

ADAM M. RUDE  
DIRECTOR



Allan Henderson  
DEPUTY DIRECTOR

## PLAN COMMISSION

**Meeting Date:** 05/23/2022

|   |   |  |                           |                           |
|---|---|--|---------------------------|---------------------------|
| Case Number and Name:                                       | 2022-08 Twelve Oaks Detail Plan   |  |                           |                           |
| Petitioner's Name:  | Pyatt Builders  |  |                           |                           |
| Petitioner's Representative:                                | Paul Claire   |  |                           |                           |
| Address of Subject Property:                                | E McKay Road  |  |                           |                           |
| Subject Property Zoning Classification:                     | PD- Planned Development   |  |                           |                           |
| Comprehensive Plan Future Land Use:                         | Single Family Residential   |  |                           |                           |
|   | North   | East                                   | South                     | West                      |
| Surrounding Properties' Zoning Classification:              | A1- Conservation Agriculture  | RE- Residential Estate (Shelby County) | PD- Planned Development   | PD- Planned Development   |
| Surrounding Properties' Comprehensive Plan Future Land Use: | Single-Family Residential   | Single-Family Residential              | Single-Family Residential | Single-Family Residential |
| History:  | This parcel was part of the original Twelve Oaks Development that started in 2001. The western half of the site was partially developed until the developer went defunct. Arbor Homes finished developing the remaining lots of Section I in 2017. The eastern half of the project was left completely undeveloped at that time. The first section has limited drainage capacity, and is not fully compliant with current road and construction standards. The petitioner is requesting to build out Section II with a higher design standard and increased common spaces for the both sections of the development. |  |                           |                           |
| Vicinity Map:   |   |  |                           |                           |
| Action Requested:   | A request for approval of a Planned Development Detail Plan for the development of Twelve Oaks Section II.  |  |                           |                           |

In reviewing the Twelve Oaks Planned Development Detailed Plan petition, the Plan Commission and Common Council shall pay reasonable regard to the following, consistent with IC 36-7-4-603:

- A. Requirements and Intent:** The extent to which the proposal fulfills the requirements and intent of Section 9.06: Planned Development, and the subdivision control regulation in the Unified Development Ordinance.

There are three steps for a Planned Development approval. These steps include:

1. Conceptual Plan approval – the applicant shall submit a Conceptual Plan application and supporting documentation. These application materials are reviewed by the Technical Review Committee. Any revisions to the application materials shall either be addressed during the review meeting or through revised application materials submitted prior to the Plan Commission hearing. The Plan Commission will, in a public hearing, review the application and supporting documentation. The Technical Review Committee meeting was held February 22, 2022. The public hearing with the Plan Commission was held March 28, 2022.
2. Detailed Plan and Rezone approval – the applicant shall submit a Detailed Plan application. These application materials are reviewed by the Technical Review Committee. Any revisions to the application materials shall either be addressed during the review meeting or through revised application materials submitted prior to the second Plan Commission hearing. The Plan Commission will, in a public hearing, review the application and supporting documentation. The second Technical Review Committee meeting was held April 26, 2022. The second public hearing for the Plan Commission is scheduled for May 23, 2022. The first reading of the ordinance by City Council was on April 4, 2022, and a second reading by the City Council will be held following a “formal recommendation” by the Plan Commission.
3. Preliminary Plat and Final Plat approval – the applicant shall submit a Preliminary Plat application for review by the Zoning Administrator. The Zoning Administrator shall place the application for Preliminary Plat review on the agenda of the Technical Review Committee. The Technical Review Committee shall make a recommendation to forward the application to the Plan Commission and the Plan Commission shall vote to “approve, continue or deny” the application. After Preliminary Plat approval, the petitioner shall prepare a Final Plat Drawing and the Zoning Administrator shall provide the application to the Technical Review Committee for approval.

