

Shelby County Plan Commission

August 23, 2022 at 7:00 PM

Table of Contents

Agenda	3
RZ 22-17/SD 22-12 West Rezoning & West Lake Simple Subdivision	5
Staff Report	5
Plat	9
RZ 22-13/SD 22-10 Farnsley Family Farm LLC Rezoning & Farnsley Family Farm LLC Simple Subdivision.....	10
Staff Report	10
Plat	14
RZ 22-09 Sundvall Simple Subdivision.....	15
Staff Report	15
Plat	17
RZ 22-18/SD 22-13 Ritchie Rezoning & Ritchie Fairland Simple Subdivision	18
Staff Report	18
VM District Intent, Permitted Uses, and Special Exception Uses	25
Town of Fairland Letter of Support.....	26
Petitioner’s Statement of Intent	27
Petitioner’s Findings of Fact.....	28
Plat	29
Preliminary Site Plan	30
RZ 22-14 Bowman Rezoning	31
Staff Report	31
I2 District Intent, Permitted Uses, and Special Exception Uses	39
Petitioner’s Statement of Intent	40
Petitioner’s Findings of Fact.....	41
Site Plan.....	42
RZ 22-15 P&E12 LLP Rezoning	43
Staff Report	43
A2 District Intent, Permitted Uses, and Special Exception Uses.....	50
Petitioner’s Statement of Intent	51
Petitioner’s Findings of Fact.....	52

MEETING AGENDA

Shelby County Plan Commission
August 23, 2022 at 7:00 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the May 24 2022 meeting.

WITHDRAWN PETITIONS

RZ 22-16 – HAM REZONING: Rezoning of 3-acres from the RE (Residential Estate) District to the R1 (Single-Family Residential) District. Located at 8800 S 600 W, Edinburgh, Jackson Township.

SD 22-11 – HAM SIMPLE SUBDIVISION: Subdivision of 3-acres into two lots and waiver of Simple Subdivision prerequisites. Located west of and adjoining 7092 E Short Blue Rd, Shelbyville, Union Township. Located at 8800 S 600 W, Edinburgh, Jackson Township.

NEW BUSINESS

RZ 22-17 – WEST REZONING: Rezoning of 0.64-acres from the RE (Residential Estate) District to the R1 (Single-Family Residential) District. Located north of and adjoining 7316 N 600 W, Fairland, Moral Township.

SD 22-12 – WEST LAKE SIMPLE SUBDIVISION: Subdivision of 0.64-acres from a 8.38-acre parent tract and waiver of Simple Subdivision prerequisites. Located north of and adjoining 7316 N 600 W, Fairland, Moral Township.

OLD BUSINESS

RZ 22-11 – FARNSEY FAMILY FARM LLC REZONING: Rezoning of 1.711-acres from the A1 (Conservation Agricultural) District to the R1 (Single-Family Residential) District. Located west of and adjoining 7092 E Short Blue Rd, Shelbyville, Union Township.

SD 22-10 – FARNSEY FAMILY FARM LLC SIMPLE SUBDIVISION: Subdivision of 1.711-acres from a 41.554-acre parent tract, waiver of Simple Subdivision prerequisites, and waiver of subdivision design standards. Located west of and adjoining 7092 E Short Blue Rd, Shelbyville, Union Township.

SD 22-09 – SUNDVALL SIMPLE SUBDIVISION: Subdivision of 5.004 acres into a 3.004-acre building lot and a 2-acre lot including an existing single-family residence and waiver of subdivision prerequisites. Located at 7203 N Frontage Rd, Fairland, Moral Township.

RZ 22-18 – RITCHIE REZONING: Rezoning of 2.071-acres from the A1 (Conservation Agricultural) District to the VM (Village Mixed-Use) District to allow for development of the property for low-intensity retail use. Located at 4771 W 400 N, Fairland, Sugar Creek Township.

SD 22-13 – RITCHIE FAIRLAND SIMPLE SUBDIVISION: Subdivision of 120.11 acres into a 2.071-acre commercial building lot and a 118.04-acre lot including an existing single-family residence and waiver of Simple Subdivision prerequisites. Located at 4771 W 400 N, Fairland, Sugar Creek Township.

RZ 22-14 – MIKE BOWMAN REZONING: Rezoning of 27.648-acres from the A1 (Conservation Agricultural) District, R1 (Single-Family Residential) District, and I1 (Low Intensity Industrial) District to the I2 (High Intensity Industrial) District to allow for expansion of an excavating business. Located at 6224 W 800 N, Fountaintown, Moral Township.

RZ 22-15 – P&E 12 LLP REZONING: Rezoning of 10-acres from the RE (Residential Estate) District to the A2 (Agricultural) District. Located at 6535 W 600 N, Fairland, Sugar Creek Township.

DISCUSSION

None.

ADJOURNMENT

The next regular meeting of the Shelby County Plan Commission is scheduled for Tuesday, **September 27, 2022 at 7:00 PM.**

Property Details

Location: North of and adjoining 7316 N 600 W, Fairland, Moral Township.

Property Size: 0.64-acres.

Current Land Use: Vacant.

Current Zoning Classification

RE (Residential Estate)

This district is established for single-family detached dwellings in a rural or country setting.

Proposed Zoning Classification

R1 (Single-Family Residential)

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

Future Land Use per Comp Plan

Suburban Residential

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

Surrounding Development

	Zoning	Land Use
North	R1	Single-Family Residential
South	R1	Single-Family Residential
East	RE	Vacant
West	R1	Single-Family Residential

Staff Report

Case Number: RZ 22-17 / SD 22-12

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

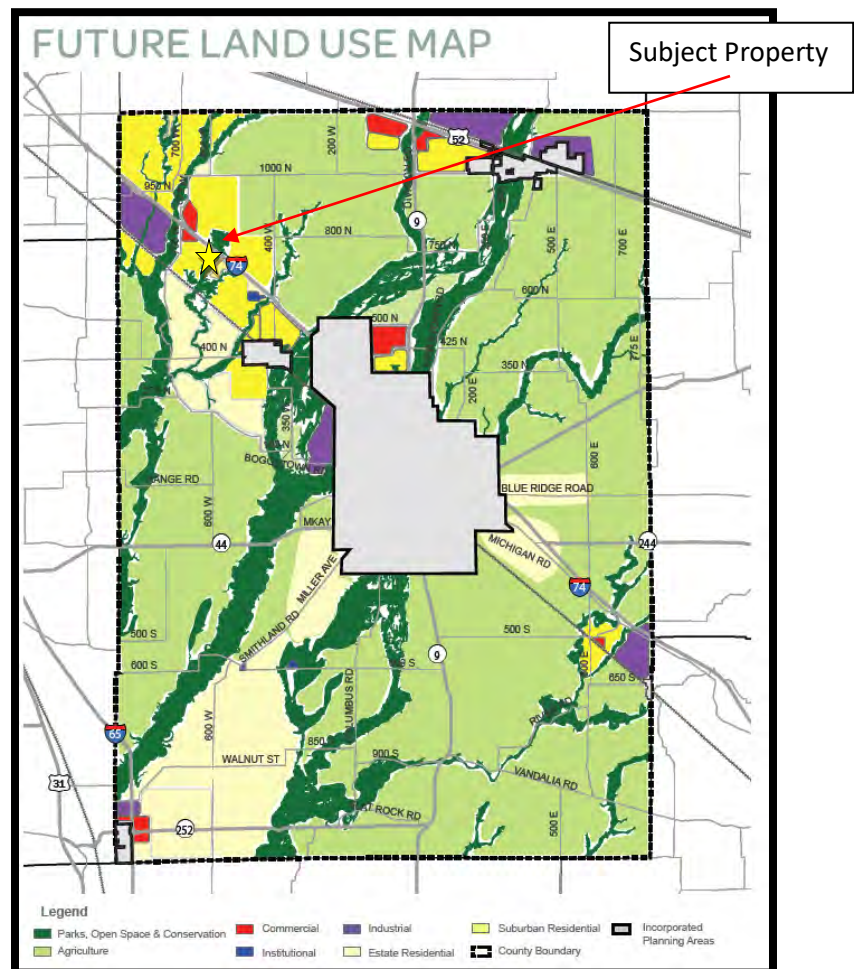
Requests

Rezoning of 0.64-acres from the RE (Residential Estate) District to the R1 (Single-Family Residential) District allow for a one-lot Simple Subdivision.

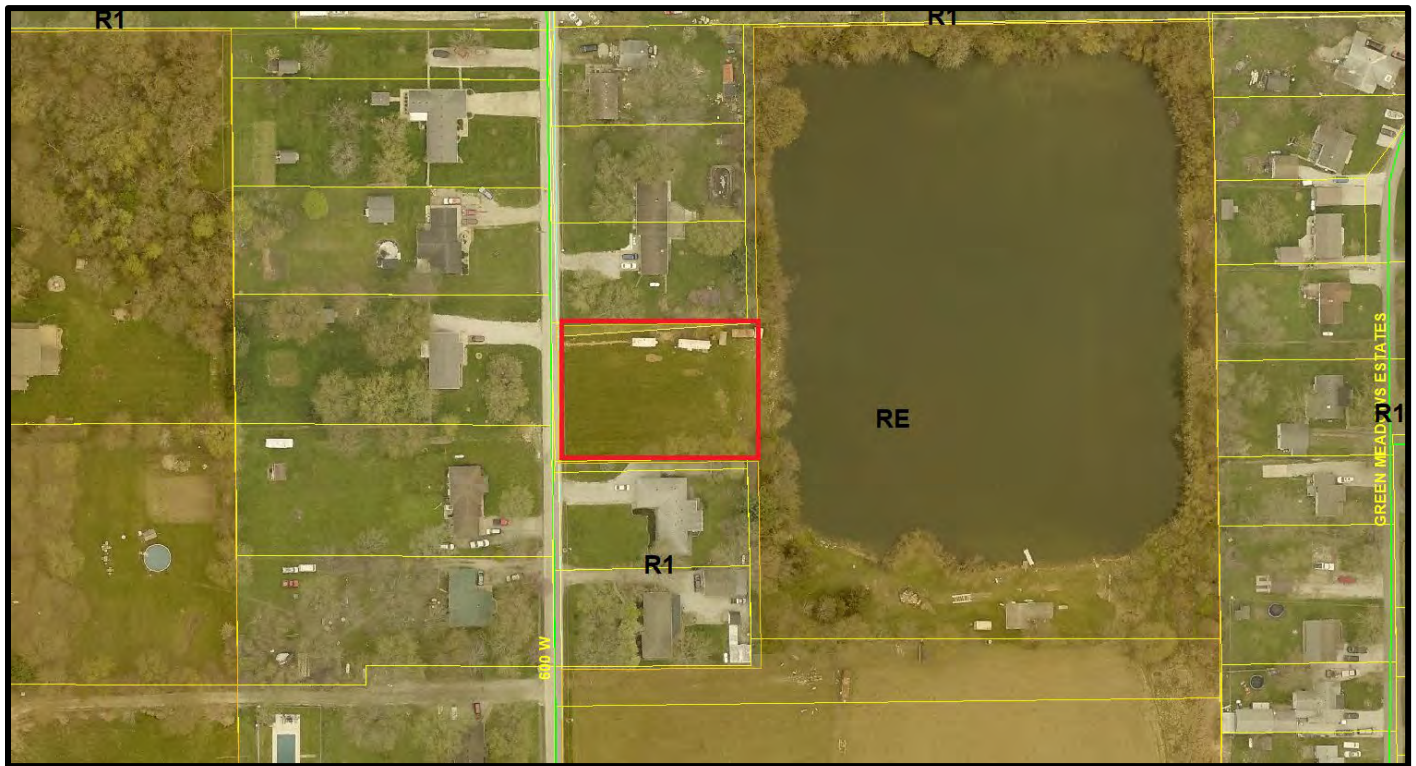
Simple Subdivision of 0.64-acres from a 7.51-acre parent tract.

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

Future Land Use Map



Property Map



Case Description

- Approval of the requests would allow for development of one new single-family residential lot.
- The remaining tract includes a non-habitable single-family residence. This tract would qualify as a building lot subsequent to approval from the Board of Zoning Appeals of a variance from the 160-foot road frontage and 160-foot lot width requirements. This tract would have access to CR 600 W along the south property line of the tract.
- Drainage
 - The petitioner has proposed a 40-foot-wide drainage easement on the remaining tract adjoining the subdivision lot to allow drainage from the lot into the pond on the remaining tract.
 - The pond would drain through the Lakeside Knoll Simple Subdivision approved by the Plan Commission in May of 2022, then through the west half of Lot 20 in Forest Brook Estates, and into Dry Fork Ditch / William Amos Legal Drain.
 - Approval of all off-site easements, approval from the Drainage Board for an outlet into the Amos Legal Drain, and approval of the location, type, size, and slopes of drainage infrastructure by the Technical Review Committee would be required prior to development of the lot.

Staff Analysis Findings of Fact

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

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

Adjacent residences on the east side of CR 600 W lie within the R1 District and sit on lots under one-acre. Therefore, the rezoning would not conflict with the zoning or character of the area.

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

Most surrounding residences lie within the R1 District and sit on lots under one-acre. Therefore, the rezoning would not conflict with the zoning or character of the area.

3. The Conservation of Property Values throughout the Jurisdiction

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

4. Responsible Development and Growth

The property would have access to utilities and drainage infrastructure to support residential development.

5. The Comprehensive Plan

Development of a residential property under one-acre would not conflict with low-to-medium intensity residential development recommended for Suburban Residential 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 for Simple Subdivision of property zoned R1.
3. The subdivision of land satisfies the standards of Article 07: Design Standards.
4. The subdivision of land satisfies any other applicable provisions of the Unified Development Ordinance.
5. The subdivision of land satisfies the construction requirements of Shelby County's Construction Standards.
6. Approval of a waiver to allow for Simple Subdivision of property zoned R1 would allow for development of a lot consistent with the size of adjacent lots on the east side of CR 600 W.

