

CITY OF SHELBYVILLE

Adam M. Rude
Director



Allan Henderson
Deputy Director

PLAN COMMISSION

MEETING DATE: 4/25/2022

| | | | | |
|-------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|--------------------------------|--------------------------------|
| Case Number & Name: | PC 2022-04: Adolfo Patino/2127 South Miller Avenue | | | |
| Petitioner's Name: | Adolfo Patino | | | |
| Owner's Name: | Adolfo Patino | | | |
| Petitioner's Representative: | Adolfo Patino | | | |
| Address of Property: | 2127 South Miller Avenue | | | |
| Subject Property Zoning Classification: | Current: R1 – Single Family Residential District (Shelby County Zoning Ordinance) Proposed: R1 – Single Family Residential (City of Shelbyville Zoning Ordinance) | | | |
| Comprehensive Future Land use: | Single Family Residential | | | |
| | North | East | South | West |
| Surrounding Properties' Zoning Classifications: | BG – Business General | R1 – Single Family Residential | R1 – Single Family Residential | R1 – Single Family Residential |
| Surrounding Properties' Comprehensive Future Land Use | Gateway/Mixed Use | Single Family Residential | Single Family Residential | Single Family Residential |
| History: | The property owner contacted the City to connect into the wastewater utility in January 2022. As part of the City's requirements for utility connection the property owner was required to sign a waiver of non-remonstrance for annexation. | | | |
| Vicinity Map: | | | | |
| Action Requested: | A formal recommendation on the zoning classification for a property being annexed into the City. | | | |

The petitioner owns the property at 2127 South Miller Avenue and needed to connect into the Wastewater Utility. The property is currently located within Shelby County. The petitioner is asking to be annexed into the City of Shelbyville and is seeking a recommendation on the zoning classification.

1. 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 “Single Family Residential”. In addition, two of the goals of the Comprehensive plan support incorporating fringe areas of the city/county into the corporate limits of the City of Shelbyville:

Built Environment:

Objective 1: Formalize the City’s foreseeable future growth boundaries.

Action 2: Continue transparency between City and County visions and growth policies.

Objective 2: Guide healthy development patterns using future land use mapping.

Action 2: Be conscientious of fringe boundary development around Shelbyville and into Shelby County.

b. Current Conditions:

The subject property is on the fringe of the City limits surrounded by single family residential properties within the City of Shelbyville.

c. Desired Use:

The petitioner desires to continue to operate the property as a single-family residence.

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 all public infrastructure is in place and has sufficient capacity for the proposed zoning classification. This reinforces the reason the petitioner wanted to connect into the wastewater utility.

**STAFF RECOMMENDATION: FORWARDING A FAVORABLE RECOMMENDATION
ON THE R1 – SINGLE FAMILY RESIDENTIAL ZONING CLASSIFICATION**

Annexation (Zoning Map Amendment): PC 2022-04: Adolfo Patino/2127 South Miller Avenue

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 *R1 – Single Family 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 2022 - 04

Hearing Date: 3.28.22

Fees Paid: \$ 425.00

Final Decision:

Approved

Denied

1. Petitioner & Property Owner:

Petitioner:

Name: Adolfo Raul Morales Patino

Address: 2127 S. Miller Ave.

Shelbyville, In. 46176

Phone Number: 765-745-0393

E-mail Address: amoraless084@gmail.com

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

Attorney/Contact Person:

Name:

Phone Number:

3. Project Information:

Subject Parcel Number(s) (and address if applicable):

73-10-12-400-026-000-001

2127 S. Miller Ave.

Shelbyville, In. 46176

4. Attachments:

☒ Proof of ownership (copy of deed)

☒ Letter of Intent

☐ Other Supporting Documents (Optional)

Owner:

Name: Adolfo Raul Morales Patino

Address: 2127 S. Miller Ave.