*Requirements and Intent:* Planned Development shall be required to comply with the subdivision control regulations within the Unified development Ordinance. In addition, the following elements of the Unified Development Ordinance are required for approval, the Twelve Oaks PD must meet the standards set forth in Article 6: Design Standards. In no instance shall the approval of a Planned Development be interpreted as waiving or modifying any subdivision control regulations requirements or processes. These standards ensure the development:

1. Promotes the proper arrangement of streets and other infrastructure.
2. Secures adequate public spaces.
3. Provides adequate public improvements.
  - **6.03 Block Standards:** block length and width are being met. Pyatt Builders is providing easements to “break-up” longer blocks.

- **6.06 Easement Standards:** easements for utilities, drainage, and sanitary are being provided.
- **6.09 Lot Standards:** orientation of the homes is towards and abut a public street. Side lot lines are at right angles to the streets.
- **6.12 Owners' Association Standards:** Pyatt Builders plans to comply with the Owners' Association Standards.
- **6.14 Sidewalk and Pedestrian Path Standards:** sidewalks are being provided along all public streets to maintain connectivity and connect with other pedestrian ways. A walking path will be provided to connect the walking path in the proposed residential neighborhood to the south and the existing walking trail along Progress Parkway.
- **6.20 Street Lighting Standards:** new streetlights are being shown on the plans throughout the subdivision.
- **6.21 Street Tree Standards:** street trees are shown along all of the streets. The petitioner plans to add street trees along McKay Road if an additional entrance is required.

The Planning Staff has determined that the required process and the applicable standards have been satisfied by the proposed Planned Development Detail Plan.

***B. Planning Documents: The Comprehensive Plan and any other applicable, adopted planning studies or reports.***

1. The 2019 Comprehensive Plan Update supports the Twelve Oaks PD by:
  - a. **Increasing Property Values (p. 14)/Private Investment (p. 15):** The second phase of the Twelve Oaks subdivision will have a positive impact on property values in the area. These homes will be larger than the first section of Twelve Oaks and have a higher quality of construction. Additionally, the Pyatt Builders development is the type of private investment identified in the Comprehensive Plan to be included in the City of Shelbyville.
  - b. **Greater Connectivity (p. 14):** The addition to Twelve Oaks provides connectivity to the existing trail on Progress Parkway via a walking path, and this path connects the first section of Twelve Oaks and the proposed MI Homes development to the south of the Twelve Oak Section II proposal.
  - c. **Quality of Life (p. 15):** This development has roads that connect to the proposed MI Homes development to the south. These connections make for an improved quality of life as people are more connected to their neighbors as well as a trail network that connects other neighborhoods and parks.
  - d. **Future Land Use Map:** The "Map" identifies the area on Progress Parkway as single family residential. This is in alignment with the proposal from Pyatt Builders to construct a single-family residential development along Progress Parkway and McKay Road.

The Planning Staff has determined that the proposed PD Detail Plan is in conformance with the adopted planning documents of the City of Shelbyville.

***C. Characteristics: The current conditions and the character of current structures and uses in each zoning district:***

The proposed development site connects to Twelve Oaks Section I neighborhood. The surrounding areas are primarily single-family residential. This phase of the Twelve Oaks neighborhood will have wider streets, higher architectural standards, and larger lot sizes in comparison to the original section of Twelve Oaks. The minimum lot size is 6,000 square feet, and the average lot size is just over 7,100 square feet. This will allow a variety of home styles, facades, floor plans, sizes, and price points. The increased architectural character requirements include requiring three different building materials to be used and requiring 40% masonry on all front facades. Additionally, the detail plan states that there will be 5 unique floor plans and 18 unique front elevations.

The Planning Staff has determined that the proposed PUD Detailed Plan is taking into consideration and promoting the existing character of the area.

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

The proposed development looks to continue single family residential homes in what is a primarily a single family residential neighborhood. After much public input and outreach for the drafting of the 2019 update to the Comprehensive Plan, it was determined that this area would be best served as residential that compliments the architectural character that already exists in the surrounding neighborhoods.

