

CITY OF SHELBYVILLE

Adam M. Rude
Director



Allan Henderson
Deputy Director

PLAN COMMISSION

MEETING DATE: 5/28/2019

Case Number & Name:	PC 2019-06: YMCA Rezone			
Petitioner's Name:	Major Hospital			
Owner's Name:	Major Hospital			
Petitioner's Representative:	Jacob Brattain			
Address of Property:	State Road 9 North			
Subject Property Zoning Classification:	R1 – Single Family Residential			
Comprehensive Future Land use:	High Tech/Light Industrial			
	North	East	South	West
Surrounding Properties' Zoning Classifications:	R1 – Single Family Residential	Intelliplex PUD Medical Campus	Intelliplex PUD Medical Campus	Intelliplex PUD Medical Campus
Surrounding Properties' Comprehensive Future Land Use	Single-family Medium Density Residential	Single-family Medium Density Residential	Gateway Mixed Use	Heavy/Medium Industrial
History:	The parcel is the proposed site of a YMCA to be constructed by Major Hospital. This parcel is the last parcel to be brought into the Intelliplex PUD Medical Campus.			
Vicinity Map:				
Action Requested:	A formal recommendation on a request to rezone roughly 4.99 acres of land from the R1 – Single Family to Intelliplex PUD Medical Campus..			

1. This project involves the rezone of approximately five (5) acres located on State Road 9 North. Major Hospital purchased the property in 2010 to use as a future development site for the Intelliplex Planned Unit Development. Major Hospital owns multiple lots in Intelliplex and owns the adjoining parcels to the West and to the south of the subject parcel, which are both part of the Intelliplex PUD, and zoned as General Business and Neighborhood Services, respectively. Major Hospital plans to build a YMCA on a portion of the property. In order to develop the property it needs to be rezoned from (R1) – Single Family Residential. Bringing the property into the Intelliplex PUD requires assigning the property one of the land use districts identified in the *Intelliplex Planned Unit Development Detailed Plan* established in May 2003. Of the four (4) districts identified in the plan, the *medical campus* designation is the best choice for the subject property because it allows for the most flexibility in developing the property and permits a “fitness center” use which would allow for the construction of the YMCA.
2. The Unified Development Ordinance (Section 9.10 (K)) requires the Plan Commission pay reasonable regard to the following decision criteria:

a. Relation to the Comprehensive Plan:

The applicant provided the following response to this decision criterion: “Rezoning the Property to Intelliplex PUD - Medical Campus is consistent with the Comprehensive Plan and with current development in the area. Rezoning of the Property would not have any adverse impact on neighboring property values, and in fact should help raise surrounding property values.”

The planning staff has determined that the proposed zoning classification of Intelliplex Planned Unit Medical Campus is consistent with the City’s Comprehensive Plan because it allows for the flexible development of the property to serve either the medical campus or the single family residential neighborhood to the north. In the City’s Comprehensive Plan this area is identified as part of the Intelliplex Planned Unit Development.

b. Current Conditions:

The applicant provided the following response to this decision criterion: “The proposed use of the Property would create synergies with other Intelliplex businesses and improve the overall health of Shelby County residents. The current infrastructure in Intelliplex should offer more than adequate capacity for the planned uses of the Property.”

The planning staff has determined that rezoning the property would not adversely affect the surrounding area. The proposed use of the property as a YMCA will only enhance the existing character of the area.

c. Desired Use:

The applicant provided the following response to this decision criterion: “Major Hospital plans to construct a new YMCA on a portion of the subject property.”

The planning staff has determined that utilizing the parcel for a YMCA/fitness center would be a good complimentary use to the surrounding properties. This is reinforced in the City of

Shelbyville Comprehensive Plan which calls for the community to “Invest in Improving Our Quality of Life” and “Strengthen Community Health and Vitality”.

d. Property Values:

The applicant provided the following response to this decision criterion: “Rezoning of the Property would not have any adverse impact on neighboring property values, and in fact should help raise surrounding property values.”

