

# CITY OF SHELBYVILLE

**Adam M. Rude**  
Director



**Allan Henderson**  
Deputy Director

## PLAN COMMISSION

**MEETING DATE: 9/28/2020**

Case Number & Name:	PC 2020-07: McKay Road Lift Station Annexation			
Petitioner's Name:	City of Shelbyville			
Owner's Name:	City of Shelbyville			
Petitioner's Representative:	Jennifer Meltzer, City Attorney			
Address of Property:	703 West McKay Road			
Subject Property Zoning Classification:	Current: R1 – Single Family Residential District (Shelby County Zoning Ordinance) Proposed: AR – Agriculture/Rural Residential (City of Shelbyville Zoning Ordinance)			
Comprehensive Future Land use:	Park & Recreation			
	<b>North</b>	<b>East</b>	<b>South</b>	<b>West</b>
Surrounding Properties' Zoning Classifications:	R1 – Single Family Residential	A1 – Conservation Agricultural	A1 – Conservation Agricultural	A1 – Conservation Agricultural
Surrounding Properties' Comprehensive Future Land Use	Single Family Residential	Park & Recreation	Conservation	Park & Recreation
History:	Historically, the property was used for agricultural purposes, but since XXXX the property has been a lift station owned by the Water Resource Recovery Facility.			
Vicinity Map:				
Action Requested:	A formal recommendation on the zoning classification for a property being annexed into the City.			

1. The petitioner currently owns the property and operates a sanitary lift station on the property as part of the City of Shelbyville Water Resource Recovery Facility. The property is currently located within the corporate limits of Shelby County. The petitioner would like the property annexed into the City of Shelbyville and is seeking a recommendation on the zoning classification.
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:**

In the Future Land Use map, located on page 93 of the Comprehensive Plan, this area is shown as “Parks and Recreation” surrounded by “Single Family Residential”. All of the surrounding property is located in Shelby County and used for agricultural purposes. Furthermore, Objective #3 in the Commerce and Economy chapter of the Comprehensive Plan states “*Improve our infrastructure to boost future growth*”. The lift station is ideally located to be able to provide service to future residential growth (as indicated in the Comprehensive Plan) that may occur to the east, west and south of the current City of Shelbyville corporate limits.

**b. Current Conditions:**

The subject property sits directly south, but contiguous to the current City of Shelbyville corporate limits, but services the surrounding R1 – single family residential neighborhoods that are located with the City of Shelbyville.

**c. Desired Use:**

The City of Shelbyville owns the subject property and has operated a lift station for 60 years. The property was never annexed into the City.

**d. Property Values:**

The planning staff has determined that the proposed zoning classification should not have any adverse impact on neighboring property values. If anything, it will have a positive impact because the infrastructure is already in place to support any future growth in the area.

**e. Responsible Growth:**

The planning staff has determined that most public infrastructure is in place and has sufficient capacity for the proposed zoning classification.

**STAFF RECOMMENDATION: FORWARDING A FAVORABLE RECOMMENDATION  
WITH THE AR – AGRICULTURE/RURAL RESIDENCE ZONING CLASSIFICATION**

## Annexation (Zoning Map Amendment): PC 2020-07: McKay Road Lift Station Annexation

### Findings of Fact by the Shelbyville Plan Commission

#### Staff Prepared

##### Motion:

(I) would like to make a motion to forward a favorable recommendation to assign the zoning classification of *AR – Agriculture/Rural Residence* for the subject property, once annexed into the City limits, 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 effect 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 effect 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: \_\_\_\_\_

Chairperson / Presiding Officer

Attest: \_\_\_\_\_

Adam M. Rude, Secretary



PETITION FOR ANNEXATION INTO THE CITY OF SHELBYVILLE, INDIANA

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

For Office Use Only:

Case #: PC 2020 - 07  
Hearing Date: September 28, 2020  
Fees Paid: \$ 0  
Final Decision:  
Approved Denied

1. Petitioner & Property Owner:

Petitioner:

Name: The City of Shelbyville, Indiana  
Address: 44 West Washington Street, Shelbyville, Indiana  
46176  
Phone Number: 317-392-5102  
E-mail Address: jmeltzer@cityofshelbyvillein.com

