

# CITY OF SHELBYVILLE

**Adam M. Rude**  
Director



**Allan Henderson**  
Deputy Director

## PLAN COMMISSION

**MEETING DATE: 4/26/2021**

Case Number & Name:	PC 2021-03: Summerfield Preliminary Plat			
Petitioner's Name:	Forestar Group			
Owner's Name:	1. Fanland LLC 2. Scott and Andrew Sumerford			
Petitioner's Representative:	Melissa Garrard – Forestar Group Hope Martin – HWC Engineering			
Address of Property:	Parcel Numbers: 73-11-09-300-184.000-002, 73-11-09-300-177.000-002, 73-11-09-300-183.000-002, and 73-11-09-300-209.000-002			
Subject Property Zoning Classification:	R1 – Single-family Residential			
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 & RE – Residential Estate (Shelby County)	IS- Institutional & BN – Business Neighborhood	A2 – Agricultural District (Shelby County)	R1- Single Family Residential
Surrounding Properties' Comprehensive Future Land Use	Single Family Residential	Single Family Residential	Single Family Residential	Single Family Residential
History:	PC 2021-02 was heard previously and was a request to rezone a portion of the property. That request received a favorable recommendation by the Plan Commission and was approved by the Common Council.			
Vicinity Map:				
Action Requested:	A petition for preliminary plat approval for a new residential subdivision consisting of 188 lots on approximately 64.18 acres. This petition also includes two waiver requests from UDO 6.08.D.5.1 and UDO 6.03.A.2			

This project is a residential subdivision of single-family home lots. The proposed development is 187 lots on approximately 64.18 acres and is utilizing the “Intensity Bonus Standards” of the ordinance. This project received approval to rezone a portion of the property so that the entire project was within the *R1 – Single Family Residential* zoning district, that petition was PC 2021-02. In addition to the preliminary plat approval, the proposed development has also requested two waivers from Article 6 of the Unified Development Ordinance. This report will be structured to address all three requests separately and make recommendations accordingly.

#### Section 1: Waiver Request from UDO 6.08.D.5.a; Intensity Bonus, Perimeter landscaping Standards

- The petitioner has requested relief from the provision which requires that a 60’ wide landscaping area be included along the entire perimeter of the project if the petitioner is utilizing the “Intensity Bonus Standards”.
- The petitioner is requesting that they be permitted to decrease the size of the landscaping area that is located on their property.
- They are proposing that 50% of the landscape area and accompanying plantings be located within the Right-of-Way instead of on the subject property itself.

##### **Staff Notes:**

- The planning staff has determined that the proposed waiver and commitment to locate half of the landscape area within the right of way will satisfy the intent of the ordinance. This proposed commitment will also provide for general aesthetic improvements in the corridor that would not have been present before, so we feel as though this request serves as a benefit to both the petitioner as well as the general public.

##### **Staff Recommendation:**

Approval with the condition that 50% of the plantings that would be required under this section of the ordinance be located within the Public Right of Way, in accordance with landscaping plans that will be reviewed and approved by Plan Commission and Engineering Department staff.

#### Section 2: Waiver Request from UDO 6.03.A.2; Block Standards

- The petitioner has requested relief from the provision which limits the maximum length of a block within a subdivision. The maximum length prescribed in the ordinance is 800 feet between intersections, but the petitioner is requested that the following blocks be permitted to exceed that maximum length:
  - Aster Drive, between the western portion of Honeysuckle Drive and the eastern portion of Honeysuckle Drive
  - Honeysuckle Drive, between Bluebonnet Place and Larkspur Lane
  - Bluebonnet Place, between Honeysuckle Drive and Larkspur Drive
- The requested waiver would allow the petitioner to install these sections of streets without adding additional north-south streets to intersect them.

##### **Staff Notes:**

- Planning staff have been working with the petitioner to minimize the amount of relief they would be requesting from the ordinance, as well as a possible solution to still satisfy the intent of the ordinance.

- The intent of the ordinance is to provide sufficient pedestrian connections throughout the neighborhood so that someone could easily move between blocks within the development. Staff have worked with the petitioner to implement numerous pedestrian connections, providing safe access to all the common areas for all of the residents. Staff feels that the proposed walking paths provide more connectivity than a strict interpretation of the ordinance would have provided, and therefore support this waiver request.

**Staff Recommendation:**

Approval with the condition that the additional pedestrian walking paths that are being shown on the submitted plat be required in addition to any other pedestrian infrastructure required by the ordinance.

