

CITY OF SHELBYVILLE

Adam M. Rude
Director



Allan Henderson
Deputy Director

PLAN COMMISSION

MEETING DATE: 9/28/2021

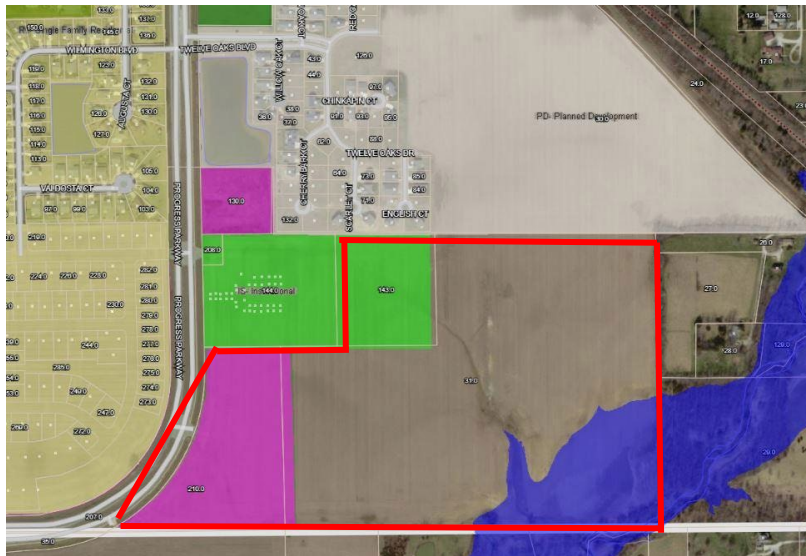
Case Number & Name:	PC 2021-18: M/I Homes Progress Parkway Planned Development; Concept Plan			
Petitioner's Name:	M/I Homes of Indiana, LP			
Owner's Name:	Scott & Andrew Summerford			
Petitioner's Representative:	Brian Toughy, Doninger Tuohy & Bailey LLP			
Address of Property:	Progress Parkway			
Subject Property Zoning Classification:	Current: BN – business Neighborhood (City of Shelbyville), IS – Institutional (City of Shelbyville), A1 – Conservation Agriculture (Shelby County) Proposed: Planned Development			
Comprehensive Future Land use:	Single Family Residential			
	North	East	South	West
Surrounding Properties' Zoning Classifications:	IS – Institutional/ PD – Planned Development	A1 – Agricultural	A2 – Agriculture	R1 – Single-family Residential
Surrounding Properties' Future Land Use	Single-family Residential	Single-family Residential	Single-family Residential	Single-family Residential
History:	The site consists of three (3) parcels totaling approximately 60-acres. The area had originally been planned as a mixed-use district with commercial, institutional and residential.			
Vicinity Map:				
Action Requested:	A request for approval of a Planned Development concept plan for the development of a residential neighborhood along Progress Parkway.			

Intent of the Planned Development District

The Planned Development (PD) District is intended to provide flexible development standards in order for the development to result in a significantly better design than what would have been the result under standard zoning regulations. The second priority is to confirm that a PD District is necessary due to any of the following:

1. A development with complex mixes of land uses, or mixes of land uses within buildings.
2. A development on a unique geological feature, or on a site with a notable quality natural feature, or on a site with a notable quantity of natural features.
3. A development with a notably unique or innovative design.

The subject property comprises approximately 60 acres located on the east side of Progress Parkway, south of McKay Road. The subject property is currently vacant, contains multiple parcels and is currently used for agriculture. M/I Homes proposes to build 176 homes. The proposed project should be considered for a PD – Planned Development as there is an existing PD – Planned Development district immediately to the north of the property and the subject property has neighboring institutional and business neighborhood properties to the west. However, what makes this subject property a truly unique opportunity is the existing natural features on the subject property. Part of the western edge of the site is within the floodplain and contains a small wetland. The concept plan illustrates a development that is pursuant to the intent of the district for single family residential yet is varied significantly from what is typically allowed particularly in terms of density, lot size and especially open space. The concept plan provides varied housing types, common open space, pedestrian networks, and the preservation of natural resources including the wetlands. The concept plan also includes the enhancement of the natural landscape with additional trees and enhancement of the wetlands. Residents would have greater access to this community resource, especially with the potential addition of walking trails and improved park areas, which could be conditions of development. The concept plan is proposing 25% open space compared to the required 15% in the traditional R1 – Single Family Residential district.



