Shelby County Plan Commission

June 23, 2020 at 7:00 PM

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MEETING AGENDA

Shelby County Plan Commission June 23, 2020 at 7:00 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the May 26, 2020 meeting.

NEW BUSINESS

RZ 20-07 –MATTHEW & ANGELA SETTLES / SETTLES ROLLING HILLS REZONING: Rezoning of 9.035 acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for a one-lot Simple Subdivision. Located north of and adjoining 3983 S 600 E, Waldron, Liberty Township.

SD 20-05 –MATTHEW & ANGELA SETTLES / SETTLES ROLLING HILLS SIMPLE SUBDIVSION: Onelot Simple Subdivision. Located north of and adjoining 3983 S 600 E, Waldron, Liberty Township

RZ 20-08 –**BRC LAND HOLDINGS, LLC REZONING:** Rezoning 16.7 acres from the A1 (Conservation Agricultural) District to the I2 (High Intensity Industrial) District to allow for a contracting office and outdoor storage of contracting equipment. Located at the southeast corner of Frontage Road and N 850 W, Moral Township.

OLD BUSINESS

RZ 20-05 –**LAMB REZONING:** Rezoning of 1.584 acres from the RE (Residential Estate) District to the R1 (Single-Family Residential) District to allow for a two-lot Simple Subdivision. Located at 6801 W 500 N, Fairland, Moral Township.

SD 20-01 – **JORDAN SIMPLE SUBDIVSION:** Two-lot Simple Subdivision & Waivers of Subdivision Design Standards. Located at 4450 W 300 N, Fairland, Brandywine Township.

RZ 20-04 – SUTHERLAND REZONING: Rezoning of 7.85 acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for three single-family residential building lots. Located at approximately 4498 W 800 N, Fairland, Moral Township.

SD 20-04 – SUTHERLAND SIMPLE SUBDIVSION: Three-lot Simple Subdivision & Waivers of Subdivision Design Standards to allow two lots having 25-feet of road frontage (minimum 160-feet required) and to allow for a buildable remaining tract for <u>four (4) building lots total</u> (maximum of 3 building lots permitted for Simple Subdivisions). Located at approximately 4498

W 800 N, Fairland, Moral Township.

None.

ADJOURNMENT

The next regular meeting of the Shelby County Board of Zoning Appeals is scheduled for Tuesday, **July 28**, **2020** at **7:00 PM**.

Due to COVID-19 only 25 people will be allowed in the meeting room at any one time. Meeting attendees should maintain a 6-foot separation from any other person. If the meeting room has reached the 25-person capacity, members of the public should check in with the Plan Commission staff and wait outside of the building until your petition of interest is called up for public hearing.

Property Details

Location: North of and adjoining 3983 S 600 E, Waldron, Liberty Township

Property Size: 9.035 acres

Current Land Use: Cropland

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

Proposed Zoning Classification RE (Residential Estate)

This district is established for single-family detached dwellings in a rural or country setting. Use this zoning district for existing developments and carefully for new residential development. Large subdivisions on well and septic systems are not favored.

Future Land Use per Comp Plan Agricultural

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

Surrounding Development

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

Staff Report

Case Number: RZ 20-07 / SD 20-05

Case Name: Settles Rezoning – A1 (Conservation

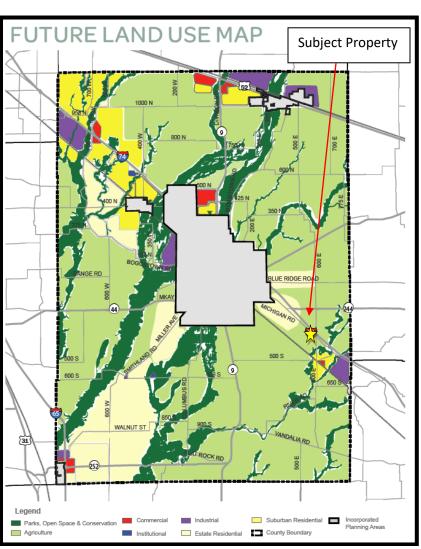
Agricultural) to RE (Residential Estate) & Settles Rolling Hills Simple Subdivision

Requests

Rezoning of 9.035 acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for a one-lot Simple Subdivision.

Simple Subdivision to allow for subdivision of 9.035-acre lot from a 95.56-acre parent tract.

Future Land Use Map



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Property Map



Case Description

- Approval of the requests would allow for the development of one single-family residential lot.
- The petitioner proposes to subdivide the property from a 95.56-acre tract currently used for crop production.
- The proposed lot has the road frontage required for properties within the RE District. However, Rhulman's Ditch and elevation variations along the road frontage would pose a difficulty in accessing the property. Therefore, the petitioner plans to record an easement to access the property from Michigan Rd. through the farm field north of the property.
- The southeast corner of the property sits within a floodway designated by DNR's Best Available Data. State regulations and the UDO do not permit construction of dwellings within a designated floodway.
- The USDA Soil Survey identifies most of the property as 'Prime Farmland if Drained' and 'Prime Farmland if protected from flooding or not frequently flooded during the growing season'.

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:

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

The surrounding area includes single-family residences in a rural setting. Development of a 9.035-acre lot with a single-family residence would not conflict with the rural character of the area.

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

Per the USDA Soil Survey, saturated soils and flooding during the growing season restricts agricultural production. Therefore, transition of the property to residential use is desirable.

3. The Conservation of Property Values throughout the Jurisdiction

Development of the property with a single-family residence would likely increase the value of the property.

4. Responsible Development and Growth

Approval of the rezoning would allow for transition of the property to a residential use consistent with the rural character of the area and on land not suitable for agricultural production.

5. The Comprehensive Plan

The Agricultural Land Use Designation discourages new subdivisions in agricultural areas that would remove prime farmland from production and discourages residential development that exceeds one lot per five acres. Approval of the request would not remove prime farmland from production and would not exceed a residential density of one lot per five acres. Therefore, approval would not conflict with the Agricultural Future Land Use Designation of the Comprehensive Plan.

Staff Recommendation

APPROVAL of the Rezoning & Simple Subdivision primarily because development of the property would not remove prime farmland from production.