The planning staff has determined that the proposed zoning classification should not have any adverse affect on the property values of the surrounding area. The proposed development will need to, at a minimum, meet the architectural standards prescribed in the Unified Development Ordinance, which would require a high quality, aesthetically pleasing facility.

e. Responsible Growth:

The applicant provided the following response to this decision criterion: “The proposed rezone would allow Major to develop the Property, and to continue positive progress for the City of Shelbyville.”

The planning staff has determined that due to the fact that this type of development has been planned in this area through the City’s Comprehensive Plan, and the public infrastructure has been designed for this scale of development, this is a responsible growth and development pattern.

STAFF RECOMMENDATION: Favorable recommendation on the proposed rezoning from R1 – Single Family Residential to Intelliplex PUD – Medical Campus.

Rezone (Zoning Map Amendment): PC 2019-06: YMCA Rezone

FINDINGS OF FACT BY THE SHELBYVILLE PLAN COMMISSION

Staff Prepared

Motion:

(I) would like to make a motion to forward a favorable recommendation for the rezone petition presented before this body, rezoning from R1 – Single Family Residential to Intelliplex PUD – Medical Campus, pursuant to the planning staff's report and Findings of Fact.

1. ☐ The Plan Commission has paid reasonable regard to, and finds that the proposed rezone is consistent with The City of Shelbyville Comprehensive Plan and all other applicable, adopted planning studies or reports.

☐ The Plan Commission has paid reasonable regard to, and finds that the proposed rezone **is not** consistent with The City of Shelbyville Comprehensive Plan and all other applicable, adopted planning studies or reports.
2. ☐ The Plan Commission has paid reasonable regard to, and finds that the proposed rezone is complimentary to the current conditions and the character of current structures and uses in this zoning district.

☐ The Plan Commission has paid reasonable regard to, and finds that the proposed rezone **is not** complimentary to the current conditions and the character of current structures and uses in this zoning district.
3. ☐ The Plan Commission has paid reasonable regard to, and finds that the proposed rezone will allow for the most desirable use of the subject land, pursuant to the planning staff's report.

☐ The Plan Commission has paid reasonable regard to, and finds that the proposed rezone **will not** allow for the most desirable use of the subject land, pursuant to the planning staff's report.
4. ☐ The Plan Commission has paid reasonable regard to, and finds that the proposed rezone will not have an adverse negative affect on the conservation of property values throughout the City of Shelbyville's planning jurisdiction, pursuant to the planning staff's report.

☐ The Plan Commission has paid reasonable regard to, and finds that the proposed rezone **will** have an adverse negative affect on the conservation of property values throughout the City of Shelbyville's planning jurisdiction, pursuant to the planning staff's report.
5. ☐ The Plan Commission has paid reasonable regard to, and finds that the proposed rezone is a responsible growth and development strategy for the City of Shelbyville's planning jurisdiction, pursuant to the planning staff's report.

☐ The Plan Commission has paid reasonable regard to, and finds that the proposed rezone is not a responsible growth and development strategy for the City of Shelbyville's planning jurisdiction, pursuant to the planning staff's report.

Shelbyville Plan Commission

By: _____

Attest: _____

Chairperson

Secretary



REZONING APPLICATION

Shelbyville Plan Commission
44 West Washington Street
Shelbyville, IN 46176
P: 317.392.5102

☐ RECEIVED / ☒ FILED

MAY 05 2019

For Office Use Only
Case # PC2019-06
Hearing Date: 5/27/19
Fees: \$425
Approved _____ Denied _____

1.

Applicant (person or company requesting variance)

Name: Major Hospital

Address: 2451 Intelliplex Dr, Shelbyville, IN 46176

Phone Number: 317-392-3211

Fax Number: _____

Email: _____

2.