Staff Recommendation

APPROVAL of the **Rezoning, Simple Subdivision, and Waiver** primarily because most surrounding residences lie within the R1 District and sit on lots under one-acre. Therefore, development of the property would not conflict with the zoning or character of the area.

Applicant/Owner Information

Applicant:	Jason Evan West & Victoria Lynn West 7277 N 600 W Fairland, IN 46126	Surveyor:	Scott T Sumerford 3149 N Riley Hwy. Shelbyville, IN 46176
Owner:	Same		

Property Details

Location: West of and adjoining 7092 E Short Blue Rd, Shelbyville, Union Township.

Property Size: 1.711-acres.

Current Land Use: Natural Resources.

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

R1 (Single-Family Residential)
This district is established for single-family detached, medium to large sized homes on medium to large sized lots.

Future Land Use per Comp Plan Agricultural

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

Surrounding Development

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

Staff Report

Case Number: RZ 22-13 / SD 22-10
Case Name: Farnsley Family Farm LLC Rezoning – A1 (Conservation Agricultural) to R1 (Single-Family Residential) & Farnsley Family Farm LLC Simple Subdivision

Requests

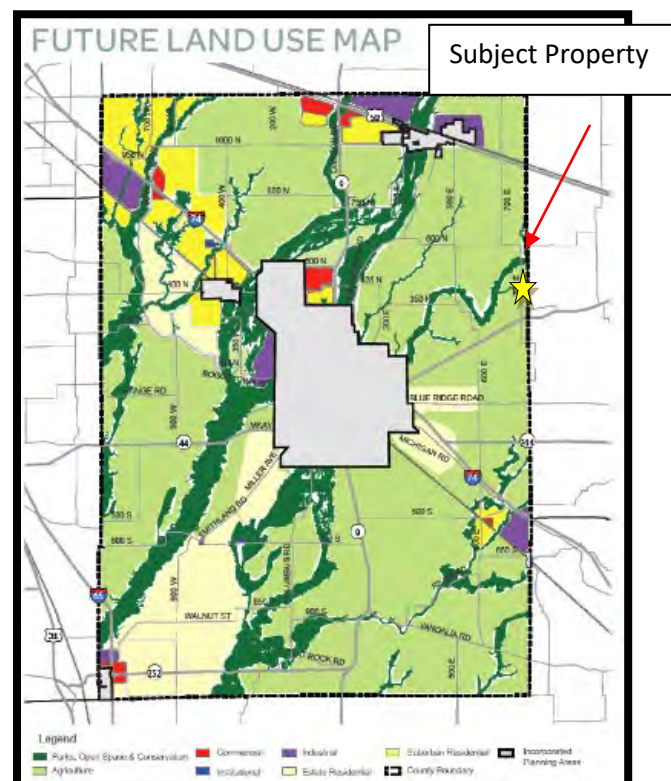
Rezoning of 1.711-acres from the A1 (Conservation Agricultural) District to the R1 (Single-Family Residential) District to allow for a one-lot Simple Subdivision.

Simple Subdivision of 1.711-acres from a 41.554-acre parent tract.

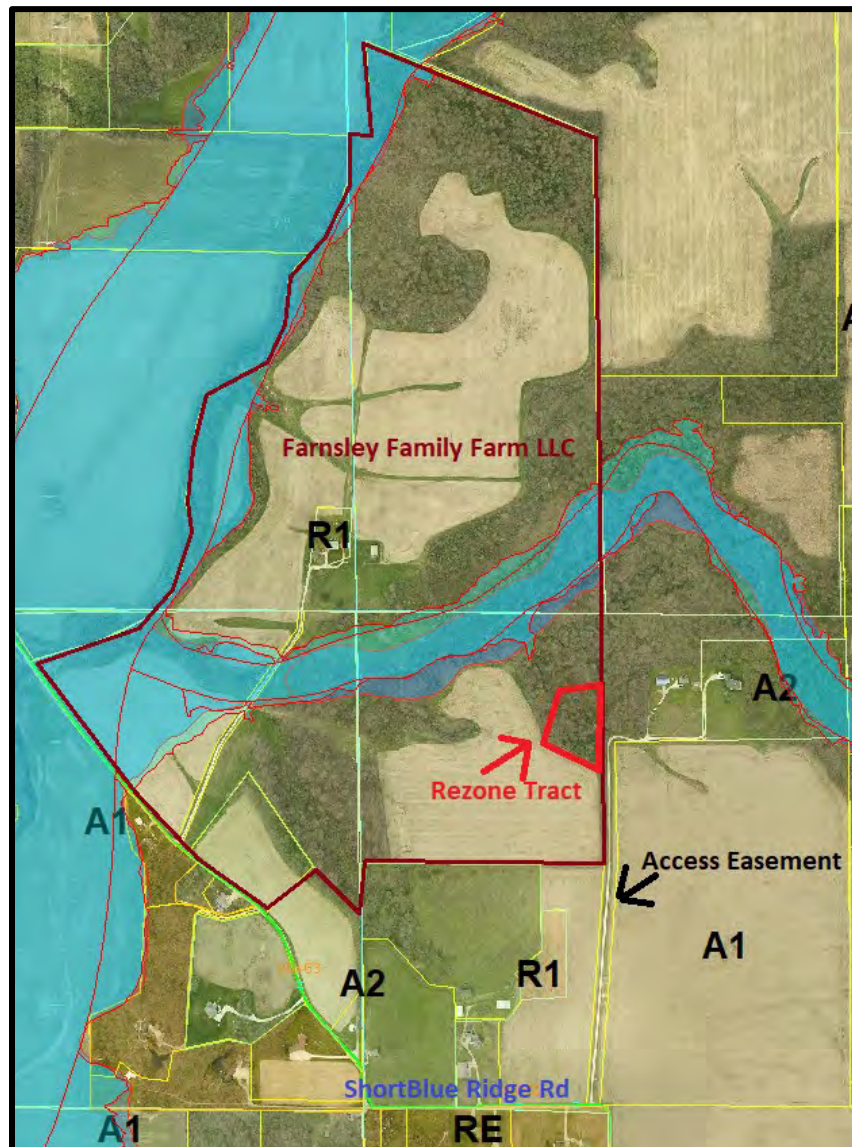
Waivers:

- of Simple Subdivision prerequisites to allow for Simple Subdivision of property zoned R1.
- of subdivision design standards to allow a lot without road frontage (50-foot minimum road frontage required).

Future Land Use Map



Property Map



Case Description

- Approval of the requests would allow for development of one single-family residential building lot.
- The plat shows that the lot would have access to Short Blue Rd. through a 70-foot-wide access and utility easement owned by the owner of the adjacent lot to the east. The owner of the easement would need to sign and record an easement document. The property sits approximately 1/3-mile from Short Blue Rd.
- The owner of the proposed easement and one other residential property currently use the driveway in the easement. Section 5.17 C 2 of the UDO states “The access to three (3) or more single-family lots using a shared easement or similar legal arrangement shall not be considered a driveway. These access facilities shall be

- established according to the regulations for a public street.” Therefore, the petitioner will need to obtain a variance from the Board of Zoning Appeals to allow three residential lots to utilize the driveway in the proposed easement.
- The lots currently utilizing the shared driveway were created prior to implementation of the current zoning and subdivision requirements in 2008.
- The plat includes a 50-foot-wide trail easement along the west property line of the lot. The easement would allow Farnsley Family Farm to utilize an existing trail in the easement after sale of the lot.
- Historical aerial photography shows forested area covering the lot since at least 1985.
- The USDA Soil Survey classifies most of the lot as ‘Not Prime Farmland.’

Staff Analysis Findings of Fact

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

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

Residential lots in the area vary in size and zoning designation. Therefore, approval of a rezoning to R1 to create a 1.771-acre homesite would not conflict with the character of the area.

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

Forested area has covered the lot for over 35-years and the USDA soil survey classifies most of the lot as ‘Not Prime Farmland.’ Therefore, the property is not desirable for crop production.

3. The Conservation of Property Values throughout the Jurisdiction

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

4. Responsible Development and Growth

Residential development of the property does not reflect responsible development and growth because the property does not have road frontage, sits over 1/3-mile from the public road, and would share an access easement with two other properties, thereby potentially leading to future disputes over rights to the access easement and causing difficulty for visitors and emergency vehicles in locating the house from the public road.

5. The Comprehensive Plan

Development of the property for residential purposes would not remove prime farmland from production. Therefore, approval of the rezoning would not significantly conflict with the Agricultural land use recommendation of the Comprehensive Plan.

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

1. The subdivision of land is consistent with the Shelby County Comprehensive Plan.

2. The subdivision of land does not satisfy the development requirements of Article 06: Subdivision Types.
3. The subdivision of land does not satisfy the standards of Article 07: Design Standards.
4. The subdivision of land does not satisfy other applicable provisions of the Unified Development Ordinance.
5. The subdivision of land satisfies the construction requirements of Shelby County's Construction Standards.
6. Residential development of the property does not reflect responsible development and growth. The property does not have road frontage, sits over 1/3-mile from the public road, and would share an access easement with two other properties, thereby potentially leading to future disputes over rights to the access easement and causing difficulty for visitors and emergency vehicles in locating the house from the public road. Additionally, the petitioner owns property along Short Blue Rd. which would allow for creation of a lot having road frontage. Therefore, the requested waivers should be denied.

Staff Recommendation

DENIAL because residential development of the property does not reflect responsible development and growth. The property does not have road frontage, sits over 1/3-mile from the public road, and would share an access easement with two other properties, thereby potentially leading to future disputes over rights to the access easement and causing difficulty for visitors and emergency vehicles in locating the house from the public road.

Applicant/Owner Information

Applicant:	Mark Farnsley 6700 Short Blue Ridge Rd. Shelbyville, IN 46176	Surveyor:	Jeffery Powell, Powell Land Surveying LLC 4634 N 575 E Shelbyville, IN 46176
Owner:	Farnsley Family Farm LLC 3677 E 600 N Shelbyville, IN 46176		

1. NW cor. NW 1/4, NW 1/4, 16-13-8
County monument was set per previous survey for Theobald at the calculated location per double
proportional measurement. Said monument is 9.1'E and 5.0'S of a 1.5" pipe set per a previous survey by
Kuhn and was used per the Sumerford survey.

2. NE cor., NW 1/4, NW 1/4, 16-13-8
Found and held a 5/8" rebar 4" above the surface set per a previous survey by Taylor Sumerford,
dated 10-10-2006. The said rebar was set 6.60' (10 Links) East of a found witness stone being to
the West per the old Webster section corner notes. The said stone was also found per this survey
-6.6' West of the said rebar with a cut "+" and an iron pipe on the West side of the said stone
that was previously set by Steve Kuhn.
NAD 83, Indiana East, State plane Coordinates Grid, N:1579250.780, E:333876.698'

Farnsley Family Farm LLC, 16-13-8 Simple Subdivision

Part of the Northwest Quarter of the Northwest Quarter of Section 16,
Township 13 North, Range 8 East, Union, Township, Shelby County, Indiana.

Owner: Farnsley Family Farm LLC, Client: Mark Farnsley
Site Address: West of 7092 East Shortblue Road, Shelbyville, IN 46176

Parent descriptions 85.05 Acres of the lands owned by Farnsley Family Farm LLC as described and recorded in Instrument 2021008798.
Beginning at a point on the section. line between Sections 16 and 17 in Township 13 North and Range 8 East, 3 chains and 81 links north of the Southeast
corner of the Northeast Quarter of Section 17 aforesaid, thence North 42 1/2 degrees west 6 chains and 77 links, thence north 22 degrees west 6 chains and 46
links; thence north 45 1/2 degrees west 3 chains and 42 links, thence North 51 degrees 10 minutes west 3 chains and 42 links, thence North 51 degrees 10
minutes west 9 chains, thence North 39 1/2 degrees west 16 chains and 70 links, thence North 34 degrees west 50 links to the south end of a 110 foot span
bridge over Little Blue River 5 chains, more or less, from the north line of said Section 17, thence up said Little Blue River in a northeasterly direction with
its meandering, to a point where the same crosses the north line of said Section 17, thence East to the Northeast corner of the Northwest Quarter of the
Northwest Quarter of Section 16, township and range aforesaid, thence South 20 chains, thence South to the place of beginning,
containing 92 acres, more or less.
Subject to right of way grant to the County of Shelby for approximately 0.23 acres, as shown in Deed Record 266, page 115, of the records of the Recorders
Office of Shelby County, Indiana.

EXCEPT THEREFROM THE FOLLOWING: Beginning at an iron rod on the East line of the Northeast quarter of Section 17, Township 13 North, Range 8
East, in Union Township, Shelby County, Indiana, said point being 595.80 feet North 01 degree 00 minutes 00 seconds West (assumed bearing) of the stone at
the Southeast corner of said quarter section; and running thence North 01 degree 00 minutes 00 seconds West 458.40 feet along the East line of said
quarter section to another iron rod; thence North 47 degrees 32 minutes 55 seconds West 332.60 feet to an iron rod; thence South 43 degrees 57 minutes 05
seconds West 330.00 feet to a masonry nail in the center of Short Blue Road; thence the next three courses along the approximate center of said road; thence
South 46 degrees 02 minutes 55 seconds East 75.00 feet to an iron rod; thence South 18 degrees 15 minutes 15 seconds East 426.40 feet to another iron rod;
thence South 42 degrees 23 minutes 00 seconds East 216.55 feet to a masonry nail; thence leaving said centerline North 40 degrees 55 minutes 55 seconds
East 227.30 feet to the point of beginning, containing 5.72 acres, more or less, and subject to the right-of-way of the public road along the entire Southwest
side thereof.

Note: The above description includes the Northwest Quarter of the Northwest Quarter of Section 16 Township, 13 North, Range 8 East, which the 1.711 acre
tract being created per this survey is being split from. Parcel Numbers 73-08-17-200-008.000-019, 73-08-17-200-011.000-019 & 73-08-16-100-001.000-019.

New description Lot "A" (1.711 Acres) being split from the lands owned by Farnsley Family Farm LLC as described and recorded in Instrument 2021008798.