Applicant/Owner Information

Applicant: Matthew & Angela Settles

4614 E SR 244

Shelbyville, IN 46176

Owner: Same

Surveyor: Scott T. Sumerford

3149 N Riley Hwy. Shelbyville, IN 46176

The East Half of the Southeast Quarter of Section 19, Township 12 North, Range 8 East, containing 80 acres, more or less following described portion thereof:
Beginning at the South east corner of said quarter section and running 236 feet North to a Beginning Point; thence North West 32 feet; thence South 16 feet; thence East 32 feet to the Place of Beginning. Containing in the parcel herein describ more or less. An easement for ingress and egress being a strip of ground Twenty-five (25) feet wide located in the southeast quarter of (19), Township Twelve (12) North, Range Eight (8) East, Liberty Township, Shelby County, Indiana, said easement being a #12N8E19-20-026 by Scott T. Sumerford, RLS#29800017, certified June 23, 2020, the sidelines of said easement being shorten to begin from the north line of a certain 9.035 acre tract and terminating in the centerline of Michigan Road, the measuring Twelve and a half (12.5) feet on either side of the following described centerline: Beginning at the southeast corner of the southeast quarter of said section 19-12-8, said point being marked by a magnail over a Shelby County Surveyor Monument; thence along the south line of said quarter section, South 88°22'44" West (basis of bearings being Indiana State Plane East Zone) 820.00 feet to a capped rebar stamped "S. Sumerford 29800017"; thence parallel to the east line of said quarter, North 00°57'33" West 480.00 feet to a capped rebar stamped "S. Sumerford 29800017"; thence parallel to the south line of said quarter, North 88°22'44" East 820.00 feet to a magnail and washer stamped "S. Sumerford 9800017" on the east line of said quarter; thence along said east line, South 00°57'33" East 480.00 feet to the point of beginning, containing 9.035 acres. We, Matthew D. Settles and Angela M. Settles of Shelby County, Indiana, do hereby certify that we are the owners of the in the above captioned and that as such owners have caused the property to be surveyed and subdivided as shown on th as our own free and voluntary act and deed. Thence North 26°06'11" East 69.40 feet; thence North 02°29'39" East 385.46 feet; thence North 00°57'52" West 107 less to the centerline of Michigan Road and the point of termination of the herein described easement. Commencing at the southeast corner of the southeast quarter of said section 19-12-8, said point being marked by a mag County Surveyor Monument; thence along the east line of said quarter section, North 00°57'33" West (basis of bearings I Plane East Zone) 480.00 feet to a magnail and washer stamped "S. Sumerford 9800017" at the northeast corner of said tract; thence along the north line of said tract, South 88°22'44" West 294.18 feet to the point of beginning of the herein Part of the southeast quarter of Section Nineteen (19), Township Twelve (12) North, Range Eight (8) East, Liberty Township, Shelby County, Indiana, being part of survey Job #12N8E19-20-026 by Scott T. Sumerford, RLS#29800017, certified June 23, 2020 and being more particularly described as follows: Beginning at the Southeast corner of the southeast quarter of Section 19, Township 12 North and Range 8 East and runn to a Beginning Point; thence North 16 feet; thence West 32 feet; thence South 16 feet; thence East 32 feet to the Place containing 512 square feet. All that part of the following described real estate which lies South of the PLAN COMMISSION APPROVAL Given under my hand and notarial seal this State of Indiana to Settles Rolling Hills, LLC RECORD DESCRIPTION OF PARENT TRACTS arranty Deed strument No. 2011009271, Recorded December ınningham Gardens, Inc. to me to be the same person whose name is subscribed to the above certificate appeared before me this day in person that they signed the above certificate as their own free and voluntary act and deed for the uses and purposes therein set rded De ning 236 feet North of Beginning, h 16 feet; thence ibed 70 1/2 acres, gnail over a Shelby being Indiana State d 9.035 acre d descrlbed f Section Nineteen part of survey Job g lengthened or easement s, EXCEPT the property described e hereon drawn plat, .59 feet more or BASIS OF BEARINGS:
INDIANA STATE PLANE GRID
(EAST ZONE 1301)
SCALE: 1 INCH = 100 FEET EAD SIMPLE FINAL PLAT FOR [40 chains D C The southeasterly corner of the clients 95.6 acre farm is being subdivided for the purpose of cothe construction of a new dwelling. -The subject property <u>does</u> not lie within a special flood hazard area per effective FEMA Flood Insurance Rate Map, Panel Number 18145C0210C which is within a Zone X, area of minimal flood hazard. The southeasterly portion of the subject property <u>does</u> lies within the 2019 Indiana Best Available Floodplain layer as indicated on the attached drawing. An approximate flooding elevation of 816 feet was obtained from the Indiana DNR Floodplain Information Portal for the proposed house location. This is an Indiana DNR Zone A study for the unnamed tributary to Conns Creek. (Rhulman's Ditch) 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: Access to Lot 1 is proposed down a 25 foot wide ease of direct access off of County Road 600 East. NOTES
- The subject property is being rezoned to RE (Residential Estate) from an A1 (Conservation Agricultural) zoning. DATE: June 23, 2020 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. Proposed Lot 1 actually consists of two parcels. There is a record 32 foot by 16 foot parcel over a gas well near the mid east line of the lot. This parcel is being incorporated into the proposed division for the benefit of eventual owner of Lot 1 The property is tied to the east and south sides of section 19 with the aliquot lines being determined as indicated on drawing. Uncertainty in these original quarter lines is estimated at 5 feet or less based on past perpetuation efforts. The north line of the parent parcel is defined as "all that estate south of US 421 centerline". This centerline was needed for the termination point of the proposed access easement and was approximately calculated based upon the 1928 No146SecA project for the Shelbyville and Greensburg Road. The visible centerline seam in the underlying concrete pavement was best fitted with the alignment. There are no existing or created title discrepancies between the proposed lot and the surrounding title holders. There was no visible occupation along the south side of the subject lot, except for some board fencing further to the west. The north and west sides of Lot $\bf 1$ was established near the current farm field edges as a logical breaking point. Relative positional accuracy of measurements Clarity or ambiguity of record descriptions Availability and condition of reference monuments. Occupation or possession lines INDICATES RECORD DIMENSION 5/8" REBAR WITH PLASTIC CAP STAMPED "S. SUMERFORD LS29800017" SET AT GRADE SECTION CORNER PERPETUATED ON CURRENT SHELBY COUNTY SURVEYOR TIE SHEETS Scott T. Sumerford INDIANA STATE PLANE GRID COORDINATE VALUE SCALE FACTOR = 0.9999314 DATUM: NAD83(2011) Registration Number: 9800017 and shall have a 6 inch N 00.27,33, W 480.00 PRO FORMA SURVEY
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PRELIMINARY COPY IN ACCORDANCE W Jason B. & Jodi L. Pike
Jason B. & Deed
Jason B. & Deed
Warranty Deed
Instrument #2016001315
Instrument #2016001315
Recorded March 24, 2016
IN PARCEL# 73-12-30-200-002.000-011
IN PARCEL# 73-12-30-200-002.000-011 **LOT 1** 9.035 ACRES HIIM PROPOSED 25' WIDE INGRESS AND EGRESS EASEMENT Metal Sided Barn anizing Right of Way Line OUNTY ROAD 600 EAST 2 00.23,22 E 500.82, 1/4 section length RHULMAN'S JOB LOCATION

PART OF THE SOUTHEAST QUARTER OF
SECTION 19, TOWNSHIP 12 NORTH,
RANGE 8 EAST, LIBERTY TOWNSHIP,
SHELBY COUNTY, INDIANA ORIGINAL DRAWING SIZE SHEET 1 0F 1 W **CLIENT** SCOTT T. SUMERFORD LAST DATE OF FIELDWORK May 12, 2020 **CERTIFICATION DATE** June 23, 2020 **Matthew Settles** JOB NUMBER 12N8E19-20-026 LAND SURVEYING DUNDAF NOTES/REVISIONS 4614 E State Road 244 SHEET URV 3149 NORTH RILEY HIGHWAY NONE TO DATE Shelbyville, IN 46176 **SHELBYVILLE, IN 46176-9462** BUSINESS PHONE (317) 401-6050 **PROJECT** M I AFFIRM, UNDER THE PENALTIES FOR PERJURY THAT I HAVE TAKEN REASONABLE CARE TO Indiana Registered Surveyor No. 29800017 Subdivision of a 9 acre residential tract from REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW ARCH D the southeast corner of the Settles farm, Copyright © 2020 by Scott T Sumerford This document is only considered an original copy if an inked seal and original signature is affixed. for conveyance and a proposed dwelling. Prepared By: Scott T. Sumerford

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Property Details

Location: Southeast corner of Frontage Road and N 850 W, Moral

Township

Property Size: 16.7 acres

Current Land Use: Cropland

Current Zoning Classification A1 (Conservation Agricultural)

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

Proposed Zoning Classification I2 (High Intensity Industrial)

This district is established for high intensity industrial uses and heavy manufacturing facilities.

*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

Surrounding Development

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

Staff Report

Case Number: RZ 20-08

Case Name: BRC Land Holdings, LLC Rezoning

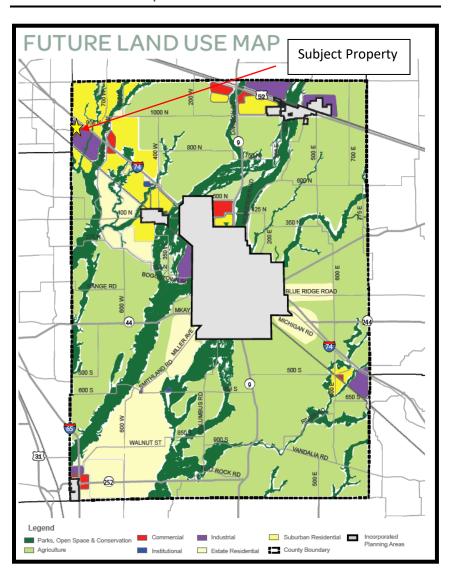
A1 (Conservation Agricultural) to I2 (High

Intensity Industrial)

Request

Rezoning of 16.7 acres from the A1 (Conservation Agricultural) District to the I2 (High Intensity Industrial) District to allow for a contracting office and outdoor storage of contracting equipment and materials.

Future Land Use Map



Property Map



Case Description

- The petitioner plans to develop the property for use as the corporate and operational headquarters of a contracting company. The company, HIS Group LLC, consists of a Union highway, bridge and site work contracting division, a Union environmental and emergency response contracting division, and a management unit which performs the administrative, sales and accounting functions for the two contracting divisions.
- The UDO permits General Contractor Offices and Outdoor Storage in the I2 District.
- The proposed development would include a 9,100 sq. ft office with attached 7,000 sq. ft. shop, 15,400 sq. ft. warehouse, 81-space office parking lot, truck access lot, mounding along 850 W, perimeter fence around a 7.5-acre outdoor storage area, and detention pond. The company may expand the office, shop, and parking lot in the future.

- The office parking lot would have access from frontage road and approximately 30 vehicles would utilize the parking lot per day. The truck access lot would have access from 850 W and approximately 25 pickup trucks and medium trucks would utilize the entrance per day. Semi-trucks that typically haul the company's equipment would also utilize the 850 W entrance.
- Outdoor storage would include heavy equipment when not used on job sites, wood forms, lumber, pilings, pipe and structures, miscellaneous steel, concrete barrier wall, and similar contracting materials.
- The UDO requires screening of outdoor storage on industrial properties, specifically: when adjacent to a public street, outdoor storage of vehicles, equipment, product, supplies, materials, waste or scrap, pallets, and the like shall be effectively screened on all sides with a minimum six (6) foot privacy or security fence, at least ten (10) feet from the property line. The ten (10) foot area immediately outside the fence shall be landscaped with trees (one per fifty (50) lineal feet of fence) and shrubs (one per thirty (30) lineal feet of fence). Industrial screening and standards enhance the visual quality of developments and enhance community character.
- The UDO also requires a significant amount of lot landscaping. Landscaping standards enhance the visual quality of developments, maintain community character, define the edges of streets for vehicular safety and flow, minimize storm runoff, and improve air quality.
- The Site Plan Committee, which consists of the Planning Director, Building Inspector, County Surveyor, Health Department Environmental Technician, and a representative from the Drainage Board will review a detailed site plan prior to issuing construction permits.

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

Staff Analysis:

- Development of the property would require approval of State and Local permits and drainage facilities. Therefore, development of the property would not impact continued use of adjoining property for agricultural production.
- Several properties within a mile of the site include industrial development or have been rezoned for industrial
 development. Therefore, development of the property for industrial purposes would not conflict with the character
 of the area.

- Use of the property for an industrial use that involves frequent delivery and shipment of materials is desirable due to the proximity of the property to the I-74 / Pleasant View Interchange.
- Approval of the rezoning and development of the property would likely attract additional industrial development to the area. Developing the area for industrial uses would promote economic development throughout the jurisdiction.
- Application of the current industrial use screening and landscaping standards identified in the Unified Devleopment Ordinance would enhance the visual quality of development and enhance community character.
- The Comprehensive Plan recommends Industrial Use of the property. The development would utilize screening and landscaping and would not necessitate improvements to the public road, and therefore would function as an integral part of the overall development area of the I-74 / Pleasant View Interchange and have minimal impact on adjacent properties.

Staff Recommendation

The quality of development will set a precedent for future commercial and industrial development at the I-74 / Pleasant View interchange. The Plan Commission should give careful consideration of the nature of the use, aesthetic quality of the development, and impacts on public roads and utilities prior to making a recommendation.