The concept plan is proposing a ‘broader range of housing’ that is being demanded by a changing demographic trend. Permitting the PD – Planned Development district would allow a broader range of single-family residential housing types. The concept plan offers unique neighborhood character that is unlike traditional development but may answer a market demand that could become more standard for expanded residential development in the area.

Alignment with the Planned Development District has been satisfied by the applicant

Comprehensive Plan

The Comprehensive Plan is a document designed to guide the future decisions of the City of Shelbyville; it provides a vision for the future of a community with long-range goals and objectives for development that affects said community. This includes making decisions on public and private land development. The current City of Shelbyville Comprehensive Plan was adopted in 2019. Goals outlined in the Comprehensive Plan include:

1. Increasing Property Values. Focus reinvestment in existing neighborhoods and commercial areas and identify areas of the City for increased development.
2. Private Investment. Develop and implement a plan. Having a plan allows the city to share their vision with developers interested in investing in the City. Having a plan provides a degree of certainty for developers interested in investing in the city.

The proposal by M/I Homes accomplishes both goals. First, it will have a positive impact on property values in the area. Average home prices in the M/I housing development will align with other housing and recent developments in the area. Second, the M/I Homes development is the type of private investment identified in the Comprehensive Plan.

Another component of the Comprehensive Plan is the “Future Land Use Map”. The “Map” has reduced the number of land-use classifications to maintain an amount of flexibility for developers who want to build at different densities. The “Map” identifies the area along Progress Parkway as single family residential as is evidenced by other single family residential and planned development happening around the M/I Homes subject property.

Alignment with the Comprehensive Plan has been satisfied by the applicant

Unified Development Ordinance

Another tool the Shelbyville Plan Commission uses to evaluate the appropriateness of a request for PD – Planned Development is the Unified Development Ordinance. The UDO is intended to guide the growth and development of the City in accordance with the Comprehensive Plan. This is accomplished through basic tenants including:

1. Basic Rights: To secure adequate light, air, convenience of access and safety from fire, *flood* and other dangers, which may include providing adequate open spaces for light, air, and outdoor uses.
2. Development and Growth: To promote the orderly, responsible, and beneficial development and growth of the areas within the planning jurisdiction in accordance with the City of Shelbyville's land use policy.
3. Character: To protect the character and stability of agricultural, residential, institutional, commercial, industrial, historical, and natural areas.
4. Circulation: To minimize or avoid *congestion on public streets* and to ensure safe, convenient, and efficient traffic circulation.
5. Intensity: To regulate and restrict the use of buildings, structures, and land for business, industry, residence and other uses.

The proposal by M/I Homes has adequately addressed these concerns. The subject property presently has adequate public facilities, all utilities including wastewater and adequate transportation networks. Proposed site improvements will include storm water retention facilities.

Alignment with the Unified Development Ordinance has been satisfied by the applicant

STAFF RECOMMENDATION: APPROVAL

PUD Conceptual Plan: PC 2021-18: M/I Homes Progress Parkway Planned Development; Concept Plan

FINDINGS OF FACT BY THE SHELBYVILLE PLAN COMMISSION

Staff Prepared

Motion:

(I) would like to make a motion to approve the M/I Homes PUD Concept Plan as presented to this body 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 PUD Concept Plan **does ensure** a development that exceeds the quality that would have resulted from the traditional application of the Unified Development Ordinance.

☐ The Plan Commission has paid reasonable regard to and finds that the proposed PUD Concept Plan **does not ensure** a development that exceeds the quality that would have resulted from the traditional application of the Unified Development Ordinance.
2. ☐ The Plan Commission has paid reasonable regard to and finds that the proposed PUD Concept Plan **is necessary** for the development of the land.

