spaces, fifteen (15) truck parking spaces, truck scale, trash enclosure, stormwater detention, high-rise sign, and entrances onto Walnut St. and Frontage Rd.
- The Site Plan submitted with the rezoning application will require approval of variances from the Board of Zoning Appeals to allow the gas canopy in the front yard and for the high-rise sign. Staff plans to recommend a stipulation of variance approval that the petitioner relocate the gas canopy to the side of the building to present the facade of the building as the visual focal point of the development.
- The property *does not* lie within a Federal Emergency Management Agency (FEMA) designated Flood Hazard Area per 2014 effective map Panel 18145C0015C. Indiana Department of Natural Resources (IDNR) flood data indicates that the ground level of the site is above the base flood elevation.
- Soils and fill material currently present on the site may render portions of the property unsuitable for development. Per UDO Section 5.22, development may occur on these portions of the property if an engineered site plan is submitted and approved by the Technical Advisory Committee.
- Development and use of the site must comply with all Indiana Department of Environmental Management (IDEM) regulations and County Environmental Regulations (see attached UDO Sec. 5.22 Environmental Standards). Staff will request that the petitioner submit all applicable IDEM site development approvals to the Technical Review 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 Drainage Board 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.

Transportation Facilities and Utilities

- The property is located within the Shelby County Northwest Economic Development Area (EDA) and Tax Increment Financing District (TIF). Establishment of the TIF will capture incremental real property tax within the EDA to fund utility and road improvements currently under construction in the EDA.
- Planned utility providers include the following – Electric: Rush Shelby Energy, Sanitary Sewer: Citizens Energy, Water: Citizens Energy, Gas: Citizens Energy, Fiber Optic: Lumen Technologies, Telephone: AT&T.
- The Country has begun improvements to Frontage Rd. and plans to upgrade the intersection of Frontage Rd. and Walnut St. in the fall of 2022. The engineer of the road improvement projects has reviewed and granted preliminary approval of the location of the access driveways proposed for the site. The access driveways also currently comply with the minimum driveway separation from an intersection requirement identified in the UDO. The petitioner may need to adjust the location of the access driveways dependent on the final plans for the Walnut St. / Frontage Rd. intersection improvement.

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**
- 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**

Development of a travel center would support the industrial development recommended for the area by the Comprehensive Plan. Development of a travel center would provide a needed retail, automobile, and trucking related service to employees and visitors of adjacent industrial development, truck drivers involved in the shipping and delivery of goods to adjacent industrial development, and the traveling public utilizing I-74.

Proposed industrial development to the south and east of the property and the interstate adjoining the north property line, and smaller size of the property in relation to adjacent industrial properties, render the property most desirable for commercial use. However, the Plan Commission should consider any relevant concerns regarding nuisance impacts expressed by the adjacent residential property owner to the west when considering stipulations of rezoning approval.

The property is located within the Shelby County Northwest Economic Development Area. The County has established these areas to allow for the extension of water and sewer utilities and to attract development to the northwest portion

of the County near the I-74 / Pleasant View Interchange. The County has begun road improvements and installation of utilities to support the development.

Development of the property would require approval of State and Local permits and drainage facilities. State and local environmental codes grant the State and County enforcement authority for violation of environmental codes. The property does not lie within a FEMA designated Flood Hazard Area. Therefore, development of the property would not have an adverse environmental impact or impact development of adjacent property for industrial use.

Staff Recommendation

Development of a travel center would support the industrial development recommended for the area by the Shelby County Northwest Economic Development Area and Comprehensive Plan. The County has funded and begun the necessary road and utility improvements to service commercial development of the property. State and County environmental regulations would apply to development and use of the property.

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

1. At least one (1) canopy tree per fifty (50) lineal feet of frontage shall be installed along the length of the property that abuts Frontage Rd. and Walnut St. Any existing tree to be maintained along a roadway with a caliper measurement of over twelve (12) inches may be substituted for a required tree.
2. Development of the site shall be consistent with the Site Plan submitted with the rezoning application (Site Plan (Prelim) Sheet 1 dated 11/01/21). The number of gas pumps, truck parking spaces, and automobile parking spaces shall not exceed the numbers indicated on this plan. The Zoning Administrator shall have the discretion to require Plan Commission approval of any modification to the site plan.