The Planning Staff has determined that the proposed PUD Detail Plan is furthering the desired use of this area, by adding single family residences that are complementary to the existing urban context and architectural character of the area.

***E. Property Values:***

While developing the standards that make up this Planned Development Detail Plan, maintaining and even improving the property values of the area was a top priority. Most of the homes in the area do not comply with today's design and construction standards, and these property values will be increased with the addition of higher quality homes in the same subdivision. Based on the UDO 6.08 Intensity Bonus Standards an increased architectural and anti-monotony standard will be required in the Planned Development. For example, requiring 40% masonry on the front façade and anti-monotony standards that do not allow any one single dwelling elevation to be repeated on lots adjacent or directly across the street.

The Planning Staff has determined that the proposed PUD Detailed Plan is conserving and increasing the collective property values throughout the City of Shelbyville.

***F. Growth Management: Responsible growth and development:***

Due to the fact existing development (including residential) development surrounds the proposed site, all utilities are in place to service the proposed planned development. The adjacent roads to the proposed development are also large enough to handle the increase in traffic to the area, and were designed to serve single-family residential use. The Petitioner has also stated that if an additional entrance is required for the proposed development, they will make improvements to McKay Road to increase ingress/egress.

The Planning Staff has determined that the proposed PD Detailed Plan represents a responsible growth and development strategy that allows the community to continue to grow while minimizing the need for additional infrastructure or utility facilities.

**STAFF RECOMMENDATION: Approval**

## PUD Conceptual Plan: PC 2021-08: Isabelle Farms PUD; Detail Plan

### Findings of Fact by the Shelbyville Plan Commission

#### Staff Prepared

Motion:

(I) would like to make a motion to make a favorable recommendation on the Isabelle Farms PUD Detail 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 Conceptual 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 Conceptual 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 Conceptual Plan **is necessary** for the development of the land.  
  
☐ The Plan Commission has paid reasonable regard to and finds that the proposed PUD Conceptual 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 Conceptual 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 Conceptual 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.

Shelbyville Plan Commission

By: \_\_\_\_\_  
Chairperson/Presiding Officer

Attest: \_\_\_\_\_  
Adam M. Rude, Secretary

MAR 29 2022



# PUD DETAIL PLAN APPLICATION

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

## For Office Use Only:

Case #: PC 2022 - 08

Hearing Date: 4.25.22

Fees Paid: \$ 1940.00

Final Decision:

Approved

Denied

1.

### Applicant

Name: Pyatt Builders LLC, Paul Claire, VP Land Acquisition & Development  
Address: 630 3rd Avenue SW, Suite 200  
Carmel, IN 46032  
Phone Number: 317-714-3346  
Fax Number: \_\_\_\_\_  
Email: paul@pyattbuilders.com

### Property Owners Information (if different than Applicant)

Name: Hamilton Family Farms LLC  
Address: 43 E 975 South, Flatrock, IN 47234  
Phone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
Email: \_\_\_\_\_

2.

### Applicant's Attorney/Representative

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
Email: \_\_\_\_\_

### Project Engineer

Name: Weihe Engineers, Inc., Jim Pence, Project Manager  
Address: 10505 N. College Ave., Indianapolis, IN 46280  
Phone Number: 317-846-6611  
Fax Number: \_\_\_\_\_  
Email: pencej@weihe.net

### 3. Project Information:

General Location of Property (and address is applicable): located directly east of Twelve Oaks Section One, bounded on the north by McKay Road the west by Twelve Oaks, Section One, east by railroad and south by proposed Lewis Creek development  
Current Zoning: PUD  
Proposed Zoning: PUD  
Proposed Name of Development: Twelve Oaks Phase Two  
Existing Use of Property: Agriculture  
Proposed Use: Single-family residential  
Proposed No. of Lots/Density: 148 lots/3.87 units per acre