Part of the Northwest Quarter of the Northwest Quarter of Section 16 Township, 13 North, Range 8 East of the second Principal Meridian, Moral Township,
Shelby County, Indiana, being created from a survey (Job # 14-2022) by Jeffery Powell and being more particularly described as follows:
Commencing at the Southeast corner of the said quarter-quarter section, said point being a wooden corner post and being witness by a stone found to be 26.4
feet to the West per the old section records and being per a previous survey by Taylor Sumerford, dated 10-10-2006, thence North 00 degrees 46 minutes 20
seconds West (Bearings based on NAD 83, Indiana East, State plane Coordinates) along the East line of the said quarter-quarter section a distance of 530.00
feet to a Powell capped rebar, said point being the point of beginning of the tract herein described; thence North 61 degrees 09 minutes 28 seconds West a
distance of 344.31 feet to a Powell capped rebar; thence North 35 degrees 12 minutes 59 seconds East a distance of 228.66 feet to a Powell capped rebar;
thence North 65 degrees 04 minutes 10 seconds East a distance of 180.80 feet to a Powell capped rebar set on the East line of the said quarter-quarter
section, said point being South 00 degrees 46 minutes 20 seconds East a distance of 382.32 feet from a 5/8" rebar at the Northeast corner of the said
quarter-quarter section and being witness by a stone found to be 6.6 feet to the West per the old section records and being set per the said Sumerford survey;
thence South 00 degrees 46 minutes 20 seconds East along the East line of the said quarter-quarter section a distance of 429.15 feet to the point of beginning,
containing 1.711 acres more or less and being subject to any and all easements, right of ways and restrictions.

ALSO WITH a 70' wide Access and Utility Easement across the lands owned by Patrick C. and Jennifer D. Deak, recorded in Instrument #2006008823.

Part of the Northwest Quarter of Section 16 Township, 13 North, Range 8 East of the second Principal Meridian, Moral Township, Shelby County, Indiana,
being created from a survey (Job # 14-2022) by Jeffery Powell and being more particularly described as follows:
Commencing at the Southeast corner of the said Northwest quarter section, said point being a wooden corner post and being witness by a stone found to be 26.4 feet to the West per the old section records and being per a previous survey by Taylor Sumerford, dated 10-10-2006 and
said point being the point of beginning of the easement herein described, thence North 00 degrees 46 minutes 20 seconds West (Bearings based on NAD 83,
Indiana East, State plane Coordinates) along the East line of the said quarter-quarter section a distance of 666.44 feet to a point; thence North 89 degrees 13
minutes 40 seconds East a distance of 69.84 feet to a found 5/8" rebar at the corner of the 21.948 acre tract described in Instrument #2006008823 and being
created per a survey by Taylor Sumerford, dated 10-10-2006, the next four calls are along the said 21.948 acre tract; thence South 00 degrees 47 minutes 10
seconds East a distance of 666.60 feet to a found 5/8" rebar; thence South 04 degrees 14 minutes 51 seconds West a distance of 1348.70 feet to a found
5/8" rebar on the South line of the said quarter section; thence South 89 degrees 28 minutes 35 seconds West along the South line of the said quarter section
a distance of 70.00 feet to a found 5/8" rebar; thence North 04 degrees 14 minutes 51 seconds East a distance of 1348.55 feet to the point of beginning,
containing 3.229 acres more or less and being subject to any and all easements, right of ways and restrictions.

ALSO SUBJECT TO a Trail Access Easement along the Westerly side of the proposed 1.711 acre tract and being for the benefit of the remainder of the parent tract of the lands owned by Farnsley Family Farm LLC as described and recorded in Instrument 2021008798.

Part of the Northwest Quarter of the Northwest Quarter of Section 16 Township, 13 North, Range 8 East of the second Principal Meridian, Moral Township,
Shelby County, Indiana, being created from a survey (Job # 14-2022) by Jeffery Powell and being more particularly described as follows:
Commencing at the Southeast corner of the said quarter-quarter section, said point being a wooden corner post and being witness by a stone found to be 26.4
feet to the West per the old section records and being per a previous survey by Taylor Sumerford, dated 10-10-2006, thence North 00 degrees 46 minutes 20
seconds West (Bearings based on NAD 83, Indiana East, State plane Coordinates) along the East line of the said quarter-quarter section a distance of 530.00
feet to a Powell capped rebar; thence North 61 degrees 09 minutes 28 seconds West a distance of 294.00 feet to a point, said point being the point of
beginning of the easement herein described; thence continuing North 61 degrees 09 minutes 28 seconds West a distance of 50.31 feet to a Powell capped
rebar; thence North 35 degrees 12 minutes 59 seconds East a distance of 228.66 feet to a Powell capped rebar; thence North 65 degrees 04 minutes 10
seconds East a distance of 100.45 feet to a point; thence South 35 degrees 12 minutes 59 seconds West a distance of 310.19 feet to the point of beginning,
containing 0.309 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 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 the lands owned by Farnsley Family Farm LLC as described and recorded in
Instrument 2021008798 being a larger parcel with the proposed new building lot being a 1.711 acre tract being split from
the Northwest Quarter of the Northwest Quarter of Section 16 Township, 13 North, Range 8 East being Parcel Number
73-08-16-100-001.000-019 and being per the owners instructions. The field work was performed on February 12, 2022
and other dates.

Availability and condition of the reference monuments:

The East line of the Northwest Quarter of the Northwest Quarter of Section 16 Township, 13 North, Range 8 East was
established and held per the found monuments being per the survey by Taylor Sumerford, dated 10-10-2006.
There were other boundary corner monuments found per this survey and the uncertainties associated with the said corners
are represented on the hereon drawn survey plat and within this report by Record vs Measured vs Calculated.

Occupation or possession lines:

There is an existing old fence line along the East line that is ~2' West at the South end to ~5' West at the North end. The
new lines established per the survey are per the owner's instructions.

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

There were no ambiguities found between the record descriptions used 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 plus the above stated uncertainties.

3. NW cor. SW 1/4, NW 1/4, 16-13-8
Being a stone on the top of the creek bank found per the previous Sumerford survey of the parent
tract, the stone was not located per this survey.

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

Witness my hand this 16 day of June, 2022.

Jeffery P. Powell
Registered Land Surveyor
No. 29800024



Owners Certification:

I, Mark Farnsley, 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 ___, 2022.

Mark Farnsley

Notary Certification:

I, _____, a Notary Public in and for said County and State, do hereby certify that Mark Farnsley, 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 ___, 2022.

Notary Public

Plan Commission Approval:

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

By: Terry Smith, President Plan Commission Date

By: Scott Gabbard, Secretary Plan Commission Date

Re-zoning Approval:

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

Flood Hazard Statement:

The surveyed tract is located in a special flood hazard ZONE X per the FEMA Flood Insurance rate map number 181057C0135C, 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: Five deciduous trees with at least 1 1/4 - inch DBH at the time of planting shall be planted on the property prior to occupation of the residence.

Note: the building set back lines for the R-1 zoning are 35' Front for primary & accessory structures and 15' Side & Rear for primary & 5' for accessory structures.

Note: Waivers required: 50-foot lot frontage and to allow for Simple Subdivision of property zoned R1.

Farnsley Family Farm LLC

Instrument 2021008798

Parcel Number

73-08-16-100-001.000-019

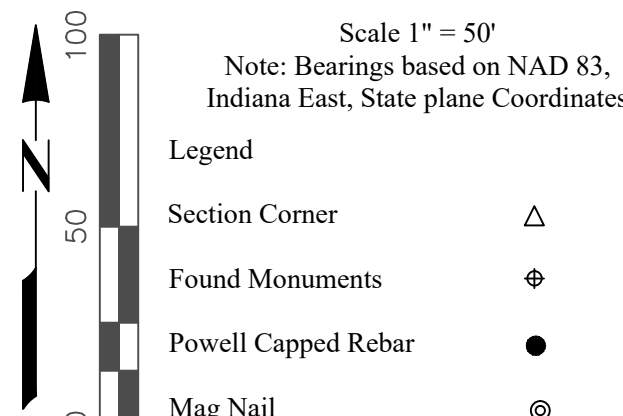
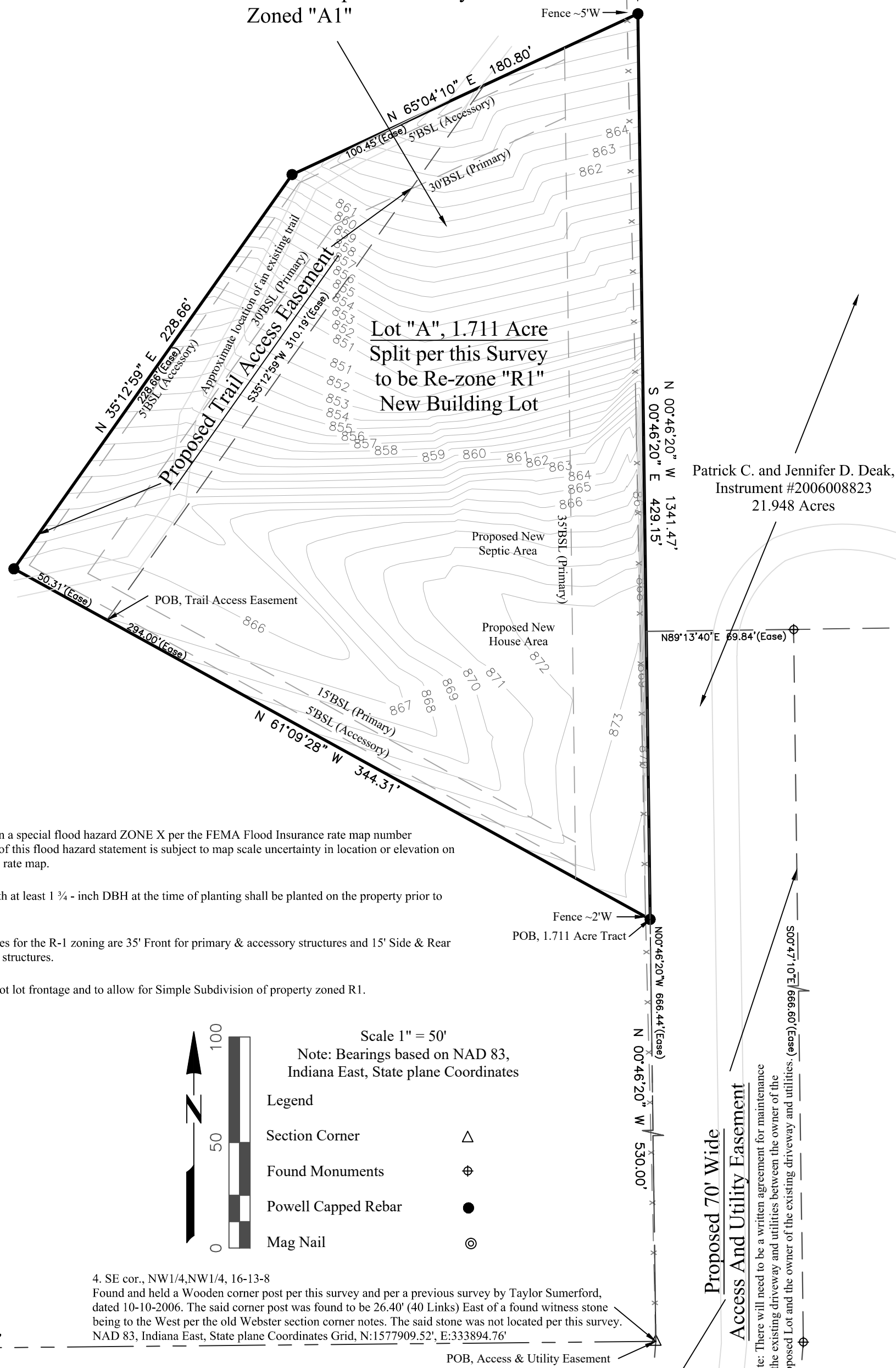
NW1/4, NW1/4, 16-13-8,

41.554 Acres Measured per this survey

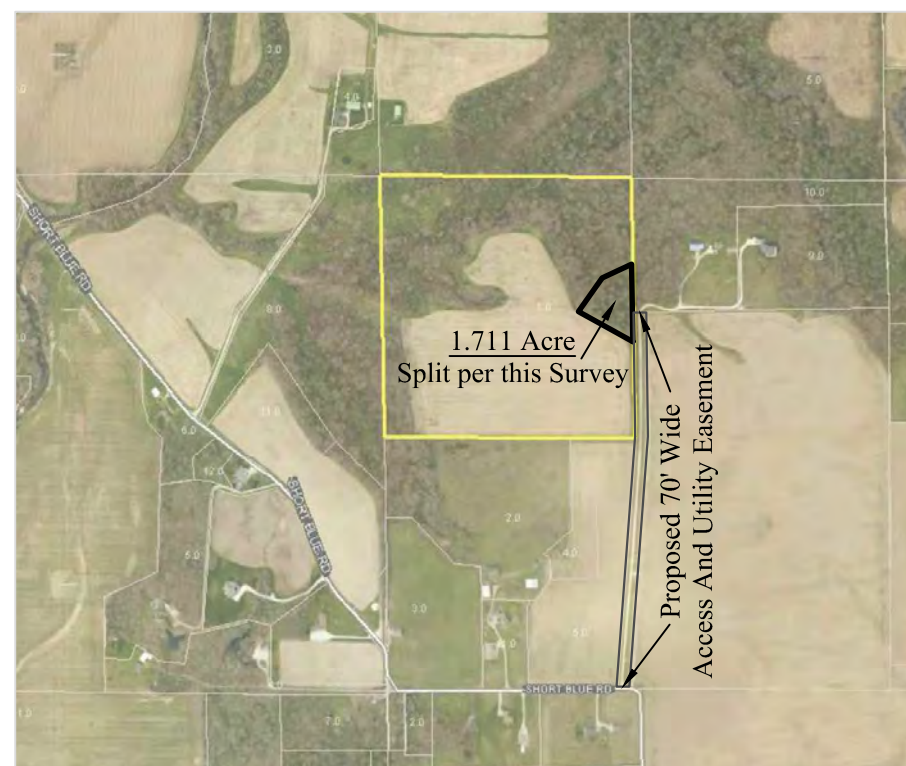
-1.711 Acres Remainder per this survey

39.843 Acre Remainder per this survey

Zoned "A1"



4. SE cor., NW 1/4, NW 1/4, 16-13-8
Found and held a Wooden corner post per this survey and per a previous survey by Taylor Sumerford,
dated 10-10-2006. The said corner post was found to be 26.40' (40 Links) East of a found witness stone
being to the West per the old Webster section corner notes. The said stone was not located per this survey.
NAD 83, Indiana East, State plane Coordinates Grid, N:1577909.52', E:333894.76'



Powell Land Surveying LLC

Jeffery P. Powell, PLS

4634 North, 575 East, Shelbyville, IN 46176

Office 765-763-6147, Fax 765-763-0122, Cell 317-694-6073

Email: powellandsurveying@msn.com

This Document was prepared by Jeffery Powell.