Applicant/Owner Information

Applicant:	QuikTrip Corporation 952 Old Peachtree Rd. NW Lawrenceville, GA 30043	Owners:	Travis D. VanWinkle 9377 N 850 W Fairland, IN 46126	Megan Mathews 2707 S Ferguson Rd. Indianapolis, IN 46239
Applicant's Attorney:	Peter G. DePrez 24 E Polk St. Shelbyville, IN 46176	Project Engineer:	Christopher King 144 E. Rampart St. Shelbyville, IN 46176	

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

Environmental Standards (EN)

5.22 EN-01: General Environmental Standards

This Environmental Standards section applies to the following zoning districts:



The intent of the Environmental Standards is to protect people from inadvertently building on land that is not suitable, stable, or safe for structures or occupancy; and discourage alteration to environmentally significant or unique features. The intent is also to prevent water, air and soil pollution that could harm the public. The following standards apply:

- A. Cross Reference: Sections 5.76 thru 5.78 Storage Tank Standards.
- B. Prohibitive Geology: A lot or portions thereof shall be unsuitable for structures when it contains any of the characteristics listed below. Structures may be permitted if an engineered site plan is submitted and approved by the Technical Advisory Committee. Such engineered site plan shall show and commit to adequate measures for erosion control; minimum site disturbance; soil stability for structural load; storm water management; aesthetic treatment of engineered structures; and final landscaping.
 - 1. Slope: Pre-development or post development slopes greater than twenty-five percent (25%).
 - 2. Rock: Adverse rock formations.
 - 3. Soil: Adverse soils.
 - 4. Stability Limitations:
 - a. Has a low loading rate;
 - b. Has a low weight-bearing strength; or
 - c. Has any other feature which will significantly accelerate the deterioration of a structure or significantly reduce the structure's stability.
- C. Air Quality: No use shall discharge fly ash, dust, smoke, vapors, noxious toxic or corrosive matter, or other air pollutants in such concentration as to conflict with public air quality standards or be detrimental to humans, animals, vegetation, or property, except as allowed by open burning laws in the County and State of Indiana.
- D. Soil and Water Quality:
 - 1. Erosion Control:
 - a. Project Applicability: While the following standards apply to all development projects, those that involve the disturbance of one acre or more of land shall be required to submit an Erosion and Sediment Control Plan and obtain a Rule 5 Permit from the local soil and water conversation office.
 - b. Off-site: Sedimentation in adjoining surfaces, drainage systems, and watercourses caused from the development of a lot or use shall not be permitted. If such sedimentation occurs, it shall be the responsibility of the owner of the developed lot or use to remove the sedimentation.
 - 2. Fill: All fill materials shall be free of environmentally hazardous materials, and the Zoning Administrator may request representative samples of the fill for testing purposes.
 - 3. Production: No use shall produce pollutants in such a quantity as to pollute soils, water bodies, adjacent properties, or conflict with public water standards.
 - 4. Storage: No use shall accumulate within the lot or discharge beyond the lot lines any waste, debris, refuse, trash, discarded construction materials, discarded appliances, scrap metals, or rotting wood that are in conflict with applicable public health, safety, and welfare standards unless expressly permitted by the Unified Development Ordinance.
 - 5. Disposal: No waste materials such as garbage, rubbish, trash, construction material, gasoline, oil, flammables, soils, tars, chemicals, greases, industrial or agricultural waste, or any other material of such nature, quantity, obnoxiousness, toxicity, or temperature that it may contaminate, pollute, or harm the waters or soils shall be deposited, located, stored, or discharged on any lot unless expressly permitted by the Unified Development Ordinance.
- E. Stormwater Management: Stormwater shall be subject to the Shelby County Stormwater Management Ordinance.

STATEMENT OF INTENT

The Applicant, QuikTrip Corporation, is seeking to rezone approximately 8.08 acres consisting of two (2) tracts of land located at 9377 N 850 W, Fairland, Indiana and 9413 N 850 W, Fairland, Indiana, being Tax Parcel Nos. 73-01-14-300-017.000-013 and 73-01-14-300-019.000-013 (the “Subject Property”) to a C-2 designation. The Subject Property is currently zoned M-2. The Applicant is seeking to rezone the Subject Property to C-2 to allow for the development of a new QuikTrip Travel Center. Subject Property is presently used for residential purposes and is bordered on the west by the Pleasant View interchange; on the North by I-74; on the east by the new location for All Crane and across the road to the south is the new location of HIW.

The Subject Property is an ideal location for the development of a QuikTrip due to its proximity to the Pleasant View exit ramp. Attached to the Application are three versions of the Site Plan, one of which shall be utilized by the Applicant.