### 4. Attachments

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

- ☒ Vicinity Map
- ☒ Additional Materials Described In UDO 9.06
- ☒ Application Fee

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

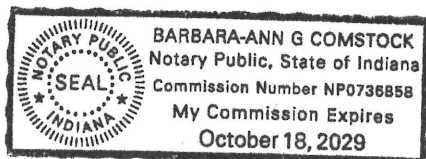
Applicant: *Paul Claire* Date: 3/24/22

State of Indiana  
County of Hamilton SS:

Subscribed and sworn to before me this 24 day of March, 2022  
*Barbara-Ann G. Comstock* Barbara-Ann G. Comstock  
Notary Public Printed

Residing in Johnson County.

My Commission Expires: October 18, 2029



**ORDINANCE NO. 22-2949**

**AN ORDINANCE TO REZONE CERTAIN REAL ESTATE IN THE CITY OF  
SHELBYVILLE, INDIANA, AND TO REPEAL ALL ORDINANCES IN CONFLICT  
THEREWITH TO THE EXTENT OF SUCH CONFLICT ONLY**

**WHEREAS**, the City Council of the City of Shelbyville, Indiana (the “City Council”), has heretofore adopted Ordinance No. 11-2680 as the City of Shelbyville, Indiana Unified Development Ordinance (the “Unified Development Ordinance”) pursuant to its authority under the laws of the State of Indiana, Indiana Code § 36-7-4 *et seq.*, as amended; and

**WHEREAS**, the City of Shelbyville, Indiana (the “City”) is subject to the Unified Development Ordinance; and

**WHEREAS**, the City of Shelbyville Plan Commission (the “Commission”) considered a petition PC 2022-\_\_\_ filed with the Commission requesting an amendment to the Unified Development Ordinance and to the Zoning Map with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the “Real Estate”);

**WHEREAS**, the Commission forwarded Docket PC 2022-\_\_\_, after a public hearing held on the \_\_\_ day of \_\_\_, 2022, to the City Council with a favorable recommendation by a vote of \_\_\_, in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

**WHEREAS**, the Secretary of the Commission certified the action of the Commission to the Common Council on the \_\_\_ day of \_\_\_, 2022; and

**WHEREAS**, the Common Council is subject to the provisions of Indiana Code § 36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action of this request.

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Shelbyville, Shelby County, Indiana, meeting in regular session, that the Ordinance and Zoning Map are hereby amended as follows:



## **Letter of Intent and Development Statement**

### **Section 1. Applicability of Ordinance.**

- A. The UDO and Zoning Map are hereby changed to designate the Real Estate as a Planned Development District to be known as “Twelve Oaks Phase 2” (the “District”).
- B. Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, and (ii) the provisions of the City of Shelbyville Unified Development Ordinance (UDO), as amended and applicable to the Underlying Zoning District (as defined herein) or Planned Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance.
- C. Sections (“Section”) cross-references of this Ordinance shall hereafter refer to the Articles as specified and referenced in the UDO.
- D. All provisions and representations of the UDO that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance, but those provisions not addressed shall be in conformity with the R1 District or similar district in accordance with the UDO

### **Section 2. Definitions.**

Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the UDO.

### **Section 3. Preliminary Development Plan.**

The Preliminary Development Plan, attached hereto as Exhibit B, is hereby incorporated in accordance with Article 4, Planned Development (PD) District. The Real Estate shall be developed in substantial compliance with the Preliminary Development Plan.

### **Section 4. Minimum Open Space.**

The minimum amount of permanent open space shall be 15% of the total gross area of the District.

### **Section 5. Land Uses.**

The land uses, as defined by the UDO, for the Real Estate are described below. All uses not listed below shall be considered prohibited.