Applicant's Attorney/Representative

Name: J. Lee McNeely, McNeely Stephenson

Address: 2150 Intelliplex Dr, Ste. 100 Shelbyville, IN 46176

Phone Number: 317-825-5110

Fax Number: _____

Email: cynthia.a.bedrick@msth.com

Property Owners Information (if different than Applicant)

Name: _____

Address: _____

Phone Number: _____

Fax Number: _____

Email: _____

Project Engineer

Name: _____

Address: _____

Phone Number: _____

Fax Number: _____

Email: _____

3. Project Information:

General Location of Property (and address is applicable): State Road 9 North - SPT W2 SWQ 20 13 7 - Parcel No. 73-07-20-300-053.000.024

Current Zoning: R1 - Single Family Residential

Existing Use of Property: Vacant Land

Proposed Zoning: Intelliplex PUD - Medical Campus

Proposed Use: Medical Campus

5. Attachments

- ☐ Affidavit and Consent of Property Owner (if applicable)
- ☐ Proof of Ownership (copy of deed)
- ☐ Letter of Intent
- ☐ Site Plan
- ☐ Vicinity Map
- ☐ Application Fee
- ☐ Legal Description

The undersigned states the above information is true and correct as (s)he is informed and believes.

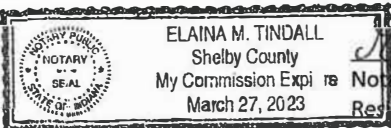
Signature of Applicant: *[Signature]* Date: 5/13/19

State of Indiana)
County of Shelby)SS:

Subscribed and sworn to before me this 3rd day of May, 2019

ELAINA M. TINDALL
Shelby County
My Commission Expires
March 27, 2023

[Signature] Elaina M. Tindall
Notary Public
Residing in Shelby County
Printed
My Commission Expires: 3-27-23





J. LEE MCNEELY
DIRECT PHONE: 317-825-5151
J.L.McNeely@msth.com

May 3, 2019

City of Shelbyville Plan Commission
44 W. Washington Street
Shelbyville, IN 46176

Re: Request for Rezone from R-1 Residential to Intelliplex PUD – Medical Campus

Dear Plan Commission Members:

This letter of intent supports the requested rezone for five (5) acres located on State Road 9 North, in Shelbyville, Indiana 46176, also known as Parcel Number: 73-07-20-300-053.000-024 (the “Property”). McNeely Stephenson represents the owner/applicant, Major Hospital (“Major”).

Major purchased the Property in 2010 to use as a future development site in the Intelliplex PUD. Major owns multiple lots in Intelliplex, and owns the adjoining parcels to the West and to the South of the Property, which are both part of the Intelliplex PUD, and zoned as General Business and Neighborhood Services, respectively. As I am sure you are aware, Major plans to construct a new YMCA in Shelbyville, a portion of which will be situated on the Property.

In order for Major to develop the Property, it needs to be rezoned from R1 Residential to Intelliplex PUD. Rezoning the Property into the Intelliplex PUD also requires a designation for a land use district, and Major believes Medical Campus is most appropriate for the Property. Intelliplex PUD Development Standards allow for a “fitness center” to be developed, along with any ancillary services related to that use.

Rezoning the Property to Intelliplex PUD – Medical Campus is consistent with the Comprehensive Plan and with current development in the area. The proposed use of the Property would create synergies with other Intelliplex businesses and improve the overall health of Shelby County residents. The current infrastructure in Intelliplex should offer more than adequate capacity for the planned uses of the Property. Rezoning of the Property would not have any adverse impact on neighboring property values, and in fact should help raise surrounding property values.

At this time, Major is seeking to rezone the Property from R-1 to Intelliplex PUD - Medical Campus. The proposed rezone would allow Major to develop the Property, and to continue positive progress for the City of Shelbyville.