APPLICATION FOR REZONING

FINDINGS OF FACT

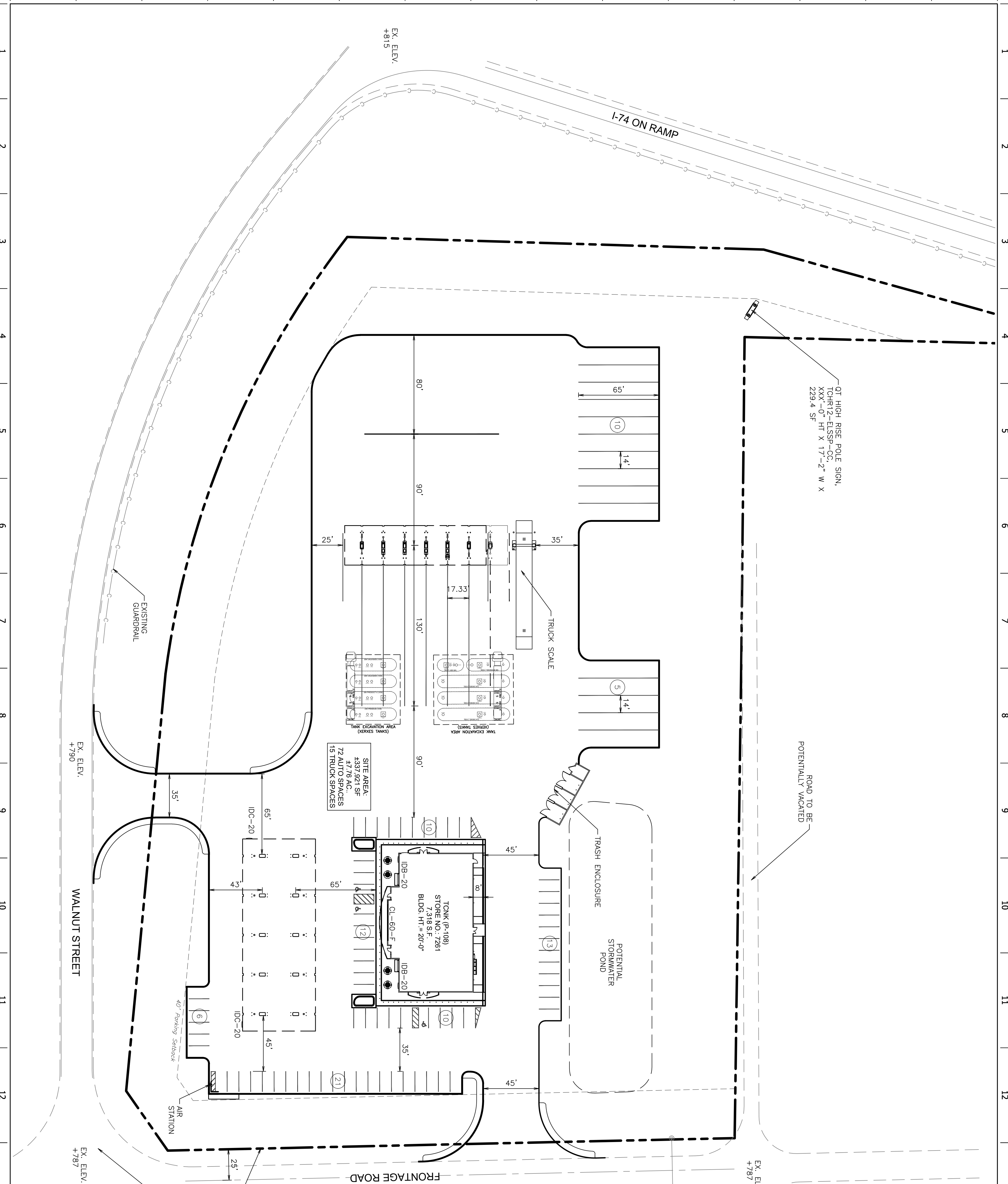
The applicant (or their representative) must fill out the findings of fact on the following pages. The Plan Commission may review the applicant's findings of fact to assist with their decision-making process. Please see fellow the general guidance related to completing the findings of fact.

