

CITY OF SHELBYVILLE

Adam M. Rude
Director



Allan Henderson
Deputy Director

PLAN COMMISSION

MEETING DATE: 6/27/2022

Case Number & Name:	PC 2022-14: Genesis Property Development/East State Road 44			
Petitioner's Name:	Genesis Property Development			
Owner's Name:	(multiple owners see attachment)			
Petitioner's Representative:	Ron Kelsay			
Address of Property:	East State Road 44			
Subject Property Zoning Classification:	Current: A1 – Conservation Agriculture (Shelby County Zoning Ordinance) Proposed: IG – General Industrial			
Comprehensive Future Land use:	Single Family Residential			
	North	East	South	West
Surrounding Properties' Zoning Classifications:	A1 – Conservation Agricultural (Shelby County)	A1 – Conservation Agriculture (Shelby County)	A1 – Conservation Agriculture (Shelby County)	IG – General Industrial
Surrounding Properties' Comprehensive Future Land Use	Single-family Residential	Gateway Mixed Use	Commercial	Single-family Residential
History:	The parcels are currently being used for agricultural production and a mobile home park.			
Vicinity Map:				
Action Requested:	A formal recommendation on the zoning classification for a property being annexed into the City.			

The petitioner is working with the property owners to develop the subject property. The property is currently located within Shelby County immediately adjacent to the current City limits. The petitioner is asking to be annexed into the City of Shelbyville to take advantage of utilities and City services 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 a mix of uses including High Tech/Light Industrial, Gateway Mixed-Use, Commercial and Single Family Residential. In addition, objectives 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.

Objective 3: Promote Development and Redevelopment of existing Sites and Buildings.

b. Current Conditions:

The subject property is currently zoned A1 – Conservation Agriculture in Shelby County. The property to the west and south of the property are zoned IG – General Industrial and are within the city limits of Shelbyville.

c. Desired Use:

The petitioner desires to development the property with an industrial use. The Comprehensive Plan Future Land Use map shows the area as a combination of Gateway Mixed Use and High-Tech Light Industrial.

d. Property Values:

The planning staff has determined that the proposed zoning classification should not have any adverse impact on neighboring property values. The proposed zoning classification is IG – General Industrial which is complimentary to the surrounding land uses and intended use of the property. 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 a majority of the public infrastructure is in place and has sufficient capacity for the proposed zoning classification.

**STAFF RECOMMENDATION: FORWARDING A FAVORABLE RECOMMENDATION
ON THE IG – GENERAL INDUSTRIAL ZONING CLASSIFICATION**

Annexation (Zoning Map Amendment): PC 2022-14: Genesis Property Development/East State Road 44

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 *IG – General Industrial* 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

☒ RECEIVED / ☐ FILED

MAY 13 2022

For Office Use Only:

Case #: PC 2022 - 14

Hearing Date: 6-27-22

Fees Paid: \$ 425.00

Final Decision:

Approved

Denied

1. Petitioner & Property Owner:

Petitioner:

Name: Genesis Property Development

Address: 524 North Harrison Street

Shelbyville, IN 46176

Phone Number: _____

E-mail Address: _____

Owner:

Name: Attached as Exhibit A

Address: _____

Phone Number: _____

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

Attorney/Contact Person:

Name: Ron Kelsay

Phone Number: _____

Project Engineer:

Name: Crossroad Engineers

Phone Number: _____

3. Project Information:

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

Attached as Exhibit A

Current Use: Agriculture/Residential

Current Zoning: A1/R1

Proposed Use: Manufacturing/Warehouse

Proposed Zoning: IG

4. Attachments:

☒ Proof of ownership (copy of deed)

☒ Letter of Intent

☐ Other Supporting Documents (Optional)

☒ Application Fee

☒ Legal Description

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

Signature of Petitioner: Ronald Kelsay

Date: 05/13/2022

State of _____
County of _____

} SS:

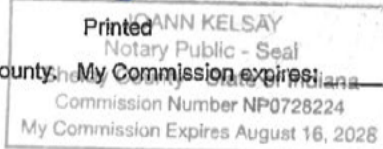
Subscribed and sworn to before me this 13th day of May, 2022

[Signature]

Notary Public - Signed

Residing in Shelby County

My Commission expires: _____



Signature of Property Owner: D. Gregory Graham, POA

Date: May 12, 2022

State of Indiana
County of Shelby

} SS:

Subscribed and sworn to before me this 12th day of May, 2022

[Signature]