Property Details

Location: 7203 N Frontage Rd,
Fairland, Moral Township.

Property Size: 5.004-acres

Current Land Use: Estate
Residential.

Current Zoning Classification

RE (Residential Estate)

This district is established for single-family detached dwellings in a rural or country setting.

Future Land Use per Comp Plan

Suburban Residential

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

Surrounding Development

	Zoning	Land Use
North	NA	I-74
South	A1	Homestead / Cropland
East	RE	Estate Residential
West	RE	Estate Residential

Staff Report

Case Number: SD 22-09

Case Name: Sundvall Simple Subdivision

Requests

Simple Subdivision of 5.004 acres into a 3.004-acre building lot and a 2-acre lot including an existing single-family residence.

Waiver of Simple Subdivision prerequisites to allow for subdivision of a parent tract under 6-acres.

Property Map



Case Description

- Approval of the requests would allow for development of one single-family residential building lot with frontage along CR 700 N. An existing single-family residence and barn would remain on a second lot with frontage along Frontage Rd.
- The petitioner anticipates drainage from the new building lot to outlet into an existing pond along the east property line of the lot.
- The property and majority of surrounding properties have existed as separate residential tracts for over forty years. The Plan Commission approved a Simple Subdivision of the adjoining

property to the west in 2014. The subdivider and current owner constructed a home on the building lot in this subdivision in 2017.

- The Technical Review Committee would review a detailed Site Plan which would include structure layout, septic system design, drainage design, and any other property improvements prior to issuing construction permits for a new home on the building lot. The Technical Review Committee cannot approve any Site Plan that does not comply with County code.

Staff Analysis Findings of Fact

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

1. The subdivision of land is consistent with the Shelby County Comprehensive Plan.
2. The subdivision of land satisfies the development requirements of Article 06: Subdivision Types, pending approval of a waiver to allow for subdivision of a parent tract under 6-acres.
3. The subdivision of land satisfies the standards of Article 07: Design Standards.
4. The subdivision of land satisfies any other applicable provisions of the Unified Development Ordinance.
5. The subdivision of land satisfies the construction requirements of Shelby County's Construction Standards.
6. Approval of the waiver would allow for the creation of a residential building lot in an area recommended for Suburban Residential development by the Comprehensive Plan and which would be consistent with the size of other residential lots in the neighborhood.

Staff Recommendation

APPROVAL primarily because approval would allow for the creation of a residential building lot in an area recommended for Suburban Residential development by the Comprehensive Plan and which would be consistent with the size of other residential lots in the neighborhood.

Applicant/Owner Information

Applicant:	Frank L. Sundvall 7203 N Frontage Rd. Fairland, IN 46126	Surveyor:	Jeffery Powell, Powell Land Surveying LLC 4634 N 575 E Shelbyville, IN 46176
Owner:	Same		

Property Details

Location: East of and adjoining 4771 W 400 N, Fairland, Brandywine Township.

Property Size: 2.07-acres.

Current Land Use: Cropland.

Current Zoning Classification

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

Proposed Zoning Classification

VM (Village Mixed Use)
This district is established for the mixed use developments currently within small towns to allow them to expanded into rural town centers that may offer a variety of housing, commercial and institutional amenities.

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

Future Land Use per Comp Plan

Incorporated Planning Area – Town of Fairland

Focus Area #3- Fairland / I-74

1. *Work with Johnson County officials on a committed timeline for completing the C.R. 400 extension through to I-65.*
2. *Develop a detailed planning study for desired land uses and development patterns surrounding Fairland and along the C.R. 400 corridor.*
3. *Collaborate with Fairland on plans for transitioning the town to a standalone planning entity.*

Continued on next page....

Staff Report

Case Number: RZ 22-18 / SD 22-13

Case Name: Ritchie Rezoning – A1 (Conservation Agricultural) to VM (Village Mixed Use) & Ritchie Fairland Simple Subdivision

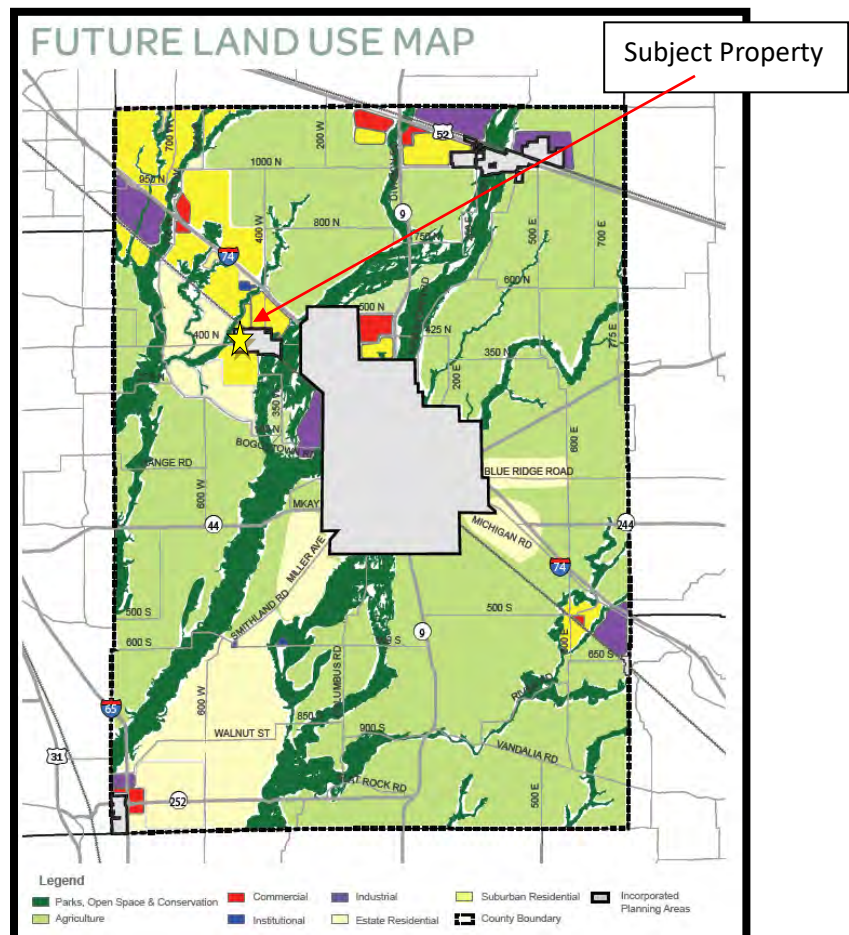
Requests

Rezoning of 2.07-acres from the A1 (Conservation Agricultural) District to the VM (Village Mixed-Use) District to allow for development of the property for low-intensity retail use.

Simple Subdivision of a 2.07-acre commercial lot from a 118.12-acre parent tract.

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

Future Land Use Map



Property Details

4. Cooperate with the City of Shelbyville to study and implement future regional gateway treatments and corridor enhancements within this focus area.
5. Encourage the extension of public water and sewer facilities to this area.
6. Take advantage of the opportunities associated with the floodplain and encourage floodplain mitigation in areas targeted for development.
7. Encourage compliance with and enforce property maintenance and design guidelines.

Surrounding Development

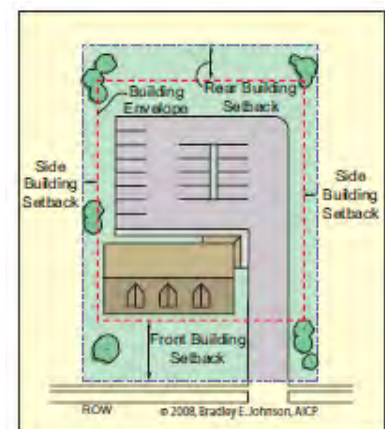
	Zoning	Land Use
North	IS	Fire Station
South	A1	Cropland
East	R1	Single-Family Res.
West	A1	Cropland

Property Map



Case Description

- The petitioner intends to sell the property for development of a medium-intensity retail use.
- Proposed development of Lot 1 includes a 11,000 sq. ft. retail building facing west, 16-space parking lot north of the building, 24-space parking lot west of the building, outdoor trash storage area, dry detention basin, and septic system.
- The property has access to electric lines, a gas line, and a water line, however, does not have access to public sanitary sewer. The developer must submit septic systems plans to the State Department of Health for approval prior to development of the lot.
- The UDO requires fee simple right-of-way dedication as shown on the Future Throughfare Map of the Comprehensive Plan prior to issuance of an Improvement Location Permit for all non-agricultural and non-residential primary structures. The plat includes this right-of-way dedication.
- The UDO permits Type 3 Retail, Medium Intensity as a Special Exception in the VM District. The UDO defines Type 3 Retail, Medium Intensity Retail as *retail businesses that have a moderate impact on neighboring properties, traffic generation, and public safety. Example businesses include a: antique shop, apparel shop, art and craft supplies, book store, boutique, building supply store (small), convenience store (large), department store (small), drug store (large), fabric shop, furniture shop (small), garden shop, gift shop (large), grocery/supermarket (small), home electronics/appliance store (small), liquor sales, music/media shop, office supply store (small), party/event store (small), pawn shop, pet grooming/store, plant nursery, print shop/copy center, pro shop, quick cash/check cashing, shoe store/repair, sign shop, sporting goods (small), variety store (small) and video/DVD rental.*
- The development will require approval of a Special Exception from the Board of Zoning Appeals subsequent to approval of the rezoning.
- Staff recommended that the petitioner apply to rezone the property to VM rather than the C2 District, which would permit the use without Special Exception approval, because of the greater compatibility of the VM District with existing rural town centers. Specifically, the following statements of intent for the VM District included in the UDO support the chosen zoning district:
 - Use, Type and Intensity: Medium to high intensity commercial.
 - Application of District: Expansion of rural town centers.
 - Appropriate Adjacent Districts: A1 & R1
 - Plan Commission: Use this zoning district to create and expand rural town centers.
- The example development pattern for new development in the VM District included in the UDO (as shown to the right) shows the primary structure near the street and all parking in the rear yard.



- 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 would review a detailed site plan prior to issuing construction permits. USI Consultants, Inc would review the drainage plans to ensure the project design complies with the County's Drainage & Sediment Control Ordinance.

Staff Analysis Findings of Fact

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 UDO designates all zoning districts adjoining the property as compatible districts with the VM District.
- Most commercial development within Fairland has been assigned the VM zoning designation.
- The portion of Carey St / CR 400 N that runs through Fairland includes a variety of land uses. The proposed zoning and development would not conflict with the mixed-use character of the area.
- Approval of the rezoning with a stipulation that requires parking behind the building or implementation of architectural standards would improve the aesthetic quality of the area.
- Approval of the rezoning with a stipulation that requires additional landscaping between the parking area and the residential property to the east would mitigate potential noise and odor impacts associated with use of the parking lot.

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

Approval of the rezoning would allow for expansion of retail services within the Town of Fairland, which would encourage the retention of existing residents and attraction of new residents to the area.

3. The Conservation of Property Values throughout the Jurisdiction

Development of the site in compliance with ordinance standards would mitigate potential impacts to adjacent residential properties.

4. Responsible Development and Growth

- The County has completed upgrades to CR 400 N which would support additional traffic generated by the development.
- The property currently includes a sidewalk which connects to other properties along CR 400 N through the Town of Fairland.
- The property has access to electric, gas, and water facilities.
- The developer of the property must submit septic systems plans to the State Department of Health for approval prior to development of the site.

- The Town of Fairland plans to provide sanitary sewer to the area. Approval of the rezoning with a stipulation requiring connection to sanitary sewer when it becomes available represents responsible development and growth.

5. The Comprehensive Plan

Future Land Use: Incorporated Planning Area – Town of Fairland

- The Future Land Use Map shows the property in the Town of Fairland Incorporated Planning Area. The Fairland Town Board has reviewed the petition as has expressed support for the development with Staff's recommended stipulations.

Focus Area #3- Fairland / I-74

- Encourage compliance with and enforce property maintenance and design guidelines.

Community Character Goal 1: Focus on reinvestment and improvement within existing populated areas and rural town centers.

- Strategy 4: Work to create additional entertainment and shopping opportunities which appeal to future generations.
- Strategy 5: Provide opportunities and resources which allow communities to grow in population.

Transportation Systems Goal 1: Coordinate with adjacent jurisdictions to identify opportunities for future transportation and expansion of utilities.

- Strategy 2: Ensure CR 400 N upgrades are completed and work to capitalize on the opportunities the interstate connector provides to Shelby County.
- Strategy 4: Improve roads and infrastructure to areas identified for future development. Ensure roadways can handle future traffic volumes and vehicle types based on intended and anticipated future uses.

Utility Infrastructure Goal 2: Provide utility infrastructure support and coordination resources to support targeted growth.

- Strategy 1: Identify and plan ahead for where utilities are located and where future expansion should be located as indicated on Future Land Use Map.
- Strategy 2: Make needed investments (upgrades, utility infrastructure, high speed internet, etc.) to areas where growth is being promoted.

Land Use Goal 1: Welcome and promote future development in appropriate areas of the County.

- Strategy 1: Balance development patterns and character with available transportation and utility resources and existing character context.
- Strategy 2: Encourage additional development of residences, recreational venues, industries, and retail establishments in areas which will benefit currently populated portions of the county.

