

Shelby County Plan Commission

June 24, 2025, at 7:00 PM

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MEETING AGENDA

Shelby County Plan Commission
June 24, 2025, at 7:00 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the April 22, 2025, meeting.

OLD BUSINESS

None.

NEW BUSINESS

RZ 25-07 – PRICE REZONING: Rezoning of 13.231-acres from the A1 (Conservation Agricultural) District to the A2 (Agricultural) District to allow for a two-lot Simple Subdivision. Located at 5386 W 1100 N, Fountaintown, Moral Township.

SD 25-06 – CARUTHERS 1100 NORTH SIMPLE SUBDIVISION: Simple Subdivision to create one new 13.231-acre, single-family building lot and a 26.798-acre lot including an existing single-family residence and waiver of Simple Subdivision prerequisites. Located at 5386 W 1100 N, Fountaintown, Moral Township.

RZ 25-08 – SUNDVALL REZONING: Rezoning of 10-acres from the A1 (Conservation Agricultural) District to the A2 (Agricultural) District to allow for a two-lot Simple Subdivision. Located at 4141 E 400 N, Shelbyville, Union Township.

SD 25-07 – SHARON D. MAYS SIMPLE SUBDIVISION: Simple Subdivision to create one new 10-acre, single-family building lot and a 10.732-acre lot including an existing single-family residence and waiver of Simple Subdivision prerequisites. Located at 4141 E 400 N, Shelbyville, Union Township.

RZ 25-09 – HUBER REZONING: Rezoning of 2.105-acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for a one-lot Simple Subdivision. Located south of and adjoining 6780 N 100 W, Shelbyville, Marion Township.

SD 25-08 – HUBER SIMPLE SUBDIVISION: Simple Subdivision to create one new 2.105-acre, single-family building lot. Located south of and adjoining 6780 N 100 W, Shelbyville, Marion Township.

RZ 20-08 – BRC LAND HOLDINGS, LLC SITE PLAN REVIEW: Review of project site plan as required by stipulation of rezoning approval for development standards variance approval. Located at 9295 N

Frontage Rd, Fairland, Moral Township.

DISCUSSION

None.

ADJOURNMENT

The next regular meeting of the Shelby County Plan Commission is scheduled for Tuesday, **July 22, 2025**, at **7:00 PM**.

Property Details

Location: 5386 W 1100 N,
Fountaintown, Moral Township.

Property Size: 40-acres.

Current Land Use: Estate
Residential & Commercial Kennel.

Current Zoning Classification

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

Proposed Zoning Classification for Lot 1

A2 (Agricultural)
This district is established for general agricultural areas and buildings associated with agricultural production.

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	Cropland
South	R1	Single-Family Residential
East	A1	Cropland
West	A1/R1	Agriculture

Staff Report

Case Number: RZ 25-07 / SD 25-06
Case Name: Price Rezoning – A1 (Conservation Agricultural) to A2 (Agricultural) & Caruthers 1100 North Simple Subdivision

Requests

Rezoning of 13.231-acres from the A1 (Conservation Agricultural) District to the A2 (Agricultural) District to allow for a two-lot Simple Subdivision.

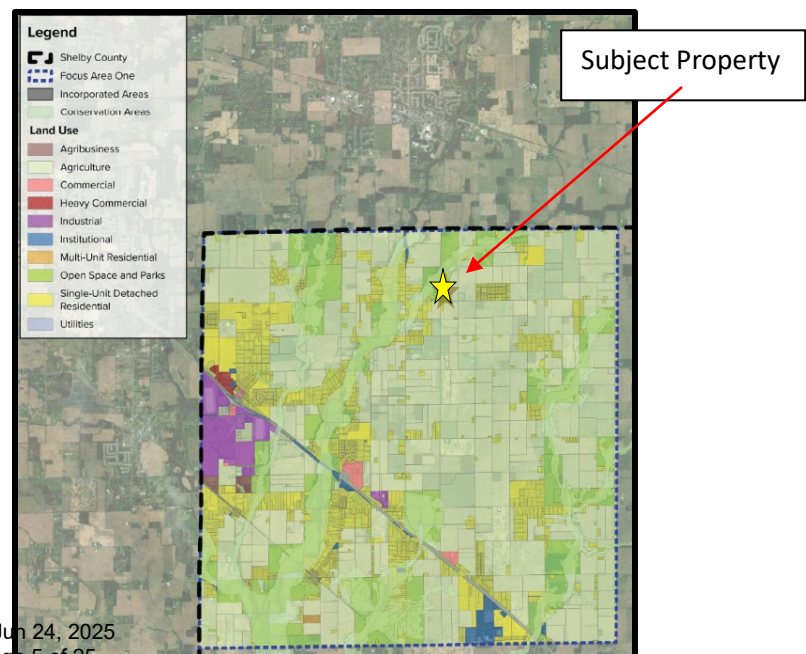
Simple Subdivision to create one new 13.231-acre, single-family building lot and a 26.798-acre lot including an existing single-family residence.

Waiver of Simple Subdivision prerequisites to allow for Simple Subdivision of property zoned A1 & A2.

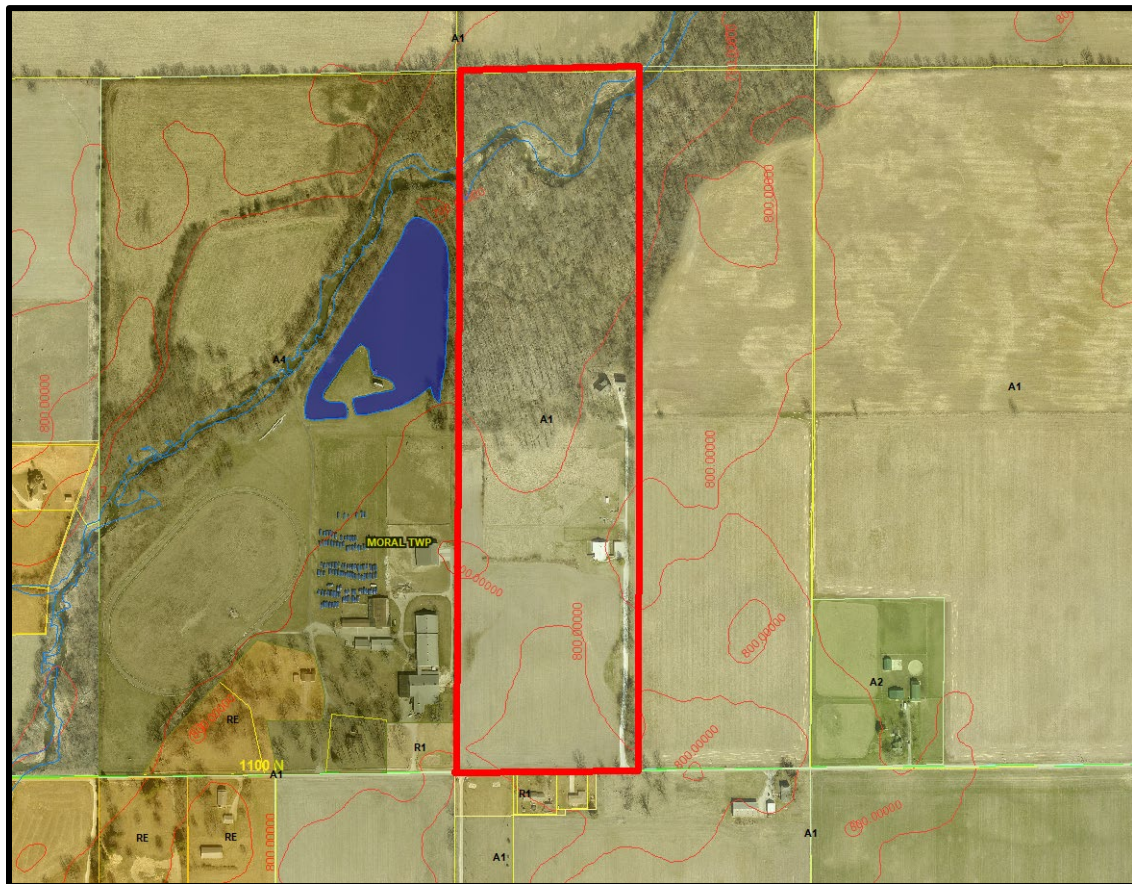
Purpose of Subdivision Code Requirement

The UDO requires RE zoning for properties in residential Simple Subdivisions to limit use of lots for intense agricultural uses that may pose a nuisance to adjacent residential properties. For example, the UDO allows agritourism and keeping of large numbers of animals on property in the A2 District, however, prohibits these uses in the RE District.