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

- 1. The property shall not be used for recycling processing, sewage treatment, or outdoor storage of materials unrelated to the proposed contracting company.
- 2. Development of the site inconsistent with the Site Plan submitted with the rezoning application as determined by the Zoning Administrator shall not be permitted without Site Plan Approval from the Plan Commission.
- 3. Variances from Landscaping Standards (LA) or Outdoor Storage Standards (OS) identified in the Unified Development Ordinance shall not be permitted without Site Plan Approval from the Plan Commission.
- 4. 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 Road and N 850 W.
- 5. 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: BRC Land Holdings, LLC / Terry Morgan

7225 W Broad Ripple Crossing Blvd.

Fairland, IN 46126

Owner: Same

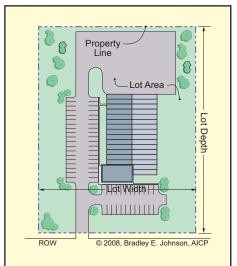
Applicant's Attorney: David A. Retherford, Attorney at Law, Inc.

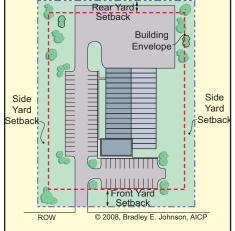
8801 Southeastern Avenue Indianapolis, IN 46239

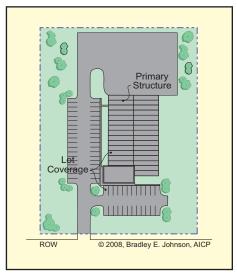
High Intensity Industrial (I2) District



2.36 I2 District Development Standards







Minimum Lot Area

•2 acres

Minimum Lot Width

•200 feet

Minimum Lot Frontage

• 100 feet

Sewer and Water

Public sanitary sewer and water utility required

Minimum Front Yard Setback

•40 feet

Minimum Side Yard Setback

•20 feet

Minimum Rear Yard Setback

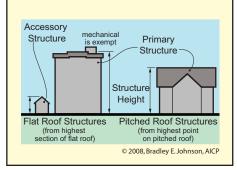
•20 feet

Maximum Lot Coverage

•85% of lot area

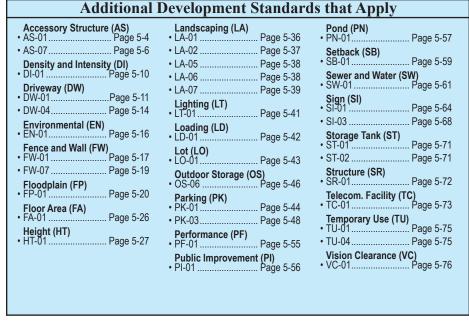
Maximum Primary Structures

· no limit



Maximum Structure Height

- 70 feet for primary structure
- 60 feet for accessory structure



High Impact (HI) District



2.37 HI District Intent, Permitted Uses, and Special Exception Uses

District Intent

The HI (High Impact) District is intended to be used as follows:

Use, Type and Intensity

All intensities of high impact uses

Application of District

Existing and new development

Development Standards

- 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

Appropriate Adjacent Districts

• OP, A3, I1, I2, and HI

County Commissioners

 As a condition of rezoning, allow only the use petitioned for and presented

Plan Commission

- Use this zoning district for existing high impact developments and carefully for new high impact development
- Be sensitive to environmental protection

Board of Zoning Appeals

- 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

Permitted Uses

Commercial Permitted Uses

- amusement park
- casino
- race track-horses
- race track-automobile
- retail (type 6), special handling
- shooting range

Industrial Permitted Uses

- biofuels production (e.g. ethanol plant)
- electrical generation plant
- gravel/sand mining
- incinerator
- junk yard
- rendering plant
- scrap metal yard
- telecommunication facility
- transfer station

Institutional Permitted Uses

- government operation (non-office)
- iail
- juvenile detention facility

Special Exception Uses

Industrial Special Exception Uses

- construction materials landfill
- · sanitary landfill/refuse dump
- storage tanks (hazardous)

Institutional Special Exception Uses

• priso

Statement of Intent:

The Applicant has recently closed on the purchase of the subject 16.7 acres; and is requesting a rezoning of the property to the I-2 classification for purposes of relocating the corporate and operational headquarters of the HIS Group from Indianapolis to Shelby County. The company consists of a Union highway, bridge and site work contracting division, a Union environmental and emergency response contracting division, and a management unit which performs the administrative, sales and accounting functions for the two contracting divisions. Approximately 40 full time and 30 part time employees are anticipated to work at the new headquarters: and seasonally the company employees in excess of 100 additional union employees at the various jobsites. The Site Plan indicates a primary office parking lot that would be accessed from frontage road by approximately 30 vehicles a day. A separate equipment entry via 850 W will be utilized by approximately 25 pickups and medium trucks a day, and the semi's with trailers that are primarily used to haul the company's equipment. The equipment yard will include both outdoor and under roof storage for a variety of heavy equipment, but ONLY ON THE RARE OCCASIONS THAT THIS EQUIPMENT IS NOT AT A JOB SITE. The materials anticipated to be stored onsite in this same area includes wood forms, lumber, pilings, pipe and structures, miscellaneous steel, concrete barrier wall, and similar contracting materials.

APPLICATION FOR REZONING

FINDINGS OF FACT

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

Applicant: BRC Land Holdings, LLC
Case #
Location: 0 N. Frontage Road, Fairland, IN 46126

- 1. The request is consistent with the Shelby County Comprehensive Plan because: This larger area is proposed as future industrial development
- 2. The request is consistent with the current conditions and the character of the structures and uses in each district because:

 There are a variety of industrial uses such as a former gravel pit, a trucking company, an electrical contractor, and a fire training facility within ½ mile to the South. Sanitary sewers are proposed to be extended to this area. It is close to the Pleasant View interchange on I-74, and a new concrete plant was just approved to the East.
- 3. The request is consistent with the most desirable use for which the land in each district is adapted because: The availability of sewers, the proximity to I-74 and to Indianapolis, and the amount of large tracts of open ground make this larger area attractive for industrial development, which is important for property taxes and job generation.
- 4. The request is consistent with the conservation of property values throughout the jurisdiction because: It is within a larger area which is planned for industrial development, and in which few homes exist; and building a larger industrial tax base will likely reduce or at least stabilize residential property taxes.
- 5. The request is consistent with the responsible growth and development because: This property is within the larger area South of the Pleasant View exit which has been preserved, even over the rejection of prior attempts to develop a portion of it for residential uses, so that when utilities were available and the market was there, it would be able to be developed as an industrial area similar to the existing industrial development West of Pleasant View along the North side of I-74. The Petitioner is a successful and reputable contracting company, and the presence of their corporate headquarters at this location will likely attract additional desirable industrial development in this area.

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 n the proposed zoning district, similar to surrounding structures and uses of land?
- **Finding 3:** Why is the proposed use, and/or other possible future uses permitted in the proposed zoning district, the most desirable use for the land?
- **Finding 4:** Explain why the proposed use, and/or other possible future uses permitted in the proposed zoning district, would not negatively impact property values.
- Finding 5: Why is the change in zoning designation consistent with responsible growth and development?



Property Details

Location: 6801 W 500 N, Fairland,

Sugar Creek Tomship.

Property Size: 1.584 acres

Current Land Use: Residential

Estate

Current Zoning Classification RE (Residential Estate)

This district is established for singlefamily detached dwellings in a rural or country setting.

Proposed Zoning Classification R1 (Single-Family Residential) This district is established for singlefamily detached, medium to large sized homes on medium to large sized lots.

Future Land Use per Comp Plan Estate Residential

The purpose of this category is to provide for new rural residential housing opportunities in rural areas not well suited for agriculture. New residential development should have reasonable access to roads and utilities and should not significantly disrupt agricultural activities. The residential density of this category should not exceed one lot for every two acres.

Surrounding Development

	_	•
	Zoning	Land Use
North	RE	Residential Estate
South	A1	Cropland
East	R1	Single-Family
		Residential
West	Re	Residential Estate

Staff Report

Case Number: RZ 20-05

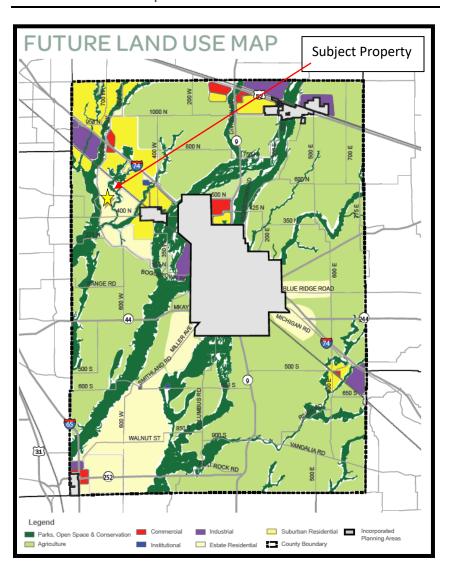
Case Name: Douglas S Lamb – RE (Residential Estate)

to R1 (Single-Family Residential)

Requests

Rezoning of 1.584 acres from the RE (Residential Estate) District to the R1 (Single-Family Residential) District.

Future Land Use Map



Property Map



Case Description

- The petitioner currently owns a 3.59-acre tract. The rezoning would allow for subdivision of the tract into a 2-acre lot and a 1.584-acre lot.
- The rezoning only applies to the proposed 1.584-acre lot. The proposed 2-acre lot would comply with the lot dimensional requirements of the RE District, and therefore would remain zoned RE.
- The proposed 1.584-acre lot currently incudes a single-family residence and a mobile home. The property tax card indicates that the mobile home was placed on the property in 1992. The petitioner stated that he plans to remove the mobile home from the property.
- The petitioner's son plans to build a new single-family dwelling on the 2-acre lot.
- The petitioner plans to seek final approval of the Simple Subdivision at a future Plan Commission meeting. Approval of the subdivision would require a waiver from the minimum 6-acre parent tract requirement for Simple Subdivisions.