/ Terri S. Hill

Notary Public - Signed

TERRI S. HILL, Notary Public

Shelby County, State of Indiana

Commission Number NP0738168

My Commission Expires December 29, 2029

Printed

Residing in Shelby County

My Commission expires: 12/29/29



COUNTY: SHELBY
SECTION: 35
TOWNSHIP: 13 NORTH
RANGE: 7 EAST

EXHIBIT



HATCHED AREA IS THE
APPROXIMATE ANNEXATION

Skipton, Scott E
Book 310 Page 917

Jones, Shannon & Travis
Instr. No. 2020-006109

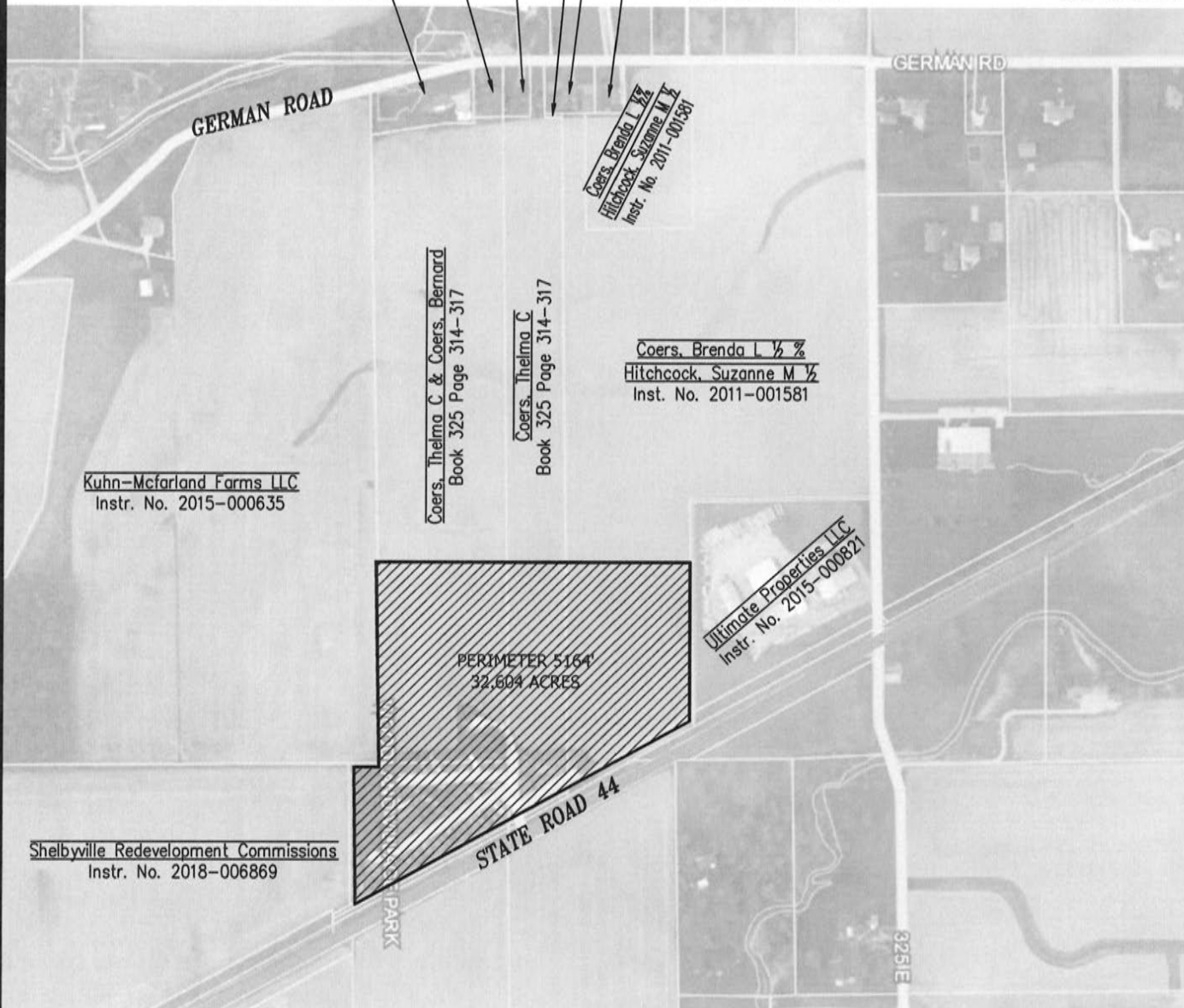
Runshe, William L & Joyce E
Book 302 Page 256