### Section 3: Preliminary Plat Approval

In accordance with Article 9 of the City of Shelbyville Unified Development Ordinance, the Plan Commission shall consider the following criteria when reviewing a preliminary plat approval:

**a. The proposed preliminary plat shall be consistent with the subdivision control regulations and the development standards for the applicable zoning district:**

**6.03 - Block Standards:**

Aside from the one waiver listed previously in this report, the proposed development is in compliance with all applicable block standards. All other blocks are under 800 feet in length, and where they exceed 600 feet in length, a pedestrian connection has been added to provide further connections through the development.

**6.08 - Intensity Bonus Standards:**

The proposed development is utilizing these standards, which allow for a slight increase in the density of the development, but in turn, requires additional development standards regarding the homes constructed in the development. These increased development standards include: Anti-monotony standards, increased landscaping requirements, a minimum number of unique elevations, and variations to the minimum front yard setback just to name a few.

**6.09 - Lot Standards:**

These standards mainly address minimum lot sizes, which are being satisfied. The minimum lot size is 6,500 square feet and the minimum average lot area is 8,000 square feet, but the proposed development is exceeding this with the smallest lot being larger than 7,000 square feet and the average lot area being larger than 8,800 square feet.

**6.11 - Open Space Standards:**

The minimum required open space in a residential subdivision is 15%, but the developer is providing approximately 22.8% open space throughout the entire development.

**6.14 - Sidewalk and Pedestrian Path Standards:**

The applicant is providing sidewalks on both sides of every street within the development, as well as along the entire frontage of Amos Road where there currently is no public

sidewalk. In addition, the applicant is providing a north-south trail connection from the Progress Parkway trail through the development, as well as an east-west trail connection through the common spaces in the development connecting Amos Road to Progress Parkway.

**b. Satisfies any other applicable provisions of the Unified Development Ordinance.**

All other applicable sections of the Unified Development Ordinance are being satisfied.

**STAFF RECOMMENDATION: APPROVAL OF THE PRELIMINARY PLAT, AND APPROVAL OF BOTH REQUESTED WAIVERS WITH THE FOLLOWING CONDITIONS:**

1. 50% of the number of plantings required by UDO 6.03.A.2 shall be located within the Public Right of Way.
2. The additional pedestrian walking paths that are being shown on the submitted plat shall be required.

## Rezone (Zoning Map Amendment): PC 2021-03: Summerfield Preliminary Plat

### FINDINGS OF FACT BY THE SHELBYVILLE PLAN COMMISSION

#### Staff Prepared

Motion:

(I) would like to make a motion to approve the preliminary plat and two requested waivers in accordance with the proposed conditions in the planning staff's report and plans submitted to this body, pursuant to the proposed 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: \_\_\_\_\_

Attest: \_\_\_\_\_

Chairperson

Secretary





## MAJOR SUBDIVISION PRELIMINARY PLAT APPLICATION

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

For Office Use Only

Case #: \_\_\_\_\_  
Hearing Date: \_\_\_\_\_  
Fees: \_\_\_\_\_

Approved \_\_\_\_\_ Denied \_\_\_\_\_

### 1. Applicant/Property Owner

#### Applicant:

Name: Forestar Group (Melissa Garrard)  
Address: 9292 North Meridian Street, Suite 211  
Indianapolis, IN 46260  
Phone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
E-mail Address: MelissaGarrard@forestar.com

#### Owner:

Name: Two owners; please see attached Exhibit A  
Address: for contact information.  
Phone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_

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

#### Attorney/Contact Person:

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

#### Project Designer:

Name: HWC Engineering (Hope Martin, P.E.)  
Address: 5920 Hohman Avenue  
Hammond, IN 46320  
Phone Number: (309) 231-3658  
Fax Number: \_\_\_\_\_  
Email: hmartin@hwcengineering.com

### 3. Project Information:

Address/Location of Property: Progress Road, east of S. Amos  
Road  
Proposed Name of Subdivision: Summerfield  
Area in Acres: 63.84 acres  
Current Zoning: R1  
Proposed Use: Single family residential  
Proposed Number of Lots: 188

### 4. Waivers:

Are any waivers to the requirements, standards or specifications of the Shelbyville Subdivision Control Ordinance being requested?

No ☒ Yes (specify request and Section Number): 6.08.D.5.a (50% of the area of the required perimeter width specified by the table under  
Section 6.08.D.5.a to be located in the right-of-way; plantings to remain the same); 6.03.A.2 (blocks greater than 800 feet in length); 6.19.G.1.b  
(to dispense with 1-side on-street parking).