Staff Analysis Findings of Fact

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

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

The neighborhood consists of residential lots ranging from ½-acre to 12-acres. Therefore, a 1.584-acre lot would be consistent with the size of other residential lots in the neighborhood.

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

The existing single-family residence and mobile home sit at the western edge of the lot which allows for adequate area for an additional residential lot in compliance with the lot dimensional requirements of the UDO. Existing development and the size of the property would limit the area for future crop production.

3. The Conservation of Property Values throughout the Jurisdiction

Removal of the mobile home would likely increase the value of the property.

4. Responsible Development and Growth

Approval of the rezoning would allow for creation of a property resembling the size of other properties in the neighborhood and the approval would not significantly conflict with any provisions of the Comprehensive Plan.

5. The Comprehensive Plan

Approval of the rezoning would allow for a new rural residential housing opportunity. The property is not well suited for agricultural use, has access to utilities and should not significantly disrupt agricultural activities. Therefore, the rezoning does not significantly conflict with any provisions of the Comprehensive Plan.

Staff Recommendation

APPROVAL primarily because approval of the rezoning would allow for creation of a property resembling the size of other properties in the neighborhood and the approval would not significantly conflict with any provisions of the Comprehensive Plan.

Applicant/Owner Information

Applicant: Douglas S Lamb

6800 W 500 N Fairland, IN 46126

Owner: Douglas S & Linda K Lamb

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: Douglas S. Lamb Linda K. Lamb
Case #: RZ3605
Location: 6801 11/500N, Fourland IN 46126
The request is consistent with the Shelby County Comprehensive Plan because:
Son + his family to build a signefam dwell.
2. The request is consistent with the current conditions and the character of structures and uses in each district because:
No future building on the land at this time Coreseeable thrand
3. The request is consistent with the most desirable use for which the land in each district is adapted because:
Mooded Arec Not Suitable for
forming
4. The request is consistent with the conservation of property values throughout the jurisdiction because:
Should enhance due to increasein
value of property (And surrounding prop)
5. The request is consistent with responsible growth and development because:/ we built do
Single from My that would grevent
Near future multi unit housing

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

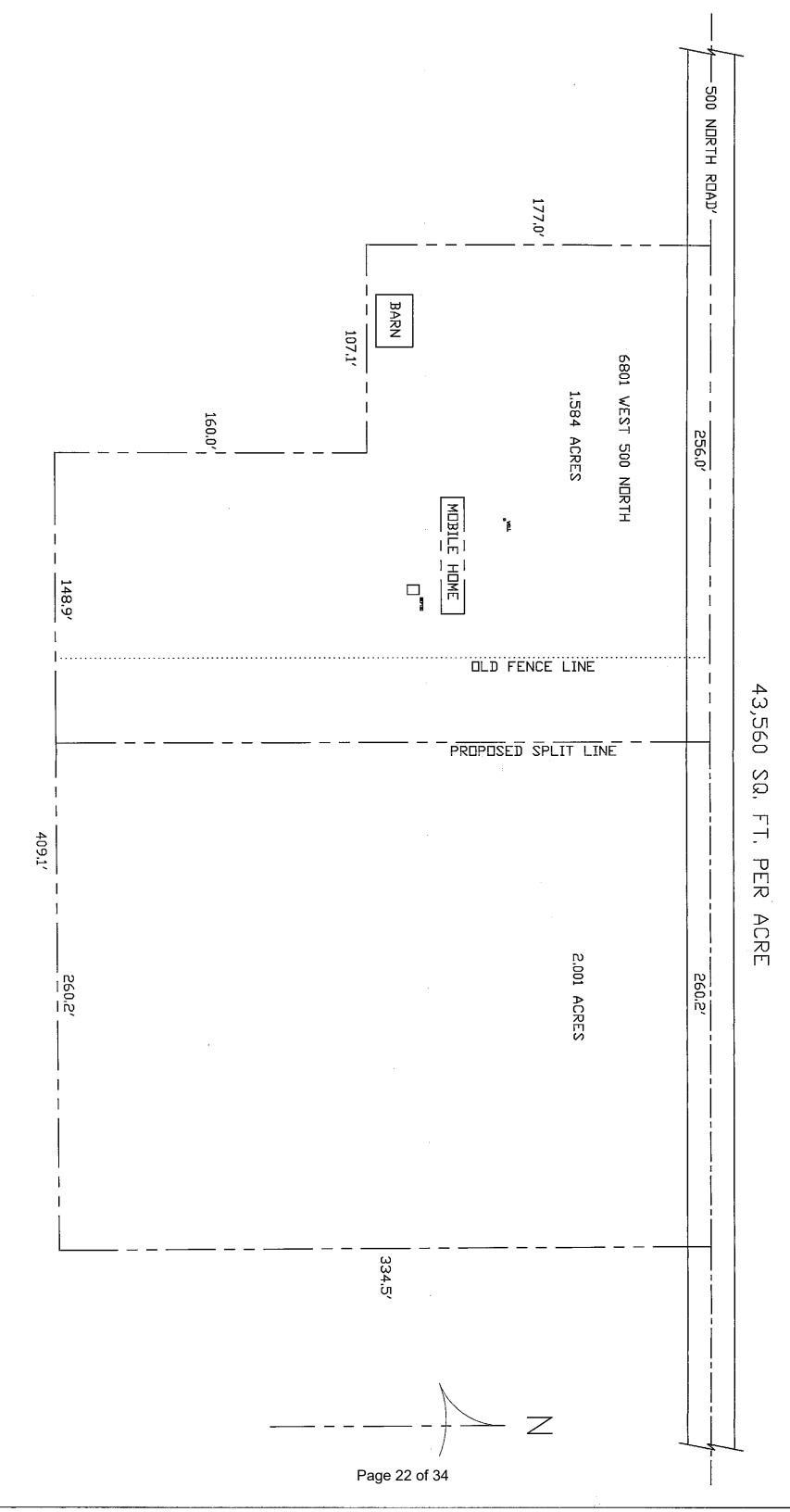
Finding 1: How is the proposed new zoning designation consistent with the future land use of the property identified in the Comprehensive Plan? If you do not know the future land use of the property, please ask the Planning Director.

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

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

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

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



Property Details

Location: 4450 W 300 N, Fairland

Property Size: 5.473 acres

Current Land Use: Residential

Estate

Zoning Classification RE (Residential Estate)

This district is established for singlefamily detached dwellings in a rural or country setting.

Future Land Use per Comp Plan Suburban Residential

The 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 become available.

Surrounding Development

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

Staff Report

Case Number: SD 20-01

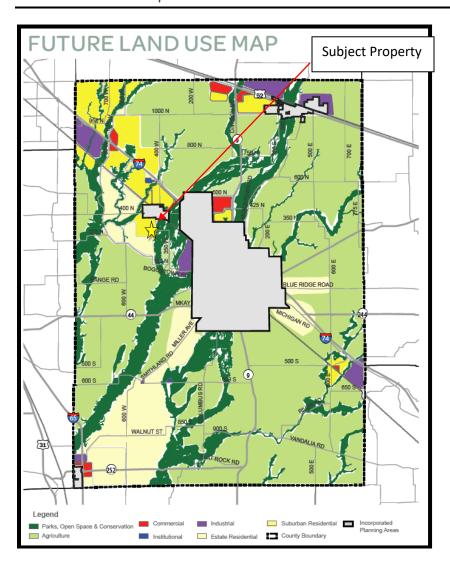
Case Name: Jordan Simple Subdivision

Requests

Simple Subdivision to allow for subdivision of 5.473 acres into a 2-acre tract and 3.473-acre tract.

Waivers of Subdivision Design Standards to allow for Simple subdivision of a tract less than 6-acres and a lot with 60-feet of road frontage (minimum 160-feet of road frontage required).

Future Land Use Map



Property Map



Case History

- In the 1990s a previous property owner subdivided the property along with five other tracts utilizing the 5-acre platting exemption rule. All six tracts now include single-family dwellings and accessory structures.
- 2008 The Plan Commission office issued permits to the petitioner to remodel the structure closest to the road as a temporary dwelling unit during repair of the original home damaged by a fire. The Plan Commission office and petitioner had a verbal agreement that use of the structure as a dwelling would cease at the time of completion of the repairs on the original home.
- 2011 The Plan Commission office received a complaint concerning the existence of two residences on the property at the time the petitioner listed the property for sale.
- 2016 The petitioner filed an application to subdivide the property into two lots to legalize the second dwelling. A
 few neighbors filed objections to the petition citing violation of a restrictive covenant prohibiting subdivision of the
 lot and perceived decrease in property values. Plan Commission voted 5-0 to deny the subdivision. Members who
 voted at that meeting included: Doug Warnecke, Taylor Sumerford, Terry Smith, Steve Mathies, & Chris Ross.
- 2019 The Plan Commission approved subdivision of property located at 3141 N 425 W (two properties to the west of the subject property) into two lots. The Plan Commission cited the following circumstances warranting approval of a waiver from the minimum 6-acre parent tract requirement:

- The lot and previously developed rural neighborhood would likely not return to farmland. Therefore, approval of the waiver would not interfere with the goals of conservation of farmland and natural resources identified in the Comprehensive Plan.
- o The lot has frontage on two roads.
- Generally, the minimum 6-acre requirement should apply to vacant property including farmland and natural resources rather than developed property.
- The addition of one lot to a developed six-lot neighborhood would not significantly alter the character of the neighborhood.