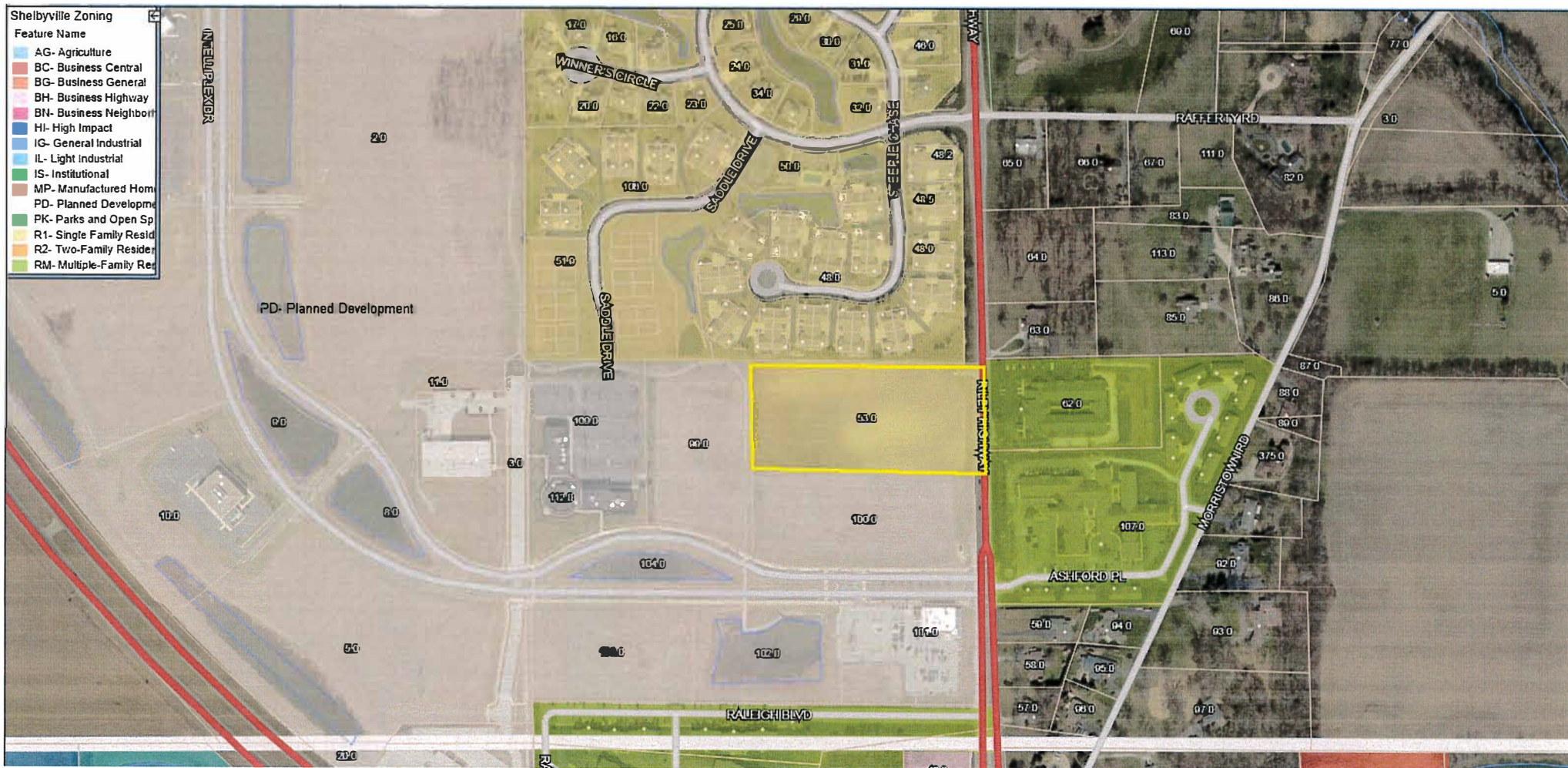
J. Lee McNeely
5/3/2019
Page 2

Yours truly,

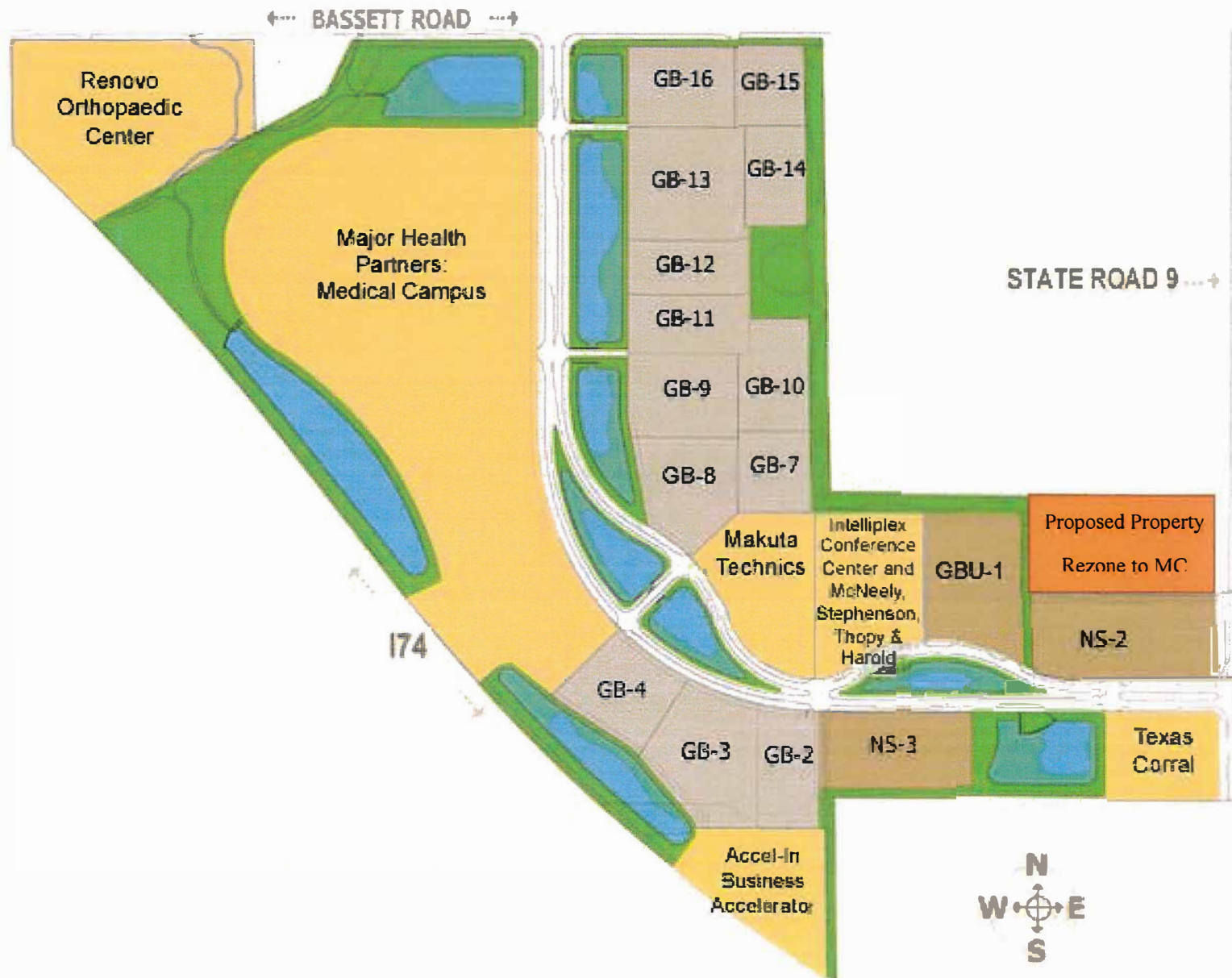
McNEELY STEPHENSON

J. Lee McNeely

Shelbyville Zoning Around the Property



Intelliplex Map



ENTER FOR TAXATION

OCT 07 2010

Amy J. Jackson
SHELBY COUNTY AUDITOR

WARRANTY DEED

2010005837 WD \$18.00
10/07/2010 11:35:52A 2 PGS
Mary Jo Phares
SHELBY County Recorder IN
Recorded as Presented



THIS INDENTURE WITNESSETH THAT Board of Trustees of the Fellowship Baptist Church
Of Shelby **County in the State of** INDIANA

