

CITY OF SHELBYVILLE

Adam M. Rude
Director



Allan Henderson
Deputy Director

PLAN COMMISSION

MEETING DATE: 9/28/2022

Case Number & Name:	PC 2022-23: C G Theobold – 2701 South Miller Drive			
Petitioner's Name:	C G Theobold LP			
Owner's Name:	C G Theobold LP			
Petitioner's Representative:	Eric Glasco, Stephenson Rife			
Address of Property:	2701 South Miller Drive			
Subject Property Zoning Classification:	Current: R1 – Single-family Residential (Shelby County Zoning Ordinance) Proposed: R1 – Single-family Residential			
Comprehensive Future Land use:	Single Family Residential			
	North	East	South	West
Surrounding Properties' Zoning Classifications:	R1 – Single-family Residential (Shelby County)	RE – Residential Estate (Shelby County)	R1 – Single-family Residential (Shelby County)	R1 – Single-family Residential (City of Shelbyville)
Surrounding Properties' Comprehensive Future Land Use	Single-family Residential	Single-family Residential	Single-family Residential	Parks & Recreation
History:	The property owner contacted the City to connect into the wastewater utility. 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 recommendation is R1 – Single-family Residential			

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 annex approximately 0.63 +/- acres 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 “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 2022-23: C G Theobald – 2701 South Miller 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



ANNEXATION PETITION

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

RECEIVED / FILED
SEP 14 2022

For Office Use Only

Case #: _____

Hearing Date: _____

Fees: _____

Approved _____ Denied _____

1. Applicant/Property Owner:

Applicant:

Name: C G Theobald LP

Address: 2810 Winterway Drive, Shelbyville, IN 46176

Phone Number: _____

Fax Number: _____

E-mail Address: _____

Owner:

Name: Same as Applicant

Address: _____

Phone Number: _____

Fax Number: _____

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

Attorney/Contact Person:

Name: Eric M. Glasco

Address: 2150 Intelliplex Dr., Ste. 200
Shelbyville, IN 46176

Phone Number: 317-680-2052

Fax Number: _____

Project Engineer:

Name: _____

Address: _____

Phone Number: _____

Fax Number: _____

3. Project Information:

General Location of Property (and address if applicable):
2701 S. Miller Ave., Shelbyville, IN 46176

Current Use: Residential

Current Zoning: R-1

Proposed Use: Residential

Proposed Zoning: R-1

Area (in acres): _____

4. Attachments:

- ☐ Affidavit & Consent of Property Owner (if applicable)
- ☐ Proof of ownership (copy of deed)
- ☐ Letter of Intent
- ☐ Site Plan (if available)

- ☐ Vicinity Map
- ☐ Application Fee
- ☐ Legal Description

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

Signature of Applicant: [Signature] Date: 9/1/22

State of Indiana)
County of Shelby) SS:

Subscribed and sworn to before me this 10th day of September, 2022.

Jame R. Zinser, Tami L. Zinser

Notary Public - Signed

Printed

Residing in Shelby County. My Commission expires: 1-6-2024



STEPHENSON
RIFE
LLP

Eric M. Glasco
Direct Dial: 317-680-2052
EricGlasco@SRTrial.com

September 13, 2022

NOTICE OF INTENTION TO COMMENCE ANNEXATION PROCEEDINGS

Shelbyville Plan Commission
44 West Washington Street
Shelbyville, IN 46176

Dear Members of the Shelbyville City Council and the Shelbyville Plan Commission:

This letter of intent is with respect to the voluntary annexation of the real estate located at 2701 S. Miller Ave., Shelbyville, Indiana (the "Property"). The Property is owned by C. G. Theobald L.P., the Applicant requesting this annexation. The Applicant hereby advises the Plan Commission for the City of Shelbyville of its desire to commence annexation proceedings. The Property is immediately adjacent to 2810 Winterway Drive, Shelbyville, Indiana 46176, which is located within the city limits of the City of Shelbyville.