Future Land Use Map – Moral Township Sub-Area



Property Map



Case Description

- Approval of the requests would allow for development of one new single-family residential building lot.
- Proposed Lot #1
 - The plat designates Lot #1 as the 13.231-acre building lot.
 - The rezoning only applies to Lot #1 because the lot would retain less than 20-acres. Lot #2 complies within the minimum 20-acre lot size requirement for lots in the current A1 District.
 - Lot #1 currently includes a commercial kennel approved by the Board of Zoning Appeals by Special Exception in 2016. Approval of the rezoning would not impact Special Exception approval because the A2 District also allows commercial kennels by Special Exception.
 - The petitioner has requested a waiver to allow for A2 zoning for Lot #1 rather than RE zoning required for lots in Simple Subdivisions. A2 zoning would allow for continued operation of the existing commercial kennel, which the UDO does not permit in the RE District, and would allow for continued agricultural use of a large lot in a predominantly agricultural area.

- Proposed Lot #2
 - Lot #2 includes an existing single-family residence, detached garage, barn, shed, and septic system.
 - Little Sugar Creek runs through the rear yard of Lot #2.
 - Approximately 22-acres of Lot #2 lies within Federal Emergency Management Agency (FEMA) and Indiana Department of Natural Resources (IDNR) designated Flood Hazard Area Floodway and Flood Fringe. The existing structures on Lot #2 do not lie within the designated flood hazard areas. The plat includes a 'no-disturb' easement over the floodway.
 - The petitioner has requested a waiver to allow for A1 zoning for Lot #2 rather than RE zoning required for lots in Simple Subdivisions. A1 zoning would allow for continued agricultural use of a large lot in a predominantly agricultural area.
- Surrounding development includes agricultural uses and rural residential lots less than 10-acres in size.
- The Technical Advisory Committee (TAC) / Site Plan Review Committee would review a detailed site plan including structure layout, elevation of development, drainage infrastructure, and septic system design for compliance with County codes prior to issuance of permits for a new single-family residence.

Staff Analysis Findings of Fact

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

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

Approval of the rezoning would allow for continued use of the property for agricultural purposes and development of a single-family building lot consistent with the size of most other single-family residential lots in the area.

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

Approval of the rezoning would allow for continued use of the property for agricultural purposes and development of a single-family building lot consistent with the size of most other single-family residential lots in the area.

3. The Conservation of Property Values throughout the Jurisdiction

Continued use of the property for agricultural purposes and development of a single-family building lot would have no perceivable impact on property values throughout the County.

4. Responsible Development and Growth

The property has access to all utilities to support residential development.

5. The Comprehensive Plan

The Comprehensive Plan recommends Parks, Open Space, & Conservation for parcels including designated flood hazard areas. However, the portion of the parcel included in the rezoning does include any flood hazard area. Therefore, approval of the rezoning would not conflict with the future 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 Simple Subdivision of property zoned A1 & A2.
 - a. A waiver to allow for A2 zoning for Lot #1 would allow for continued operation of an existing commercial kennel, which the UDO does not permit in the RE District, and would allow for continued agricultural use of a large lot in a predominantly agricultural area.
 - b. A waiver to allow for A1 zoning for Lot #2 would allow for continued agricultural use of a large lot in a predominantly agricultural area.
3. The subdivision of land satisfies the standards of Article 07: Design Standards.
4. The subdivision of land satisfies any other applicable provisions of the Unified Development Ordinance.
5. The subdivision of land satisfies the construction requirements of Shelby County's Construction Standards.

Staff Recommendation

APPROVAL of the Rezoning and Simple Subdivision primarily because approval would allow for continued use of the property for agricultural purposes and development of a single-family residential building lot consistent with the size of most other single-family residential lots in the area.

Applicant/Owner Information

Applicant:	Natalie Price 5386 W 1100 N Fountaintown, IN 46130	Surveyor:	Accura Land Surveying – Philip D Going, Owner PO Box 786 Greenfield, IN, 46140
Owner:	Same		

APPLICATION FOR REZONING

FINDINGS OF FACT

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

Applicant: _____

Case #: _____

Location: _____

1. The request is consistent with the Shelby County Comprehensive Plan because: other
residential properties in the area
2. The request is consistent with the current conditions and the character of structures and uses in each district because: there are residential structures
3. The request is consistent with the most desirable use for which the land in each district is adapted because: yes
4. The request is consistent with the conservation of property values throughout the jurisdiction because: yes
5. The request is consistent with responsible growth and development because: yes because
will be residential structure

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

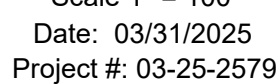
Finding 1: How is the proposed new zoning designation consistent with the future land use of the property identified in the Comprehensive Plan? If you do not know the future land use of the property, please ask the Planning Director.

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?

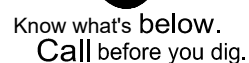
Finding 3: Why is the proposed use, and/or other possible future uses permitted in the proposed zoning district, the most desirable use for the land?

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?



Philip Gong



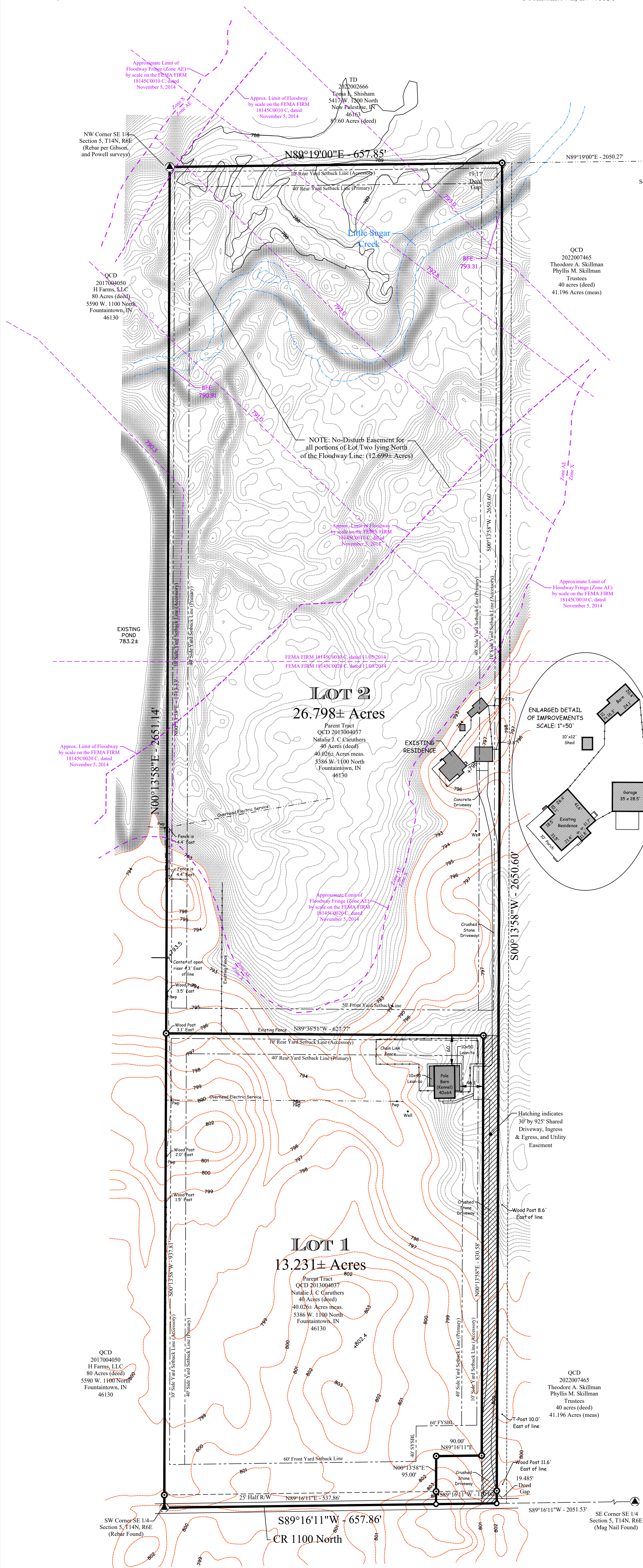
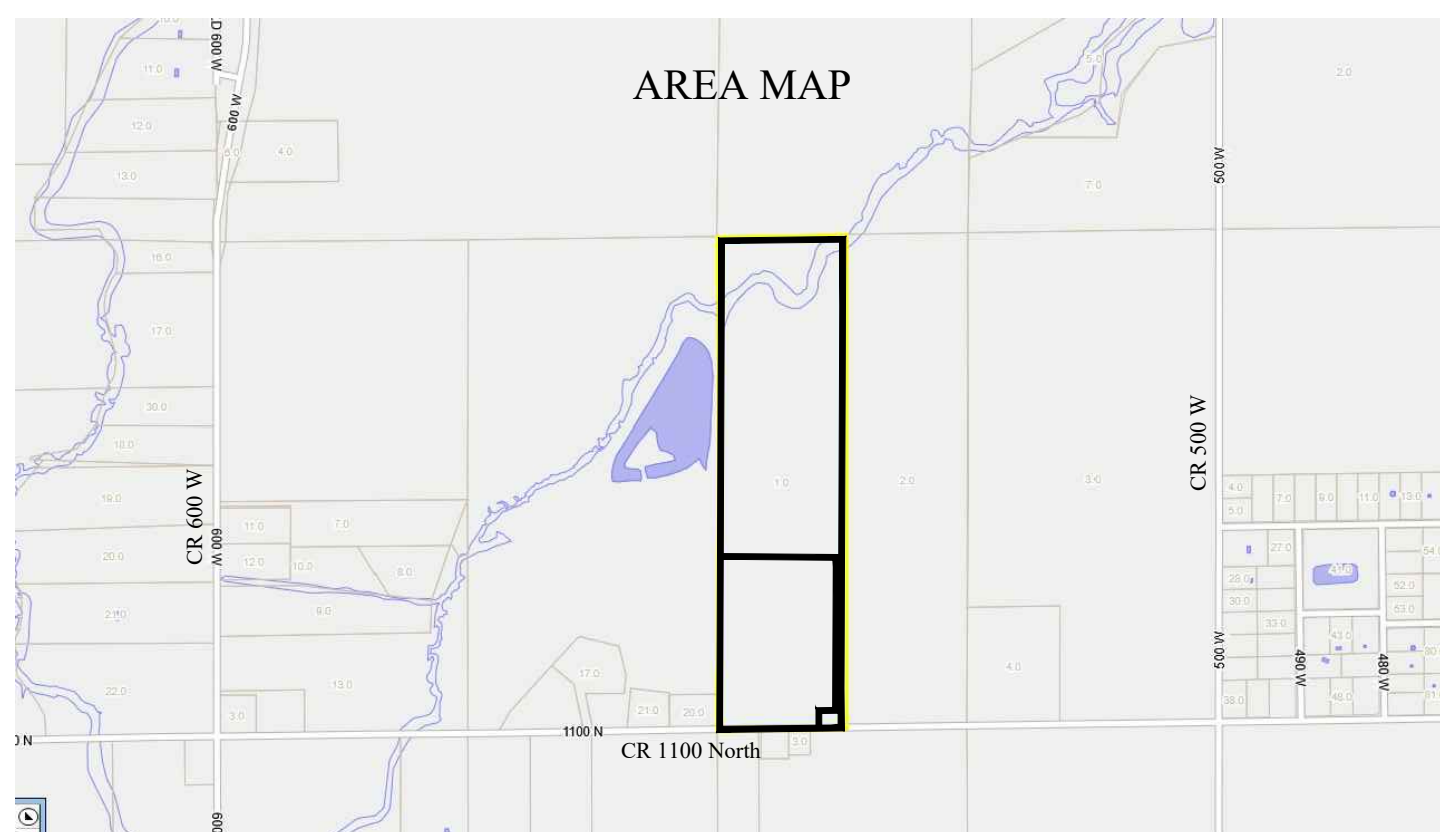
Prepared For:
OWNER: Natalie J. C Caruthers
Address: 5386 W. 1100 North
Fountaintown, IN 46130