Case Description

- The UDO allows for Simple Subdivisions in the RE District, therefore rezoning approval is not required prior to simple subdivision of the property.
- Tract 4A (3.473 acres) would include the original, larger existing single-family residence and exiting septic system.
 The petitioner plans to add a new well and driveway to Tract 4A. The new driveway would comply with driveway separation requirements and all other driveway standards identified in the UDO.
- Tract 4B (2 acres) would include the accessory structure remodeled into a dwelling unit, existing septic field, existing well, and existing driveway. The Health Department has required removal of the current septic system and installation of a new system on Tract 4B.
- The deed for the property incudes restrictive covenants, one which states: The tract shall not be divided or subdivided after original conveyance and no more than one single family dwelling shall be erected thereon. Individual property owners within the development can enforce covenants using the civil court system, however the Plan Commission does not have the power to enforce covenants unless it approved a plat conditional on covenants. However, the Plan Commission can take covenants into consideration when making decisions on waivers from ordinance requirements.
- The UDO limits the size of the parent tract to at least 6-acres to discourage re-subdivision of 5-acre tracts. Prior to
 1999, the County exempted land subdivided into tracts 5-acres or more from platting requirements, which resulted
 in the creation of an abundance of 5-acre tracts throughout the County. However, the current Plan Commission has
 allowed subdivisions of tracts under 6-acres because development of these tracts would not eliminate a significant
 amount of farmland.
- The minimum road frontage requirement discourages 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.

Staff Analysis

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 allow for subdivision of a tract less than 6-acres.

- 3. The subdivision of land satisfies the standards of Article 07: Design Standards, pending approval of a waiver allowing a lot with 60-feet of road frontage.
- 4. The subdivision of land satisfies any other applicable provisions of the Unified Development Ordinance, pending approval of a waiver to allow for 60-feet of road frontage.
- 5. The subdivision of land satisfies the construction requirements of the Shelby County's Construction Standards.
- 6. Allowing for a waiver of the 6-acre minimum tract requirement would allow for development of property not currently used for agricultural production and allowing a waiver of the road frontage requirement would allow for legal transition of the land use of the property from estate residential to low-density, single-family residential as recommended by the Comprehensive Plan. Therefore, the approval of the waivers would not contradict the purpose of the UDO or recommendations of the Comprehensive Plan.

Staff Recommendation

APPROVAL primarily because:

- 1. A waiver of the 6-acre minimum tract requirement would allow for development of property not currently used for agricultural production.
- 2. A waiver of the road frontage requirement would allow for legal transition of the land use of the property from estate residential to low-density, single-family residential as recommended by the Comprehensive Plan.
- 3. The subdivision complies with all other requirements of the UDO.

Applicant/Owner Information

Applicant Robert & Karen Jordan

4450 W 300 N Fairland, IN 46126 Surveyor: Powell Land Surveying, LLC

4634 N 575 E

Shelbyville, IN 46176

Part of the Southeast and Southwest Quarters of Section 16, Township 13 North, Range 6 East, Brandywine, Township, Shelby County, Indiana.

East line of the SW $\frac{1}{4}$, 16-13-6, Per the Kuhn Survey, was not verified per this survey.

SW Cor. SW ½, 16-13-6, Nothing found or set per this survey or the Kuhn Survey. N 00.05,28" W Found a $\frac{5}{8}$ " Major capped rebar at the surface at the 17.5' ROW per the Kuhn survey. 335.95'
Found a 1.5" pipe 0.2' South of the Northeast corner of Tract #1. N 89°45'25" E 550 W 550 W 89°57′10" W 335.51 Tract #1 5.46 acres 525 W Existing fenceline remains ~1.5' North of the line.

N 89°45'25" E #50 W South line of the SW $\frac{1}{4}$, 16-13-6, Per the Kuhn Survey, was not verified per this survey. ,65.60_γ 00.00,30, 425 W Tract #4
5.47 acres 405 W County Road 450 West -89.57,10, Tract #2 5.45 acres 310. 334.50 \$ 90.00,00, 23.80 710.55 5 0 M "05,00.00 N SE Cor. SW $\frac{1}{4}$, 16-13-6, Found a PK nail 0.2' below the surface set per the Kuhn Survey 334.50' Found a 1.5" pipe 0.2' South & 0.6' West of the Northeast corner of Tract #2. Found a 1" pipe 0.3' South of the 17.5' ROW set per the Kuhn survey. Also found a metal reading at the Southeast corner of Tract #3. Found a 1.5" pipe at the 17.5' ROW set per the Kuhn survey. County Road 300 North N 90.00,00," Owner & Client: Robert D. Jordan and K Site Address: 4450 West 300 Nort 89.45,25 Tract #3 5.46 acres 334.50 W "00'00'30" W "05'00'30" N (M), 19.462 30.BZF PC aren L. Jordan, 317-965-4103 h, Fairland, IN 46126 N 89'45'25" E N 90°00 00 w, 554)B Tract #4B, 358.30' Existin Existing 17.5' Half ROW 274.50'(M) Proposed 35' Half ROW 90.00,00 Zoned "RE" 2.000 Proposed
Tract #4A
3.473 acres Tract #4B Prop 334.50'(M&R) Tract #4 50'BSI acres 334.50'(R&M) Existing Driveway 30.BZL South line of the SE ¼, 16-13-6,
Per the Kuhn Survey, was not verified per this survey.

POB Tract #4A, 632.80' (M&A)'82.217 'M 00,00,00 N Note: there are existing utilities along CR 300 North that appear to be within the existing 17.5' half ROW. Note: the building set back lines are 50' Front for primary & accessory structures and 30' Side & Rear for primary & 10' for accessory structures. Found a 1" pipe 0.2' South & 0.1' West of the Northeast corner of Tract #4. Existing 50.5'x27' two story house with 8' Front Porch & a 30'x25' Patio. 90.00,00, M 60.00'(M) Existing 60'x40' two story house with a 20'x20', 3 Car Garage, Front Porch & Back Porch. N 89°45'25 N 90°00'00" W 714.81 M "02,00.00 N 331.99'
SE Cor. SE ¼, 16-13-6,
Nothing found or set per this survey or the Kuhn Survey. N 89°45'25 N 90.00,00, 332.55 County Road 425 West 20' Half ROW S 00°02'10" W 716.22

708.24

Parent description for Tract #4, owned by Robert D. & Karen L. Jordan, per Instrument #0402941.

\SW Cor.

Beginning at a masonry nail on the South line of the Southeast quarter of Section 16, Township 13 North, Range 6 East, in Brandywine Township, Shelby County1 Indiana, said point being 358.30 feet North 90 degrees 00 minutes 00 seconds East (assumed bearing) of the Southwest corner of said quarter section; and running thence North 90 degrees 00 minutes 00 seconds East 334.50 feet along the South line of said quarter section to another masonry nail, thence North 00 degrees 00 minutes 30 seconds West 713.39 feet to an iron pipe, thence South 89 degrees 45 minutes 25 seconds West 334.50 feet along a fence line to an iron pipe, thence South 00 degrees 00 minutes 30 seconds East 711.97 feet to the point of beginning; containing 5.47 acres, more or less, and subject to the right-of-way of the public road along the entire South side thereof.

Beginning at a mag nail with a Powell washer set on the South line of the Southeast quarter of Section 16, Township 13 North, Range 6 East, in Brandywine Township, Shelby County1 Indiana, said point being 632.80 feet North 90 degrees 00 minutes 00 seconds East (assumed bearing) of the Southwest corner of said quarter section; and running thence North 00 degrees 00 minutes 30 seconds West a distance of 317.36 feet to a Powell capped rebar; thence South 90 degrees 00 minutes 00 seconds West a distance of 274.50 feet to a Powell capped rebar set on the West line of Tract #4 per a survey by Stephan H. Kuhn, recorded in Survey Book 3, Page 361; thence North 00 degrees 00 minutes 30 seconds West, along said line a distance of 394.61 feet to a Powell capped rebar set at the Northwest corner of said Tract #4; thence North 89 degrees 45 minutes 25 seconds East, along the North line of said Tract #4 a distance of 334.50 feet to an Iron pipe at the Northeast corner of said Tract #4; thence South 90 degrees 00 minutes 00 seconds West, along said line a distance of 60.00 feet to the recit of the facility of the public of the public to the relation of the public of the public to the publ oad along the entire South side thereof containing 3.473 acres more or less, and subject to the right-of-way of the public

North 90 degrees 00 minutes 00 seconds East a distance of 274.50 feet to a Powell capped rebar; thence South 00 degrees 00 minutes 30 seconds East a distance of 317.36 feet to a mag nail with a Powell washer set on the South line of said quarter section; thence South 90 degrees 00 minutes 00 seconds West, along said line a distance of 274.50 feet to the point of beginning, containing 2.000 acres more or less, and subject to the right-of-way of the public road along the entire South side thereof. Stephan H. Kuhn, recorded in Survey Book 3, Page 361, being on the South line of the Southeast quarter of Section 16, Township 13 North, Range 6 East, in Brandywine Township, Shelby County1 Indiana, said point being 358.30 feet North 90 degrees 00 minutes 00 seconds East (assumed bearing) of the Southwest corner of said quarter section; and running thence North 00 degrees 00 minutes 30 seconds West, along the West line of said Tract #4 a distance of 317.36 feet to a Powell capped rebar; thence Beginning **Description for the proposed Tract #4B per this subdivision.**Beginning at a mag nail with a Powell washer set at the Southwest corner of Tract #4 per a survey by

Surveyor's Report:

This report is in accordance with Title 865, Article 1.1, Chapter 12, Sections 1 through 34, of the Indiana Administrative Code, the following observations and opinions are submitted regarding th various uncertainties in the locations of the lines and corners established on this survey as a result Availability and condition of the reference monuments. l regarding the ey as a result of:

Clarity or ambiguity of the record description used and / or adjoiner's description. This survey falls within the classification of a Suburban survey and therefore has a accuracy of 0.13 feet plus 100 parts per million. Ň elative position

Purpose of the survey:

on it, into a 2.00 acre and a 3.473 acre tract each with one house. The parent 5.47 acre tract being Tract #4 created per a survey by Stephan H. Kuhn recorded in Survey Book 3, Page 361-362, being a part of the Southeast and Southwest quarters of Section 16, Township 13 North, Range 6 East, Shelby County, Indian, Owned by Robert D. & Karen L. Jordan, per Instrument #0402941. The field work was ed on 10of this survey is to retrace and subdivide a 5.47 acres tract which has tw o houses located

Availability and condition of the reference monuments:

The following is a list of corner located found and or used per this survey:

1. Southeast corner of the Southwest quarter of section 16-13-6, Found a PK nail 0.2' set per the Kuhn survey, per the county ties.