CONVEYS AND WARRANTS TO Major Hospital
Of Shelby **County in the State of** INDIANA

For and in consideration of One Dollar and other considerations **the receipt whereof is hereby acknowledged, the following Real Estate in Shelby County in the State of Indiana, to wit:**

A part of the West Half of the Southwest Quarter of Section 20, Township 13 North, Range 7 East, Shelby County, Indiana; described as follows:

Commencing at the Southwest corner of the half quarter section; thence with the West line of the half quarter North 00 degrees 48 minutes 07 seconds East 1134.66 feet to the Northwest corner of an 0.297 acre tract previously conveyed from Williams Industries, Inc. to Wayne Coil and Mavis Almquist; thence South 87 degrees 51 minutes 17 seconds East 1341.61 feet to the Northeast corner of said 0.297 acre tract and being a point on the East line of the half quarter, said point being the true Point of Beginning of the tract herein described;

Thence with the half quarter line South 00 degrees 42 minutes 27 seconds West 320.00 feet; thence parallel with the North line of the aforementioned 0.297 acre tract North 87 degrees 51 minutes 17 seconds West 680.00 feet; thence parallel with the East line of the half quarter North 00 degrees 42 minutes 27 seconds East 320.00 feet to the North line of said 0.297 acre tract; thence with said North line South 87 degrees 51 minutes 17 seconds East 680.00 feet to the Point of Beginning, containing 4.994 acres more or less, and subject to the right-of-way of State Road #9 on the East line of the tract and any other existing right-of-ways, easements or restrictions.

Course data used in this description assumes the West line of the half quarter to have a bearing of North 00 degrees 48 minutes 07 seconds East.

ALSO, subject to an easement for Utility purposes reserved by grantor 25 feet of even width off of the entire North side of the above described real estate, for customary utility use, cable television, drainage lines and swails, and similar usage.

ALSO, subject to an easement for utility purposes reserved by grantor 65 feet of even width off the entire East side of the above described real estate, commencing on the Easterly side from the centerline of State Road #9 (assuming State Road 9 has a 40 foot right-of-way West from its centerline), for customary utility use, cable television, drainage lines and swails, and similar usage.

SALE DISCLOSURE

APPROVED

SHELBY COUNTY ASSESSOR

As a part of the consideration herefor, Grantees assume and agree to pay taxes for May 2010 due and payable in May 2011 and all subsequent taxes.

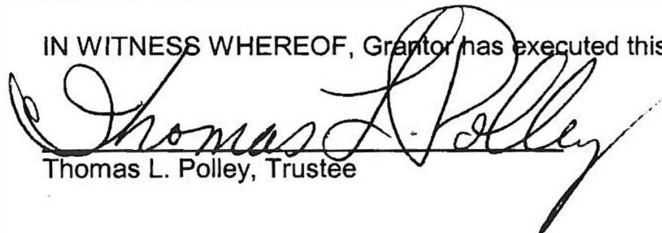
Send tax statements to:

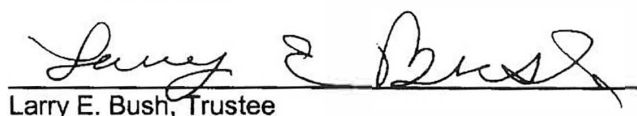
Shelbyville, IN 46176

Parcel Number:

73-07-20-300-053.000-024

IN WITNESS WHEREOF, Grantor has executed this deed on October 5, 2010.