LEGEND

- ⊙ - Denotes Capped Rebar Set (Accura)
- ⦿ - Denotes Mag Spike Set
- ▣ - Denotes Wood Lath Set



The logo for Accura Geomatic Land Specialists features the word "Accura" in a large, bold, black sans-serif font. Below "Accura", the words "Geomatic" and "Land Specialists" are written in a smaller, black sans-serif font, separated by a stylized graphic of a globe. The globe is blue and green, representing Earth. A thin black line curves around the globe, passing behind the word "Land Specialists".



A circular seal for Philip D. Going, a Registered Land Surveyor in the State of Indiana. The seal features the text "PHILIP D. GOING" at the top, "REGISTERED" below it, the license number "No. LS29400003" in the center, "STATE OF INDIANA" below the number, and "LAND SURVEYOR" at the bottom. Two five-pointed stars are positioned on the left and right sides of the seal.

SHARED DRIVEWAY MAINTENANCE COVENANT

1. The Grantor covenants and agrees for itself, its heirs/successors and assigns to grant upon the conveyance or other transfer of a Lot or Lots, for the benefit of each lot individually and collectively, the perpetual right and easement to use in common with the owners of one or more of the Lots described above ("Lot Owners") each with the other and their successors that the area designated as "Shared Driveway, Ingress and Egress, and Utility Easement" as shown in hatching on the Plan, Said easement shall provide that the Shared Driveway may be used by the Lot Owners for all purposes for which driveways are now or may hereafter be used, including, without limitation, access on foot and by motor vehicle. Said easement shall provide, at a minimum, for the following:

a. The Lot Owners and their successors in title to each and any of the Lots shall have the right to use and enjoy the Shared Driveway for the purposes stated in the easement, in common with the other Lot Owners;

b. If, in connection with the exercise of said easement right in the Shared

Subject, however, to all legal highways, rights of way, easements and restrictions of record.

This survey was performed without the benefit of a current title policy or commitment. It is possible that easement rights may exist on this real estate and not be shown on this plat of survey.

OWNER'S CERTIFICATE:
I, Natalie J. C Caruthers, do hereby certify that I am the owner of the property described in the above caption and that as such owner I have caused the said above described property to be surveyed and subdivided as shown on the hereon drawn plat, as my free and voluntary act and deed.

Witness my hand this _____ day of _____, 2025

Natalie J. C Caruthers

NOTARY CERTIFICATE:
I, _____, a Notary Public in and for said
County and State, do hereby certify that Natalie J. C Caruthers,
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 _____, 2025.

Notary Public

PLAN COMMISSION APPROVAL:
Approved by the Shelby County Plan Commission in accordance with Subdivision Regulations with waiver of Simple Subdivision prerequisites to allow for Simple Subdivision of property zoned A1 & A2.

By: _____
Kevin Carson, President Plan Commission Date _____

By: _____
Megan Hart, Secretary Plan Commission Date _____

Cite Rezoning Approval:
Rezoning Approval:
Shelby County Rezoning Ordinance #

Approved by the Shelby County Commissioners on _____

Driveway, any Lot Owner shall make any excavations within the Shared Driveway, the Lot Owner so excavating will, as soon as possible, restore the Shared Driveway to its condition immediately prior to the excavation;

c. Each Lot Owner will indemnify and save the others harmless from and against any loss, damage or liability arising out of the exercise of the rights granted herein;

d. Each Lot Owner shall be responsible for one half of the cost of maintenance of the Shared Driveway within the Shared Driveway Easement, including without limitation, maintenance of the driveway surface and snow removal. The Lot Owners shall bear 100% responsibility, joint and severally, for maintenance and repair of the Shared Driveway.

e. No Lot Owner shall use the Shared Driveway so as to hinder or prohibit the use of the Shared Driveway by other Lot Owners or unreasonably interfere with or interrupt the use of the Shared Driveway by others entitled thereto.

Property Details

Location: 4141 E 400 N, Shelbyville, Union Township.

Property Size: 20.738-acres.

Current Land Use: Estate Residential / Cropland

Current Zoning Classification

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

Proposed Zoning Classification

A2 (Agricultural)
This district is established for general agricultural areas and buildings associated with agricultural production.

Future Land Use per Comp Plan

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

Surrounding Development

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

Staff Report

Case Number: RZ 25-08 / SD 25-07
Case Name: Sundvall Rezoning – A1 (Conservation Agricultural) to A2 (Agricultural) & Sharon D. Mays Simple Subdivision

Requests

Rezoning of 20.732-acres from the A1 (Conservation Agricultural) District to the A2 (Agricultural) District to allow for a two-lot Simple Subdivision.

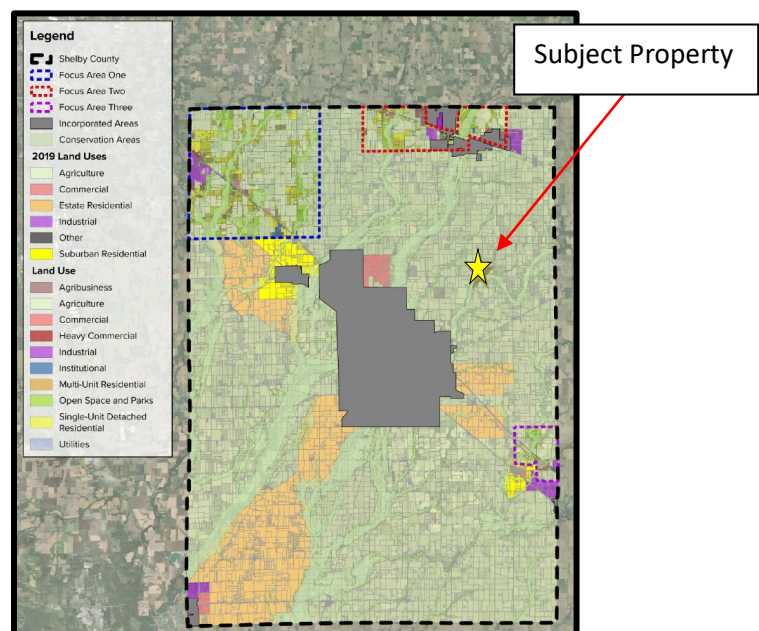
Simple Subdivision to create one new 10-acre, single-family building lot and a 10.738-acre lot including an existing single-family residence.