2. No monuments were found at the Southwest corner of the Southwest quarter or the below the surface

of the Southeast quarter of section 16-13-6. The Kuhn survey states that he used the existing center of the right of ways at the approximate quarter section corners to establish the South lines of the said quarters, and it is unclear as to what he used to create the East line of the said Southwest quarter section. The said section lines were not verified per this survey and their is an unknown amount of Southwest corner of the Southwest quarter or the *y*n amount of Southeast corner

3. The geometry of the Kuhn survey was held and rotated about the PK nail found at corner of the Southwest quarter section 16-13-6 to best fit the found monuments as shaped to be sufficient to the southwest quarter section 16-13-6 to best fit the found monuments as shaped to be sufficient to the southwest quarter section 16-13-6 to best fit the found monuments as shaped to be sufficient to the section 16-13-6 to be sufficient to the section 1 plat with their relationship to the calculated location the Southeast own on the herein

Occupation or possession lines: All monuments were found or set as indicated on the survey plat or within this report

is a 6' chain link fence 5' along the West line of the parent that is 5' to 8' inside the boundary lines along the East lir ne, 12' along the

Relative position accuracy of Measurements: H. Kuhn recorded in Survey Book 3, Page 361-362

Clarity or ambiguity of the record description used and / or adjoiner's description. There were no ambiguities found, the parent 5.47 acre tract is Tract #4 created per a second second

a survey by Stephan

of a Suburban survey and therefore has a Re elative position

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law."

Page 27 of 34

Suffery P. Power

Surveyor Certification:
I, the undersigned, hereby certify that I am a Land Surveyor registered in compliance with the laws of the State of Indiana; and I do hereby further certify that I have surveyed the real estate described in the caption above and that I have subdivided the same into two tracts as shown on the hereon drawn plot. This plat correctly represents said survey and subdivision in every detail. Monuments shown are in place as located.

Witness my hand this 8 day of February, 2020.

Jeffery P. Powell Registered Land Surveyor No. 29800024

Owners Certification:

We Robert D. Jordan & Karen L. Jordan, do hereby certify that we are the owners of the property described in the above captioned and that as such owners we have caused the said above described property to be surveyed and subdivided as shown on the here on drawn plat, as our free and voluntary act and deed.

Witness my hand this day of 2020.

Robert D. Jordan Karen L. Jordan

Notary Certification:

I, ______, a Notary Public in and for said County and State, do hereby certify that Robert D. Jordan & Karen L. Jordan , 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.	, 2020.
Notary Public	

Plan Commission Approval:
Approved by the Shelby County Plan Commission in accordance with Subdivision Regulations.

Doug Warnecke, President Plan Commission

Date

Date

Jeffery P. Powell, PLS 4634 North, 575 East, Shelbyville, IN 46176 Office 765-763-6147, Fax 765-763-0122, Cell 317-694-6073 Powell Land Surveying LLC

Jeffery P. Powell, PLS

Note: Bearings based on the survey by Kuhn, recorded in Survey Book 3, Page 361-362. Legend Scale 1'' = 100'

Section Corner Powell Capped Rebar Found Monuments 0

Mag Nail with Powell Washer

0

rate map number 18145C0103C, the accuracy of this flood hazard statement is subject to map scale uncertainty in location or elevation on the referenced flood insurance rate map. Note: The proposed Subdivision is located in a special flood hazard ZONE X, per the FEMA Flood Insurance

landscaping requirements. Note: There are trees around the perimeter of the lots which appear to exceed the required amount per the

and Lot 4A will require a waiver from the required 160' of road frontage. Note: The Subdivision will require a waiver of the parent Tract being less then the required 6.00 acres

Email: powelllandsurveying@msn.com This Document was prepared by Jeffery Powell .

Property Details

Location: Approximately 4498 W 800 N, Fairland, Moral Township.

Property Size: 7.85 acres

Current Land Use: Cropland

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

Proposed Zoning Classification RE (Residential Estate)

This district is established for single-family detached dwellings in a rural or country setting. Use this zoning district for existing developments and carefully for new residential development. Large subdivisions on well and septic systems are not favored.

Future Land Use per Comp Plan Agricultural

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

Surrounding Development

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

Staff Report

Case Number: RZ 20-04 / SD 20-04

Case Name: Sutherland Rezoning – A1 (Conservation

Agricultural) to RE (Residential Estate) &

Sutherland Simple Subdivision

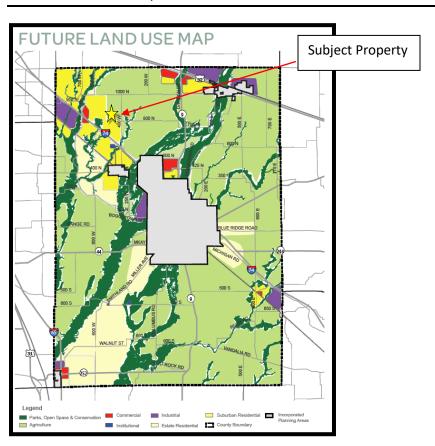
Requests

Rezoning of 7.85 acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for three single-family residential building lots.

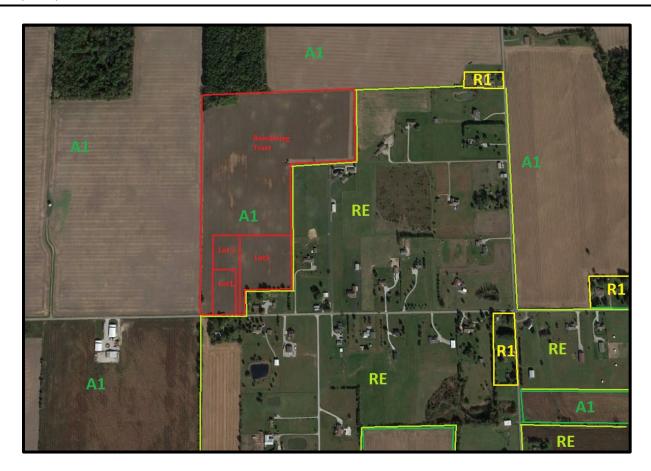
Simple Subdivision to allow for three single-family residential building lots.

Waivers of Subdivision Design Standards to allow for two lots having 25-feet of road frontage (minimum 160-feet required) and to allow for a buildable remaining tract for <u>four (4) building lots total</u> (maximum of 3 building lots permitted for Simple Subdivisions).

Future Land Use Map



Property Map



Comparison of Permitted Development versus Requests

	Approval Body	Permitted Development
Currently Permitted	Administrative Review	Allows for construction of a 'farmstead.' The Ordinance defines a farmstead as a single-family dwelling unit that is located on and used in connection with a farm. The Planning Director has interpreted this definition to imply that the owner of the property resides in the home and personally uses the property for agricultural activities.
Approval of a Rezoning of entire property & Compliance with Ordinance Standards	Plan Commission Review Approval by County Commissioners	Would allow for subdivision of the property into two single-family residential lots. No requirement to farm the property.
Approval of Petitioner's request including Waivers to deviate from Ordinance requirements.	Plan Commission Review Approval by County Commissioners Plan Commission Approval of Waivers	Would allow for subdivision of the property into four single-family residential lots. The fourth lot (remaining tract) would be a 'farmstead', therefore the owner must also conduct agricultural activities on the property.

Case Description

- The petitioner requests to subdivide the property into four building lots. Three lots would be within the plat (Lot 1 2 acres, Lot 2 2 acres, Lot 3 3.85 acres) and one building lot would be an un-platted Remaining Tract (33.651 acre).
- The petitioner plans to sell the three platted lots.
- The petitioner plans to build his personal single-family residence on approximately 2-acres at the northwest corner
 of the Remaining Tract and continue to use the remaining portion of the tract for agricultural purposes. The zoning
 of the Remaining Tract would remain A1.
- The three platted lots would have a shared driveway within an access easement. The Remaining Tract would have a separate driveway.
- As currently proposed, the three platted lots would utilize an existing drain tile that flows from the west and outlets near the intersection of 800 N and 400 W. The drain tile limits the building area on Lot 3. The condition and maximum capacity of the tile is unknown.
- The USDA Soil Survey identifies the property as Prime Farmland if Drained.
- Most residential lots in the area were created in the 1990s under the '5-acre rule'. The County previously exempted land subdivided into tracts 5-acres or more from platting requirements and did not impose a limit on the maximum number of lots, which resulted in the creation of an abundance of 5-acre residential tracts throughout the County. In 1999, the County passed an ordinance that required any land split into more than three lots comply with platting requirements and instituted regulations for cropland preservation. The current subdivision regulations went into effect in 2008.
- The UDO imposes a five-year suspension on re-subdivision of the remaining tract.