The Applicant requests that the Shelbyville Plan Commission set Applicant's petition for annexation for hearing after the filing of this request to determine:

1. Whether the City Council will accept, reject, or modify the proposed annexation;
2. What zoning classification the Property will be designated under the Zoning Ordinance of the City of Shelbyville; and
3. The municipal legislative body to which the Property will be assigned.

The Property is presently zoned R-1 (Single Family Residential) and the Applicant requests that the Property retain this zoning designation.

The annexation is requested so that the Property can be eligible for city services. In discussing this matter with the Shelbyville Planning Department, no issues are anticipated with the current location of access to the sewer facilities in relation to the Property.

Thank you for your consideration.

Sincerely,

Eric Glasco, Attorney for Applicant

Entered for Taxation

DEC 19 2003

Margaret L. Bass
Auditor Shelby County

QUIT-CLAIM DEED

THIS INDENTURE WITNESSETH THAT RONALD KESSLER and CAROL ANN KESSLER,
HUSBAND AND WIFE

Of **SHELBY** County in the State of **INDIANA**

RELEASES AND QUIT CLAIMS TO C. G. THEOBALD L.P.

Of **SHELBY** County in the State of **INDIANA**

For and in consideration of One Dollar and other considerations

The receipt whereof is hereby acknowledged, the following Real Estate in **SHELBY** County in the State of Indiana, to wit:

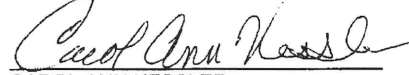
Beginning at point in the center of Miller Street, said point being South 8 degrees 24 minutes 45 seconds West 2729.23 feet from the point where said center crosses the North line of the Southwest quarter of Section 7, Township 12 North, Range 7 East, said point being the Northeast corner of Longacre Addition, and running thence South 89 degrees 49 minutes 35 seconds West 200.0 feet, thence North 00 degrees 10 minutes 25 seconds West 130.00 feet, thence North 89 degrees 49 minutes 35 seconds East 219.58 feet to the center of said road, thence South 8 degrees 23 minutes 45 seconds West 131.47 feet to the point of beginning. EXCEPT THEREFROM: 25 feet off the entire north end.

Send tax statements to: 922 S Harrison Street
Shelbyville, IN 46176
Parcel Number:

IN WITNESS WHEREOF, Grantor has executed this deed this

day of 200.


RONALD KESSLER


CAROL ANN KESSLER

STATE OF Indiana

} SS:

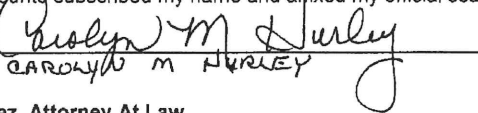
ACKNOWLEDGEMENT

COUNTY OF Shelby

Before me, the undersigned, a Notary Public in and for said County and State, this 19th day of DECEMBER 2003 personally appeared RONALD KESSLER and CAROL ANN KESSLER and acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires: 7/28/2008

Resident of Shelby County


CAROLYN M. HURLEY

This instrument was prepared by Peter G. DePrez, Attorney At Law.