☐ The Plan Commission has paid reasonable regard to and finds that the proposed PUD Concept Plan **is not necessary for** the development of the land.
3. ☐ The Plan Commission has paid reasonable regard to and finds that the proposed PUD Concept Plan **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 PUD Concept Plan **is not consistent** with The City of Shelbyville Comprehensive Plan and all other applicable, adopted planning studies or reports.

Additional Conditions Imposed by the Shelbyville Plan Commission:

- 1.
- 2.
- 3.

Shelbyville Plan Commission

By: _____
Chairperson

Attest: _____
Secretary



PUD CONCEPTUAL PLAN 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: M/I Homes of Indiana, LP
Address: 8425 Woodfield Crossing Blvd., Suite 100 W
Indianapolis, IN 46240
Phone Number: 317-475-3619
Fax Number: _____
Email: twesterfield@mihomes.com

Property Owners Information (if different than Applicant)

Name: Scott Sumerford & Andrew Sumerford
Address: 3149 Riley Hwy., Shelbyville, IN 46176
Phone Number: _____
Fax Number: _____
Email: _____

2.

Applicant's Attorney/Representative

Name: Brian J. Tuohy, Attorney
Address: 50 S. Meridian Street, Suite 700
Indianapolis, IN 46204
Phone Number: 317-639-2400
Fax Number: 317-633-6618
Email: btuohy@tbmattoeys.com

Project Engineer

Name: Jason Coyle, Banning Engineering
Address: 853 Columbia Road, Suite 101
Plainfield, IN 46168
Phone Number: 317-707-3700
Fax Number: 317-707-3800
Email: jcoyle@banning-eng.com

3. Project Information:

General Location of Property (and address is applicable): Approximately 54 acres +/- east of Progress Parkway between McKay Road and CR 225 S

Current Zoning: BN & A1 (County)
Proposed Zoning: Planned Development (PD)
Proposed Name of Development: _____

Existing Use of Property: Vacant
Proposed Use: Single-Family Residences
Proposed No. of Lots/Density: 162 lots / Density: Approx. 3 lots /acre

4. Attachments

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

- ☐ Vicinity Map
☐ Application Fee
☐ Additional Supporting Materials (Optional)

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

Applicant: *[Signature]* Date: 8-10-2021

Tim Westerfield - MI Homes - Land Project manager

State of INDIANA
County of MADISON SS:

Subscribed and sworn to before me this 10th day of AUGUST, 2021
[Signature] TERESA D. JACKSON
Notary Public Printed

Residing in MADISON County.

My Commission Expires: 02/22/2022



TERESA D. JACKSON
Notary Public
State of Indiana
Commission No. 6192730
My Commission Expires
February 22, 2022

Statement of Intent

M/I Homes of Indiana, LP (“M/I” or “Petitioner”) seeks to annex and rezone approximately 53 acres of land (“Property”) near the City of Shelbyville, Indiana. The Property is located on the east side of Progress Road, south of East McKay Road, and is zoned by Shelby County zoning as AG. M/I proposes to rezone the Property to Planned Development (PD). The proposed development will include a maximum of 162 detached single-family dwellings.

The proposed development is consistent with the Future Land Use Map of the City of Shelbyville Comprehensive Plan, which contemplates Single-Family Residential uses for the Property. The annexation and rezoning of the Property will allow for development of a residential neighborhood that will provide additional housing options for existing and future residents, which will be beneficial to the community. City services will also be extended to the Property.

The layout of the proposed development allows for greater greenspace and usable common areas for residents and allows for the preservation of woodlands and open areas at the southwest corner of the Property. The proposed development and homes built by M/I will provide quality housing options to the Shelbyville community. The proposed homes will range in size from approximately 1,500 +/- sf for one-story homes to approximately 2,300 for two-story homes.