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:

- 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			
Support of the Request	Potential Concerns		
Impacts on Surr	ounding Property		
	The front yard of proposed Lot 3 would adjoin the rear yard of the existing residential property to the south and likely the rear yard of the existing residential property to the east. Therefore, potentially impacting the privacy enjoyed by the owners of these existing properties. *recommended stipulation 1 addresses this issue		
The residential properties to the east connected to the existing drain tile when initially developed.	Runoff generated by the platted properties would flow across the properties to the east within the existing drain tile. The condition and maximum capacity of the tile is unknown. *recommended stipulation 2 addresses this issue		
Develonm	nent Design		
	Approval of the request could set a precedent for the creation of more than three building lots without access to public water, sanitary sewer, drainage facilities, and other infrastructure. *recommended stipulations 3 & 4 address this issue		
Lot size, road frontage, and lot configuration resemble surrounding properties.	Current ordinance requirements eliminate undesirable elements of existing development in the area, such as access easements, large lots that remove farm ground from production, allowance of multiple lots without infrastructure facilities, etc.		
	The owner would have the ability to create two lots without approval of waivers.		
The surrounding area includes two private roads with access easements that provide access to multiple properties.	Use of a shared driveway could cause disputes between property owners regarding proper usage, maintenance, etc. *recommended stipulation 2 addresses this issue		
Responsible Development & Gr	owth / Conservation of Farmland		
The Shelby County Development Corporation has indicated that a lack of housing exists in the County relative to housing demand.	Approval of the request would remove 'prime farmland if drained' from production.		

Subdivision of the property would encourage preservation of the farm ground on the Remaining Tract due to the five-year suspension on re-subdivision of property imposed by the Unified Development Ordinance.

The design on the subdivision allows for a large remaining tract having adequate road frontage along 800 N to provide a public road for a future major subdivision as the County population grows.

Comprehensive Plan

The *Agricultural Future Land Use* category recommends rural home sites if the emphasis remains on agriculture.

The *Agricultural Future Land Use* category recommends agricultural use.

The Agricultural Future Land Use category discourages subdivisions and discourages a density less than one lot per five acres. The overall density of the development would be one lot per ten acres.

The *Agricultural Future Land Use* category discourages subdivisions.

Community Character Goal 1, Strategy 5: Provide opportunities and resources which allow communities to grow in population.

Community Character Goal 2: Protect and promote our rural heritage and *agricultural assets*. Strategy 3: *Preserve woodland, wetland, and agricultural resources* for future generations.

Land Use Goal 1, Strategy 1: Balance development patterns and character with *available transportation* and utility resources and existing character context.

Land Use Goal 1, 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, Strategy 1: Preserve prime farmland and *agricultural road frontage* in rural areas of the county, Strategy 2: *Conserve agricultural land*.

Land Use Goal 3: Encourage re-investment and improvement within our *existing cities and unincorporated towns first*.

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

Staff Recommendation

APPROVAL primarily because:

- The size of the parent tract allows for the creation of four building lots at an overall density that exceeds the
 density of surrounding development (1 lot per 10 acres vs approximately 1 lot per 6 acres for surrounding
 development). Therefore, approval of the request would not result in alteration of the character of the area.
- Approval of the request would result in a suspension of re-subdivision of the remaining tract for at least 5 years as required by the UDO, therefore preserving farm ground on the remaining tract.
- The Shelby County Development Corporation has indicated that a lack of housing exists in the County relative to housing demand. Approval of the request would provide for housing opportunities.
- Staff is recommending stipulations to address potential impacts on surrounding property and development of the property without desired infrastructure, such as a public access road, water, sanitary sewer, and drainage facilities.

Recommended Stipulations:

- 1. Landscape Buffer Yard "A" shall be installed and maintained on Lot 3 along the east and south property lines. Buffer Yard "A": One (1) canopy tree and one (1) ornamental or evergreen tree shall be planted for every seventy (70) feet of contiguous boundary with the adjacent lot. Each tree shall be planted within twenty (20) feet of the property line, but no closer than five (5) feet to the property line.
- 2. Drainage from the properties shall outlet to the west.
- 3. A Driveway Access and Maintenance agreement shall be recorded.
- 4. The owners of properties shall abandon any septic system and connect to sanitary sewer in the event that sanitary sewer becomes available along 800 N.

Applicant/Owner Information

Applicant: Doug A. & Miranda L. Sutherland Surveyor: Powell Land Surveying, LLC – Jeffery Powell

4420 W 800 N 4634 N 575 E

Fairland, IN 46126 Shelbyville, IN 46176

Owner: Same

Half of

rter and the South Half of II in Section 21, Township Iby County, Indiana.

certify that I am a Land Surveyor registered in compliance vurther certify that I have surveyed the real estate described ir into two tracts as shown on the hereon drawn plot. This plat etail. Monuments shown are in place as located.

Surveyor Certification:
I, the undersigned, hereby certify that Indiana; and I do hereby further certif have subdivided the same into two tra and subdivision in every detail. Monu

this 15 day of March,

Witness my

Joffing P. Pare Jeffery P. Pov Registered La No. 2980002

Owners Cert We, Doug A. described in t surveyed and

Sutherland Simple Surport of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter, A 14 North, Range 6 East, Moral, Township, She Owner & Client: Doug A. & Miranda L. Suthe Site Address: North & West of 4420 West, 800 North, Fa

Parent description of the 41.501 acre tract owned by Doug A. & Miranda L. Sutherland, recorded in Instrument 2019006869.

PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER AND THE SOUTH HALF OF THE NORTHWEST QUARTER.

DE THE SOUTHWEST QUARTER ALL IN SECTION TWENTY-ONE (21), TOWNSHIP POURTEEN (14) NORTH, RANGE SIX (6) EAST, MORAL TOWNSHIP, SHELBY COUNTY. INDIANA BEING PART OF SIRVEY 108 #14/6621-19-030 BY SCOTTT. SUMERPORD, RLS#29800017, CERTIFIED JULY 23, 2019 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTH EAST QUARTER (9 SAID SECTION 2)-1-46, SAID POINT BEING MARKED BY A BOAT SPIKE: THENCE ALONG THE SOUTH EAST QUARTER, SOUTH 89 DEGREES 1055" WEST GASIS OF BEARINGS BEING MIDIANA STATE PLAALE EAST ZONB, 2318.25 FEFT TO A WASHER AND MAGNALL STAMPED "S. SUMERPORD 980001". SAID POINT BEING THE SOUTH EAST QUARTER, SOUTH 89 DEGREES 1055" WEST 1987. THENCE CONTINUING ALONG THE SOUTH EAST QUARTER, SOUTH 89 DEGREES 1055" WEST 1987. THENCE CONTINUING ALONG THE SOUTH EAST QUARTER, SOUTH 89 DEGREES 1055" WEST 1987. THENCE ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, SAID POINT BEING MARKED BY A CAPPED REBAR STAMPED". SUMERPORD 9800017". THENCE ALONG THE NORTH LINE OF SAID HALF QUARTER QUARTER SECTION, NORTH 89 DEGREES OTITE STATE ALONG THE NORTH LINE OF SAID HALF QUARTER QUARTER SECTION, NORTH 89 DEGREES OTITE SAID HALF QUARTER QUARTER SECTION, NORTH 89 DEGREES OTITE SAID HALF QUARTER QUARTER SECTION, SOUTH 89 DEGREES OTITE SAID HALF QUARTER QUARTER, THENCE ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER. SOUTH 89 DEGREES OR STAMPED"S. SUNGREDED SOUTHWEST QUARTER SECTION, SOUTH ON DEGREES 1432" EAST 54.44 FEET TO THE CENTER AS SOUTH 89 DEGREES SAID HALF QUARTER QUARTER SCHON, SOUTH ON DEGREES 1432" EAST 50.00 HE SOUTHWEST QUARTER SOUTH S

A. Sutherlan to the above cas their own f

Doug A. Sut

Notary Cert

New description Lot #1 per this Subdivision.

A part of the Southwest Quarter of the Southeast Quarter of Section 21 in Township 14 North, Range 6 East, Moral Township, Shelby County, Indiana, being created from a survey (Job # 15-2020) by Jeffery Powell and being more particularly described as follows:

Commencing at a 5/8" rebar marking the Southwest corner of the said quarter-quarter section, thence North 89 degrees 10 minutes 55 seconds East (Bearings based on NAD 83, Indiana East, State plane Coordinates) along the South line of the said quarter-quarter section a distance of 370.82 feet to a mag nail set at the point of beginning of the tract herein described; thence North 00 degrees 09 minutes 53 seconds West a distance of 370.82 feet to a mag nail set on the South line of the said quarter-quarter section; thence South 00 degrees 14 minutes 32 seconds East a distance of 370.82 feet to a mag nail set on the South line of the said quarter-quarter section; thence South 89 degrees 10 minutes 55 seconds West along the said South line a distance of 235.16 feet to the point of beginning 2.000 acres more or less and being subject to and also with the Drainage Easements as shown on the Sutherland Simple Subdivision Recorded Plat and subject to the 35 Half Right-of-way for County Road 800 North and any and all easements, right of ways and restrictions.

enalties for perjury, that I have urity number in this document

"I affirm, und redact each s

By,_____

Notary Public

Given under

By,____Scott Gabl

Page 34 of 34

New description of the Remainder parent tract per this Subdivision.

A part of the Southwest Quarter of the Southeast Quarter and the South Half of the Northwest quarter of the Southwest Quarter of the Southwest Quarter and the South Half of the Northwest quarter of the Southwest.