Owner:

Name: The City of Shelbyville, Indiana  
Address: 44 West Washington Street, Shelbyville, Indiana  
46176  
Phone Number: 317-392-5102

2. Applicant's Attorney/Contact Person and Project Engineer (if any):

Attorney/Contact Person:

Name: Jenny Meltzer, City Attorney  
Phone Number: 317-392-5102

Project Engineer:

Name: \_\_\_\_\_  
Phone Number: \_\_\_\_\_

3. Project Information:

Subject Parcel Number(s) (and address if applicable):  
703 West McKay Road, Shelbyville, Indiana  
73-11-07-400-020.000-001

Current Use: Municipal WRRF Lift Station  
Current Zoning: R1 - Single Family Residential (Shelby County)  
Proposed Use: Municipal WRRF Lift Station  
Proposed Zoning: AR - Agriculture/Rural Residential (Shelbyville)

4. Attachments:

- ☐ Proof of ownership (copy of deed)  
☐ Letter of Intent  
☐ Other Supporting Documents (Optional)

- ☐ Application Fee  
☐ Legal Description

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

Signature of Petitioner: \_\_\_\_\_ Date: 8/19/2020

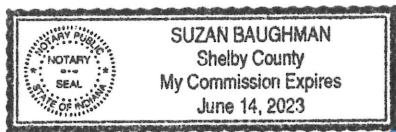
State of Indiana )  
County of Shelby ) SS:

Subscribed and sworn to before me this 19th day of August, 2020.

Suzan Baughman, Suzan Baughman

Notary Public - Signed

Printed



Residing in Shelby County. My Commission expires: June 14, 2023

Signature of Property Owner: \_\_\_\_\_ Date: 8/19/2020

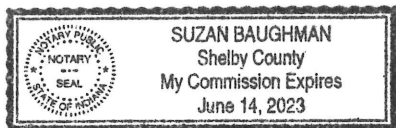
State of Indiana )  
County of Shelby ) SS:

Subscribed and sworn to before me this 19th day of August, 2020.

Suzan Baughman, Suzan Baughman

Notary Public - Signed

Printed



Residing in Shelby County. My Commission expires: June 14, 2023



## Warranty Deed

This Indenture Witnesseth, THAT

4537

CLAUDE C. COMPTON AND PAULINE COMPTON, HIS WIFE

of Shelby County, in the State of Indiana  
Convey and Warrant to

THE CITY OF SHELBYVILLE, INDIANA, A MUNICIPAL CORPORATION

of Shelby County, in the State of Indiana, for and in consideration

of One Dollar and other considerations ----- Dollars,

the receipt whereof is hereby acknowledged, the following described Real Estate in Shelby County in the State of Indiana, to-wit:

Beginning at a point 850 feet west of the northeast corner of the southeast quarter of section 7, township 12 north, range 7 east, said point being on the north line of the said quarter section, in the center of the McKay Road; and running thence south 740 feet to a point on the west bank of the Fortune Ditch; thence north 12 degrees 45 minutes west, along the said west bank of the Ditch, 758.7 feet to a point on the north line of the said quarter section in the center of the said Road; thence east along the said quarter section line, 163 feet to the place of beginning, containing 1.38 acres, more or less.

Subject to existing public road rights of way.

This conveyance is made subject to the taxes on said real estate for the year 1958, payable in 1959, which taxes the grantee assumes and agrees to pay.

As a further consideration for this conveyance, the grantee agrees to erect and maintain a fence along the east and west property lines of the above described real estate separating the land of the grantor from the above described real estate; which fence will be sufficient in size and structure to turn livestock.

The said grantor represents and states that he or she is a citizen of the United States of America and that said citizenship has continued continuously since prior to the 1st day of April, 1909; that he or she has been domiciled and residing continuously with the United States since prior to April 1st, 1909; that he or she is not acting directly or indirectly in any capacity whatsoever for any foreign country or national thereof; that there is no one other than an American citizen who has had any proprietary title or interest in the above described real estate, either directly or indirectly since April 1st, 1909, and that these representations are made under oath to induce the completion of this deed of conveyance.