- Strategy 5: Actively recruit investment at identified prime locations/ destinations/opportunity areas.
- 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 3: Encouraged re-investment and improvement within our existing cities and unincorporated towns first.

- Strategy 2: Focus on improving blighted areas in towns and other areas populated throughout the county.
- Strategy 3: Encourage and support improvement decisions in communities which will retain and attract residents.
- Strategy 4: Work to create additional entertainment and shopping opportunities which appeal to future generations.
- Strategy 5: Provide opportunities and resources which allow our communities to grow their population.

Economic Development Goal 2: Encourage diversity in business and industry throughout the County

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

1. The subdivision of land is consistent with the Shelby County Comprehensive Plan.
2. The subdivision of land satisfies the development requirements of Article 06: Subdivision Types, pending approval of a waiver to allow for Simple Subdivision of property zoned VM.
3. The subdivision of land satisfies the standards of Article 07: Design Standards.
4. The subdivision of land satisfies any other applicable provisions of the Unified Development Ordinance.
5. The subdivision of land satisfies the construction requirements of Shelby County's Construction Standards.
6. Approval of the waiver would allow for subdivision of a commercial property that does not require internal streets, shared utilities, additional landscape buffers, and other standards generally applicable to multi-lot commercial subdivisions.

Staff Recommendation

Staff recommends **APPROVAL** of the **Rezoning** and **Simple Subdivision** primarily because the Fairland Town Board supports the project and because the development would provide a retail amenity within the Town of Fairland, encouraging the retention of existing residents and the attraction of new residents to the area.

Staff recommends the following **stipulations**:

1. Development of the site shall be consistent with the Site Plan submitted with the rezoning application. The Zoning Administrator shall have the discretion to require Plan Commission approval of any modification to the site plan.

2. A minimum six (6) foot tall opaque fence and six (6) evergreen trees shall be installed between the north parking lot and the property line. This landscaping shall be added in addition to the landscaping requirements indicated in the UDO.
3. All parking spaces shall be located in the rear yard, unless the building incorporates architectural standards in compliance with Section 5.13 of the Unified Development Ordinance.
4. 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: William Lee & Carol Jean Ritchie Owner: Same
501 N 425 W
Shelbyville, IN 46176

Surveyor: Civil & Environmental Consultants, Inc.
11 Municipal Drive, Suite 300
Fishers, IN 46038

Village Mixed Use (VM) District

2.25 VM District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The VM (Village Mixed Use) District is intended to be used as follows:</p> <p>Use, Type and Intensity</p> <ul style="list-style-type: none"> • Medium to high density housing on small to medium sized lots • Medium to high intensity commercial, institutional, and office uses <p>Application of District</p> <ul style="list-style-type: none"> • Existing development near cities and towns • Expansion of rural town centers <p>Development Standards</p> <ul style="list-style-type: none"> • Pedestrian friendly development standards to help create rural town centers • Minimize light, noise, water, and air pollution <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> • OP, A1, A2, RE, R1, R2, VR, M1, M2, MP, VM, IS and C1 <p>Plan Commission</p> <ul style="list-style-type: none"> • Use this zoning district to create and expand rural town centers <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • Allow a special exception use only when it is compatible with the surrounding residential areas 	<p>Commercial Permitted Uses</p> <ul style="list-style-type: none"> • bank machine/atm • barber/beauty shop • coffee shop • day care • delicatessen • farmers market • ice cream shop • office, design services • office, financial services • office, general services • office, medical • photography studio • recreation center/play center • restaurant • retail (type 1), very low intensity • retail (type 2), low intensity • studio arts • tailor/pressing shop <p>Institutional Permitted Uses</p> <ul style="list-style-type: none"> • church, temple, or mosque • community center • parking lot, public • police, fire, or rescue station • post office • school (P-12) <p>Residential Permitted Uses</p> <ul style="list-style-type: none"> • dwelling, manufactured home • dwelling, multiple-family (5 to 8 units) • dwelling, single-family attached • dwelling, single-family detached • dwelling unit, upper floors • fair housing facility (small) 	<p>Commercial Special Exception Uses</p> <ul style="list-style-type: none"> • automobile oriented business • bar/tavern • retail (type 3), medium intensity <p>Residential Special Exception Uses</p> <ul style="list-style-type: none"> • bed and breakfast

Town of Fairland

P. O. Box 150

Fairland, IN 46126

contactus@fairlandin.org

Board Members

President – Jeremy Creech

Vice President – Jeremy Miller

Secretary –Rick Daily

Clerk-Treasurer – Shea Fink

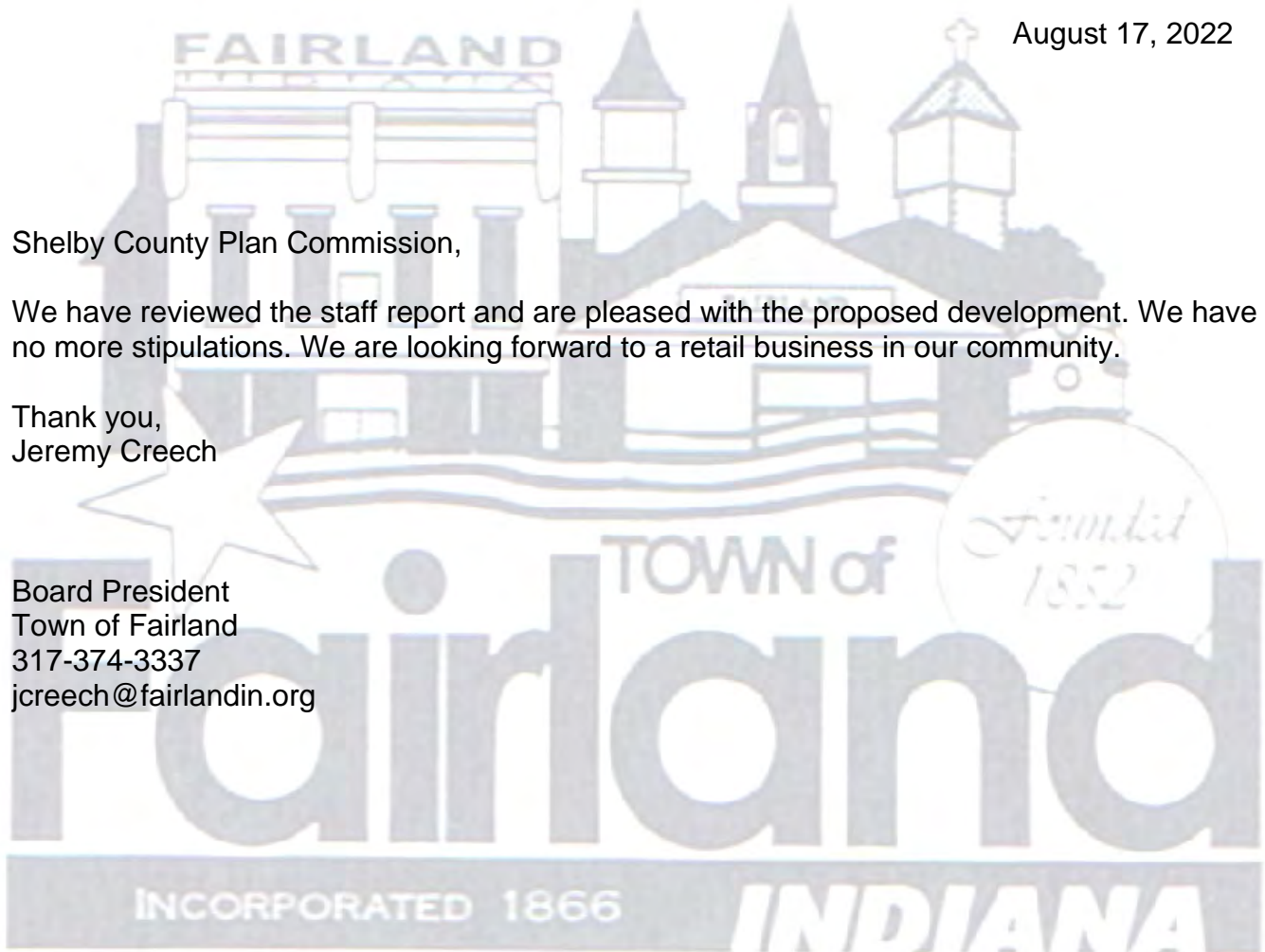
August 17, 2022

Shelby County Plan Commission,

We have reviewed the staff report and are pleased with the proposed development. We have no more stipulations. We are looking forward to a retail business in our community.

Thank you,
Jeremy Creech

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



Ritchie Subdivision – Commercial Property | Fairland, IN

4771 W 400 North

Letter of Intent:

The intent of this submission is to propose the rezoning of a portion of existing Parcel #73-06-16-100-006.000-028 which is located in the Town of Fairland and Shelby County, IN.

The subject parcel is located 530' west of where Mulberry Street intersects Carey Street (W CR 400 N) and is currently zoned as CA, Conservation Agriculture. The existing large parcel is to be subdivided into Lot 1 and Block A. This application for rezone includes Lot 1 only, which will total +/- 2.07-acres.

The proposed rezoning of Lot 1 from CA, Conservation Agriculture to VM, Village Mixed Use is in alignment with the Shelby County Comprehensive Plan as it would provide an opportunity for economic growth and development within Shelby County and the Town of Fairland, IN (Focus Area #3).

If approved, the rezoned parcel is intended to be an available site for one of the various commercial retailers and convenience stores approaching the existing owner about a potential land acquisition. The rezoned parcel will be properly prepared, if approved.

**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: _____

2. The request **is** consistent with the current conditions and the character of structures and uses in each district because:

3. The request **is** consistent with the most desirable use for which the land in each district is adapted because: _____

4. The request **is** consistent with the conservation of property values throughout the jurisdiction because: _____

5. The request **is** consistent with responsible growth and development because: _____

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?

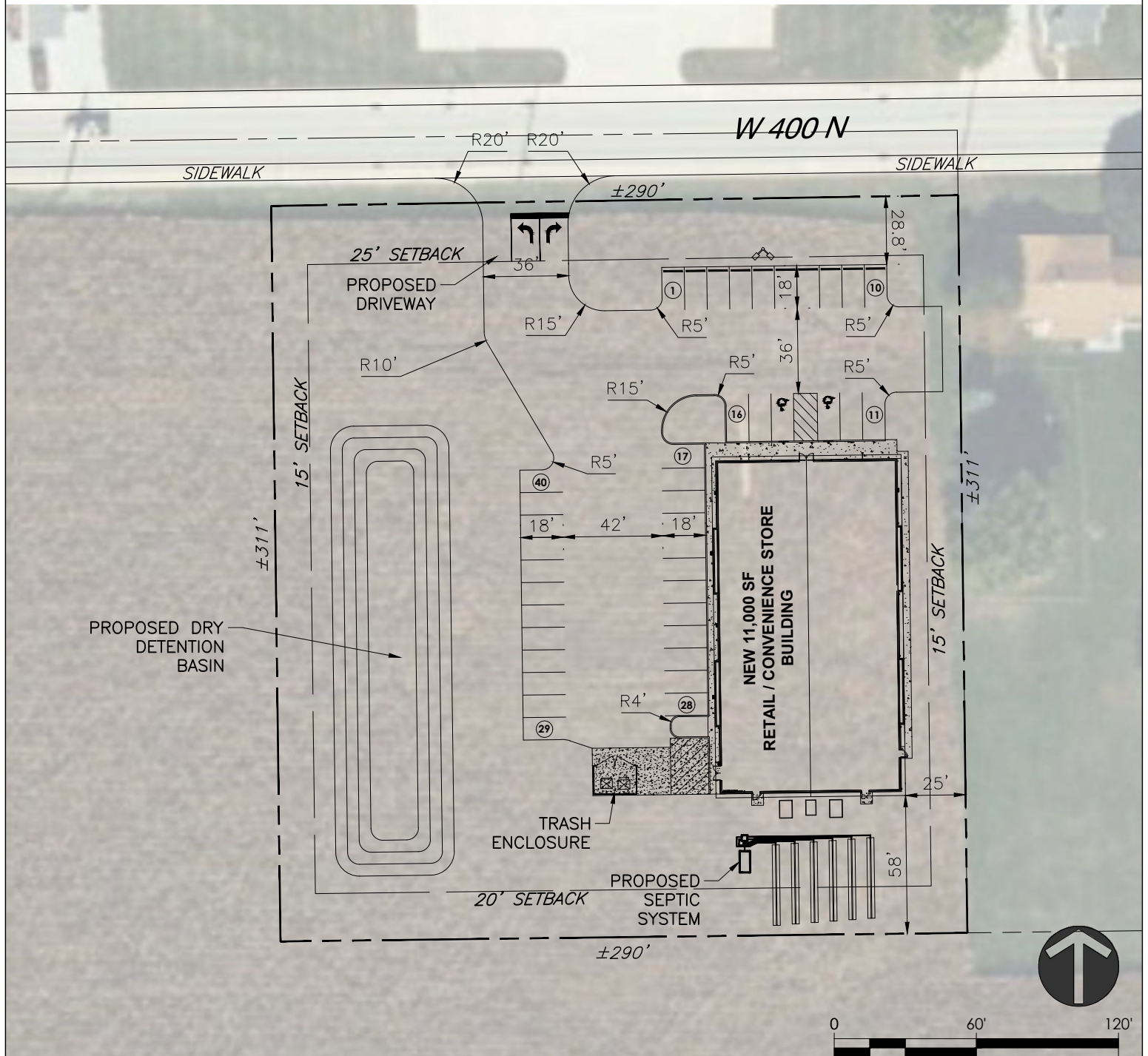
Finding 4: Explain why the proposed use, and/or other possible future uses permitted in the proposed zoning district, would not negatively impact property values.