LEGAL DESCRIPTION OF THE REAL ESTATE

PARCEL 1:

PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION NINE (9), TOWNSHIP TWELVE (12) NORTH, RANGE SEVEN (7) EAST, ADDISON TOWNSHIP, SHELBY COUNTY, INDIANA AND BEING PART OF THE SUMERFORD PROPERTY AS DESCRIBED IN DEED BOOK 293 PAGE 596 IN THE OFFICE OF THE SHELBY COUNTY RECORDER, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 9-12-7, SAID POINT BEING MARKED BY A STONE; THENCE ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, SOUTH 89° 38' 06" WEST (BASIS OF BEARINGS INDIANA STATE PLANE EAST ZONE AND BASED UPON A SURVEY BY THE SCHNEIDER CORPORATION) 811.38 FEET TO THE EASTERLY LINE OF THE CITY OF SHELBYVILLE PROPERTY (THE EASTERLY LINE OF PROGRESS PARKWAY); THENCE ALONG THE EAST LINE OF SAID PROGRESS PARKWAY THE FOLLOWING TWO (2) COURSES: (1) NON-TANGENT CURVE TO THE LEFT WITH A RADIUS OF 796.20 FEET, A CHORD BEARING NORTH 31° 21' 55" EAST 854.43 FEET; (2) NORTH 01° 05' 06" WEST 472.53 FEET TO THE SOUTHWEST CORNER OF THE CITY OF SHELBYVILLE PROPERTY AS DESCRIBED IN INSTRUMENT NO. 2011006911; THENCE ALONG THE SOUTH AND EAST SIDES OF SAID CITY OF SHELBYVILLE PROPERTY THE FOLLOWING TWO (2) COURSES: (1) NORTH 88° 54' 54" EAST 92.23 FEET; (2) NORTH 01° 05' 06" WEST 138.88 FEET TO THE NORTH LINE OF THE SOUTH HALF OF THE EAST HALF OF SAID SOUTHWEST QUARTER, THENCE ALONG SAID NORTH LINE, NORTH 89° 37' 16" EAST 260.15 FEET TO THE NORTHEAST CORNER OF THE SOUTH HALF OF THE EAST HALF OF SAID SOUTHWEST QUARTER, SAID POINT MARKED WITH A 5/8" REBAR; THENCE ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, SOUTH 01° 06' 22" EAST 1339.42 FEET TO THE POINT OF BEGINNING, CONTAINING 12.72 ACRES, MORE OR LESS.

PARCEL 2:

A PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 9 AND A PART OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 16 BOTH OF TOWNSHIP 12 NORTH, RANGE 7 EAST, SHELBY COUNTY, INDIANA; DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE ABOVE DESCRIBED SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 9; THENCE WITH THE WEST LINE OF THE HALF QUARTER NORTH 00 DEGREES 13 MINUTES 18 SECONDS WEST 1339.48 FEET TO THE NORTHWEST CORNER OF THE HALF QUARTER; THENCE WITH THE NORTH LINE OF THE HALF QUARTER SOUTH 89 DEGREES 34 MINUTES 22 SECONDS EAST 1713.89 FEET; THENCE SOUTH 00 DEGREES 15 MINUTES 00 SECONDS EAST 1338.13 FEET TO THE SOUTH LINE OF THE HALF QUARTER; THENCE WITH SAID SOUTH LINE NORTH 89 DEGREES 37 MINUTES 03 SECONDS WEST 63.38 FEET TO THE CENTER OF LEWIS CREEK; THENCE WITH THE CENTER OF SAID CREEK ALONG THE FOLLOWING EIGHT CALLS: (1) SOUTH 56 DEGREES 44 MINUTES 20 SECONDS WEST 44.45 FEET; (2) NORTH 82 DEGREES 35 MINUTES 38 SECONDS WEST 37.16 FEET; (3) SOUTH 73 DEGREES 25 MINUTES 55 SECONDS WEST 89.60 FEET; (4) NORTH 65 DEGREES 20 MINUTES 38 SECONDS WEST 56.12 FEET; (5) SOUTH 60 DEGREES 07 MINUTES 11 SECONDS WEST 70.38 FEET; (6) SOUTH 05 DEGREES 42 MINUTES 55 SECONDS WEST 184.57 FEET; (7) SOUTH 67 DEGREES 34 MINUTES 56 SECONDS WEST 78.03 FEET; (8) NORTH 71 DEGREES 17 MINUTES 01 SECONDS WEST 126.54 FEET; THENCE LEAVING SAID CREEK CENTER NORTH 13 DEGREES 29 MINUTES 33 SECONDS WEST 239.80 FEET TO THE SOUTH LINE OF THE AFOREMENTIONED SOUTH HALF OF THE SOUTHEAST QUARTER; THENCE WITH SAID SOUTH LINE NORTH 89 DEGREES 37 MINUTES 03 SECONDS WEST 1112.90 FEET TO THE POINT OF BEGINNING, CONTAINING 54.210 ACRES MORE OR LESS.