Harmon, Richard R Sr.
Instr. No. 2017-001615

Coers, Thelma C
Book 325 Page 314-317

Schulthies, James W & Judith H
Book 275 Page 523

NORTH
NOT TO SCALE



PREPARED BY:



**SPECIAL DURABLE POWER OF ATTORNEY
FOR REAL ESTATE TRANSACTION**

Branda L. Coers, Suzanne M. Hitchcock, the Thelma C. Coers Revocable Trust and the Bernard G. Coers Revocable Trust, and Coers Limited Liability Company III, an Indiana limited liability company, being at least 18 years of age and mentally competent, and being duly authorized to execute this instrument, do hereby authorize, designate and appoint **N. Gregg Graham**, Attorney, as our true and lawful Attorney-in-Fact and agent, to act for each of us with respect to the sale of certain real estate situated in Shelby County, Indiana, with the following powers and authority.

RECITALS

WHEREAS, Brenda L. Coers and Suzanne M. Hitchcock are the owners as tenants in common of approximately 55.7 acres of farm real estate, being shown as Parcels 73-07-35-100-009.000-001 and 73-07-35-100-005.000-001; and

WHEREAS, the Thelma C. Coers Revocable Trust, with Amy Coers Tu, as Trustee, is the owner of an undivided one-half (½) interest and the Bernard G. Coers Revocable Trust, with Amy Coers Tu and Suzanne M. Hitchcock, as Trustees, is the owner of an undivided one-half (½) interest in certain farm real estate shown as Parcel No. 73-07-34-200-007.000-001, 73-07-35-100-003.000-001 and 73-07-35-100-006.000-001; and

WHEREAS, Coers Limited Liability Company III is the owner of approximately 5.28 acres consisting of Woodland Mobile Home Park as shown as Parcel No. 73-07-34-400-004.000-001, all as shown on the transfer records of the Shelby County Auditor; and

WHEREAS, collectively, all of the above parties are the Sellers under a Contract For the Purchase of Real Estate dated April _____, 2022 and in said contract, the Purchaser, Genesis Property Development, Inc. will be conducting certain inspections during a 120 day Due Diligence Period and in order to simplify Seller's participation in the process, Seller collectively agree to appoint N. Gregg Graham as Attorney-in-Fact during the process and to act for them up to and including closing with limited powers as set forth herein.

1. To execute any and all documents, consents, petitions for rezoning, subdividing or consent to variances as applicable during Purchaser's Due Diligence Period with regard to individual or combined parcels of real estate listed above.

2. To assist Purchaser in obtaining proper zoning and approvals for use suitable to Purchaser for the above described real estate.

3. To act for us and individually, as Sellers moving toward closing the transaction.

4. We hereby ratify and confirm all that our said Attorney-in-Fact shall do by virtue hereof. This Power of Attorney shall become effective on the date of execution hereof. We hereby reserve the right of revocation; however, this Special Power of Attorney shall continue in full force and effect until October 1, 2022, unless revoked by us, in writing, before that date or until closing of the transaction occurs.

5. The Attorney-in-Fact herein appointed is not a Member of said LLC and is acting on behalf of it with only the limited powers granted herein.

6. This power of attorney is a durable power of attorney and will not be affected by the incapacity of the grantors.

Dated this 4 day of May, 2022.

Brenda L Coers

Brenda L. Coers

Suzanne M. Hitchcock

Thelma C. Coers Revocable Trust
Bernard G. Coers Revocable Trust

By: _____
Amy Coers Tu, Trustee

By: _____
Suzanne M. Hitchcock, Trustee

Coers Limited Liability Company III

By: _____
Amy Coers Tu, Manager

STATE OF INDIANA)
) SS;
COUNTY OF SHELBY)

Before me, a Notary Public, in and for said state and county, personally appeared Brenda L. Coers, and having been duly sworn upon oath, who acknowledged the execution of the above and foregoing instrument as and for her free and voluntary act.

Witness my hand and notarial seal this 4th day of May, 2022.



Terri S. Hill
Terri S. Hill, Notary Public

STATE OF INDIANA)
) SS;
COUNTY OF MONROE)

Before me, a Notary Public, in and for said state and county, personally appeared Suzanne M. Hitchcock, individually and as Trustee of the Thelma C. Coers Revocable Trust and as Trustee of the Bernard G. Coers Revocable Trust, and having been duly sworn upon oath, who acknowledged the execution of the above and foregoing instrument as and for her free and voluntary act.

