

# CITY OF SHELBYVILLE

**Adam M. Rude**  
Director



**Allan Henderson**  
Deputy Director

## PLAN COMMISSION

**MEETING DATE: 6/27/2022**

|   |  |  |  |  |
|---|--|--|--|--|
| Case Number & Name:                                   | PC 2022-13: Dean and Linda Spurlin/852 Highland Drive  |  |  |  |
| Petitioner's Name:                                    | Dean and Linda Spurlin   |  |  |  |
| Owner's Name:   | Dean and Linda Spurlin   |  |  |  |
| Petitioner's Representative:                          | Dean and Linda Spurlin   |  |  |  |
| Address of Property:                                  | 852 Highland Drive   |  |  |  |
| Subject Property Zoning Classification:               | Current: R1 – Single Family Residential District (Shelby County Zoning Ordinance)<br>Proposed: R1 – Single Family Residential (City of Shelbyville Zoning Ordinance)   |  |  |  |
| Comprehensive Future Land use:                        | Single Family Residential  |  |  |  |
|   | <b>North</b>   | <b>East</b>                                    | <b>South</b>                                   | <b>West</b>                                    |
| Surrounding Properties' Zoning Classifications:       | R1 – Single-family Residential (Shelbyville)   | R1 – Single-family Residential (Shelby County) | R1 – Single-family Residential (Shelby County) | R1 – Single-family Residential (Shelby County) |
| Surrounding Properties' Comprehensive Future Land Use | Single-family Residential  | Single-family Residential                      | Single-family Residential                      | Single-family Residential                      |
| History:  | The property owner contacted the City to connect into the wastewater utility in April 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 852 Highland Drive 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. It is currently zoned R1 – Single-family Residential in Shelby County, the proposed zoning classification is R1 – City of Shelbyville. 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 2022-13: Dean and Linda Spurlin/852 Highland Drive

### 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

6/27/2022 - PC 2022-13: Dean and Linda Spurlin/852 Highland Drive

APR 29 2022



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 \_\_\_\_\_  
Hearing Date: \_\_\_\_\_  
Fees Paid: \$ 425.00  
Final Decision: \_\_\_\_\_  
Approved \_\_\_\_\_ Denied \_\_\_\_\_

1. Petitioner & Property Owner:

Petitioner:

Name: Dean Spurlin Linda Spurlin  
Address: 852 Highland Drive  
Shelbyville IN 46176  
Phone Number: \_\_\_\_\_  
E-mail Address: Linda.spurlin@gmail.com

Owner:

Name: Dean Spurlin Linda Spurlin  
Address: 852 Highland Drive  
Shelbyville IN 46176  
Phone Number: \_\_\_\_\_

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

Attorney/Contact Person:

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

Project Engineer:

Name: Absolute plumbing  
Phone Number: 315-560-1077

3. Project Information:

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

Current Use: \_\_\_\_\_  
Current Zoning: \_\_\_\_\_  
Proposed Use: \_\_\_\_\_  
Proposed Zoning: \_\_\_\_\_

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: Linda Spurlin Date: 4/13/2022

State of Ind. )  
County of Shelby ) SS: 261-85-9925

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

Lisa D. Loveless, Lisa D. Loveless



LISA D. LOVELESS  
COUNTY OF RES.: SHEL  
COMM. NO.: NP072319  
MY COMM. EXP.: 10-24-2

Notary Public - Signed

Printed

Residing in Shelby County. My Commission expires: 10-24-27

Signature of Property Owner:

Dean Spurlin Linda Spurlin Date: 4/13/2022

State of IN )  
County of Shelby ) SS: 305-72-8793

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

Lisa D. Loveless, Lisa D. Loveless

Notary Public - Signed

Printed



LISA D. LOVELESS  
COUNTY OF RES.: SHELBY  
COMM. NO.: NP0723199  
MY COMM. EXP.: 10-24-2027

Residing in Shelby County. My Commission expires: 10-24-27



**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, Linda Spurlin (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 6 day of May, 2022

Linda Spurlin  
(Signed)

Linda Spurlin  
(Printed)

STATE OF Indiana )  
 )SS:  
COUNTY OF Shelby )

Before me, a Notary Public in and for said County and State, personally appeared Linda Spurlin, 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 6<sup>th</sup> day of May, 2022.

My Commission Expires

10-24-27



LISA D. LOVELESS  
COUNTY OF RES.: SHELBY  
COMM. NO.: NP0723199  
MY COMM. EXP.: 10-24-2027

Lisa D. Loveless  
Lisa D. Loveless, Notary Public  
Resident of Shelby County, Indiana

2013002368 WD \$16.00  
04/10/2013 12:38:19P 1 PGS  
Mary Jo Phares  
SHELBY County Recorder IN  
Recorded as Presented

*Amy H. Blackman*  
SHELBY COUNTY AUDITOR

**THIS INDENTURE WITNESSETH, THAT Phillip S. Polston of Shelby County in the State of Indiana CONVEYS AND WARRANTS to Dean B. Spurlin and Linda A. Spurlin, husband and wife of Shelby County, in the State of Indiana, for and in consideration of One Dollar and other considerations the receipt of which is hereby acknowledged, the following Real Estate in Shelby County, in the State of Indiana, to wit:**

As a part of the consideration hereof, Grantees assume and agree to pay taxes for Nov. 2012 due and payable in Nov. 2013 and all subsequent taxes.

Grantee:


IN WITNESS WHEREOF, Grantor has executed this deed on 26th day of March, 2013.

Phillip S. Polston

) SS:

**County of Shelby**

My Commission Expires: September 14, 2014

  
Jennifer S. Spivey  
Resident of Shelby County, Indiana