Waiver of Simple Subdivision prerequisites to allow for Simple Subdivision of property zoned A2.

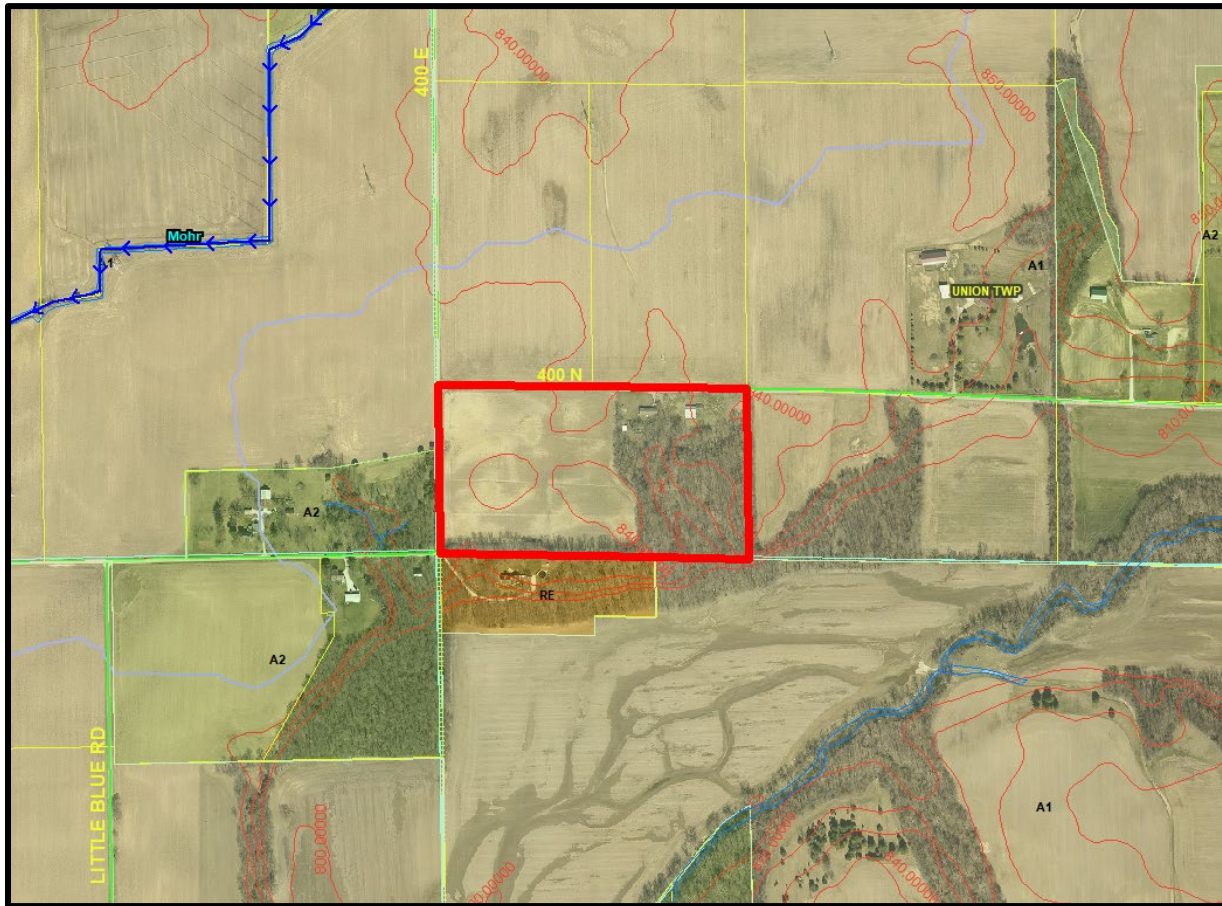
Purpose of Subdivision Code Requirement

The UDO requires RE zoning for properties in residential Simple Subdivisions to limit use of lots for intense agricultural uses that may pose a nuisance to adjacent residential properties. For example, the UDO allows agritourism and keeping of large numbers of animals on property in the A2 District, however, prohibits these uses in the RE District.

Future Land Use Map



Property Map



Case Description

- Approval of the requests would allow for development of one new single-family residential building lot. The plat designates Proposed Lot #1 as the new 10-acre building lot. Proposed Lot #2 includes a manufactured home, septic system, and accessory structures.
- The surrounding area includes single-family development on rural residential lots over five acres.
- The USDA Soil Survey classifies approximately half of the new building lot as “Prime Farmland” and the other half of the lot as ‘Prime Farmland if Drained.’
- The Technical Advisory Committee (TAC) / Site Plan Review Committee would review a detailed site plan including structure layout, elevation of development, drainage infrastructure, and septic system design for compliance with County codes prior to issuance of permits for a new single-family residence.

Staff Analysis Findings of Fact

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

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

Approval of the rezoning would allow for continued use of the property for agricultural purposes and development of a single-family building lot consistent with the size of most other single-family residential lots in the area.

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

Approval of the rezoning would allow for continued use of the property for agricultural purposes and development of a single-family building lot consistent with the size of most other single-family residential lots in the area.

3. The Conservation of Property Values throughout the Jurisdiction

Continued use of the property for agricultural purposes and development of a single-family building lot would have no perceivable impact on property values throughout the County.

4. Responsible Development and Growth

The property has access to all utilities to support residential development.

5. The Comprehensive Plan

The property would retain an agricultural zoning designation in an area recommended for agricultural use by the Comprehensive Plan. Approval of the rezoning would not result in the residential density of the area exceeding the residential density recommended for agricultural areas by 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 Simple Subdivision of property zoned A2.
 - a. Adjacent properties similar in size to the proposed lots have the A2 zoning designation. Continued use of the property for agricultural purposes would not pose a greater impact to adjacent residential properties than the current agricultural use of the property.
3. The subdivision of land satisfies the standards of Article 07: Design Standards.
4. The subdivision of land satisfies any other applicable provisions of the Unified Development Ordinance.
5. The subdivision of land satisfies the construction requirements of Shelby County's Construction Standards.

Staff Recommendation

APPROVAL of the Rezoning and Simple Subdivision primarily because approval would allow for continued use of the property for agricultural purposes and development of a single-family residential building lot consistent with the size of most other single-family residential lots in the area.

Applicant/Owner Information

Applicant: Thomas Sundvall
4097 N 200 E
Shelbyville, IN 46176

Surveyor: Powell Land Surveying LLC
4634 N 575 E
Shelbyville, IN 46176

Owner: Sharon D Mays
4141 E 400 N
Shelbyville, IN 46176

APPLICATION FOR REZONING
FINDINGS OF FACT BY THE SHELBY COUNTY PLAN COMMISSION

Applicant: **Thomas Sundvall** _____

Case #: _____

Location: **4141 E 400 N, Shelbyville, IN 46176** _____

The Shelby County Plan Commission, having heard the application for rezoning described above and all opposition from parties claiming to be adversely affected thereby, has considered the request based on the provisions of Indiana law and forwards the following findings and recommendation to the Shelby County Commissioners:

1. The request **is** consistent with the Shelby County Comprehensive Plan because: **It requires the land to be rezoned to a "A2" is for residential & Farming use for lands 5 to 20 acres.** _____

2. The request **is** consistent with the current conditions and the character of structures and uses in each zoning district because: **It is an allowed use per the Shelby County Comprehensive Plan.** _____

3. The request **is** consistent with the most desirable use for which the land in each district is adapted because: **It is an allowed use per the Shelby County Comprehensive Plan.** _____

4. The request **is** consistent with the conservation of property values throughout the jurisdiction because: **It will not lower, but will increase the value of the land that is being rezoned.** _____

5. The request **is** consistent with responsible growth and development because: **It will have no effect on the existing land use.** _____

Based on the findings described above, the Plan Commission hereby forwards a **favorable/unfavorable** (circle one) recommendation to the City Council this _____ day of _____, _____.

Shelby County Plan Commission

By: _____

President

Attest: _____

Secretary

S 89°07'33" E / 1294.05' (M&R)

NW cor., W1/2, SW 1/4, 12-13-7

Found a mag spike 0.3' below grade, assumed to be over the stone per the Shelby County ties, and being 0.3' South of the calculated location of the 1992 Kuhn survey.
NAD 83, Indiana East, 1301, State Plane Grid Coordinates, N:1582001.713; E:317503.533

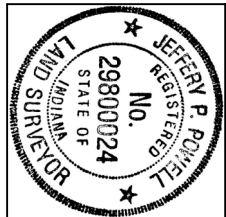
Surveyor Certification:

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 plat. This plat correctly represents said survey and subdivision in every detail. Monuments shown are in place as located.