COURSE DATA USED IN THIS DESCRIPTION ASSUMES THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 9 TO HAVE A BEARING OF NORTH 00 DEGREES 13 MINUTES 18 SECONDS WEST.

EXCEPT FROM BOTH PARCELS 1 AND 2 THE FOLLOWING DESCRIBED PARCEL:

A PART OF THE SOUTH HALF OF THE SOUTHEAST AND SOUTHWEST QUARTERS OF SECTION 9, TOWNSHIP 12 NORTH, RANGE 7 EAST, ADDISON TOWNSHIP, SHELBY COUNTY, INDIANA; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SAID SOUTHWEST QUARTER SECTION SAID POINT BEING A STONE, THENCE NORTH 01 DEGREES 06 MINUTES 22 SECONDS WEST (BEARINGS BASED ON NAD 83, INDIANA EAST, STATE PLANE COORDINATES) ALONG THE EAST LINE OF SAID QUARTER SECTION A DISTANCE OF 829.42 FEET TO A POWELL CAPPED REBAR, SAID POINT BEING THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE SOUTH 89 DEGREES 32 MINUTES 44 SECONDS WEST A DISTANCE OF 352.56 FEET TO A POWELL CAPPED REBAR SET ON THE EAST LINE OF PROGRESS PARKWAY AS DESCRIBED IN INSTRUMENT 2009000091; THENCE NORTH 01 DEGREES 05 MINUTES 05 SECONDS WEST ALONG THE SAID EAST LINE A DISTANCE OF 370.17 FEET TO A POWELL CAPPED REBAR SET AT THE SOUTHWEST CORNER OF THE 0.288 ACRE TRACT OWNED BY THE CITY OF SHELBYVILLE DESCRIBED IN INSTRUMENT 2011006911; THENCE NORTH 88 DEGREES 52 MINUTES 13 SECONDS EAST ALONG THE SOUTH LINE OF SAID 0.288 ACRE TRACT A DISTANCE OF 92.32 FEET TO A POWELL CAPPED REBAR SET AT THE SOUTHEAST CORNER OF THE SAID 0.288 ACRE TRACT; THENCE NORTH 01 DEGREES 07 MINUTES 47 SECONDS WEST ALONG THE EAST LINE OF THE SAID 0.288 ACRE TRACT A DISTANCE OF 138.88 FEET TO A POWELL CAPPED REBAR SET ON THE NORTH LINE OF THE SOUTH HALF OF THE SAID SOUTHWEST QUARTER SECTION; THENCE NORTH 89 DEGREES 34 MINUTES 35 SECONDS EAST ALONG THE LAST SAID LINE A DISTANCE OF 260.15 FEET TO A 5/8" REBAR AT THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SAID SOUTHEAST QUARTER SECTION; THENCE NORTH 89 DEGREES 32 MINUTES 44 SECONDS EAST ALONG THE LAST SAID LINE A DISTANCE OF 705.57 FEET TO A POWELL CAPPED REBAR; THENCE SOUTH 01 DEGREES 06 MINUTES 22 SECONDS EAST A DISTANCE OF 510.00 FEET TO A POWELL CAPPED REBAR; THENCE SOUTH 89 DEGREES 32 MINUTES 44 SECONDS WEST A DISTANCE OF 705.58 FEET TO THE POINT OF BEGINNING, CONTAINING 12.092 ACRES MORE OR LESS.



Scale: 1" = 100'
Drawn by: RJC
Date: 06/04/2021
Project No: 21147
Drawing No: 21147-Prel-2



PLANS PREPARED BY:



853 COLUMBIA ROAD, SUITE #101
PLAINFIELD, IN 46168
BUS: (317) 707-3700, FAX: (317) 707-3800
E-MAIL: Banning@BanningEngineering.com
WEB: www.BanningEngineering.com