- A. Dwelling, single family
- B. Fair housing facility (small)
- C. Farmstead
- D. Solar Energy Production, as an accessory use
- E. Nature Preserve/Center
- F. Park, public

- G. Day care center (special exception)
- H. Community center (special exception)
- I. Fair housing facility (large) (special exception use)
- J. Any accessory use listed as a permitted accessory use or a special exception accessory use in the R1 zoning district per Section 5.02(B) of the UDO shall be a respective permitted accessory use or special exception accessory use in the District.

## **Section 6. Article 2 District Development Standards.**

The Underlying Zoning District applicable to the Real Estate is Single-family Residential (R1) District. The R1 District standards set forth in Article 2 and Article 5 of the UDO shall apply to the development of the District, except as otherwise modified or enhanced by this Ordinance.

Development Standards for the District:

| <b>Standard</b>                                       | <b>Standard</b>       |
|---|-----------------------|
| Maximum Number of Lots                                | 150                   |
| Minimum Lot Area                                      | 6,000 SF              |
| Minimum Lot Width (at front setback)                  | 50'                   |
| Minimum Lot Frontage                                  | 35' at ROW line       |
| Minimum Building Setback:                             |                       |
| Building Separation                                   | 14 feet between homes |
| Front Yard  | 25'                   |
| Side Yard   | 7'                    |
| Rear Yard   | 20'                   |
| Maximum Lot Coverage (impervious surfaces on the lot) | 60%                   |
| Maximum Building Height (Primary Structure)           | 35'                   |
| Maximum Building Height (Accessory Structure)         | 15'                   |
| Minimum Living Area:                                  |                       |
| One Story Dwelling                                    | 1,250 SF              |
| Two Story Dwelling                                    | 1,500 SF              |

## **Section 7. Article 5 Development Standards**

The R1 development standards set forth in Article 5 of the UDO shall apply to the development of the District, except as otherwise modified or enhanced by this Ordinance as follows:

- A. Facade: The front facade of all single-family dwellings shall face the public or private street to which the home gains primary access, except as described below:
  - 1. Corner Lots: The front facade may face either street if located on a corner lot, but corner lots will be considered to have two (2) front yards.
  - 2. The exterior materials may include masonry, wood, fiber cement board and vinyl siding of a minimum of 0.040 thickness

B. Roof:

1. Minimum Pitch: Five vertical units to twelve horizontal units (5:12 pitch) for the main roof planes.
2. Dimensional Asphalt shingles shall be utilized on every home within the District.
3. Minimum Eave/Overhang: All dwellings shall have eaves or overhangs a minimum of twelve (12) inches from the facade's siding material on at least eighty percent (80%) of the roofline. The eave/overhang shall be determined after the installation of masonry.

C. Equipment: All ground mounted mechanical equipment, air conditioner units, propane tanks, and the like shall not be located forward of the front facade. This standard applies to each facade that faces a public right-of-way, unless screened by a fence, landscaping, or complementary building feature.

D. Garage and Carport:

1. Garage Capacity: A minimum of a two-car garage is required for all single-family homes. The garage size minimum shall be as defined by the Indiana State Building Code.
2. Garage-forward Design: Front-loading garages shall not be located forward of the facade by more than eight (8) feet on single-family homes with less than 1,200 square feet of living space.

E. Lot Landscaping Standards: Each residential lots shall provide the following landscaping in the front yard:

1. One (1) canopy/shade tree
2. One (1) ornamental tree
3. Six (6) shrubs/bushes along the front of the foundation
4. Sod to the front building line, the balance of the lot may be seed and straw mulch

## **Section 8. Article 6 Design Standards**

The R1 design standards set forth in Article 6 of the UDO shall apply to the development of the district, except as otherwise modified or enhanced by this Ordinance as follows:

- A. Homes located adjacent to and directly across the street from each other shall not be of the same front elevation. This does not prohibit the home to the rear from being of the same front elevation.
- B. No less than 5 unique floor plans, and 18 unique architectural front elevations shall be used in the development.
- C. All homes in the District shall have a minimum of the following:
  1. Unless approved by the Planning Director, Façade/exterior material shall be masonry (brick, stone, textures and colored concrete masonry units), wood, fiber cement board siding, stucco, composite lap siding, or vinyl. Each home in the District shall be constructed with a minimum of one of the following features on the front façade of the home:
    - i. A minimum of 3 different material styles (i.e., lap, shake, board and batten, etc.) shall be included on the front façade of the home; or
    - ii. A minimum of 2 different material styles (i.e., lap, shake, board and batten, etc.) plus gable accents (i.e., brackets, corbels, gable pediments or other gable design element) shall be included on the front façade of the home; or

- iii. A masonry Wainscot a minimum of 24" high shall be included on the front façade of the home; or
- iv. The front façade of the home shall include a minimum of 40% masonry exclusive of windows and doors.

- 2. The Planning Director may provide advance approval of elevations falling below the façade requirements provided herein.
- 
- D. Two windows are required on all sides of the dwelling that are adjacent to a street. Said windows adjacent to a street, shall have either a minimum of 1" x 4" wood or vinyl trim or window grids on windows which are not adjacent to masonry or on which decorative shutters are installed.
  - E. *Owners' Association.* Developer shall cause an Owners' Association consistent with Section 6.12 of the City of Shelbyville Unified Development Ordinance to be created for the purposes stated in that Section.
  - F. Reasonable efforts will be taken for the mitigation of activity by Canadian Geese on the retention pond. The Owner's Association created as part of this PUD shall provide that the Association will have the obligation of maintaining the Retention Pond consistent with this statement.

**PASSED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ BY A VOTE  
OF \_\_\_\_\_ AYES AND \_\_\_\_\_ NAYS,**

\_\_\_\_\_  
**Tom DeBaun, Mayor**

ATTEST:

\_\_\_\_\_  
**Scott Asher, City Clerk-Treasurer**

**PASSED ON SECOND READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ BY A VOTE  
OF \_\_\_\_\_ AYES AND \_\_\_\_\_ NAYS.**

\_\_\_\_\_  
**Tom DeBaun, Mayor**

ATTEST:

\_\_\_\_\_  
**Scott Asher, City Clerk-Treasurer**

**Presented by me to the Honorable Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_**

\_\_\_\_\_  
**Scott Asher, City Clerk-Treasurer**

**APPROVED by me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_**

\_\_\_\_\_  
**Tom DeBaun, Mayor**

**EXHIBIT A**  
**LEGAL DESCRIPTION**

A PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER AND A PART OF NORTH HALF OF THE SOUTHWEST QUARTER, BOTH OF SECTION 9, TOWNSHIP 12 NORTH, RANGE 7 EAST, SHELBY COUNTY:

COMMENCING AT THE NORTHWEST CORNER OF THE ABOVE DESCRIBED SOUTHEAST QUARTER OF SECTION 9, THENCE WITH THE NORTH LINE OF THE QUARTER, SOUTH 89 DEGREES 31 MINUTES 39 SECONDS EAST 566.21 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING THE NORTHEAST CORNER OF A 0.31 ACRE EXCEPTION AS DESCRIBED IN INSTRUMENT 2020001418 IN THE OFFICE OF THE SHELBY COUNTY RECORDER; THENCE CONTINUING ALONG THE NORTH LINE OF SAID QUARTER SOUTH 89 DEGREES 31 MINUTES 39 SECONDS EAST, 557.38 FEET TO THE NORTHWEST CORNER OF A 5.21 ACRE TRACT AS DESCRIBED AT DEED RECORD 175, PAGE 127 IN THE OFFICE OF THE RECORDER OF SHELBY COUNTY, SAID POINT BEING 106.00 FEET MEASURED AT RIGHT ANGLES SOUTHWESTERLY FROM THE CENTERLINE OF THE PENN CENTRAL RAILROAD; THENCE WITH THE SOUTHWESTERLY LINE OF SAID 5.21 ACRE TRACT ALONG THE FOLLOWING FOUR CALLS: (1) PARALLEL WITH SAID RAILROAD CENTERLINE SOUTH 49 DEGREES 17 MINUTES 50 SECONDS EAST 119.50 FEET; THENCE (2) ALONG A CURVE TO THE RIGHT FOR A DISTANCE OF 766.70 FEET TO A POINT 157.20 FEET MEASURED AT RIGHT ANGLES SOUTHWESTERLY FROM SAID RAILROAD CENTERLINE, SAID CURVE HAVING A RADIUS OF 5697.00 FEET AND A LONG CHORD WITH A BEARING AND LENGTH OF SOUTH 45 DEGREES 27 MINUTES 55 SECONDS EAST 766.12 FEET; THENCE (3) SOUTH 41 DEGREES 38 MINUTES 06 SECONDS EAST 301.50 FEET TO A POINT 197.40 FEET MEASURED AT RIGHT ANGLES SOUTHWESTERLY FROM SAID RAILROAD CENTERLINE; THENCE (4) ALONG A CURVE TO THE RIGHT A DISTANCE OF 721.34 FEET (FORMERLY DESCRIBED AS 719.7 FEET) TO THE SOUTH LINE OF THE NORTH HALF OF SAID SOUTHEAST QUARTER AT A POINT 249.00 FEET MEASURED AT RIGHT ANGLES SOUTHWESTERLY FROM SAID RAILROAD CENTERLINE, SAID CURVE HAVING A RADIUS OF 5763.00 FEET AND A LONG CHORD WITH A BEARING AND LENGTH OF SOUTH 45 DEGREES 11 MINUTES 32 SECONDS EAST 720.87; THENCE WITH THE SOUTH LINE OF THE HALF QUARTER NORTH 89 DEGREES 34 MINUTES 22 SECONDS WEST 1779.93 FEET TO THE SOUTHWEST CORNER OF THE TWELVE OAKS REPLAT OF SECTION 1, RECORDED IN INSTRUMENT 2009003567 IN THE OFFICE OF THE SHELBY COUNTY RECORDER; THENCE ALONG THE EAST LINE OF SAID EXCEPTION THE FOLLOWING SIX (6) COURSES; (1) NORTH 01 DEGREE 14 MINUTES 00 SECONDS EAST, 348.87 FEET; (2) NORTH 88 DEGREES 46 MINUTES 00 SECONDS WEST 78.00 FEET; (3) NORTH 01 DEGREE 14 MINUTES 00 SECONDS 26.00 FEET; (4) NORTH 88 DEGREES 46 MINUTES 00 SECONDS WEST 68.82 FEET; (4) NORTH 01 DEGREE 12 MINUTES 28 SECONDS EAST 519.94 FEET; (5) NORTH 88 DEGREES 43 MINUTES 17 SECONDS WEST 95.16 FEET; (6) NORTH 01 DEGREES 16 MINUTES 43 SECONDS EAST 400.19 TO THE SOUTH LINE OF A 0.31 ACRE EXCEPTION AS DESCRIBED IN INSTRUMENT 2020001418 IN THE OFFICE OF THE SHELBY COUNTY RECORDER; THENCE ALONG THE SOUTH LINE OF SAID 0.31 ACRE EXCEPTION THE NEXT TWO (2) COURSES; (1) SOUTH 89 DEGREES 26 MINUTES 47 SECONDS EAST 87.64 FEET; (2) NORTH 00 DEGREES 33 MINUTES 13 SECONDS EAST 40.79 FEET TO THE POINT OF BEGINNING, CONTAINING 38.236 ACRES, MORE OR LESS.

**CONCEPTUAL PLAN**  
FEBRUARY 4, 2022

