

# CITY OF SHELBYVILLE

Adam M Rude  
Director



Allan Henderson  
Deputy Director

## PLAN COMMISSION

MEETING DATE: 2/28/2022

<b>Case Number &amp; Name:</b>	PC 2022-01; Esters; Preliminary Plat			
<b>Petitioner's Name:</b>	Terry and Debbie Esters			
<b>Owner's Name:</b>	Terry and Debbie Esters			
<b>Petitioner's Representative:</b>	Curt Johnson; Brown, DePrez & Johnson			
<b>Address of Property:</b>	533-535 Hendricks Street			
<b>Subject Property Zoning Classification:</b>	BG – Business General			
<b>Comprehensive Future Land use:</b>	Gateway/Mixed Use			
	<b>North</b>	<b>East</b>	<b>South</b>	<b>West</b>
<b>Surrounding Properties' Zoning Classifications:</b>	BG – Business General	BG – Business General	MP – Manufactured Home Park	IL – Light Industrial
<b>Surrounding Properties' Comprehensive Future Land Use</b>	Gateway/Mixed Use	Gateway/Mixed Use	Gateway/ Mixed Use	Gateway/Mixed Use
<b>History:</b>	The petitioner rezoned the property in November 2022, PC.2022-29. The property has always operated two (2) businesses; a mechanic shop and mini-barn sales. The petitioner would like to subdivide the parcel to provide each business with it's own lot.			
<b>Vicinity Map:</b>				
<b>Action Requested:</b>	Preliminary Plat approval to subdivide approximately 1.45 acres into two (2) lots: (1) .46 acre lot and (1) .98 acre lot.			

1. This petition is a preliminary plat to subdivide a 1.45-acre lot into a +/- .46-acre lot and a +/- .98-acre lot.

In accordance with Article 9 of the City of Shelbyville Unified Development Ordinance, the Plan Commission shall consider the following criteria when reviewing a preliminary plat approval:

- a. **The proposed preliminary plat shall be consistent with the subdivision control regulations and the development standards for the applicable zoning district;**

In the BG – Business General zoning district the minimum lot area is 15,000 square feet with a minimum lot width of seventy-five (75) feet. Each of the proposed lots meet this standard; the .46 acre lot at 20,037 square feet and the .98 acre site at 42,688 square feet.

Additionally, the UDO prescribes street access requirements which require every lot to have access to a public street, either directly or through an access road. This site has access to Hendricks Street.

- b. **Satisfies any other applicable provisions of the Unified Development Ordinance.**

The project has been reviewed for compliance under all applicable standards of the UDO.

### STAFF RECOMMENDATION: APPROVAL

## Preliminary Plat: PC 2022-01; Esters; Preliminary Plat

### Findings of Fact by the Shelbyville Plan Commission

#### Staff Prepared

Motion:

(I) would like to make a motion to approve the preliminary plat as presented to this body, pursuant to the planning staff's report and Findings of Fact.

1. ☐ The proposed preliminary plat **is** consistent with the subdivision control regulations and the development standards for the applicable zoning district, as outlined in the planning staff's report.  
  
☐ The proposed preliminary plat **is not** consistent with the subdivision control regulation and the development standards for the applicable zoning district, as outlined in the planning staff's report.
2. ☐ The proposed preliminary plat **is** consistent with any other applicable standards of the Unified Development Ordinance, as outlined in the planning staff's report.  
  
☐ The proposed preliminary plat **is not** consistent with any other applicable standards of the Unified Development Ordinance, as outlined in the planning staff's report.

#### Additional Conditions Imposed by the Shelbyville Plan Commission:

- 1.
- 2.
- 3.