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

PRELIMINARY SITE PLAN

CITY, STATE - ROAD
 FAIRLAND, INDIANA - W 400 N

PROTOTYPE:	DEVELOPER: BILL & CAROL RITCHIE	DESIGNER:	DATE:
BUILDING FT ² : 11,000±	COMPANY:	COMPANY: CEC, INC.	07/29/2022
ACREAGE: 2.07	NAME:	NAME: KYLE BLANCK	-
PARKING SPACES: 40	TELEPHONE:	TELEPHONE: (317) 570-8800	-



SITE SUMMARY

SCALE: 1" = 60'

SITE AREA:	2.07 ACRES	PARKING - REQUIRED:	37 SPACES	(1 SPACE PER 300 FT ² FLOOR AREA)
SITE DIMENSIONS:	322' x 280'	PARKING - PROVIDED:	40 SPACES	
ZONING:	CA, CONSERVATIVE AGRICULTURE (REZONE NECESSARY)	LANDSCAPING:	TREE REMOVAL AND REPLACEMENT, DETENTION, STREET TREES, INTERIOR, PARKING PERIMETER, PARKING INTERIOR, SCREEN MECHANICALS	
REZONE:	VM, VILLAGE MIXED USE-1	STORMWATER:	DRY DETENTION; POSSIBLE WATER QUALITY	
BUILDING SETBACKS:				
FRONT	25 FT			
SIDE	15 FT			
REAR	20 FT			
BUILDING AREA:	11,000 FT ²			

Property Details

Location: 6224 W 800 N,
Fountaintown, Moral Township.

Property Size: 27.648-acres.

Current Land Use: Industrial /
Vacant

Current Zoning Classification

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

R1 (Single-Family Residential)
This district is established for single-family detached, medium to large sized homes on medium to large sized lots.

I1 (Low Intensity Industrial)
This district is established for low intensity industrial uses, light manufacturing facilities and business parks.

Proposed Zoning Classification

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

Plan Commission:

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

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

Future Land Use per Comp Plan

Suburban Residential

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

Staff Report

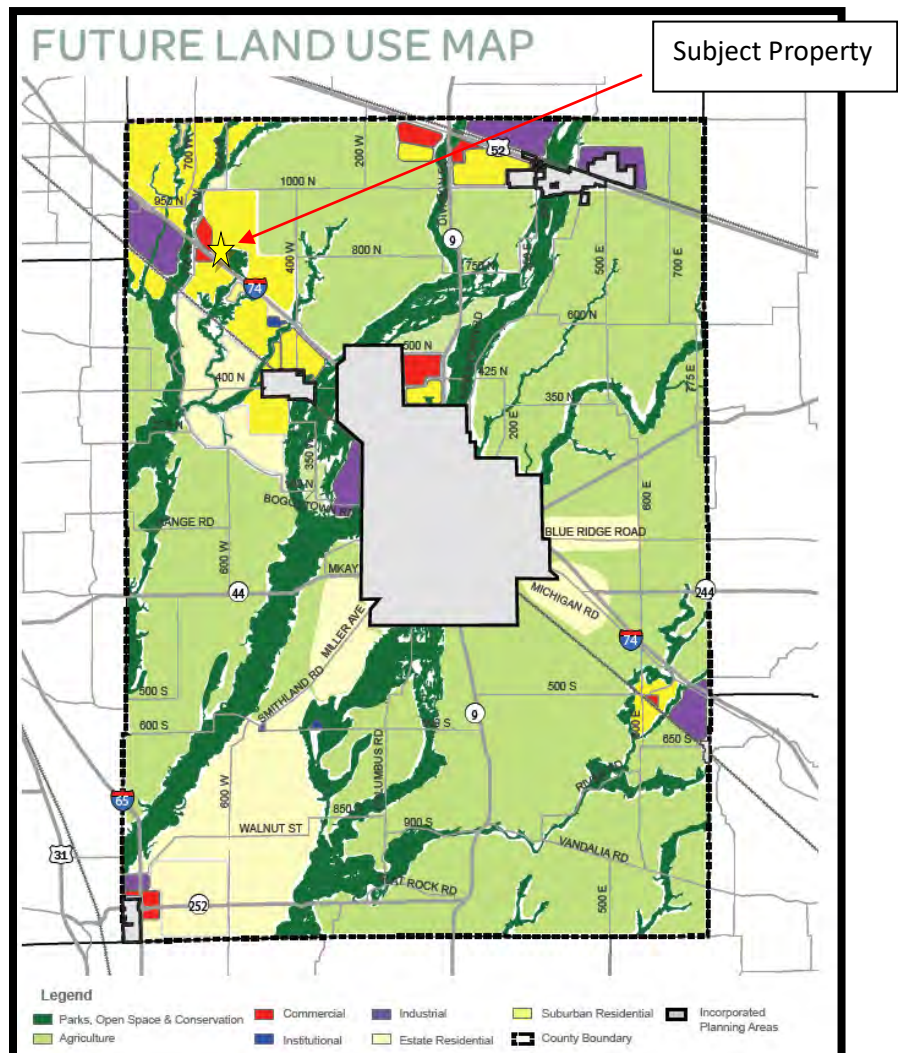
Case Number: RZ 22-14

Case Name: Bowman Rentals, LLC Rezoning – A1 (Conservation Agricultural), R1 (Single-Family Residential), and I1 (Low Intensity Industrial) to I2 (High Intensity Industrial)

Requests

Rezoning of 27.648-acres from the A1 (Conservation Agricultural) District, R1 (Single-Family Residential) District, and I1 (Low Intensity Industrial) District to the I2 (High Intensity Industrial) District to allow for expansion of an excavating business and to legally establish a light manufacturing operation.

Future Land Use Map



Property Details

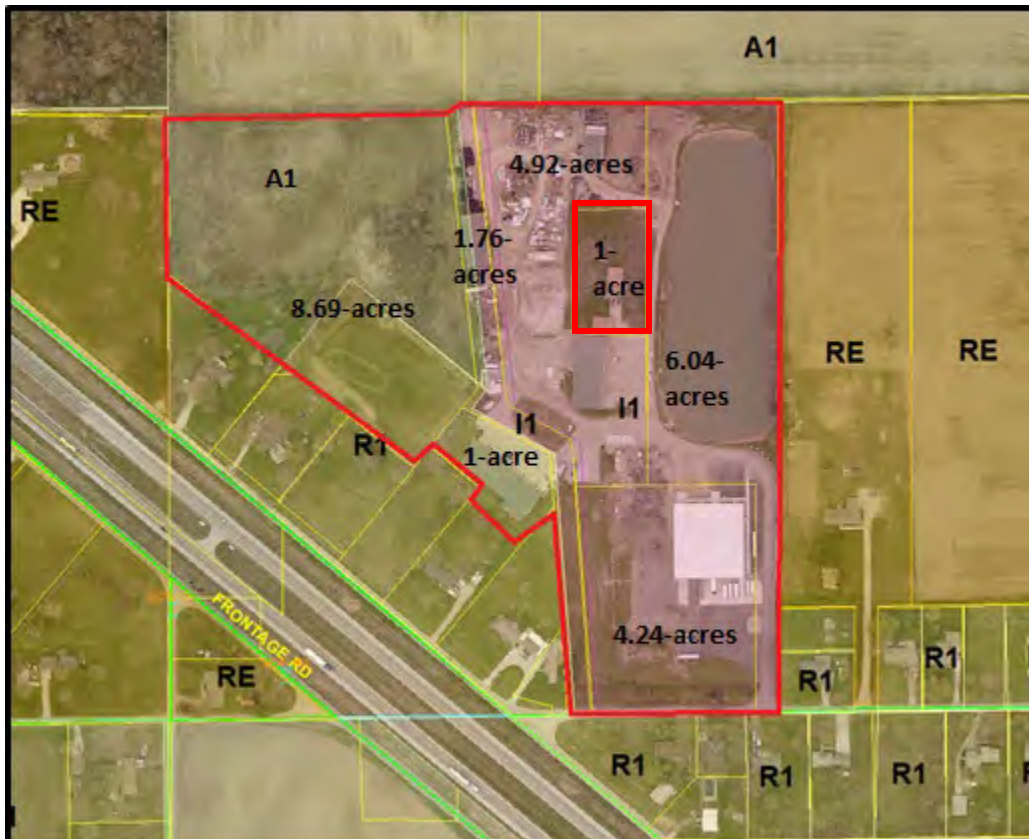
Focus Area #1- Northwest Corner

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

Surrounding Development

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

Property Map



Case Description

Case Summary

- The petitioner has operated an excavating business on approximately five-acres of the property for over twenty years. In the intervening years, the petitioner has expanded business operations onto other parcels of the property and leased a parcel of the property to a light manufacturing company (TLK Precision). The petitioner now plans to expand the excavating business and TLK building to an 8.69-acre parcel at the northwest end of the property.
- The business has grown significantly since the petitioner initially purchased the property and includes outdoor storage components not permitted in the I1 District. Therefore, Staff recommended that the petitioner apply to rezone the entire property to I2.
- The I2 District allows for outdoor storage which would permit the outdoor storage of excavating equipment and materials, allows for flex-space which would permit the excavation office and shops, and allows for light manufacturing which would permit the LTK building.
- The property does not lie within a Federal Emergency Management Agency (FEMA) or Department of Natural Resources (IDNR) designated floodplain.
- The Site Plan Committee, which includes the Planning Director, Building Inspector, and Health Department Environmental Technician would review a detailed site plan for the proposed business expansion. USI Consultants, Inc. would review the drainage plans to ensure that the project design complies with the County's Drainage & Sediment Control Ordinance.

Existing and Proposed Development

- Existing development on the parcels occupied by the excavating business includes a 24,000 sq. ft. office/storage building, +/- 10,000 sq. ft. shop building, 2,400 sq. ft. storage barn, 6,000 sq. ft. open-sided storage barn, a salt barn, above ground storage tanks, paved and gravel parking and maneuvering areas, and a pond. Proposed development related to the excavating business includes an 8,000 sq. ft. lean-to shed, 9,600 sq. ft. topsoil storage building, and stockpile areas.
- The petitioner has begun construction of a berm on the vacant property north of the LTK building which screens much of the business operations from adjacent residential properties to the south.
- Existing development on the parcel occupied by LTK includes a 10,680 sq. ft. shop/office building. The petitioner proposes to expand this building onto the 8.69-acre parcel.
- The petitioner legally obtained permits for all existing development, therefore the Plan Commission office would consider existing development legal non-conforming 'grandfathered' and would not require upgrade of existing development to comply with the standards of the I2 District. However, new development must comply with all standards applicable to the I2 District.

Property History

- 1998 – The petitioner purchased the property currently zoned I1.
- March 2005 – The petitioner purchased the 1-acre property including the LTK building.
- July 2005 – The Plan Commission and County Commissioners approved a rezoning of several of the parcels currently zoned I1 from A (Prime Ag. Cropland) to B3 (Business Three) to allow for contractor's offices and shops, and light manufacturing.
 - The meeting minutes state: *Michael Bowman presented the petition and his case to the Plan Commission. He stated that he has lived at the subject property for the past eleven years. He explained that he began his excavating business at this location, and it has slowly grown over the past several years into a full-time business operation. Now he desires to rezone the subject portion of the property where the business is located. He indicated that he does not plan to change how the business is currently operated at this location.*
 - The approval included the following stipulations:
 1. A 20 feet wide buffer yard shall be constructed along the property boundaries where the subject property borders a residential property. The Plan Commission office will provide the buffer yard specifications to the petitioner.
 2. Any equipment associated with the business shall not be parked in the required yard setbacks.
 3. No off-site advertising signs shall be erected on the property.
 4. The use of the property shall be limited to contractor's offices and shops and light manufacturing operations associated with the excavation business.
 5. All light manufacturing shall be conducted inside the buildings.
- 2008 – The County updated the County-wide zoning maps and assigned the I1 zoning designation to all parcels currently including the excavating business, likely because the I1 District permits construction trade offices.
- 2016 – The petitioner applied to rezone the property currently zoned I1 and the LTK parcel to I2 to allow for a ready-mix concrete plant, however, withdrew this petition after neighbors expressed opposition.
- 2019 – The petitioner sold the 1-acre parcel with the single-family home.
- 2021 – The petitioner purchased the 8.69-acre parcel.

Staff Analysis Findings of Fact

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

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

Considerations Contradicting Rezoning:

- The Comprehensive Plan
 - Focus Area #1- Northwest Corner
 - Focus on residential and commercial opportunities utilizing non-prime farmland and suitable soil conditions as development opportunities. The USDA Soil Survey identifies property soils as Very Limited for development of small commercial buildings.
 - Take advantage of the gateway opportunity into Shelby County; utilize this portion of the county as a highly visible marketing opportunity for Shelby County and its communities. Approval would allow for expansion of business operations in view of I-74 and the existing business operations do not include any aesthetically significant features.
 - Land Use Goal 1: Welcome and promote future development in appropriate areas of the County.
 - Future Land Use Recommendation: Suburban Residential
 - Strategy 1: Balance development patterns and character with available transportation and utility resources and existing character context.
 - Strategy 3: Identify and promote development areas for all major land use types identified on the Future Land Use Map.
 - Strategy 6: Focus resources on areas having infrastructure that will support development and encourage transition of developed areas without infrastructure to agricultural uses.
 - Community Character Goal 2: Focus on reinvestment and improvement within existing populated areas and rural town centers first.
- The property does not have access to public sanitary sewer.

- The UDO does not designate the zoning districts adjoining the property as appropriate adjacent districts to industrial zoning districts.
- Approval would allow for expansion of a high-intensity industrial use closer to several residential properties.
- Nuisance and aesthetic impacts associated with high intensity industrial development could negatively impact the use, enjoyment, and value of adjacent residential properties. Nuisance impacts could include noise from trucks, commercial lighting, truck and automobile traffic in excess of current traffic patterns, and impacts to groundwater. Processing equipment and stockpiles of materials would deviate from the residential and agricultural character of adjacent properties.