Witness my hand and notarial seal this ____ day of May, 2022.

(SEAL)

Notary Public

STATE OF CONNETICUT)
) SS;
COUNTY OF MIDDLESEX)

Before me, a Notary Public, in and for said state and county, personally appeared Amy Coers Tu, individually and as Trustee of the Thelma C. Coers Revocable Trust and as Trustee of the Bernard G. Coers Revocable Trust, and having been duly sworn upon oath, who acknowledged the execution of the above and foregoing instrument as and for her free and voluntary act.

Witness my hand and notarial seal this ____ day of May, 2022.

(SEAL)

Notary Public

STATE OF CONNETICUT)
) SS;
COUNTY OF MIDDLESEX)

Before me, a Notary Public, in and for said state and county, personally appeared Amy Coers Tu, as duly authorized Manager, and having been duly sworn upon oath, who acknowledged the execution of the above and foregoing instrument as and for her free and voluntary act.

Witness my hand and notarial seal this ____ day of May, 2022.

(SEAL)

Notary Public

<p>This Instrument Prepared By: N. Gregg Graham Attorney at Law Attorney No. 7246-73 51 W. Mechanic St. Shelbyville, IN 46176 317-825-0527</p>
--

3. To act for us and individually, as Sellers moving toward closing the transaction.

4. We hereby ratify and confirm all that our said Attorney-in-Fact shall do by virtue hereof. This Power of Attorney shall become effective on the date of execution hereof. We hereby reserve the right of revocation; however, this Special Power of Attorney shall continue in full force and effect until October 1, 2022, unless revoked by us, in writing, before that date or until closing of the transaction occurs.

5. The Attorney-in-Fact herein appointed is not a Member of said LLC and is acting on behalf of it with only the limited powers granted herein.


6. This power of attorney is a durable power of attorney and will not be affected by the incapacity of the grantors.

Dated this ____ day of May, 2022.

Brenda L. Coers

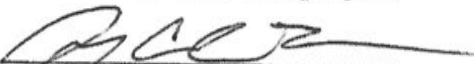
Suzanne M. Hitchcock

Thelma C. Coers Revocable Trust
Bernard G. Coers Revocable Trust

By: 
Amy Coers Tu, Trustee

By: _____
Suzanne M. Hitchcock, Trustee

Coers Limited Liability Company III

By: 
Amy Coers Tu, Manager

3. To act for us and individually, as Sellers moving toward closing the transaction.
4. We hereby ratify and confirm all that our said Attorney-in-Fact shall do by virtue hereof. This Power of Attorney shall become effective on the date of execution hereof. We hereby reserve the right of revocation; however, this Special Power of Attorney shall continue in full force and effect until October 1, 2022, unless revoked by us, in writing, before that date or until closing of the transaction occurs.
5. The Attorney-in-Fact herein appointed is not a Member of said LLC and is acting on behalf of with only the limited powers granted herein.
6. This power of attorney is a durable power of attorney and will not be affected by the incapacity of the grantors.

Dated this 9 day of May, 2022.

Brenda L. Coers

Suzanne M. Hitchcock
Suzanne M. Hitchcock

Thelma C. Coers Revocable Trust
Bernard G. Coers Revocable Trust

By: _____
Amy Coers Tu, Trustee

By: *Suzanne M. Hitchcock*
Suzanne M. Hitchcock, Trustee

Coers Limited Liability Company III

By: _____
Amy Coers Tu, Manager

STATE OF INDIANA)
) SS;
COUNTY OF SHELBY)

Before me, a Notary Public, in and for said state and county, personally appeared Brenda L. Coers, and having been duly sworn upon oath, who acknowledged the execution of the above and foregoing instrument as and for her free and voluntary act.

Witness my hand and notarial seal this ____ day of May, 2022.

(SEAL)

Terri S. Hill, Notary Public

STATE OF INDIANA)
) SS;
COUNTY OF MONROE)

RUSSELL A MILLER
NOTARY PUBLIC
SEAL
MONROE COUNTY, STATE OF INDIANA
MY COMMISSION EXPIRES MAY 13, 2028
COMMISSION NUMBER NP8728798

Before me, a Notary Public, in and for said state and county, personally appeared Suzanne M. Hitchcock, individually and as Trustee of the Thelma C. Coers Revocable Trust and as Trustee of the Bernard G. Coers Revocable Trust, and having been duly sworn upon oath, who acknowledged the execution of the above and foregoing instrument as and for her free and voluntary act.