### 5. Attachments:

Please see checklist for detailed information about the required attachments.

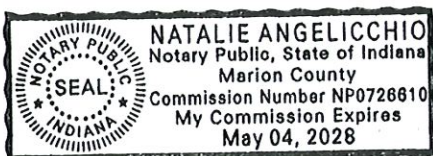
- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Preliminary Plat                | <input checked="" type="checkbox"/> Subdivision Covenants       |
| <input checked="" type="checkbox"/> Vicinity Map                    | <input checked="" type="checkbox"/> Drainage Plan & Report      |
| <input type="checkbox"/> Contiguous Holdings Map (N/A)              | <input checked="" type="checkbox"/> Engineering Capacity Report |
| <input checked="" type="checkbox"/> Subdivision Phasing Description | <input checked="" type="checkbox"/> Application Fee             |

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

Signature of Applicant: Melissa Garrard Date: April 5, 2021

State of Indiana )  
County of Shelby ) SS:

Subscribed and sworn to before me this 5 day of April, 2021



Natalie Angelicchio Natalie Angelicchio  
Notary Public - Signed Printed  
Residing in Marion County My Commission expires May 4, 2028

Exhibit A

Owner Contact Information

Fanland, LLC  
Attn: Andrew Fansler  
2803 South Woodridge Road  
Shelbyville, IN 46176  
Tel. (317) 557-0577  
e-mail: [andrew@fanslerfarms.com](mailto:andrew@fanslerfarms.com)

Scott Sumerford and Andrew Sumerford  
7785 East 1000 North  
Flat Rock, IN 47234  
Tel. (317) 364-5174  
[asumerfo@yahoo.com](mailto:asumerfo@yahoo.com)

**AFFIDAVIT & CONSENT OF PROPERTY OWNER**  
**APPLICATION TO THE SHELBYVILLE PLAN COMMISSION**

STATE OF INDIANA  
COUNTY OF SHELBY

)  
) SS:

I, Fanland, LLC by Andrew Fansler, AFTER BEING DULY SWORN, DEPOSE AND SAY THE FOLLOWING:  
(Name of property owner)

1. That I am the owner of real estate located at Progress Road, east of South Amos Road;  
(Address of affected property)
2. That I have read and examined the Application made to the Shelbyville Plan Commission by:  
Forestar Group  
(Name of applicant)
3. That I have no objections to, and consent to the request(s) described in the Application made to the Shelbyville Plan Commission.

Fanland, LLC by Andrew Fansler

Owner's Name (Please Print)

Andrew Fansler

Owner's Signature

State of Indiana  
County of Shelby

)  
) SS:

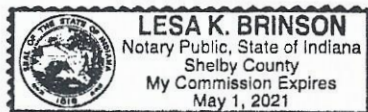
Subscribed and sworn to before me this 23<sup>rd</sup> day of March, 2021.

Lesa K Brinson  
Notary Public

Lesa K Brinson  
Printed

Residing in Shelby County

My Commission expires May 1, 2021





**AFFIDAVIT & CONSENT OF PROPERTY OWNER**  
**APPLICATION TO THE SHELBYVILLE PLAN COMMISSION**

STATE OF INDIANA  
COUNTY OF SHELBY

)  
) SS:

I, Andrew Somerford, AFTER BEING DULY SWORN, DEPOSE AND SAY THE FOLLOWING:  
(Name of property owner)

1. That I am the owner of real estate located at Progress Road, east of S. Amos Road;  
(Address of affected property)
2. That I have read and examined the Application made to the Shelbyville Plan Commission by:  
Forestar Group.  
(Name of applicant)
3. That I have no objections to, and consent to the request(s) described in the Application made to the Shelbyville Plan Commission.

Andrew Somerford  
Owner's Name (Please Print)

Andrew Somerford  
Owner's Signature

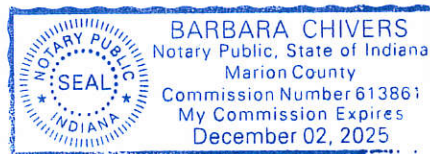
State of Indiana )  
County of ~~Shelby~~ ) SS:

Marion

Subscribed and sworn to before me this 22nd day of March, 2021.