Considerations Supporting Rezoning:

- The Comprehensive Plan
 - Focus Area #1- Northwest Corner
 - Focus on residential and commercial opportunities utilizing non-prime farmland and suitable soil conditions as development opportunities. The USDA Soil Survey identifies property soils as Prime Farmland only If Drained.
 - Target residential, commercial, and industrial development near existing interchanges. The property is located within a half mile of the London Rd. / I-74 Interchange.
 - Much of the property has included industrial uses with limited outdoor storage components for over twenty years.
 - The County does not have record of any complaints filed by neighbors regarding current property operations.
 - The property has convenient access to I-74.

Staff Recommendation

Staff recommends **APPROVAL** of rezoning of the property currently zoned I1 and the 1-acre LTK property to I2 primarily because much of this portion of the property has included industrial uses with limited outdoor storage components for several years without any known complaints filed by neighbors.

Staff recommends **DENIAL** of rezoning of the remaining portion of the property to I2 primarily because:

- The Comprehensive Plan recommends Suburban Residential use of the property. The Plan only recommends industrial use for properties in the northwest corner located in the Pleasant View area.
- Approval would allow for outdoor storage in an area not planned for industrial development within view of I-74, thereby detracting from the gateway into the County.
- Approval would allow for expansion of a high-intensity industrial use closer to residential properties and closer to land having zoning not listed as an appropriate adjacent district to the I2 District.

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

1. Only the property currently zoned I1 and the 1-acre LTK property shall be rezoned to I2.
2. Landscape Buffer Yard 'D' shall be installed along all property lines on the west side of the site. The buffer yard shall include a ten (10) foot undulating mound.
3. Any equipment associated with the business shall not be parked in the required yard setbacks.
4. No off-site advertising signs shall be erected on the property.
5. Use of the property currently zoned I1 shall be limited to contractor's offices and shops associated with the excavation business.
6. Use of the 1-acre LTK property shall be limited to light manufacturing. This property shall not include outdoor storage.
7. 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.

If the Board chooses to rezone the entire property, staff recommends the following amendments to the stipulations:

- Removal of stipulations 1, 5, & 6
- Addition of a stipulation: Use of the property shall be limited to contractor's offices and shops associated with the excavation business and light manufacturing.

Applicant/Owner Information

Applicant:	Mike Bowman – Bowman Rentals LLC 6222 W 800 N Fountaintown, IN 46130	Owner:	Same
------------	--	--------	------

Aerial Map



Google Maps – August 2022

High Intensity Industrial (I2) District

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

District Intent	Permitted Uses	Special Exception Uses
<p>The I2 (High Intensity Industrial) District is intended to be used as follows:</p> <p>Use, Type and Intensity</p> <ul style="list-style-type: none"> Moderate to high intensity industrial uses Industrial parks, manufacturing facilities, and utility usage Stand alone buildings or multiple primary structures <p>Application of District</p> <ul style="list-style-type: none"> Existing and new development <p>Development Standards</p> <ul style="list-style-type: none"> Enact quality time, place, and manner development standards to minimize impacts on adjacent properties while encouraging economic vitality Minimize light, noise, water, and air pollution <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> OP, A3, C2, I1, I2, and HI <p>Plan Commission</p> <ul style="list-style-type: none"> Use this zoning district for existing developments and carefully for new industrial development <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> Allow a special exception use only when it is compatible with the surrounding areas Be sensitive to the potential for light pollution, noise pollution, loading berth placement, pedestrian safety, and vehicular safety 	<p>Agricultural Permitted Uses</p> <ul style="list-style-type: none"> processing of agricultural products storage of agricultural products <p>Commercial Permitted Uses</p> <ul style="list-style-type: none"> farm implement sales <p>Industrial Permitted Uses</p> <ul style="list-style-type: none"> assembly distribution facility flex-space food processing heavy manufacturing light manufacturing liquid fertilizer storage/distribution outdoor storage radio/TV station recycling processing sewage treatment plant sign painting/fabrication storage tanks (non-hazardous) telecommunication facility testing lab tool and die shop transfer station warehouse warehouse storage facility water treatment plant welding <p>Institutional Permitted Uses</p> <ul style="list-style-type: none"> police, fire, or rescue station recycling collection point 	



M&C EXCAVATING

6222 W 800 N
FOUNTAIN TOWN, IN 46130
OFFICE 317/835-4248
FAX 317/835-4492
MOBILE 317/440-1408

June 20, 2022

Letter of intent

I am asking to rezone 8.68 acres next to my shop from R1 and A1 to I1. My future plans for this parcel is to add on to an existing building that will extend 50 or so feet on to this parcel, as well as add a couple of storage buildings for topsoil, plastic pipe and equipment. Our existing operations will remain as they are now.

Proposed by: MIKE BOWMAN

APPLICATION FOR REZONING

FINDINGS OF FACT

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

Applicant: MIKE Bowman

Case #: _____

Location: 6222 W 800 N Fountaintown, IN 46130

1. The request is consistent with the Shelby County Comprehensive Plan because: Growth is Planned along The I74 corridor

2. The request is consistent with the current conditions and the character of structures and uses in each district because: Proposed use is a continuation of adjacent uses

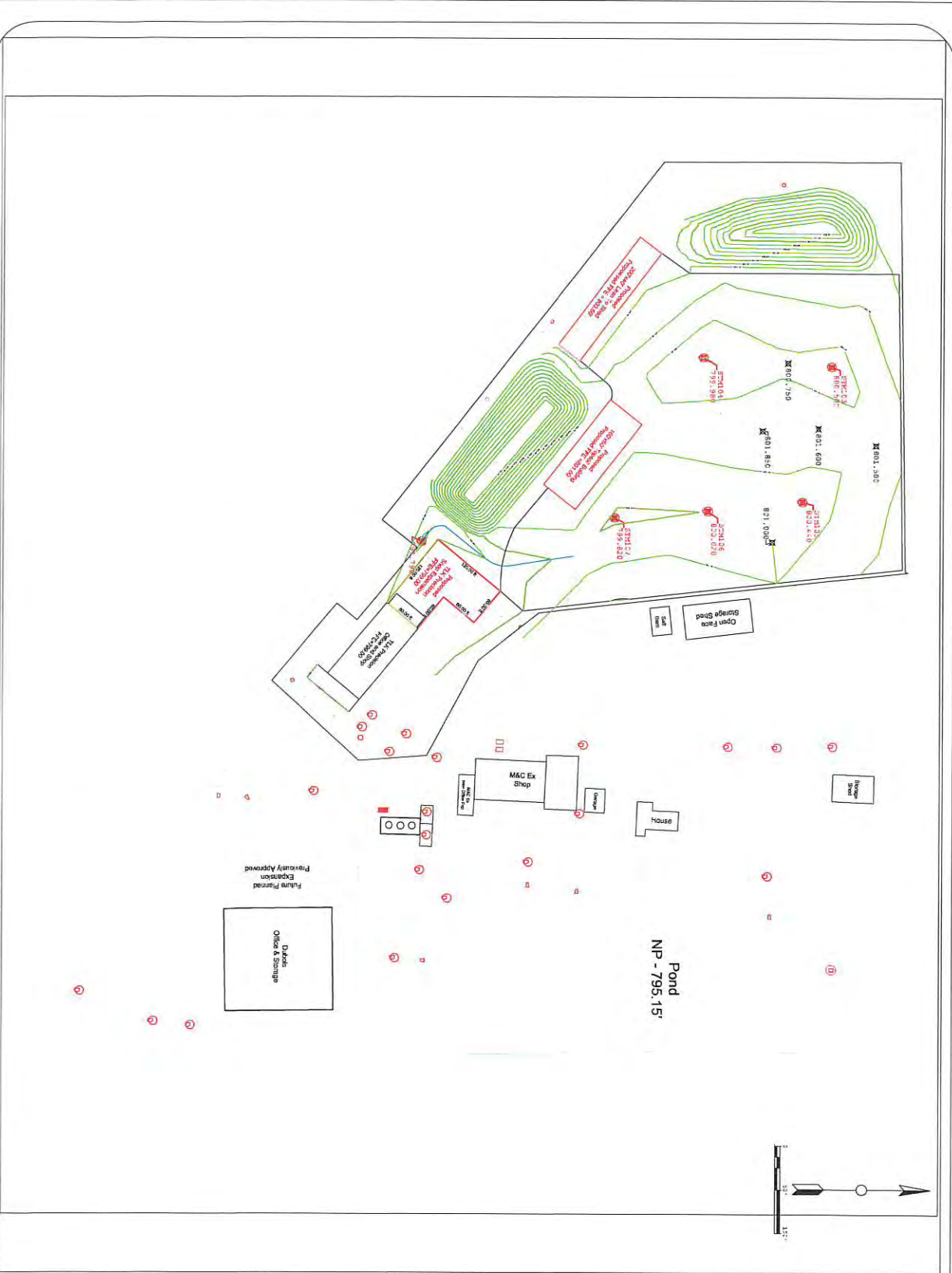
3. The request is consistent with the most desirable use for which the land in each district is adapted because: The Property was overgrown and did not have a drainage outlet available. This project provides drainage, eliminates the mosquito haven.

4. The request is consistent with the conservation of property values throughout the jurisdiction because: There is nothing Proposed that would negatively affect property values.

5. The request is consistent with responsible growth and development because: The adjacent property is zoned I1 as well.

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?



General Notes

SITE PLAN

Project Name and Address	M&C Excavating / TLK Precision Expansion 6223 W 800 N Foundertown, IN 46130
Client Name and Address	M&C Excavating Co. Inc. 6222 W 800 N Foundertown, IN 46130
Job	Residential/Issue
Drawn	DBP
Check	
Date	6/17/2022
Scale	1" = 40'
Value	C100

Property Details

Location: 6535 W 600 N, Fairland, Sugar Creek Township.

Property Size: 10-acres.

Current Land Use: Estate Residential / Agricultural.

Current Zoning Classification

RE (Residential Estate)

This district is established for single-family detached dwellings in a rural or country setting.

Proposed Zoning Classification

A2 (Agricultural)

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

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

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	RE	Estate Residential
East	RE	Estate Residential
West	RE	Estate Residential

Staff Report

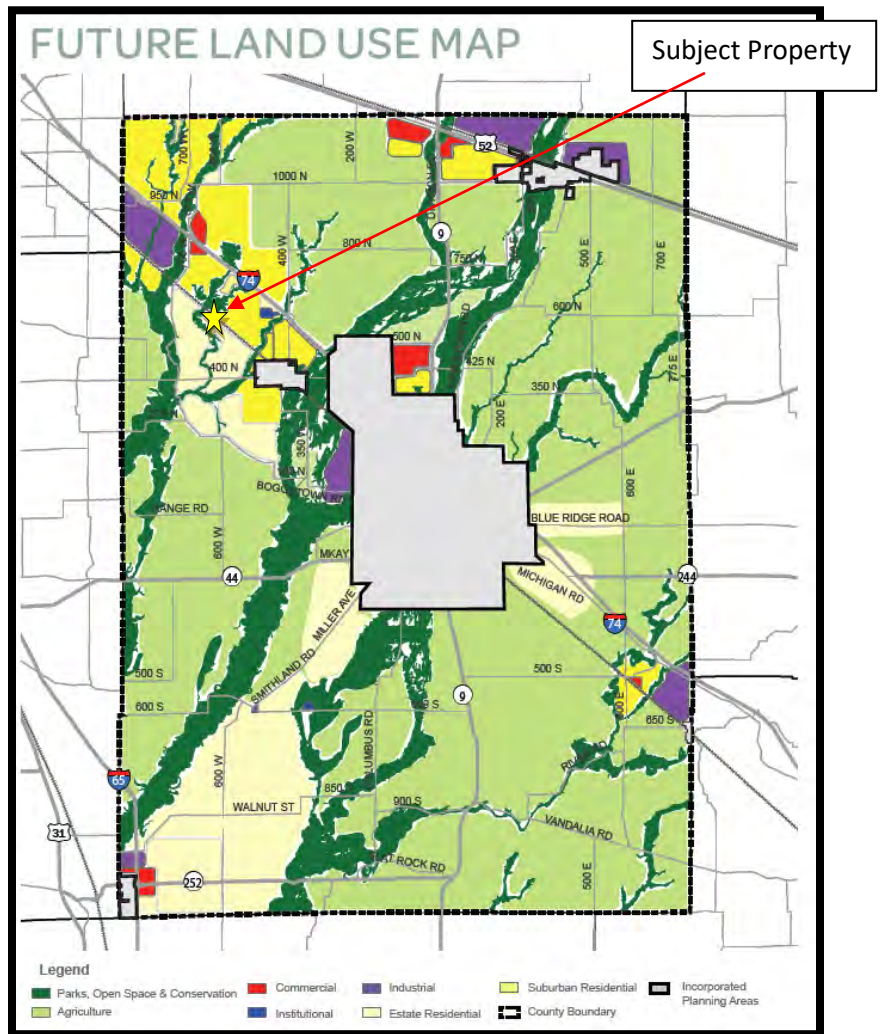
Case Number: RZ 22-15

Case Name: P&E12 LLP Rezoning – RE (Residential Estate) to A2 (Agricultural)

Requests

Rezoning of 10-acres from the RE (Residential Estate) District to the A2 (Agricultural) District to reflect the historical use of the property.

Future Land Use Map



Property Map



Case Description

- Approval of the rezoning would allow for use and development of the property in compliance with UDO standards applicable to development in the A2 District. Key differences in standards between the RE District & A2 District are listed in the table on page 4 of the Staff Report.
- If the County approves the rezoning, the petitioner intends to operate a Type 3 Home Business on the property. The RE District only permits Type 1 Home Businesses. The Type 3 Home Business must comply with all standards applicable to Type 3 Home Businesses, or the petitioner must obtain applicable variances from the Board of Zoning Appeals. Key differences in standards between Type 1 & Type 3 Home Businesses are listed in the table on page 4 of the Staff Report.