Shelbyville Plan Commission

By: \_\_\_\_\_

Chairperson / Presiding Officer

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

Adam M. Rude, Secretary



# MAJOR SUBDIVISION PRELIMINARY PLAT APPLICATION

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

For Office Use Only

Case #: PC 2022-01  
Hearing Date: 02-18-22  
Fees: \$300.00

Approved \_\_\_\_\_ Denied \_\_\_\_\_

## 1. Applicant/Property Owner

### Applicant:

Name: Terry L. & Debbie L. Esters

Address: 2557 E. McKay Rd  
Shelbyville, IN 46176

Phone Number: 317-364-0465

Fax Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

### Owner:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

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

Fax Number: \_\_\_\_\_

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

### Attorney/Contact Person:

Name: H. Curtis Johnson

Address: 416 S. Harrison St.  
Shelbyville, IN 46176

Phone Number: 317-398-6687

Fax Number: 317-398-6806

### Project Designer:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

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

Fax Number: \_\_\_\_\_

## 3. Project Information:

Address/Location of Property: 533-535 E. Hendricks St., Shelbyville, IN 46176

Current Zoning: Light Industrial

Proposed Name of Subdivision: None

Proposed Use: Business General

Area in Acres: 1.45

Proposed Number of Lots: 2

## 4. Waivers:

Are any waivers to the requirements, standards or specifications of the Shelbyville Subdivision Control Ordinance being requested?

☒ No ☐ Yes (specify request and Section Number): \_\_\_\_\_

## 5. Attachments:

Please see checklist for detailed information about the required attachments.

☐ Preliminary Plat

☐ Vicinity Map

☐ Contiguous Holdings Map

☐ Subdivision Phasing Description

☐ Subdivision Covenants

☐ Drainage Plan & Report

☐ Engineering Capacity Report

☐ Application Fee

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

Signature of Applicant: Terry Esters

Date: 1-18-22

State of Indiana )

County of Shelby ) SS:

Subscribed and sworn to before me this 18<sup>th</sup> day of January, 2022

Angela M. Rosales

Notary Public - Signed

Angela M. Rosales

Printed

Residing in Shelby County My Commission expires 6-11-2025

NP0701478

STATE OF INDIANA )  
COUNTY OF SHELBY ) SS:

## LETTER OF INTENT

Petitioners' Name: Terry L. Esters & Debbie L. Esters

Location: 533-535 E. Hendricks St., Shelbyville, IN 46176

Request: Rezoning from Light Industrial to Business General

**Background:** Terry L. Esters & Debbie L. Esters (collectively "Esters") seek to have the subject property rezoned from Light Industrial to Business General. The parcels to the east are zoned Business General, as are the parcels to the north, across Hendricks Street, while the subject property and the properties to its west are zoned Light Industrial. A portion of the southern boundary abuts a parcel zoned for Manufactured Homes.

For many years the parcel in question has effectively divided in two, with the western part used as a mechanic's shop and the eastern part used for mini-barn sales. Esters intends to continue these existing uses of the parcel, should their Petition be granted.

**Purpose:** Esters seeks to have the parcel rezoned so that they can subdivide the 1.45 acre parcel, essentially splitting of the real estate based upon its current uses. Terry wishes to retire from his work as a mechanic and has a purchaser who has agreed to buy that business and the related real estate. Esters wishes to retain ownership of the real estate used for mini-barn sales.

Should the Petition be granted, the western part of the existing parcel would continue to be used as a mechanic's shop and the eastern part would continue to be used for mini barn sales. While this proposed subdivision of the parcel would not comply with the rules for Light Industrial due to set backs, it would comply with the rules for General Business. No additional construction or modification of the existing layout or structures on the premises is planned.