Barbara Chivers / Barbara Chivers  
Notary Public Printed

Residing in Marion County My Commission expires 12-2-2025



**AFFIDAVIT & CONSENT OF PROPERTY OWNER**  
**APPLICATION TO THE SHELBYVILLE PLAN COMMISSION**

STATE OF INDIANA  
COUNTY OF SHELBY

)  
) SS:

I, Scott Sumerford, AFTER BEING DULY SWORN, DEPOSE AND SAY THE FOLLOWING:  
(Name of property owner)

1. That I am the owner of real estate located at Progress Road, east of S. Amos Road;  
(Address of affected property)
2. That I have read and examined the Application made to the Shelbyville Plan Commission by:  
Forestar Group  
(Name of applicant)
3. That I have no objections to, and consent to the request(s) described in the Application made to the Shelbyville Plan Commission.

Scott Sumerford

Owner's Name (Please Print)

Owner's Signature *Scott Sumerford*

State of Indiana  
County of Shelby

)  
) SS:

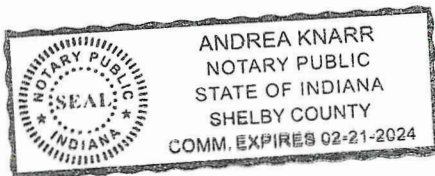
Subscribed and sworn to before me this 24<sup>th</sup> day of March, 2021.

*Andrea Knarr*  
Notary Public

Andrea Knarr  
Printed

Residing in Shelby County

My Commission expires 2/21/2024





## REQUEST FOR WAIVER OF THE SUBDIVISION CONTROL ORDINANCE FINDINGS OF FACT BY THE SHELBYVILLE PLAN COMMISSION

Applicant: Forestar Group

Case #: \_\_\_\_\_

Location: Progress Road, east of S. Amos Road

Waiver from the Shelbyville Subdivision Control Ordinance Article #: 6.08.D.5.a

Requesting: 50% of the area of the required perimeter width as specified in the table under 6.08.D.5.a to be located in the right-of-way.

The Shelbyville Plan Commission find the following facts: Please see attached Exhibit B for factual findings.

1. The granting of the waiver **will/will not** (*circle finding*) be detrimental to the public safety, health, and/or welfare because:  
\_\_\_\_\_  
\_\_\_\_\_
2. The granting of the waiver **will/will not** (*circle finding*) be injurious to the reasonable use and development of other property because:  
\_\_\_\_\_  
\_\_\_\_\_
3. The conditions upon which the request for a waiver is based **are/are not** (*circle finding*) unique to the property for which a waiver is sought and are not applicable generally to other property because:  
\_\_\_\_\_  
\_\_\_\_\_
4. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a hardship to the owner **would/would not** (*circle finding*) result if the strict letter of these regulations were carried out because:  
\_\_\_\_\_  
\_\_\_\_\_
5. The waiver **will/will not** (*circle finding*) contradict the intent of the City of Shelbyville Zoning Ordinance or Comprehensive Plan because:  
\_\_\_\_\_  
\_\_\_\_\_

Based on the findings described above, the Plan Commission does now **approve/deny** this application. So ordered this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_. (*Circle Plan Commission finding*)

Shelbyville Plan Commission

By: \_\_\_\_\_

President

Attest: \_\_\_\_\_

Secretary

## Exhibit B

### Findings of Fact in Support of Subdivision Waiver

The main rationale for requiring landscape buffering to be outside of rights-of-way is so that such buffering is not diminished by some future roadway improvements. However, in this specific case, Progress Road has recently been improved and no roadway improvements are contemplated in the foreseeable future. Progress Road is an arterial with 80-foot ½-right-of-way and approximately 40 feet of that ½-right-of-way is outside of the pavement. Moreover, Progress Road has been designed so that any future roadway improvements would be made internally (removing medians to add center lanes) and not externally.

Moreover, the only reason why this waiver is necessary is that Petitioner is seeking the Intensity Bonuses available in Section 6.08 of the City of Shelbyville Unified Development Ordinance. Section 6.08.D.5 of the UDO specifies 60 feet of common area or landscape easement “between the perimeter street’s rights-of-way and all subdivision lots.” However, if Petitioner was not seeking the Intensity Bonuses, then Section 6.13 of the UDO would apply which specifies 25 feet of perimeter landscaping “along perimeter streets.” However, even with 50% of the 60-foot perimeter buffer specified by Section 6.08.D.5 of the UDO located inside of the right-of-way (30 feet), Petitioner still has more buffer outside of the right-of-way (30 feet) than required by Section 6.13 of the UDO (25 feet), and there will still be 10-feet of right-of-way between the limit of Petitioner’s perimeter buffer and the edge of pavement on Progress Road.