Witness my hand this 17 day of June, 2025;

Jeffery P. Powell

Jeffery P. Powell
Registered Land Surveyor
No. 29800024



NE cor., E1/2, SW 1/4, 12-13-7
Calculated location being the split of the North line of the SW 1/4 as established per the 1992 Kuhn survey.

Owners Certification:
I, **Sharon D. Mays**, do hereby certify that I am the owners of the property described in the above captioned and that as such owners I 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 _____, 2025.

Sharon D. Mays

Notary Certification:

I, _____, a Notary Public in and for said County and State, do hereby certify that **Sharon D. Mays**, 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 _____, 2025.

Notary Public

Plan Commission Approval:

Approved by the Shelby County Plan Commission in accordance with Subdivision Regulations with waivers of design standards.

By, *Kevin Carson*, President Plan Commission

Date _____

By, *Megan Hart*, Secretary Plan Commission

Date _____

Rezoning Approval:

Shelby County Commissioners Rezoning Ordinance # _____ was approved by the Shelby County Commissioners on _____

I hereby certify that this Plat is true and accurate to the best of my knowledge as surveyed by me.

Jeffery P. Powell

B & J Foltz Farms Inc.
DR Bk 326, Pg 403, 40.00 Acres

CR 400 North

S 89°11'39" E 1290.81'

Note: The East line of the West half-quarter section was held per the calculated split of the North line and the found monument set at the Southeast corner per the Kuhn survey.
Note: The best fit of the existing centerline of County Road 400 North was held per the record descriptions.



Sharon D. Mays Simple Subdivision

Part of the West Half of the Southwest Quarter of Section 12, in Township 13 North, Range 7 East, in Union Township, Shelby County, Indiana.

Owner: Sharon D. Mays, Client: Thomas Sundvall
Site Address: 4141 East 400 North, Shelbyville, IN 46176

Parent description of the 20 acre tract of land owned by Sharon D. Mays, recorded in DR Bk 320, Pg 480.

All that part of the West half of the Southwest quarter of Section 12, in Township 13 North of Range 7 East, which lies South of the center line of the public highway running East and West through said half quarter section, containing in the tract conveyed 20 acres, more or less.

Description of Lot #1 being a 10,000 acre tract split from the lands owned by Sharon D. Mays, recorded in DR Bk 320, Pg 480 and being a new building lot per this survey.

A part of the West Half of the Southwest Quarter of Section 12, in Township 13 North, Range 7 East, in Union Township, Shelby County, Indiana, being created from a survey (Job # 31-2025) by Jeffery Powell and being more particularly described as follows:
Beginning at the **Southwest corner** of the West Half of the Southwest Quarter of the said Section 12, being marked by a 5/8" rebar set over a stone per the Shelby County ties and said point being the Point of Beginning of the tract herein described; thence North 00 degrees 37 minutes 08 Seconds West (Bearings based on NAD 83, Indiana East, State plane Coordinates) along the West line of the said half-quarter section a distance of 698.91 feet to a mag nail with a Powell washer set at the approximate centerline intersection of County Road 400 East and 400 North; thence South 89 degrees 11 minutes 39 Seconds East along the approximate centerline of County Road 400 North a distance of 622.83 feet to a mag nail with a Powell washer; thence South 00 degrees 37 minutes 08 Seconds East a distance of 700.32 feet to a Powell capped rebar set on the south line of the said half-quarter section; thence North 89 degrees 03 minutes 53 Seconds West along the South line of the said half-quarter section a distance of 622.87 feet to the point of beginning, containing **10,000 Acres more or less** and being subject to any and all easements, right of ways and restrictions.

Description of Lot #2 being a 10,738 acre tract being the remainder the lands owned by Sharon D. Mays, recorded in DR Bk 320, Pg 480 being the remainder and the existing homestead per this survey.

A part of the West Half of the Southwest Quarter of Section 12, in Township 13 North, Range 7 East, in Union Township, Shelby County, Indiana, being created from a survey (Job # 31-2025) by Jeffery Powell and being more particularly described as follows:

Commencing at the **Southwest corner** of the West Half of the Southwest Quarter of the said Section 12, being marked by a 5/8" rebar set over a stone per the Shelby County ties; thence South 89 degrees 03 minutes 53 Seconds East (Bearings based on NAD 83, Indiana East, State plane Coordinates) along the South line of the said half-quarter section a distance of 622.87 feet to a Powell capped rebar being the point of beginning of the tract herein described; thence North 00 degrees 37 minutes 08 Seconds West a distance of 700.32 feet to a mag nail with a Powell washer set in the approximate centerline of the County Road 400 North; thence South 89 degrees 11 minutes 39 Seconds East along the approximate centerline of County Road 400 North a distance of 697.97 feet to a mag nail with a Powell washer set on the East line of the said half-quarter section; thence South 00 degrees 31 minutes 35 Seconds East along the East line of the said half-quarter section a distance of 701.80 feet to the Southeast corner of the said half-quarter section, being marked by a found 3/4" iron rod; thence North 89 degrees 03 minutes 53 Seconds West along the South line of the said half-quarter section a distance of 666.58 feet to the point of beginning, containing **10,738 Acres more or less** and being subject to any and all easements, right of ways and restrictions.

Surveyor's Report:

This report is in accordance with Title 86.5, 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 Rural 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 split off Lot #1, being a 10,000 acre tract and being a new building lot from a parent 20,738 acre tract owned by Sharon D. Mays, recorded in DR Bk 320, Pg 480 and Lot #2 being 10,738 Acres and the remainder per the owners instructions. The field work was performed on 5-28-2025 and other dates.

Availability and condition of the reference monuments:

The Northwest and Southwest corners of the Southwest Quarter of Section 12, Township 13 North, Range 7 East were held per the found monuments and are of record per the Shelby County ties. The four corners of the East half of the Southwest quarter of Section 12, Township 13 North, Range 7 East were held per the previous survey by Stephen H. Kuhn, dated 7-30-1992 and was done for the Stanley Campany Estate.

The monuments shown on the survey plat and the uncertainty associated with the said corners are represented on the hereon drawn survey plat and within this report by Record vs Measured vs Calculated. All monuments were found or set as indicated on the survey plat or within this report.

Occupation or possession lines:

County Road 400 East is along the West line and the approximate centerline of County Road 400 North was held along the North line per the record descriptions. There were remains of fence lines found to be ~1 to 4' North of the South line and ~0' to 4' East along the East line. There is no occupation along the new lot line established per this survey and was created per the owners instructions.

Clarity or ambiguity of the record description used and / or adjoiner's description:

There were no ambiguities found per this survey.

Relative position accuracy of Measurements:

This survey falls within the classification of a Rural survey and therefore has a Relative position accuracy of 0.13 feet plus 100 parts per million and is subject to the findings of the previous said survey.

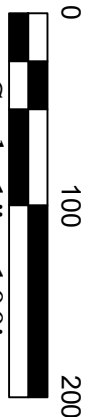
Flood Hazard Statement:

The surveyed tract is located in a special flood hazard ZONE X per the FEMA Flood Insurance rate map number 18145C0130C, the accuracy of this flood hazard statement is subject to map scale uncertainty in location or elevation on the referenced flood insurance rate map.

Survey Notes:

Note: the building set back lines for the "A2" zoning are 60' Front for primary & accessory structures and 40' Side & Rear for primary & 10' for accessory structures.

Note: A waiver from Simple Subdivision prerequisites to allow for Simple Subdivision of property zoned A2 was approved by the Plan Commission on _____



Scale 1" = 100'

Note: Bearings based on NAD 83, Indiana East, State plane Coordinates

Legend

- Section Corner ▽
- Set 5/8" Capped Rebar ●
- Set Mag Nail ⊙
- Found Monument ○

Powell Land Surveying LLC

Jeffery P. Powell, PLS
4634 North, 575 East, Shelbyville, IN 46176
Cell 317-694-6073

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

SE cor., W1/2, SW 1/4, 12-13-7

Found and held a 3/4" rod at the surface on the South side of a old wooden corner post set per the 1992 Kuhn survey and was found to be 0.4' East of the calculated split of the South line of the SW 1/4, 12-13-7.

