

CITY OF SHELBYVILLE

Adam M. Rude
Director



Allan Henderson
Deputy Director

PLAN COMMISSION

MEETING DATE: 3/22/2021

Case Number & Name:	PC 2021-02: Fansler Subdivision Rezone			
Petitioner's Name:	Forestar Group			
Owner's Name:	Scott and Andrew Summerford			
Petitioner's Representative:	Faegre Drinker Biddle & Reath (Steve Hardin)			
Address of Property:	Parcel number 73-11-09-300-210.000-002, intersection of Progress Parkway & CR 125 East			
Subject Property Zoning Classification:	Current: BN – Business Neighborhood Proposed: R1 – Single-family Residential			
Comprehensive Future Land use:	Single Family Residential			
	North	East	South	West
Surrounding Properties' Zoning Classifications:	R1- Single Family Residential	IS- Institutional	A2 – Agricultural District (Shelby County)	R1- Single Family Residential
Surrounding Properties' Comprehensive Future Land Use	Single Family Residential	Single Family Residential	Single Family Residential	Single Family Residential
History:	The petitioner for this project is proposing to convert a BN – Business Neighborhood property to a R1 – Single-family Residential property. The property was zoned BN with the Zoning Map updates in 2014 to support development along Progress Parkway. However, the property has not developed and there is current interest in using this property and adjacent properties for a housing development.			
Vicinity Map:				
Action Requested:	A formal request to rezone a BN – Business Neighborhood property to a R1 – Single-family Residential property.			

1. This project involves rezoning a property along Progress Parkway from BN – Business Neighborhood to R1 – Single Family Residential. The petitioner will use this property along with adjacent properties to construct a single-family residential subdivision.
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 planning staff has determined that the proposed zoning classification of R1 – Single-family Residential is the highest and best use of the property and generally consistent with the City’s Comprehensive Plan. The Comprehensive Plan shows residential growth on the southside of the City and along Progress Parkway. It is also aligned with the Comprehensive Plan’s Built Environment Objectives including:

- BE Objective #2: Guide healthy development patterns using future land use mapping;
- BE Objective #3: Transform the City’s Current Housing Stock and Neighborhoods;
- BE Objective #5: Promote development and redevelopment of existing sites and buildings.

b. Current Conditions:

The subject property is part of a larger tract of land – four (4) parcels that comprise almost 64 acres that is ideal for R1 – Single-family Residential.

c. Desired Use:

The City’s Comprehensive Plan has identified this area for residential growth. The current zoning BN – Business Neighborhood was originally given to this property to support the residential growth that was occurring on Progress Parkway. The rezone is consistent with residential growth and in the area and will blend with the surrounding neighborhood.

d. Property Values:

The planning staff has determined that the proposed rezoning should not have any adverse impact on neighboring property values. The subject property is surrounded by other R1 – single-family residential and the developer is proposing to build a similar product to what is existing.

e. Responsible Growth:

The planning staff has determined that all public infrastructure is in place and has sufficient capacity for the proposed rezone.

STAFF RECOMMENDATION: Favorable recommendation on the proposed rezoning from BN – Business Neighborhood to R1 – Single-family Residential.

Rezone (Zoning Map Amendment): PC 2021-02: Fansler Subdivision 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 BN – Business Neighborhood to R1 – Single-family Residential, 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: _____

Attest: _____

Chairperson

Secretary



REZONING APPLICATION

Shelbyville Planning & Building Department
44 West Washington Street
Shelbyville, IN 46176
P: 317.392.5102

For Office Use Only:

Case #: PC _____ - _____

Hearing Date: _____

Fees Paid: \$ _____

Final Decision:

Approved

Denied

1.

Applicant

Name: Forestar Group (Mark Mastrorocco)

Address: 9292 North Meridian Street, Ste. 211
Indianapolis, IN 46260

Phone Number: 463-224-0669

Fax Number: _____

Email: MarkMastrorocco@forestar.com

Property Owners Information (if different than Applicant)

Name: Scott Sumerford and Andrew Sumerford

Address: 7785 E. 1000 N, Flat Rock, IN 47234

Phone Number: 317-364-5174

Fax Number: _____

Email: asumerfo@yahoo.com

2.

Applicant's Attorney/Representative

Name: Faegre Drinker Biddle & Reath (Steve Hardin)

Address: 600 East 96th Street, Suite 600
Indianapolis, IN 46240

Phone Number: 317-569-4833

Fax Number: _____

Email: steven.hardin@faegredrinker.com

Project Engineer

Name: HWC Engineering (Hope Martin, P.E.)