- The residential neighborhood of Dry Fork Acres adjoins the property on three sides. Dry Fork Acres consists of +/- 5-acre residential lots mostly developed in the late 1990s and early 2000s.
- The Plan Commission heard a request to rezone the property to A2 in April of 2022 (see attached meeting minutes).
 - At that time the petitioner had leased out a portion of the property to ARC Electrical for the outdoor storage of trucks, telephone poles, and other electrical scrap materials and equipment.
 - The UDO does not allow commercial uses, other than Type 1 home businesses operated within the home, in the RE District. Therefore, the petitioner had violated the terms of the UDO.
 - Several neighbors expressed concerns with the business operation, primarily regarding aesthetics and impacts to property values.
 - The Board expressed concern with approving a rezoning for property with an active zoning violation and advised the petitioner to withdraw the petition and correct the zoning violation. The petitioner withdrew the petition at the Plan Commission meeting.
 - On June 13, 2022 Staff inspected the property and the inside of the agricultural buildings, and found no commercial equipment or evidence of operation of a business.

RE		A2																	
Permitted Uses	<u>Permitted in RE:</u> <ul style="list-style-type: none"> • dwelling, single-family detached • fair housing facility (small) • home business (type 1) • roadside sales • hobby farming (max. 40% of the lot of less used for ag. purposes) • stable (private) • bio-diesel production ≤ 5,000 gallons per year 	<u>Additional Uses Permitted in A2:</u> <ul style="list-style-type: none"> • home business kennel • home business (type 2) • home business (type 3) • agricultural crop production • agricultural tourism • farmers market • orchard • raising of farm and exotic animals • storage of agricultural products • tree farm • vineyard • stable • winery 																	
Accessory Structures	Not permitted in front yard Maximum height: 20 feet Size cannot exceed 2x the footprint of the residence	No size or location limits Maximum height: 30 feet No more than three																	
Home Business Standards	Employees: Must reside in house on property Use of large commercial and branded vehicles: Not permitted Customers: Not permitted on-site Must be conducted entirely within home Outdoor storage: Not permitted Signs: Prohibited	Employees: Up to 10 Use of large commercial and branded vehicles: Permitted Customers: Permitted on-site, but no retail sales May be conducted in an accessory structure Outdoor storage: Permitted within a 1,000 sq. ft. privacy fence Small Sign: Permitted																	
Keeping of Animals	One (1) animal unit per fenced acre Two (2) animal units per fenced acre																		
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #333; color: white;">Animal Type</th> <th style="background-color: #333; color: white;">Animals Per Animal Unit</th> </tr> </thead> <tbody> <tr> <td>Cattle, Buffalo, and similar</td> <td style="text-align: center;">2</td> </tr> <tr> <td>Horse, Mule, Donkey, Camel, and similar</td> <td style="text-align: center;">1</td> </tr> <tr> <td>Horse (34 inches or less at withers)</td> <td style="text-align: center;">5</td> </tr> <tr> <td>Swine, Ostrich, Emu, and similar</td> <td style="text-align: center;">5</td> </tr> <tr> <td>Goat, Sheep, Llama, Alpaca, and similar</td> <td style="text-align: center;">5</td> </tr> <tr> <td>Chicken, Turkey, Pheasant, and similar</td> <td style="text-align: center;">25</td> </tr> <tr> <td>Mink and other similar fur-bearing animals</td> <td style="text-align: center;">25</td> </tr> </tbody> </table>				Animal Type	Animals Per Animal Unit	Cattle, Buffalo, and similar	2	Horse, Mule, Donkey, Camel, and similar	1	Horse (34 inches or less at withers)	5	Swine, Ostrich, Emu, and similar	5	Goat, Sheep, Llama, Alpaca, and similar	5	Chicken, Turkey, Pheasant, and similar	25	Mink and other similar fur-bearing animals	25
Animal Type	Animals Per Animal Unit																		
Cattle, Buffalo, and similar	2																		
Horse, Mule, Donkey, Camel, and similar	1																		
Horse (34 inches or less at withers)	5																		
Swine, Ostrich, Emu, and similar	5																		
Goat, Sheep, Llama, Alpaca, and similar	5																		
Chicken, Turkey, Pheasant, and similar	25																		
Mink and other similar fur-bearing animals	25																		

- Property & Zoning History

- 1920 – Construction of oldest agricultural buildings, per the property tax card.
- 1960-1695 – Construction of the original home and other agricultural buildings, per the property tax card.
- 1972 – The original County zoning maps designated the property as zone A (Prime Agricultural Cropland).
- 1996 – The subject property and surrounding residential properties in Dry Fork Acres originally consisted of a large farm on two parcels. In 1996, the property owner rearranged these parcels into three parcels. The owner sold the subject property to one individual and sold the other two parcels to land developers. The developers created the current building lots in Dry Fork Acres and had sold most of the lots in the late 1990s.
- 2001 – The County updated the county-wide zoning maps and reassigned the subject property and Dry Fork Acres the A (Prime Agricultural Cropland) zoning designation.
- 2008 – The County updated the county-wide zoning maps and assigned the subject property and Dry Fork Acres the RE (Residential Estate) zoning designation.
 - Many properties in the County previously zoned agricultural obtained the RE zoning designation at this time. The County provided legal notice of the County-wide ordinance amendment in the newspaper, however, did not notify individual property owners. The minutes from the Plan Commission hearing on the maps and ordinance in 2008 state: *Dillon (the Planning Director) then summarized the process that she applied to assign zoning to all 28,000 parcels in unincorporated Shelby County and Fairland. She explained that she tried to assign zoning as to use and lot size so that there would be as few nonconforming uses and lots as possible. She indicated that she had provided members of the Plan Commission with copies of the township zoning maps and that these maps are available for the public to examine as well. Isolated lots with residences between five and twenty acres were typically assigned the A2 zoning designation, however lots of this size adjoining other residential lots typically obtained the RE zoning designation.*
- 2015 – Placement of current manufactured home, per the property tax card.
- 2017 – Construction of most recent agricultural building, per the property tax card.
- 2020 – The petitioner acquired the property.
- January 2022 – The Plan Commission office received several complaints regarding operation of a business on the property.
- April 2022 – The petitioner requested to rezone the property to A2. Per the recommendation of the Board, the petitioner withdrew this petition.

Staff Analysis Findings of Fact

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

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

Considerations Supporting Rezoning:

- The UDO designates the RE District as an appropriate adjacent district to the A2 District.
- The property has historically been used for agricultural purposes.
- The property includes several agricultural buildings.
- The USDA soil survey designates the property as ‘Prime Farmland if Drained’
- The UDO states that the Plan Commission should use the A2 District to protect existing agricultural land.
- The owner desires to continue use of the property for agricultural purposes.
- The Comprehensive Plan
 - Community Character Goal 2: Protect and promote our rural heritage and agricultural assets.
 - Strategy 1: Promote the county’s agricultural heritage, natural resources, and quiet rural lifestyle as unique assets to attract new businesses and residents to Shelby County.
 - Land Use Goal 1: Welcome and promote future development in appropriate areas of the County.
 - Strategy 6: Focus resources on areas having infrastructure that will support development and encourage transition of developed areas without infrastructure to agricultural uses.
 - Land Use Goal 2: Ensure future development decisions enhance and don’t detract from the County’s rural character and agricultural function.
 - Strategy 1: Preserve prime farmland and agricultural road frontage in rural areas of the county.
 - Strategy 2: Conserve agricultural land.

Considerations Contradicting Rezoning:

- Residential lots in the County between five and twenty acres adjoining other residential lots are typically zoned RE.
- Several uses permitted in the A2 District could pose nuisance and traffic impacts to surrounding residential properties, thereby reducing the use, value, and enjoyment of these properties.
- Comprehensive Plan
 - Land Use Goal 1: Welcome and promote future development in appropriate areas of the County.
 - Strategy 1: Balance development patterns and character with available transportation and utility resources and existing character context.
 - Strategy 3: Identify and promote development areas for all major land use types identified on the Future Land Use Map. Future Land Use: Parks, Open Space, and Conservation

Staff Recommendation

APPROVAL primarily because (1) the UDO designates the adjoining RE District as an appropriate adjacent district to the A2 District, (2) the property includes several agricultural buildings and has been historically used for agricultural purposes.

However, several uses permitted in the A2 District could pose nuisance and traffic impacts to surrounding residential properties, thereby reducing the use, value, and enjoyment of these properties. Therefore, Staff recommends the following **stipulations**:

1. Use of the property for a home business kennel, agricultural tourism, farmers market, and/or winery shall be prohibited.
2. Outdoor storage of commercial vehicles and products, materials, supplies, waste, scrap, or the like associated with a Type 3 Home Business shall be prohibited.

Applicant/Owner Information

Applicant:	P&E12 LLP 6255 N 700 W Fairland, IN 46126	Owner:	Same
Attorney:	Jacob Brattain, McNeely Law LLP 2177 Intelliplex Dr., Ste. 251 Shelbyville, IN 46176		

2.05 A2 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The A2 (Agricultural) District is intended to be used as follows:</p> <p>Use, Type and Intensity</p> <ul style="list-style-type: none"> • Low to medium intensity general agricultural operations <p>Application of District</p> <ul style="list-style-type: none"> • Existing agricultural land <p>Development Standards</p> <ul style="list-style-type: none"> • Enact development standards to maximize protection of common agricultural practices <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> • OP, A1, A2, A3, A4, RE, R1, R2, VR, MP, VM, and IS <p>Plan Commission</p> <ul style="list-style-type: none"> • Use this zoning district for existing agricultural land • Protect the land and operations within the Agricultural District from residential, commercial, and industrial encroachment through the use of appropriate buffers and setbacks <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • Protect the integrity of land and operations within the Agricultural District <p style="color: red;">BZA standard added per Ord. 2020-26. See Appendix B.07</p>	<p>Accessory Permitted Uses</p> <ul style="list-style-type: none"> • agricultural tourism • farmers market • home business kennel • home business (type 1) • home business (type 2) • home business (type 3) • roadside sales <p>Agricultural Permitted Uses</p> <ul style="list-style-type: none"> • agricultural crop production • hobby farming • orchard • raising of farm and exotic animals • stable (private) • storage of agricultural products • tree farm • vineyard <p>Commercial Permitted Uses</p> <ul style="list-style-type: none"> • stable • winery <p>Industrial Permitted Uses</p> <ul style="list-style-type: none"> • bio-diesel production ≤ 5,000 gallons per year <p>Residential Permitted Uses</p> <ul style="list-style-type: none"> • dwelling, single-family detached • fair housing facility (small) 	<p>Agricultural Special Exception Uses</p> <ul style="list-style-type: none"> • confined feeding operation (small) • processing of agricultural products <p>Commercial Special Exception Uses</p> <ul style="list-style-type: none"> • kennel <p>Residential Special Exception Uses</p> <ul style="list-style-type: none"> • bed and breakfast

June 30, 2022

Jacob S. Brattain
Direct Dial: 317-825-5183
JBrattain@mcneelylaw.com

Shelby County Plan Commission
25 W. Polk Street
Shelbyville, IN 46176

Re: Rezone Request for 6535 W 600 North, Fairland, IN 46126

Dear Plan Commission Members:

This letter serves as a letter of intent for the proposed zoning map amendment for property commonly known as 6535 W 600 North, Fairland, IN 46126, also known as Parcel Number: 73-06-06-100-009.000-018 (the "Property"). McNeelyLaw LLP represents the owners of the Property, Phillip and Elizabeth Mitchko, which are the partners of P&E12 LLP, (collectively, the "Owner"). The Property contains approximately ten (10) acres, and the Owner wishes to rezone the Property from RE to A2 zoning.

The Property has a rich agricultural history that is not reflected with the current zoning. In the 1970s, Butch Foreman bought a large farm that included the Property from John Koopman. Butch farmed the surrounding ground and repaired heavy machinery and raised livestock on the Property. Butch surveyed off the Property, which contained the original farmhouse and agricultural accessory structures, around 1995. Butch sold the Property to Mike Himes and the remainder of the farm was sold to developers who divided it into 5-acre tracts. Mike continued to raise livestock at the Property, board horses in the large barn, and operated a small repair business out of a separate accessory structure until 2018. After Mike passed in 2019, the Owner purchased the Property.

Upon information and belief, the zoning of the Property was changed from agricultural to RE during a Shelby County map update around 2008. We cannot find records of any rezone request related to the Property, and no previous owners of the Property were aware of the rezone. In fact, all previous owners operated as if the Property was still zoned agricultural, as the Owner plans to continue.

To facilitate this proposed use of the Property, the Owner believes a rezone from the current zoning classification of RE to A2 would be most appropriate, because the Property meets the A2 lot size requirements, the Property has always been operated according to A2 zoning standards, and the A2 district allows for the continued use of the Property as it has been for generations.

At this time, the Owner is seeking a favorable recommendation to rezone the Property from its current RE zoning to A2. Returning the Property to agricultural zoning with an A2 designation is the most appropriate zoning designation for the Property and aligns with its past, present, and proposed future uses.

Very truly yours,

McNeelyLaw LLP

Jacob S. Brattain

Jacob S. Brattain

**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: Jacob Brattain, McNeelyLaw LLP on behalf of P&E12 LLP

Case #: _____

Location: 6535 W 600 North, Fairland, IN 46126

1. The request is consistent with the Shelby County Comprehensive Plan because: The Shelby County Comprehensive Plan states that agriculture will continue to have an important role in the county and that the county should find positive ways to support the need for measured growth while also enabling continued agricultural operations as an important need for the future of the county.
2. The request is consistent with the current conditions and the character of structures and uses in each district because: The Property has historically been zoned agricultural and continues to be used for purposes permitted under the A2 zoning. Agricultural land is adjacent to the Property, and all agricultural zoning districts and the RE district are appropriate adjacent zoning.
3. The request is consistent with the most desirable use for which the land in each district is adapted because: Shelby County recognizes that agriculture is an important part of our history and future, and this rezone will allow the Property to continue to be used for agricultural purposes, as it was historically and will be in the future.
4. The request is consistent with the conservation of property values throughout the jurisdiction because: The adjacent property values will not be diminished by the proposed use as the proposed use will remain the same as it has been for generations. In addition, the area is primarily agricultural, meaning the rezone will be consistent with adjacent uses.
5. The request is consistent with responsible growth and development because: The rezone will ensure that the agricultural nature of the Property is preserved and that no additional development inconsistent with agricultural districts occurs at the Property.

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?