Wickler Family Trust

Inst. 2023002714, 227.72 Acres

S 89°07'33" E / 1294.05' (M&R)

NE cor., E1/2, SW 1/4, 12-13-7

Found and held a broken old wooden corner post at the calculated location per the 1992 Kuhn survey which call for a iron pin being set next to the corner post, the iron was not found per this survey.
NAD 83, Indiana East, 1301, State Plane Grid Coordinates, N:1581962.23; E:320091.17

S 00°24'53" E 677.25' (C&R)

CR 400 East

N 00°37'08" W 698.91'

Lot #1

10,000 Acre Split
from DR Bk 320, Pg 480
Being a New Building Lot
per this survey
Current Zoning "A1"
Proposed Zoning "A2"

S 00°37'08" E 700.32'
N 00°37'08" W 700.32'

Russell J. & Sharon D. Mays

DR Bk 320, Pg 480
20,738 Acres per this survey
Current Zoning "A1"

Lot #2

10,738 Acre Remainder
of DR Bk 320, Pg 480
Being the existing Homestead
per this survey
Current Zoning "A1"
Proposed Zoning "A2"

Charles R. Davies Testamentary Trust
Inst. 2014003504, 20.41 Acres
per the Kuhn Survey

Charles R. Davies Testamentary Trust
Inst. 2014003504, 39.55 Acres

S 87°58'37" E 1291.04' (C), 1291.35' (R)

Property Details

Location: South of and adjoining
6780 N 100 W, Shelbyville, Marion
Township.

Property Size: 2.105-acres.

Current Land Use: Agricultural
Homestead / Cropland

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

Proposed Zoning Classification
RE (Residential Estate)
*This district is established for single-
family detached dwellings in a rural or
country setting.*

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

Surrounding Development

	Zoning	Land Use
North	A1	Agricultural Homestead
South	A1	Agricultural Homestead
East	A1	Cropland
West	A1	Cropland

Staff Report

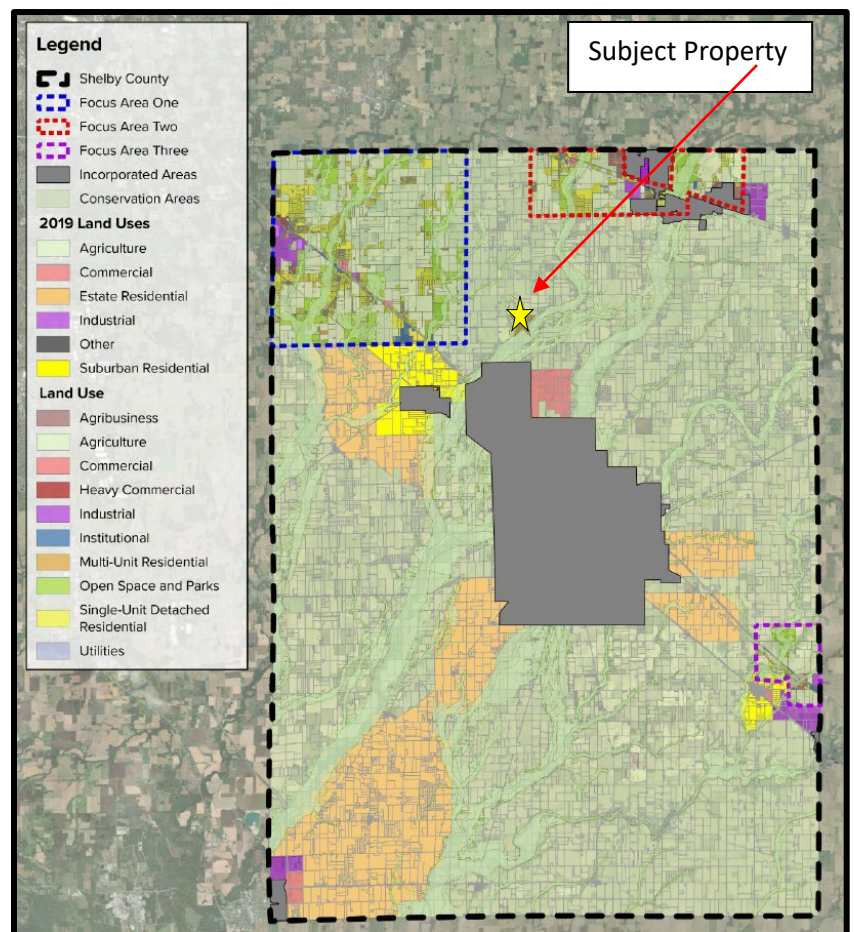
Case Number: RZ 25-09 / SD 25-08
Case Name: Huber Rezoning – A1 (Conservation
Agricultural) to RE (Residential Estate) &
Huber Simple Subdivision

Requests

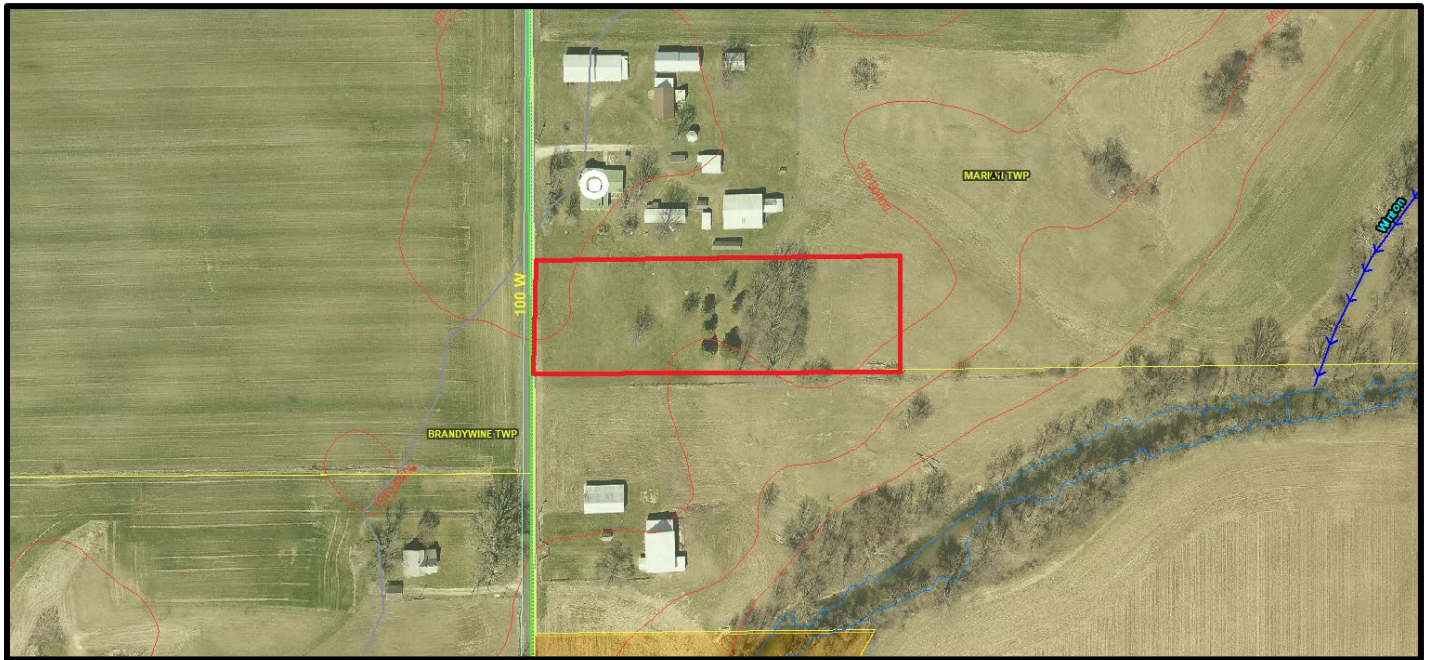
Rezoning of 2.105-acres from the A1 (Conservation Agricultural)
District to the RE (Residential Estate) District to allow for a one-lot
Simple Subdivision.

Simple Subdivision to create one new 2.105-acre, single-family
building lot.

Future Land Use Map



Property Map



Case Description

- Approval of the requests would allow for development of one, 2.105-acre single-family residential building lot.
- The surrounding area includes predominantly cropland.
- The USDA Soil Survey classifies approximately half of the property as 'Prime Farmland' and approximately half of the property as 'Not Prime Farmland'.
- The Technical Advisory Committee (TAC) / Site Plan Review Committee would review a detailed site plan including structure layout, elevation of development, drainage infrastructure, and septic system design for compliance with County codes prior to issuance of permits for a new single-family residence.

Staff Analysis Findings of Fact

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

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

The surrounding area includes predominantly cropland. Approval of the rezoning would not result in the residential density of the area exceeding one lot per five acres as recommended for rural residential development in agricultural areas by the Comprehensive Plan.

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

Approval of the rezoning would allow for development of a rural residential lot on land designated as Not Prime Farmland by the USDA Soil Survey.

3. The Conservation of Property Values throughout the Jurisdiction

Development of the property for residential purposes would have no perceivable impact on property values throughout the County.