Thomas L. Polley, Trustee


Larry E. Bush, Trustee

STATE OF INDIANA

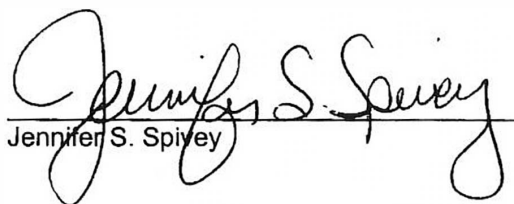
} SS:

ACKNOWLEDGMENT

COUNTY OF SHELBY

Before me, the undersigned, a Notary Public in and for said County and State on October 5, 2010, personally appeared Thomas L. Polley, Trustee and Larry E. Bush, Trustee for the Board of Trustees of the Fellowship Baptist Church and acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires: 09/14/14
Resident of Shelby County


Jennifer S. Spivey

This instrument was prepared by Peter G. DePrez, Attorney At Law

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. D. Warren Robison, 103 W. Washington Street, Shelbyville, IN 46176.

Legal Description

A part of the West Half of the Southwest Quarter of Section 20, Township 13 North, Range 7 East, Shelby County, Indiana; described as follows:

Commencing at the Southwest corner of the half quarter section; thence with the West line of the half quarter North 00 degrees 48 minutes 07 seconds East 1134.66 feet to the Northwest corner of an 0.297 acre tract previously conveyed from Williams Industries, Inc. to Wayne Coil and Mavis Almquist; thence South 87 degrees 51 minutes 17 seconds East 1341.61 feet to the Northeast corner of said 0.297 acre tract and being a point on the East line of the half quarter, said point being the true Point of Beginning of the tract herein described;

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ALSO, subject to an easement for Utility purposes reserved by grantor 25 feet of even width off of the entire North side of the above described real estate, for customary utility use, cable television, drainage lines and swails, and similar usage.

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STATE OF INDIANA)
COUNTY OF SHELBY)SS:

1. That I am the owner of real estate located at State Road 9 North;
(Address of affected property)

3. That I have no objections to and consent to the request(s) described in the Application made to the Shelbyville Board of Zoning Appeals.

JEFFERY L. Williams
Owner's Name (Please print)

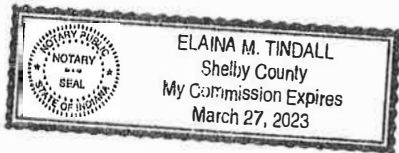
Owner's Signature

State of Indiana)
County of Shelby)SS:

Subscribed and sworn to before me this 3rd day of May, 2019

Adaina M. Tindall, Elaina M. Tindall
Notary Public Printed

Residing in Shelby County My Commission Expires 3-27-23



ORDINANCE NUMBER 19-2858

AN ORDINANCE TO REZONE CERTAIN REAL ESTATE IN THE CITY OF
SHELBYVILLE, INDIANA, AND TO REPEAL ALL ORDINANCES IN CONFLICT
THEREWITH TO THE EXTENT OF SUCH CONFLICT ONLY

BE IT ORDAINED by the Common Council of the City of Shelbyville, Indiana, as follows, to-wit:

Section 1. That the following tract of real estate in the City of Shelbyville, Indiana, described on
EXHIBIT A, attached hereto is hereby rezoned from a(n) *R1 – Single Family Residential* classification to a(n)
Intelliplex PUD – Medical Campus classification.

Section 2. Any ordinance of the City of Shelbyville, Indiana, which is in conflict with the terms and
provisions of this ordinance is hereby repealed, to the extent of such conflict only, as to the above-described
real estate only.

PASSED ON FIRST READING THIS _____ DAY OF _____ , _____ BY A VOTE
OF _____ AYES AND _____ NAYS,

Tom DeBaun, Mayor

ATTEST:

Frank Zerr, City Clerk-Treasurer

PASSED ON SECOND READING THIS _____ DAY OF _____ , _____ BY A VOTE
OF _____ AYES AND _____ NAYS.

Tom DeBaun, Mayor

ATTEST:

Frank Zerr, City Clerk-Treasurer

Presented by me to the Honorable Mayor this _____ day of _____ , _____

Frank Zerr, City Clerk-Treasurer

APPROVED by me this _____ day of _____ , _____

Tom DeBaun, Mayor

Exhibit A: Legal Description

A part of the West Half of the Southwest Quarter of Section 20, Township 13 North, Range 7 East, Shelby County, Indiana; described as follows:

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