Witness my hand and notarial seal this 9 day of May, 2022.

(SEAL)

Notary Public

STATE OF CONNETICUT)
) SS;
COUNTY OF MIDDLESEX)

Before me, a Notary Public, in and for said state and county, personally appeared Amy Coers Tu, individually and as Trustee of the Thelma C. Coers Revocable Trust and as Trustee of the Bernard G. Coers Revocable Trust, and having been duly sworn upon oath, who acknowledged the execution of the above and foregoing instrument as and for her free and voluntary act.

Witness my hand and notarial seal this 6 day of May, 2022.

(SEAL)

Melissa A. Pionzio
Notary Public

MELISSA A. PIONZIO
NOTARY PUBLIC
State of Connecticut
My Commission Expires
October 31, 2025

STATE OF CONNETICUT)
) SS;
COUNTY OF MIDDLESEX)

Before me, a Notary Public, in and for said state and county, personally appeared Amy Coers Tu, as duly authorized Manager, and having been duly sworn upon oath, who acknowledged the execution of the above and foregoing instrument as and for her free and voluntary act.

Witness my hand and notarial seal this 6 day of May, 2022.

(SEAL)

Melissa A. Pionzio
Notary Public

MELISSA A. PIONZIO
NOTARY PUBLIC
State of Connecticut
My Commission Expires
October 31, 2025

This Instrument Prepared By:
N. Gregg Graham
Attorney at Law
Attorney No. 7246-73
51 W. Mechanic St.
Shelbyville, IN 46176
317-825-0527

Annexation Legal Description Phase I

Beginning at a point on the South Line of the Northeast Quarter of Section 34, Township 13 North, Range 7 East, 2142 feet east of the Southwest Corner of said Quarter Section; running north parallel with the East Line of said Quarter Section a distance of 871.47 feet; thence easterly a distance of 1326.66 feet to a point on the west line of tract of land conveyed to Ultimate Properties, LLC, the deed to which is recorded in the Office of the Recorder of Shelby County, Indiana, in Instrument Number 2015000821; thence south along said west line to a point on a fence line on the north right of way line of the P.C.C. and St. Louis Railroad; thence southwesterly along said north right of way line of the P.C.C. and St. Louis Railroad to the southwest corner of a tract of land conveyed to Coers Limited Liability Company, III, the deed to which is recorded in the Office of the Recorder of Shelby County, Indiana, in Instrument Number 0004106; thence north along a west line of said tract of land conveyed to Coers Limited Liability Company, III to the South Line of the northeast quarter of Section 34, Township 13 North, Range 7 East; thence along the said South Line easterly to the point of beginning.

PETITION FOR ANNEXATION INTO THE CITY OF SHELBYVILLE, INDIANA

EXHIBIT A

<u>Parcel ID and Owner Information</u>	<u>Phone</u>	<u>Address</u>
73-07-34-200-007.000-001 (partial annex) Thelma C. Coers Revocable Trust Bernard G Coers Revocable Trust	317-825-0527	51 W. Mechanic St., Shelbyville, IN
73-07-34-400-004.000-001 (whole annex) Coers Limited Liability Company III		
73-07-35-100-006.000-001 (partial annex) Thelma C. Coers Revocable Trust Bernard G Coers Revocable Trust		
73-07-35-100-009.000-001 (partial annex) Brenda L. Coers Suzanne M. Hitchcock		

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

By: N. Gregg Graham
Name: N. Gregg Graham, POA
Date: 5/12/22
Owner: Thelma C. Coers Revocable Trust

By: N. Gregg Graham
Name: N. Gregg Graham, POA
Date: 5-12-22
Owner: Bernard G. Coers Revocable Trust

By: N. Gregg Graham
Name: N. Gregg Graham, POA
Date: 5-12-22
Owner: Coers Limited Liability Company III

By: N. Gregg Graham
Name: N. Gregg Graham, POA
Date: 5-12-22
Owner: Brenda L. Coers

By: N. Gregg Graham
Name: N. Gregg Graham, POA
Date: 5-12-22
Owner: Suzanne M. Hitchcock

State of Indiana)

County of Shelby) SS:

Subscribed and sworn to before me this 12th day of May, 2022.

Terrill S. Hill /



TERRI S. HILL, Notary Public
Shelby County, State of Indiana
Commission Number NP0738168
My Commission Expires December 29, 2029