Thus, the granting of the waiver will not be detrimental to the public safety, health and/or welfare because Progress Road has recently been improved and has been designed so that future improvements would be made internally and not at the perimeter. Thus, it is unlikely that Petitioner’s request to locate part of the perimeter buffer would ever result in the substantial diminishment of that buffer. Moreover, even as requested, Petitioner is offering more area in perimeter buffer than would be regularly be required under Section 6.13 of the UDO. Finally, Petitioner’s perimeter buffer is not inconsistent with other uses regularly located in the right-of-way beyond the edge of pavement such as utilities and pedestrian walkways. And actually, given that Petitioner is not seeking to reduce the number of plantings required, in essence, Petitioner will be landscaping Progress Road for the City.

The granting of the waiver will not be injurious to the reasonable use and development of other property because the rights-of-way are the only adjacent parcels impacted by Petitioner’s request.

The conditions upon which the request for a waiver are based are unique to the property for which a waiver is sought and are not applicable generally to other property because of the recent improvements and design of Progress Road as well as the fact that Petitioner is employing Section 6.08.D.5 of the UDO instead of 6.13 of the UDO, and, even with the waiver requested, Petitioner already exceeds the requirements of 6.13 of the UDO.

Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a hardship to the owner would result if the strict letter of these regulations were carried out because of the design and recent improvements of Progress Road. In addition, strict enforcement would require Petitioner to reduce the buildable lot area of all the lots along the perimeter by incorporating the landscape easements into the lots (instead of the common area currently specified by Petitioner), which would result in a much smaller product being built on the lots.

The waiver will not contradict the intent of the City of Shelbyville Zoning Ordinance or Comprehensive Plan because the site will still be developed as single-family residential.



**REQUEST FOR WAIVER OF THE SUBDIVISION CONTROL ORDINANCE  
FINDINGS OF FACT BY THE SHELBYVILLE PLAN COMMISSION**

Applicant: Forestar Group

Case #: \_\_\_\_\_

Location: Progress Road, east of S. Amos Road

Waiver from the Shelbyville Subdivision Control Ordinance Article #: 6.03.A.2

Requesting: Block lengths greater than 800 feet in length

The Shelbyville Plan Commission find the following facts: Please see attached Exhibit C for factual findings.

1. The granting of the waiver **will/will not** (*circle finding*) be detrimental to the public safety, health, and/or welfare because:  
\_\_\_\_\_  
\_\_\_\_\_
2. The granting of the waiver **will/will not** (*circle finding*) be injurious to the reasonable use and development of other property because:  
\_\_\_\_\_  
\_\_\_\_\_
3. The conditions upon which the request for a waiver is based **are/are not** (*circle finding*) unique to the property for which a waiver is sought and are not applicable generally to other property because:  
\_\_\_\_\_  
\_\_\_\_\_
4. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a hardship to the owner **would/would not** (*circle finding*) result if the strict letter of these regulations were carried out because:  
\_\_\_\_\_  
\_\_\_\_\_
5. The waiver **will/will not** (*circle finding*) contradict the intent of the City of Shelbyville Zoning Ordinance or Comprehensive Plan because:  
\_\_\_\_\_  
\_\_\_\_\_

Based on the findings described above, the Plan Commission does now **approve/deny** this application. So ordered this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_. (*Circle Plan Commission finding*)

Shelbyville Plan Commission

By: \_\_\_\_\_

President

Attest: \_\_\_\_\_

Secretary



## Exhibit C

### Findings of Fact in Support of Subdivision Waiver

Section 6.03.A.2 of the Unified Development Ordinance states that “[b]locks shall not exceed 800 feet...” Several sections of the Summerfield preliminary plat exceed that length. However, Section 6.03.B of the UDO provides an alternative for “blocks exceeding 600 feet in length,” and Staff has recommended that Petitioner conform to Section 6.03.B UDO in lieu of strict compliance with Section 6.03.A.2 of the UDO. Section 6.03.B of the UDO provides that “the Plan Commission may require that a common area or easement be provided through the block to accommodate utilities, drainage or pedestrian pathways,” and that “[t]hese pedestrian pathways shall be a minimum of five (5) feet in width.”

Petitioner’s plat always included north-south mid-block easements for drainage and utilities at several places on the longer blocks (and no segment of block was longer than 600 feet without such easements). However, Petitioner has revised its preliminary plat to overlay the 5-foot pedestrian access easement in the same locations.