10/28/21

Date

Terry L. Esters  
Terry L. Esters

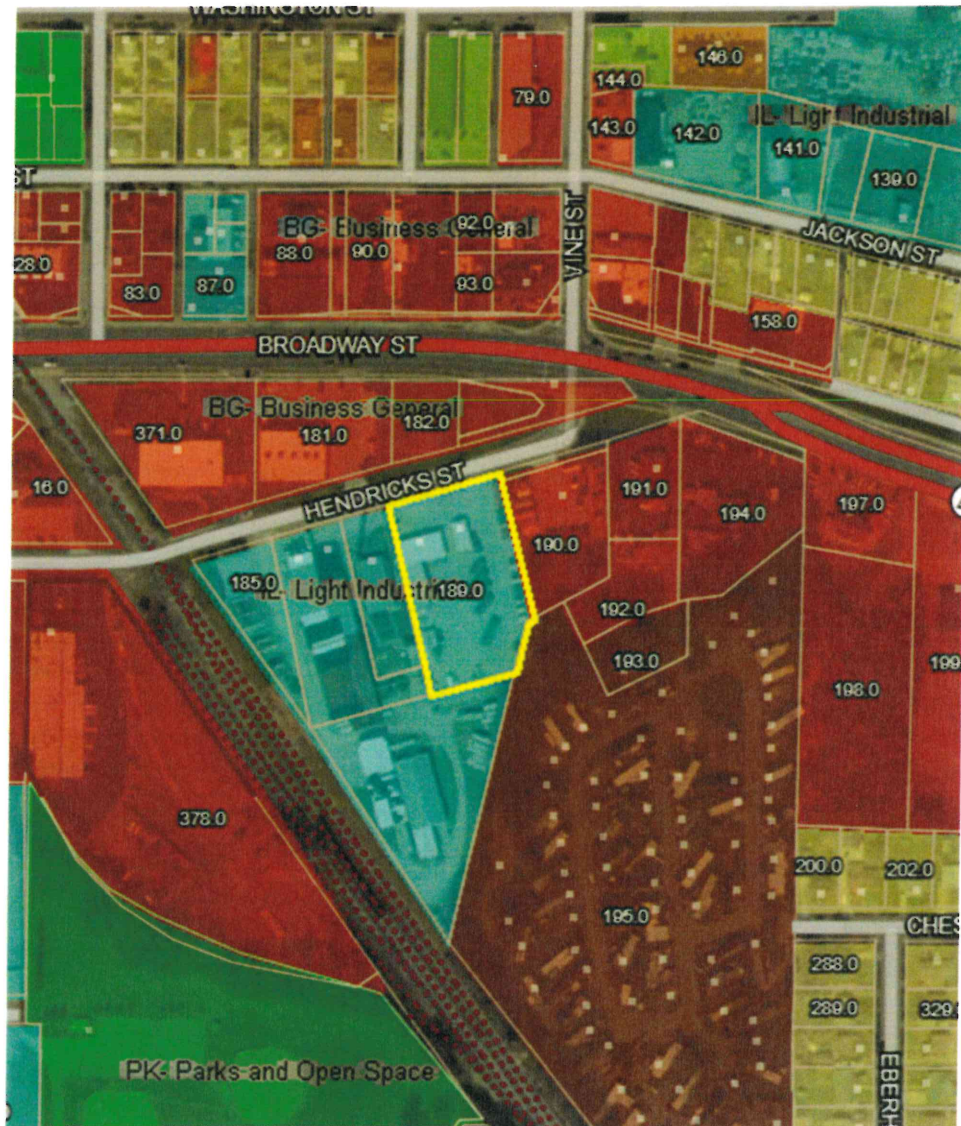
10/28/21

Date

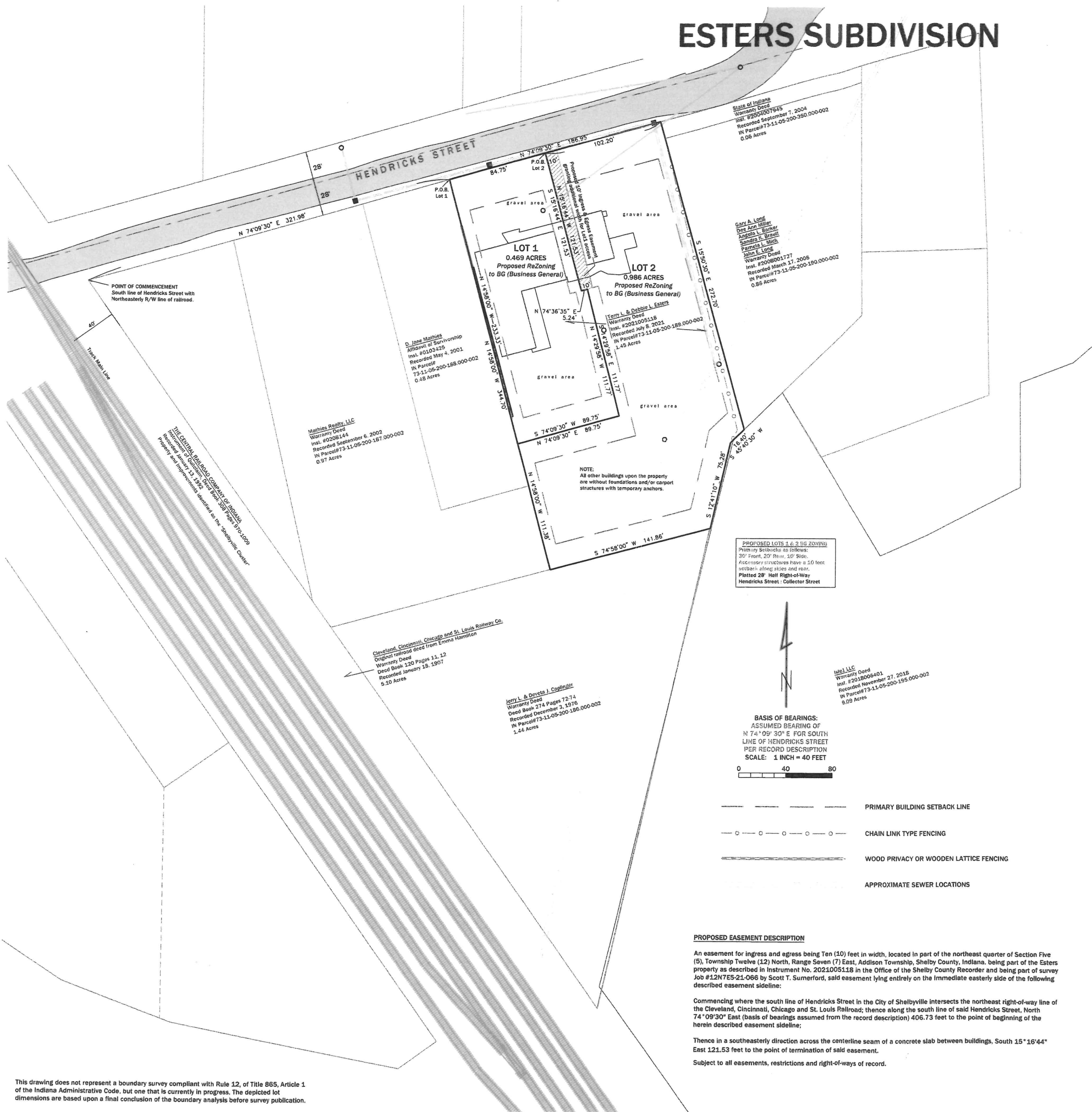
Debbie L. Esters  
Debbie L. Esters



## VICINITY MAP



# ESTERS SUBDIVISION



This drawing does not represent a boundary survey compliant with Rule 12, of Title 865, Article 1 of the Indiana Administrative Code, but one that is currently in progress. The depicted lot dimensions are based upon a final conclusion of the boundary analysis before survey publication.