Applicant: QuikTrip Corporation

Case #: RZ21-

Location: West of 850W, East of Walnut Street, & North of Frontage Road, located at 9377 & 9413 North 850 West, Moral Township

1. The request **is** consistent with the Shelby County Comprehensive Plan because: the site is under the Indianapolis Metropolitan Planning Organization, is located near a main transportation corridor including the Pleasant View interchange and is projected for industrial and commercial development for the specific reasons set forth in the Comprehensive Plan and under the Future Land Use map adopted. Development of industrial facilities are planned or have begun on most adjacent properties. Development of the property for commercial use would not conflict with current or future development in the area.
2. The request **is** consistent with the current conditions and the character of structures and uses in each district because: although there are agricultural and residential uses in the area, the site is near existing uses of similar nature including Five Below. Tracts within the general area are being planned for industrial and commercial uses.
3. The request **is** consistent with the most desirable use for which the land in each district is adapted because: as set forth in the Comprehensive Plan, the site is selected under Chapters 3, 6 and 8 to be utilized as commercial and industrial in order to accomplish the goals and action plans established under each Chapter for the Comprehensive Plan.
4. The request **is** consistent with the conservation of property values throughout the jurisdiction because: as set forth in the Comprehensive Plan, Chapter 9, the recommendations under the Comprehensive Plan is to preserve agricultural resources (NR1.3); sets forth best soils for development (NR2.4); sets forth plans for efficient and effective road systems (TS1.1); encourages development on the I-74 corridor (UI2.6); promotes development per the Future Land Use map (LU1.2, 3 and 5); and based upon the identification of commercial and industrial development locations (ED2.3).
5. The request **is** consistent with responsible growth and development because: the request follows and fulfills the goals and vision established under the Comprehensive Plan as set forth under Chapter 1; helps protect prime agricultural ground by locating commercial and industrial uses in specified areas as recommended under Chapters 3 & 6; utilizes areas along a transportation corridor under Chapter 5; concentrates business, commercial and industrial growth to that area reflected in the Comprehensive Plan around the Pleasant View interchange under Chapter 7 and is a focus area under Chapter 8 & 9.



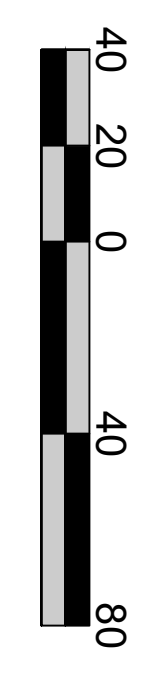
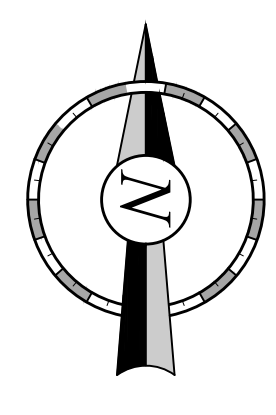
SITE LEGEND	
	BOUNDARY LINE
	CONCRETE CURB AND GUTTER
	MOUNTABLE CURB W/ RADIUS PROTECTOR
	PARKING SPACE INDICATOR
	AREA LIGHT
	MULTIPLE PRODUCT DISPENSER WITH CANOPY
	COLUMNS AND BOLLARDS
	TRANSFORMER
	FUEL SYSTEM ACCESS MANWAY

PARKING REQUIREMENTS:
 USE: AUTO GAS STATION W/ CONVENIENCE STORE
 MIN: 3 SPACES PER DOUBLE-SIDED PUMP FOR REFUELING AND STAGING; AND 1 SPACE PER 3 RESTROOM SEATS; AND 1 SPACE PER 200 SF OF CONVENIENCE STORE SPACE; AND 1 SPACE PER EMPLOYEE ON THE LARGEST SHIFT
 7,318 SF / 200 = 36.59 (37) SPACES
 TOTAL REQUIRED:

ZONING:
 CURRENT: M2 (MULTI-FAMILY RESIDENTIAL)
 *REZONE TO ALL TO C-2 (HIGHWAY COMMERCIAL) IS REQUIRED

SITE ACCESS POINTS SUBJECT TO FUTURE INTERSECTION IMPROVEMENT PROJECT AND TRAFFIC STUDY RECOMMENDATIONS

APPROXIMATE LOCATION OF FUTURE RIGHT OF WAY AFTER 25' DEDICATION
 FUTURE INTERSECTION IMPROVEMENT PROJECT



PROJECT NO.: #####

FREELAND and KALFFMAN, INC.
 Engineers & Landscape Architects
 220 West Stone Avenue
 Greenville, South Carolina 29609
 864-239-5497

QuikTrip No. 7261
 WALNUT STREET
 SHELBY COUNTY, IN

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PROTOTYPE: P-108 (11/01/21)
 DIVISION: 001
 VERSION: 001
 DESIGNED BY:
 DRAWN BY:
 REVIEWED BY:

REV	DATE	DESCRIPTION

ORIGINAL ISSUE DATE:

SHEET TITLE:
SITE PLAN (PRELIM)

SHEET NUMBER:
1