4. Responsible Development and Growth

Approval of the rezoning would allow for a single-family detached dwelling in a rural or country setting as intended for the RE District. The Technical Advisory Committee (TAC) / Site Plan Review Committee would review a detailed site plan including structure layout, elevation of development, drainage infrastructure, and septic system design for compliance with County codes prior to issuance of permits for a new single-family residence.

5. The Comprehensive Plan

Approval of the rezoning would not result in the residential density of the area exceeding one lot per five acres as recommended for rural residential development in agricultural areas by 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.
3. The subdivision of land satisfies the standards of Article 07: Design Standards.
4. The subdivision of land satisfies any other applicable provisions of the Unified Development Ordinance.
5. The subdivision of land satisfies the construction requirements of Shelby County's Construction Standards.

Staff Recommendation

Staff recommends **APPROVAL of the Rezoning and Simple Subdivision** primarily because single-family residential development of the property would not result in the residential density of the area exceeding one lot per five acres as recommended for rural residential development in agricultural areas by the Comprehensive Plan.

Applicant/Owner Information

Applicant:	Huber Trust (Clinton Huber) 6780 N 100 W Shelbyville, IN 46176	Surveyor:	Cross Country Consulting, LLC 5921 Cadillac Dr. Indianapolis, IN 46224
Owner:	Same		

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: Cross County Consulting, LLC

Case #: _____

Location: 6780 N 100 W Shelbyville, IN 46176

1. The request is consistent with the Shelby County Comprehensive Plan because: the proposed RE Zoning allows for single family homes to be built.
2. The request is consistent with the current conditions and the character of structures and uses in each district because: it meets the 2 acre min. requirement and there are other single family homes this area which is consistent to what we are propos
3. The request is consistent with the most desirable use for which the land in each district is adapted because: this property has been in my family for many years so we would like to build a new home on this property.
4. The request is consistent with the conservation of property values throughout the jurisdiction because: there will still be plenty of land to farm and the new home will be on the 2 acre parcel which is similar to others in that vicini
5. The request is consistent with responsible growth and development because: a new home will increase development and we will finally be able to live a new home on the land that has been in the Huber Trust for ye

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?

LEGEND

LEGEND	
△	SECTION CORNER
○	REBAR FOUND
⊙	5/8" REBAR WITH CAP STAMPED "S.D.S. 900002" SET
=	ACRES
U.E.	UTILITY EASEMENT
D.E.	DRAINAGE EASEMENT
(C)	CAP CUT ATED

B.S.L. = BUILDING SETBACK LINE

U.E. = UTILITY EA

D.E = DRAINAGE EASEMENT
(C) = CALCULATED

A schematic diagram of a nozzle. On the left, a reservoir contains fluid at a high pressure. A nozzle narrows to a throat and then widens into a supersonic section. A shock wave, represented by a dashed line, is located in the supersonic section. Upstream of the shock, the flow is supersonic. Downstream of the shock, the flow is subsonic. The shock wave is labeled with a normal shock wave.

H)

A vertical bar chart with a single bar reaching the 100 mark on the y-axis.

ER 12, (FORMERLY RULE 12.01), THE FOLLOWING OBSERVATIONS ARE MADE REGARDING THE FOLLOWING UNCERTAINTIES IN THE DATA:

ER 12, (FORMERLY RULE 12.01), THE FOLLOWING OBSERVATIONS ARE MADE REGARDING THE FOLLOWING UNCERTAINTIES IN THE DATA:

ERE MAY BE FOUND SURV

ED ABOVE AND LESS THAN THE UNCERTAINTY. THE DIFFERENCE MAY BE CONSIDERED INSIGNIFICANT. CLOSURE, SUCH DIFFERENCES THAT ARE GREATER. MONUMENTS SHOULD BE TAKEN INTO CONSIDERATION.

BOOK 297, PAGES 588-589

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AT THE TIME OF PLANTING

OF OCCUPANCY FOR ANY RESIDENCE.

TITLE
DEED BOOK 297, PAGE 5

CONSULTING

INDPLS, INDIANA 46224
MAILCROSSCOUNTRY@ATT.NET

PC Jun 24, 2025
Page 21 of 25

Shelby County Plan Commission

Memo

To: Shelby County Plan Commission

From: Desiree Calderella, Planning Director

RZ 20-08: BRC Land Holdings, LLC Site - Plan Review

Located at 9295 N Frontage Rd, Fairland, Moral Township

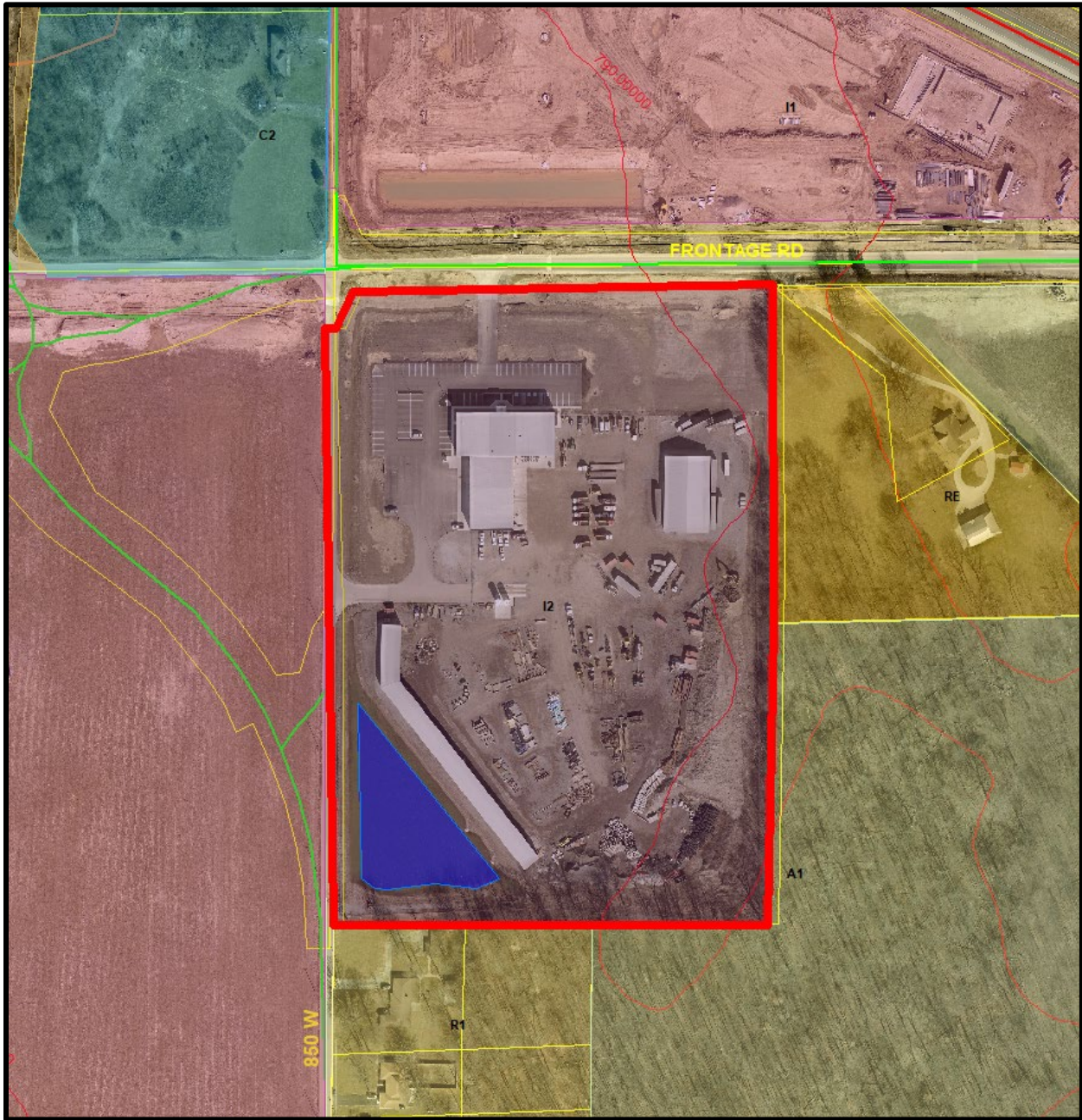
On June 23, 2020, the Plan Commission recommended approval of a rezoning of the property from A1 (Conservation Agricultural) to I2 (High-Intensity Industrial) with stipulations to allow for development of a contracting business. The County Commissioners approved this rezoning on July 6, 2020. Stipulation #3 of the rezoning approval states: *Variances from Development Standards shall not be permitted without Site Plan Approval from the Plan Commission. Variances from Section 5.50 LT-01: General Lighting Standards are exempt from this requirement.* The intent of the stipulation was to discourage low-quality development by requiring review from both the BZA and Plan Commission of variances from design standards.