Address: 5920 Hohman Avenue
Hammond, IN 46320

Phone Number: 309-231-3658

Fax Number: _____

Email: hmartin@hwcengineering.com

3. Project Information:

General Location of Property (and address is applicable): Progress Road, east of S. Amos Road

Current Zoning: BN

Proposed Zoning: R1

Existing Use of Property: Agriculture

Proposed Use: Single family residential

4. Attachments

- ☐ Affidavit and Consent of Property Owner (if applicable)
- ☐ Proof of Ownership (copy of deed, recent property card)
- ☐ Letter of Intent
- ☐ Site Plan

- ☐ Vicinity Map
- ☐ Application Fee
- ☐ Legal Description
- ☐ Findings of Fact

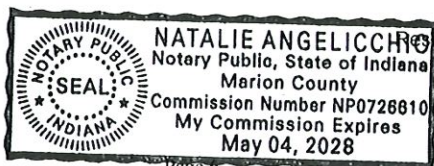
The undersigned states the above information is true and correct as s/he is informed and believes.

Applicant: Mark Mastrorocco Date: 2/23/21

State of Indiana
County of Marion SS:

Subscribed and sworn to before me this 23 day of Feb., 2021

Natalie Angelicchio / Natalie Angelicchio
Notary Public Printed



Residing in Marion County.

My Commission Expires: May 4, 2028



ZONING MAP AMENDMENT ("REZONING") FINDINGS OF FACT

Petitioner's Name: Forestar Group (Mark Mastrorocco)
Location: Progress Road, east of S. Amos Road
Variance for: Rezone from BN to R1

The Shelbyville Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a Development Standard Variance. Using the lines provided, please explain how your request meets each of these criteria.

1. **Comprehensive Plan:** The Comprehensive Plan and any other applicable adopted planning studies or reports.

The current Comprehensive Plan identifies the property for Residential. The previous Comprehensive Plan identifies the property for Single Family Residential. The proposed land use is Single Family Residential, which is consistent with both Plans.

2. **Current Conditions:** The current conditions and the character of current structures and uses in each district.

The current conditions and character of current structures for the district is mostly single family residential. The rezone and the proposed project are consistent with the character of the surrounding district.

3. **Desired Use:** The most desirable use for which the land in each district is adapted.

Given the Comprehensive Plan and given the existing utilities adjacent to the property, the highest and best use for the property is Single Family Residential.

4. **Property Values:** The conservation of property values throughout the City of Shelbyville's planning jurisdiction.

The proposed rezoning and development of single family homes is in an area that has mostly single family homes. As a result, there will be no negative impact on property values.

5. **Responsible Growth:** Responsible Growth and Development.

Given the infill location of the property, and the existing infrastructure and utilities, no major public improvements will be necessary.





February 23, 2021

Plan Commission
City of Shelbyville

**RE: Letter of Intent
Sumerford Property - Proposed Rezoning**

Dear Commissioners:

Forestar Group is the contract purchaser for the +/- 12.06 acre Sumerford property on Progress Road, east of S. Amos Road. Forestar is also the contract purchaser for the adjacent +/- 51.78 acre Fansler property. This assemblage totals +/- 63.84 acres. Forestar Group is proposing the development of the entire acreage for a single-family residential development consisting of 185 lots.

The Fansler property is zoned R1. The Sumerford property is currently zoned BN. Forestar is proposing rezoning the Sumerford property from BN to R1, to facilitate the overall proposed development.

Please note the following:

- Forestar is the nation's leading residential lot developer, with over 50,000 lots under ownership or control.
- DR Horton (Westport Homes) will build homes in the development. DR Horton is currently building homes in the City at the successful Twin Lakes Estates community.
- The proposed rezoning is consistent with both the current and previous Comprehensive Plans.
- The proposed rezoning is consistent with the surrounding district, which is mostly single family residential.
- The proposed rezoning is consistent with the highest and best use, given the Comprehensive Plan and existing utilities.
- The proposed rezoning will support property values in the City, given the single-family nature of the surrounding area.
- The proposed rezoning is consistent with responsible growth, given the infill location of the property and existing infrastructure serving the property.

Forestar Group is proud to propose this new investment in the City of Shelbyville. We appreciate your consideration on the rezoning of the Sumerford property.

Sincerely,

Mark Mastrococco
Land Acquisition Director - Indianapolis
Forestar Group



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The proposed development of single family homes is in an area that has mostly single family homes. As a result, there will be no impact on property values.

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Given the infill location of the property, and the existing infrastructure and utilities, no major public improvements will be necessary.