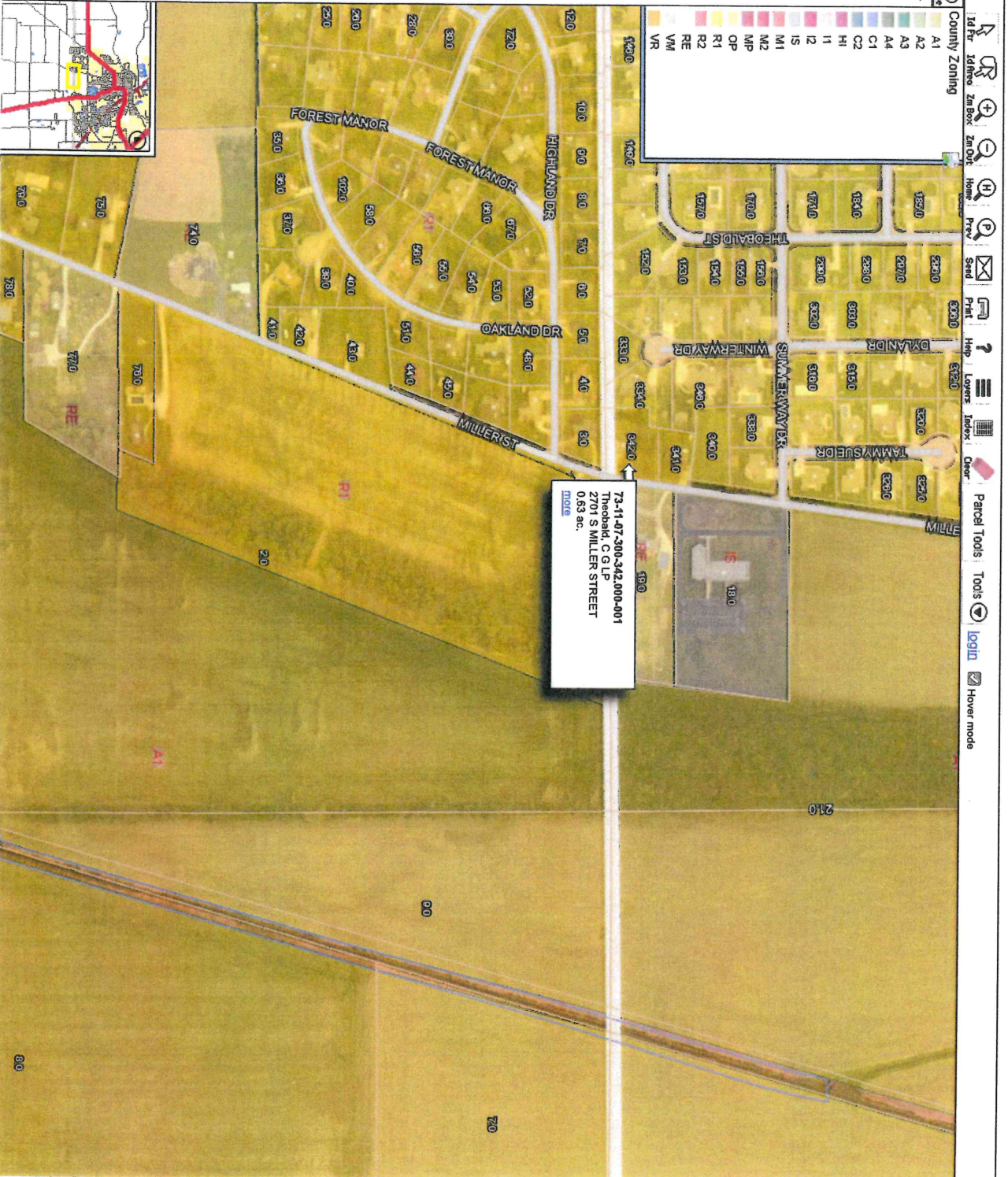
Last Name:

First Name:

(optional)

Enter last name and (optionally) first name to search for.

Submit



Owner and General Parcel Information

Property Card	Show Property Card
Tax History Data	Show Tax History
Images	Show Images(2)
Sketches	Show Sketches(1)
Owner Name	Theobald, C G LP
State Parcel Number	73-11-07-300-342-000-001
Parcel Number	73-11-07-300-342-000-001
Map Number	010-10003-00
Legal Description	SW PT W2 SE 7 12 7 .63A
Acresage	0.630000
Instrument Number	
Book Number	
Page Number	
Location Address	2701 S MILLER STREET SHELBVILLE, IN 46176-0000
Owner Address	2810 Wherway DR SHELBVILLE, IN 46176