The property owner began operation of the business in 2022. The property owner has completed the site work, other than for installation of the required landscaping. The developed site and proposed landscaping plan comply with ordinance design standards other than lack of fence or mound along the property lines adjoining properties in residential zoning districts. The property includes heavily wooded areas, and the property owner has committed to preserving trees within the wooded areas and planting trees within the gaps in the wooded areas along the property lines. The property owner has stated that installation of a fence or mound would require removal of existing trees.

On May 13, 2025, the Board of Zoning Appeals approved a variance from the fence/mound requirement subject to Plan Commission approval of the Site Plan.

25 W Polk St, Shelbyville, IN 46176
T: 317-392-6338 W: <https://www.co.shelby.in.us/plan-commission/>

Property Map



April 17, 2025

Shelby County Plan Commission

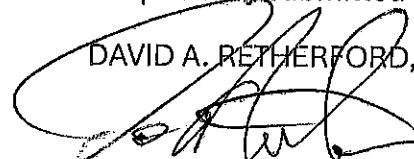
Attn: Planning Department

Re: 9295 N. Frontage Road, Fairland, IN – 46126 - Request for Plan Approval

On behalf of BRC Land Holdings, LLC, the owner of the above addressed property, I have this same date filed a request for a Variance of Development Standards with the Shelby County BZA requesting approval to save and utilize the existing wooded areas along the south and east borders of the property for purposes of providing the screening of the existing headquarters of HIS Constructors for the benefit of the abutting properties instead of requiring that much of the trees and underbrush along those perimeters be cleared and a 6 foot tall privacy fence be installed along those property lines as called for in the ordinance. Per the Planning Office, prior to such variance request being heard, the approval of the proposed landscape plan showing the trees being preserved, some additional trees being added in the few existing gaps, and the only fence being installed is the existing chain link fence which is along the inside edge of the existing wooded areas, needs to be obtained from the Plan Commission as set forth in the Zoning Commitment 3 which was approved as a part of the I2 rezoning per Case No. RZ 20-08.

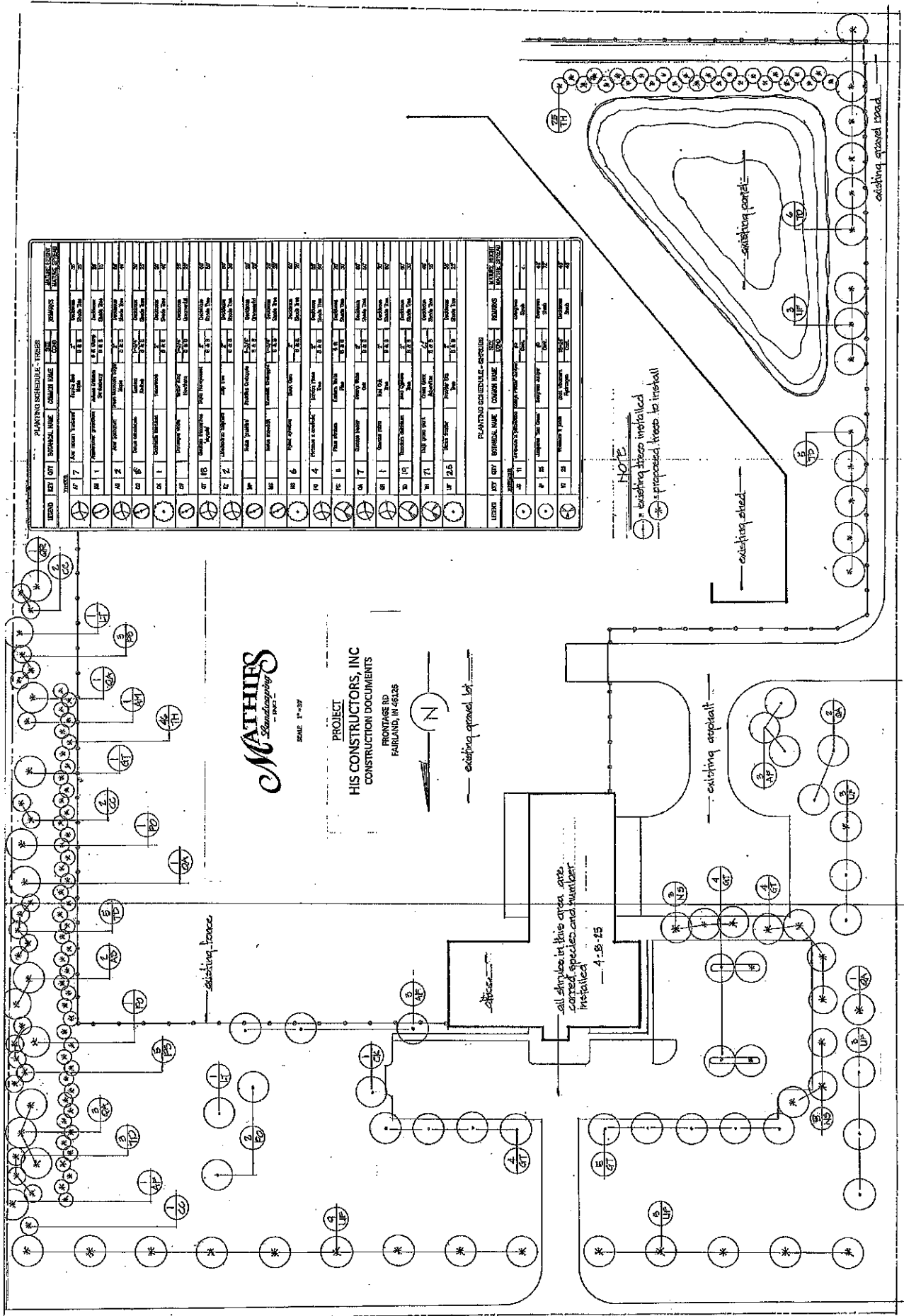
Therefore, this letter is our request for the Plan Commission to approve the plan submitted to Planning, as the first step in this process. Please let me know the date upon which the plan will be reviewed. If there is anything we need to do, or there are any questions prior to the meeting, please contact me.

Respectfully submitted



DAVID A. RETHERFORD, Attorney at Law, Inc.

David A Retherford



MATHIS
Landscaping
INC.

SCALE 1"=20'

PROJECT
HIS CONSTRUCTORS, INC
CONSTRUCTION DOCUMENTS
FRONTAGE RD
FAIRLAND, IN 46126



all shrubs in this area are
correct species and number
installed
4-15-25

PLANTING SCHEDULE - TREES									
ITEM	QTY	SPECIES NAME	COMMON NAME	SIZE	PLANTING DATE	PLANTING DATE	PLANTING DATE	PLANTING DATE	PLANTING DATE
1	1	Red Maple	Acer rubrum	12"	2025	2025	2025	2025	2025
2	1	White Oak	Quercus alba	12"	2025	2025	2025	2025	2025
3	1	Black Oak	Quercus nigra	12"	2025	2025	2025	2025	2025
4	1	Red Oak	Quercus rubra	12"	2025	2025	2025	2025	2025
5	1	White Birch	Betula papyrifera	12"	2025	2025	2025	2025	2025
6	1	Black Birch	Betula nigra	12"	2025	2025	2025	2025	2025
7	1	Red Birch	Betula rubra	12"	2025	2025	2025	2025	2025
8	1	White Pine	Pinus strobus	12"	2025	2025	2025	2025	2025
9	1	Black Pine	Pinus nigra	12"	2025	2025	2025	2025	2025
10	1	Red Pine	Pinus rubra	12"	2025	2025	2025	2025	2025
11	1	White Spruce	Picea canadensis	12"	2025	2025	2025	2025	2025
12	1	Black Spruce	Picea nigra	12"	2025	2025	2025	2025	2025
13	1	Red Spruce	Picea rubra	12"	2025	2025	2025	2025	2025
14	1	White Fir	Abies balsamea	12"	2025	2025	2025	2025	2025
15	1	Black Fir	Abies nigra	12"	2025	2025	2025	2025	2025
16	1	Red Fir	Abies rubra	12"	2025	2025	2025	2025	2025
17	1	White Cedar	Juniperus horizontalis	12"	2025	2025	2025	2025	2025
18	1	Black Cedar	Juniperus nigra	12"	2025	2025	2025	2025	2025
19	1	Red Cedar	Juniperus rubra	12"	2025	2025	2025	2025	2025
20	1	White Cypress	Cupressus sempervirens	12"	2025	2025	2025	2025	2025
21	1	Black Cypress	Cupressus nigra	12"	2025	2025	2025	2025	2025
22	1	Red Cypress	Cupressus rubra	12"	2025	2025	2025	2025	2025
23	1	White Yew	Taxus canadensis	12"	2025	2025	2025	2025	2025
24	1	Black Yew	Taxus nigra	12"	2025	2025	2025	2025	2025
25	1	Red Yew	Taxus rubra	12"	2025	2025	2025	2025	2025

NOTE:
- Existing trees installed
- Proposed trees to install