Thus, the granting of the waiver will not be detrimental to public safety, health, and/or welfare because Petitioner is complying with the alternative provisions of Section 6.03.B of the UDO by providing north-south mid-block easements for drainage and utilities (15-foot easements-7.5 feet per half) and overlying north-south mid-block easements for pedestrian access (5-foot easements-2.5 feet per half).

The granting of the waiver will not be injurious to the reasonable use and development of other property because the requested waiver does not impact other properties.

The conditions upon which the request for a waiver are based are unique to the property for which a waiver is sought because given the location of the stub road in the subdivision to the north and the limited access and curvature of Progress Road, there are limited opportunities for additional streets on this site to break the blocks further.

Because of the particular physical surroundings, shape, and topographical conditions of the specific property involved, a hardship to the owner would result if the strict letter of these regulations were carried out, because given the location of the stub road in the subdivision to the north and the limited access and curvature of Progress Road, there are limited opportunities for additional streets on this site to break the blocks further.

The waiver will not contradict the intent of the City of Shelbyville Zoning Ordinance or Comprehensive Plan because Petitioner is complying with the alternate provisions of Section 6.03.B of the UDO.



**REQUEST FOR WAIVER OF THE SUBDIVISION CONTROL ORDINANCE  
FINDINGS OF FACT BY THE SHELBYVILLE PLAN COMMISSION**

Applicant: Forestar Group

Case #: \_\_\_\_\_

Location: Progress Road, east of S. Amos Road

Waiver from the Shelbyville Subdivision Control Ordinance Article #: 6.19.G.1.b

Requesting: to dispense with 1-side on-street parking

The Shelbyville Plan Commission find the following facts: Please see attached Exhibit D for factual findings.

1. The granting of the waiver **will/will not** (*circle finding*) be detrimental to the public safety, health, and/or welfare because:

\_\_\_\_\_  
\_\_\_\_\_

2. The granting of the waiver **will/will not** (*circle finding*) be injurious to the reasonable use and development of other property because:

\_\_\_\_\_  
\_\_\_\_\_

3. The conditions upon which the request for a waiver is based **are/are not** (*circle finding*) unique to the property for which a waiver is sought and are not applicable generally to other property because:

\_\_\_\_\_  
\_\_\_\_\_

4. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a hardship to the owner **would/would not** (*circle finding*) result if the strict letter of these regulations were carried out because:

\_\_\_\_\_  
\_\_\_\_\_

5. The waiver **will/will not** (*circle finding*) contradict the intent of the City of Shelbyville Zoning Ordinance or Comprehensive Plan because:

\_\_\_\_\_  
\_\_\_\_\_

Based on the findings described above, the Plan Commission does now **approve/deny** this application. So ordered this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_. (*Circle Plan Commission finding*)

Shelbyville Plan Commission

By: \_\_\_\_\_

President

Attest: \_\_\_\_\_

Secretary

## Exhibit D

### Findings of Fact in Support of Subdivision Waiver

Section 6.19.G.1.b of the Unified Development Ordinance provides that “On-street parking should be required on one (1) side of all local streets in residential subdivisions where the gross density is at least one (1) unit per acre but less than four (4) dwelling units per acre. However, Section 5.14.B.1 of the UDO only requires residential driveways to be 9 feet wide. Thus, the on-street parking standard was premised on the idea that the residential driveway serving each home would only accommodate one car.

However, Petitioner is committing to a minimum 16-foot driveway—enough to accommodate two parked cars. Thus, the on-street parking is unnecessary because Petitioner is providing those parking facilities on the lots themselves.

Furthermore, in addition to a driveway which exceeds the minimum required in the UDO, Petitioner is also providing for two-car garages.

Thus, the granting of the waiver will not be detrimental to the public safety, health and/or welfare. Petitioner is providing for additional off-street parking above and beyond what is minimally required by the UDO, and thus the on-street parking is not necessary.

The granting of the waiver will not be injurious to the reasonable use and development of other property because the proposed waiver does not affect other property.

The conditions upon which the request for a waiver are based are unique to the property for which a waiver is sought and are not applicable generally to other property because Petitioner is providing for additional off-street parking above and beyond what is minimally required by the UDO.

Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a hardship to the owner would result if the strict letter of these regulations were carried out because Petitioner is providing for additional off-street parking above and beyond what is minimally required by the UDO.

The waiver will not contradict the intent of the City of Shelbyville Zoning Ordinance or Comprehensive Plan because Petitioner is providing for additional off-street parking above and beyond which is minimally required by the UDO.