Shelbyville, In. 46176

Phone Number: 765-745-0393

Project Engineer:

Name:

Phone Number:

Current Use: residential

Current Zoning: residential

Proposed Use: residential

Proposed Zoning:

☒ Application Fee

☒ Legal Description

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

Signature of Petitioner: Adolfo Raul Morales Patino Date: 02/24/22

State of Indiana

County of Shelby

) SS:

Subscribed and sworn to before me this 24th day of February, 2022

Mary Jane Allen

Mary Jane Allen

MARY JANE ALLEN

Seal

Notary Public - Signed

Printed

Notary Public - State of Indiana
Shelby County

My Commission Expires Feb 23, 2024

Residing in Shelby County. My Commission expires: 2/23/2024

Signature of Property Owner: Adolfo Raul Morales Patino Date: 02/24/22

State of Indiana

County of Shelby

) SS:

Subscribed and sworn to before me this 24th day of February, 2022

Mary Jane Allen

Mary Jane Allen

Notary Public - Signed

Printed

Residing in Shelby County. My Commission expires: 2/23/2024

MARY JANE ALLEN

Seal

Notary Public - State of Indiana
Shelby County

My Commission Expires Feb 23, 2024

**WAIVER OF RIGHT OR REMONSTRANCE AGAINST
ANNEXATION BY THE CITY OF SHELBYVILLE**

Pursuant to Ordinance No. 00-2380 of the Code of Ordinances for the City of Shelbyville, Adolfo Raul Morales Patino (hereafter "Owner"), after having had an opportunity to consult with an attorney of his choosing, hereby voluntarily and without duress enters into this Non-Remonstrance Agreement with the City of Shelbyville, Indiana, by and through its Board of Public Works and Safety (hereafter "City"), and agree as follows:

- I. The Owner is the fee simple owners of certain real estate (hereafter "Real Estate"), which is described on the attached Exhibit A, incorporated herein by this reference.
- II. In consideration of the City allowing the Owner to obtain municipal sewer service from the City, the Owner hereby waives his right to remonstrate against the annexation of any or all of the Real Estate by the City for a period of 50 years from the date that this Agreement is last executed by a party hereto. Owner understands that the rates and charges to maintain municipal sewer service, including the minimum charge, shall be 150% of those rates and charges established by city ordinance, and this rate shall continue until the annexation process is final.
- III. The Owner hereby agrees that this Agreement shall be binding upon and inure to the benefit of his heirs, administrators, successors, assigns, and any and all subsequent owners of the Real Estate for the duration of this 50 year waiver period.
- IV. This Agreement shall be recorded by the City at the City's expense in the Office of the Recorder for Shelby County, Indiana, and shall be effective as of the date last executed by a party hereto.

IN WITNESS WHEREOF, the Owner executes this agreement in the City of Shelbyville, State of Indiana, on the 24th day of February, 2022.

Adolfo Raul Morales Patino
(Signed)

Adolfo Raul Morales Patino
(Printed)

STATE OF Indiana)
)SS:
COUNTY OF Shelby)

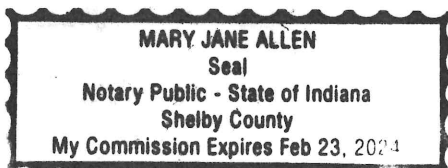
Before me, a Notary Public in and for said County and State, personally appeared Adolfo Raul Morales Patino, who acknowledged reading the foregoing Waiver, understanding the contents thereof and voluntarily executing the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 24th day of February, 2022.

My Commission Expires:

2/23/2024

Mary Jane Allen
_____, Notary Public
Resident of Shelby County, Indiana



To whom it may concern,

I, Adolfo R. Morales Patiño, write this letter
of intent to ask permission to be
annexed into the city of Shelbyville.

Allowing my home, 2127 S. Miller Ave,
to be hooked onto the city sewage system.

My home is just across the street from
the city. My home has septic but
in cases where rainfall occurs, the bathroom
and the septic, underground fill to the top.

Allowing us to connect to the city sewage
will bring great ~~relief~~ relief to our financial
status and family.

With kind regards,

Adolfo Raul Morales Patiño
Adolfo Raul Morales Patiño

February, 24th 2022
Shelbyville, IN 46176