Township 14 North, Range 6 East, Moral Township, Shelby County, Indiana, being created from a survey (Job # 15-2020) by Jeffery Powell and Debing more particularly described as follows:

Beginning at a S/X: rebar marking the Southwest corner of the said Southeast Quarter section, said point being the point of beginning of the tract herein described; thence North 00 degrees 90 minutes 53 seconds West (Bearings based on NAD 83, Indiana East, State plane Coordinates) along the West line of the said quarter section and being along the West line of a boundary line of a 41.501 acre tract described in Instrument 2019006869 and being part of Survey Job # Haked-21-19-2030 by Scort T. Sumerford, RLS#29800017, Certified July 23, 2019 a distance of 1984-13 fect to a Sumerford capped rebar at the Northwest corner of the South Half of the Northwest quarter section; thence South 00 degrees 14 minutes 32 seconds East along the East line of the said Southeast quarter section, thence South 89 degrees 00 minutes 31 seconds West along the North line of the Said Southeast quarter section, thence South 89 degrees 08 minutes 31 seconds West along the North line of the South was time of 661.84 feet to the center of the said Southeast quarter section a distance of 576.24 feet to a Powell capped rebar, being a point on a Northerty extension of the West line of a 20 Rod by 80 Rod Tract first conveyed per Deed Book 102 Page 532 in the Office of the Shieldy County Recorder; thence South 00 degrees 14 minutes 52 seconds East along the West line of 670.26 feet to a Powell eapper feeth; thence South 80 degrees 10 minutes 55 seconds West along the South line of the said South line a distance of 570.84 feet to a mag nail set on the South line of the spind proper rite

Surveyor's Report:

This report is nacordance with Title 865, Article 1.1, Chapter 12, Sections 1 through 34, of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on this survey as a result of: Availability and condition of the reference monuments. Occupation or possession lines, Clarity or ambiguity of the record description used and / or adjoiner's description. This survey falls within the classification of a Suburban survey and therefore has a Relative position accuracy of 0.13 feet plus 100 parts per million.
Purpose of the survey:

The purpose of this survey is to Subdivide Three New Building Lots from the 41.501 acre tract owned by Doug A. & Miranda L. Sutherland, recorded in Instrument 2019006869 and said tract being created from a previous survey by Scott T. Sumerford, RLS#29800017 (Job #14n6e21-19-030). Certified July 23, 2019. The proposed Lots, Access, Utility and Drainage Easements are shown per the owner's instructions. The field work was performed on 2-15-2020 and other dates.
Availability and condition of the reference monuments:

The Southwest and Southeast corners of the Southeast Quarter of Section 21 in Township 14 North, Range 6 East were located per this survey and the remainder of the corners of the Southeast Quarter of Section 21 in Township 14 23, 2019. The only boundary line were based on the previous survey by Scott T. Sumerford, RLS#29800017 (Job #14n6e21-19-030), Certified July 23, 2019. The only boundary line were based on the previous survey by Scott T. Sumerford, RLS#29800017 (Job #14n6e21-19-030), Certified July 23, 2019. The only boundary line were based on the previous survey by Scott T. Sumerford, RLS#29800017 (Job #14n6e21-19-030), Certified July 23, 2019. The only boundary line and corners are represented on the hereon drawn survey plat and within this report by Record vs Measured vs Calculated.
Decupation or posse

intersection of the road per the Shelby County ties.

SE cor., SE1/4, 21-14-6

Found a 5/8" Rebar \sim 0.3' below the surface \sim in the centerline

There were no occupation lines located per this survey. The new lines established per this Clarity or ambiguity of the record description used and / or adjoiner's description:

There were no ambiguities found within the record document used per this survey.

Relative position accuracy of Measurements:

This survey falls within the classification of a Rural survey and therefore has a Relative pottle above stated uncertainties.

New description Lot #3 per this Subdivision.

A part of the Southwest Quarter of the Southeast Quarter of Section 21 in Township 14 North, Range 6 East, Moral Township, Shelby County, Indiana being created from a survey (Job # 15-2020) by Jeffery Powell and being more particularly described as follows:

Commencing at a 5/8" rebar marking the Southwest corner of the said quarter-quarter section, thence North 89 degrees 10 minutes 55 seconds East (Bearings based on NAD 83, Indiana East, State plane Coordinates) along the South line of the said quarter-quarter section a distance of 360.17 feet to a mag nail set at the point of beginning of the tract herein described; thence North 00 degrees 14 minutes 32 seconds West a distance of 670.84 feet to a Powell capped rebar; thence North 89 degrees 10 minutes 55 seconds East a distance of 417.00 feet to a Powell capped rebar set on the East boundary line of a 41.501 acre tract described in Instrument 2019006889 and being part of Survey Job #14n6c21-19-030 by Scott T. Sumerford.

RLS#29800017, Certified July 23, 2019; thence South 00 degrees 14 minutes 32 seconds East along the said boundary line a distance of 385.24 feet to a Sumerford capped rebar; thence South 80 degrees 10 minutes 55 seconds West along the North line of a 2.570 acre tract created per the said Sumerford Survey as a sumerford Survey and said quarter-quarter section; thence South 89 degrees 10 minutes 55 seconds West along the said South line a distance of 25.00 feet to a mag nail with a Sumerford washer on the South line of the said quarter-quarter section; thence South 89 degrees 10 minutes 55 seconds West along the said South line a distance of 25.00 feet to the point of beginning, containing 3.852 acres more or less and being subject to and also with the Access, Utility and Drainage Easements as shown on the Sutherland Simple Subdivision Recorded Plat and subject to the 35' Half Right-of-way for County Road 800 North and any and all easements, right of ways and restrictions. New description Lot #2 per this Subdivision.

A part of the Southwest Quarter of the Southeast Quarter of Section 21 in Township 14 North, Range 6 East, Moral Township, Shelby County, Indiana, being created from a survey (Job # 15-2020) by Jeffery Powell and being more particularly described as follows:

Commencing at a 5/8" rebar marking the Southwest corner of the said quarter-quarter section, thence North 89 degrees 10 minutes 55 seconds East (Bearings based on NAD 83, Indiana East, State plane Coordinates) along the South line of the said quarter-quarter section a distance of 335.17 feet to a mag nail set at the point of beginning of the tract herein described; thence North 00 degrees 14 minutes 32 seconds West a distance of 370.82 feet to a Powell capped rebar; thence South 89 degrees 10 minutes 55 seconds East a distance of 670.84 feet to a mag nail set on the South line of the said quarter-quarter section; thence South 89 degrees 10 minutes 55 seconds East a distance of 670.84 feet to a mag nail set on the South line of the said quarter-quarter section; thence South 89 degrees 10 minutes 55 seconds West along the said South line a distance of 25.00 feet to the point of beginning, containing 2.000 acres more or less and being subject to and also with the Access, Utility and Drainage Easements as shown on the Sutherland Simple Subdivision Recorded Plat and subject to the 35' Half Right-of-way for County Road 800 North and any and all easements, right of ways and restrictions.

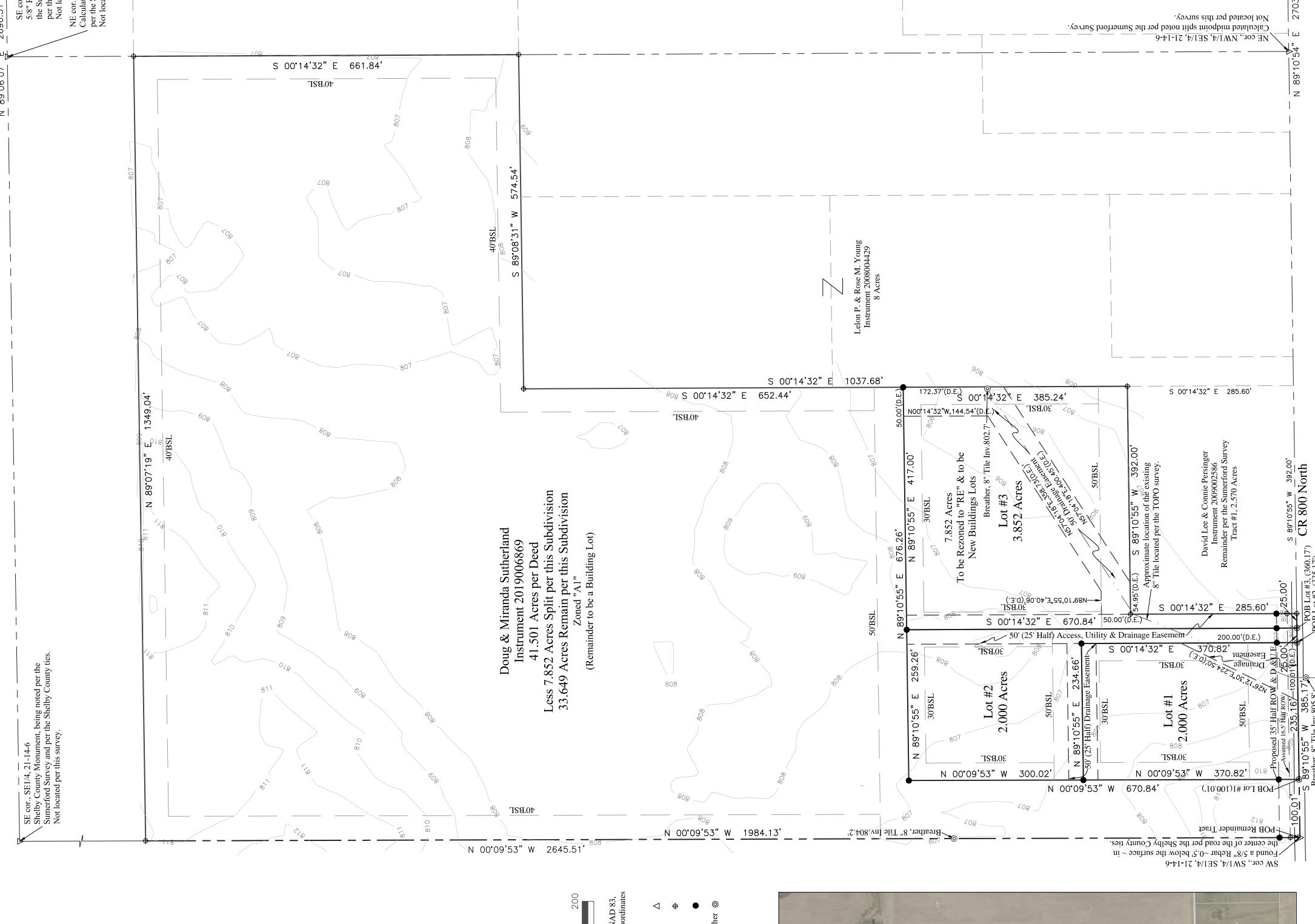
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Mag Nail

Section Co

Found Mc





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