## RECORD LEGAL DESCRIPTION

Warranty Deed  
Instrument No. 2021005118, Recorded July 8, 2021  
Laura Hinrichs Revocable Living Trust, Laura Hinrichs, Trustee  
to  
Terry L. Esters and Debbie L. Esters

Part of the Northeast Quarter of Section 5, Township 12 North, Range 7 East of the Second Principal Meridian in Shelby County, Indiana, more particularly described as follows:

Beginning where the south line of Hendricks Street in the City of Shelbyville, Indiana intersects the northeast line of the rights-of-way of the Cleveland, Cincinnati, Chicago and St. Louis Railway Companies and running thence north 74 degrees 09 minutes 30 seconds east 321.98 feet along said south line of said Hendricks Street to the point of beginning of this tract, said point being an iron pipe; thence continuing north 74 degrees 09 minutes 30 seconds east 186.95 feet along said south line to an iron pin; thence south 15 degrees 50 minutes 30 seconds east 272.70 feet to an iron pipe; thence south 45 degrees 40 minutes 30 seconds west 16.40 feet to an iron pipe; thence south 12 degrees 43 minutes 00 seconds west 75.27 feet to an iron pipe; thence south 74 degrees 58 minutes 00 seconds west 141.68 feet to an iron pipe; thence north 14 degrees 58 minutes 00 seconds west 344.70 feet to the point of beginning of this tract, containing 1.45 acres, more or less, and subject to all existing legal rights-of-way and easements of record.

## LEGAL DESCRIPTION LOT 1

Part of the northeast quarter of Section Five (5), Township Twelve (12) North, Range Seven (7) East, Addison Township, Shelby County, Indiana, being part of the Esters property as described in Instrument No. 2021005118 in the Office of the Shelby County Recorder and being part of survey Job #12N7E5-21-066 by Scott T. Sumerford, more particularly described as follows:

Commencing where the south line of Hendricks Street in the City of Shelbyville intersects the northeast right-of-way line of the Cleveland, Cincinnati, Chicago and St. Louis Railroad; thence along the south line of said Hendricks Street, North 74°09'30" East (basis of bearings assumed from the record description) 321.98 feet to the northwesterly corner of said Esters property and the point of beginning of the herein described tract;

Thence continuing along the south line of said Hendricks Street, North 74°09'30" East 84.75 feet; thence in a southeasterly direction across the centerline seam of a concrete slab between buildings, South 15°16'44" East 121.53 feet; Thence North 74°36'35" East 5.24 feet; thence South 14°29'58" East 111.77 feet; thence parallel with the south line of said street, South 74°09'30" West 89.75 feet to the southwesterly line of said Esters property; thence along said line, North 14°58'00" West 233.33 feet to the point of beginning, containing 0.469 acres.

Subject to all easements, restrictions and right-of-ways of record.

## LEGAL DESCRIPTION LOT 2

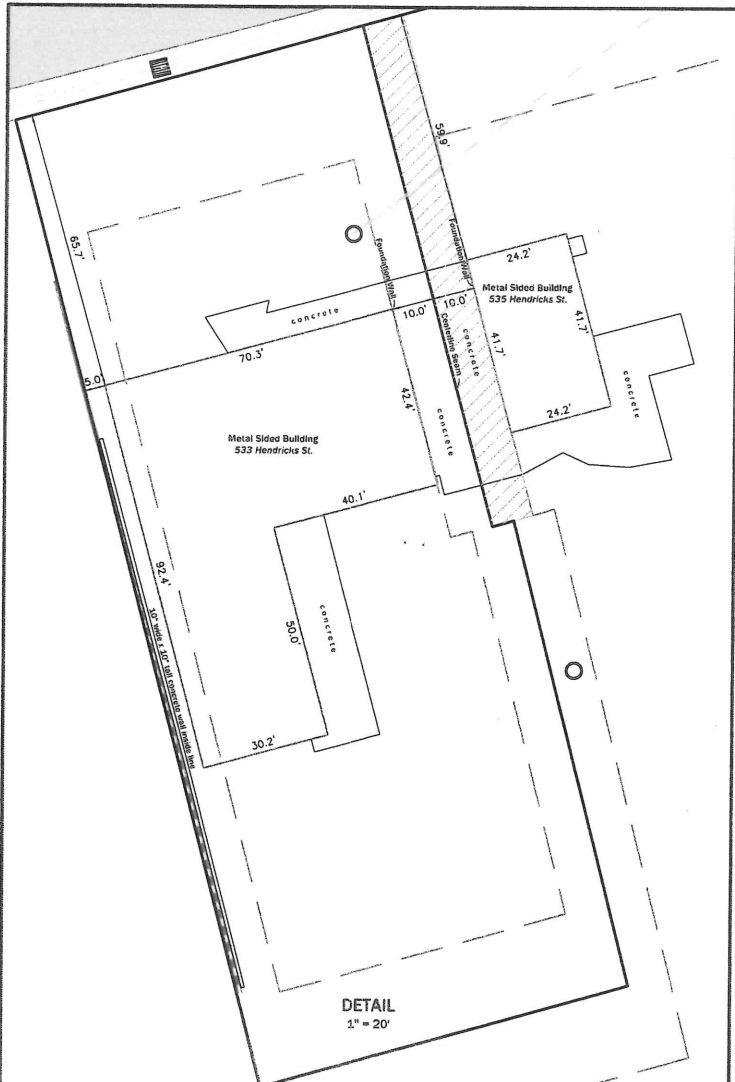
Part of the northeast quarter of Section Five (5), Township Twelve (12) North, Range Seven (7) East, Addison Township, Shelby County, Indiana, being part of the Esters property as described in Instrument No. 2021005118 in the Office of the Shelby County Recorder and being part of survey Job #12N7E5-21-066 by Scott T. Sumerford, more particularly described as follows:

Commencing where the south line of Hendricks Street in the City of Shelbyville intersects the northeast right-of-way line of the Cleveland, Cincinnati, Chicago and St. Louis Railroad; thence along the south line of said Hendricks Street, North 74°09'30" East (basis of bearings assumed from the record description) 406.73 feet to the point of beginning of the herein described tract;

Thence continuing along the south line of said Hendricks Street, North 74°09'30" East 102.20 feet to the northeast corner of said Esters property; thence along the easterly, southerly and westerly lines of said Esters property the following five (5) courses:

- (1) South 15°50'30" East 272.70 feet;
  - (2) South 45°40'30" West 16.40 feet;
  - (3) South 12°41'10" West 75.28 feet;
  - (4) South 74°58'00" West 141.86 feet to an iron pipe;
  - (5) North 14°58'00" West 111.38 feet;
- thence parallel with the south line of said Hendricks Street, North 74°09'30" East 89.75 feet; thence North 14°29'58" West 111.77 feet; thence South 74°36'35" West 5.24 feet; thence in a northwesterly direction across the centerline seam of a concrete slab between buildings, North 15°16'44" West 121.53 feet to the point of beginning, containing 0.986 acres.

Subject to all easements, restrictions and right-of-ways of record.



**SCOTT T. SUMERFORD**  
LAND SURVEYING  
3149 NORTH RILEY HIGHWAY  
SHELBYVILLE, IN 46176-9462  
BUSINESS PHONE (317) 401-6050

Indiana Registered Surveyor No. 29800017  
Copyright © 2021 by Scott T. Sumerford  
This document is only considered an original copy if it is signed and sealed.

November 3, 2021  
November 4, 2021

LAST DATE OF FIELDWORK  
DRAWING DATE  
NOTES/REVISIONS  
NONE TO DATE

CLIENT  
Terry Esters  
533 E Hendricks St.  
Shelbyville, IN 46176

PROJECT  
Boundary, subdivision of 1.45 acre parcel  
consisting of Esters Auto Repair Shop.

MAJOR SUBDIVISION  
**PRELIMINARY PLAT**

JOB LOCATION  
PART OF THE NORTHEAST QUARTER OF  
SECTION 5, TOWNSHIP 12 NORTH,  
RANGE 7 EAST, ADDISON TOWNSHIP  
SHELBY COUNTY, INDIANA



JOB NUMBER  
**12N7E5-21-066**  
ORIGINAL DRAWING SHEET ARCH D  
SHEET 1 OF 1