

PLAN COMMISSION STAFF REPORT

APPLICATION NO:	PLAT-2024-01
HEARING DATE:	May 09, 2023
SUBJECT:	Final Plat
LOCATION:	9302 W 650 S, Lapel, IN 46051
PETITIONER(S):	Charlie Mattox, CrossRoad Engineers
SUMMARY:	Administrative Plat to combine the 2lots into 1 lot.
WAIVERS REQUESTED:	None
RECOMMENDATION:	Recommend APPROVAL of Primary Plat to the Council
PREPARED BY	Grant List, Planning Aid
EXHIBITS	Exhibit 1: Application Exhibit 2: Property Deed

PROCEDURE

History

1. **Application.** The application was filed in January of 2024 for an Administrative Plat through the Planning Commission. The petitioner applied to combine 2 properties into 1 lot.

Next Steps

The Town Council can review the Planning Commission's recommendation regarding this case at their May 16th, 2024 meeting. The Town Council will be the final authority on either approving or denying this request.

CORRESPONDENCE

As of this writing, staff has not received written or verbal statements regarding this project from residents.

ABOUT PROJECT

Location

The subject site is located at 9302 W 650 S, parcel ID 48-15-16-100-002.000-044 and 48-15-16-100-002.001-044.

Proposal

The petitioner is requesting to combine two existing properties into one property, roughly 40 acres in total. Lapel's UDO V 12.1.3 allows this process to be completed using an Administrative Subdivision, as there are no impacts to public Right of Way or zoning conflicts, and the property is in a low-density rural area.

PROCEDURE

Per Lapel's UDO, V 12.1.3 Administrative Subdivision *"intent of the administrative subdivision process is to allow a simplified procedure for the creation of low-density development of rural lands consistent with the agricultural characteristics of Lapel"*.

Decision Criteria: The Plan Commission shall not approve any application unless it complies with all applicable standards, including:

1. The application meets all Lapel Ordinances and applicable Zoning standards;
2. No depth greater than three times its frontage;
3. All driveways designed to prevent vehicles from backing onto public roads;
4. Adequate ingress and egress to the remainder of the tract and adjacent properties maintained, provided, or planned for.

ANALYSIS

The subject site is currently zoned General Industrial per tax use records. The surrounding zoning and uses are Agricultural and General Industrial. The site is surrounded mostly by agricultural land. The proposed scope of uses by the applicant matches some of the surrounding uses or does not negatively affect some.

Per V12.1.3, *“All lots and any remaining tract shall be consistent with all applicable requirements of the Lapel Zoning Ordinance, including lot size, setbacks, frontage on a public road, width to depth ratio, and lot width except as otherwise stated in the ordinance.”* The proposed lot sizes, width, width-to-depth ratio, and setbacks meets the zoning requirements in the General Industrial zoning district.

The proposed lots do not require any new or changed public ways, any additional or new utilities, or other improvements. Major subdivision review requires a sketch review, a preliminary plat review with a public hearing, a construction plan review, and a final plat review. This is a very involved process with a lot of requirements, documents, and parties involved, and staff doesn't think that all those requirements and reviews are needed for this application. The Administrative Subdivision procedure still requires a review by a plat committee (includes a building inspector, 2 Plan Commissioners, county surveyor and soil officer, possibly an engineer if needed) to ensure that the subdivision standards are adhered to, and staff believes this combination doesn't warrant the scale and the cost of the major subdivision review.

RECOMMENDATION

Staff recommends approval of application PLAT-2024-01 because:

1. The proposed subdivision is allowed for this property and retains compatibility with the surrounding area;
2. All UDO and zoning standards are maintained within the plat.

MOTION OPTIONS (Subdivision Request)

1. Motion to **approve** the application as per submitted application PLAT-2024-01.
2. Motion to **deny** the application as per submitted application PLAT-2024-01. (**List reasons**)
3. Motion to **continue** the review of the application PLAT-2024-01 until the next regular meeting on July 13, 2024.

Next Plan Commission meeting date(s): July 13, 2024.



SUBDIVISION APPLICATION

**Required sections to fill out*

Application type*:

- Preliminary Plat
- Final Plat
- Administrative Plat (Preliminary)
- Administrative Plat (Final)
- Plat Amendment (Replat)
- Plat Vacation
- Certificate of Correction

For office use only:

App No: _____
 Date received: _____
 App fee: _____
 Fee paid by: Cash Check Credit Card
 Check #: _____

PROPERTY INFORMATION*

Address/Location: _____

Parcel(s)' ID(s): _____

Subdivision name: _____

Current use: _____ Current zoning: _____

Proposed use: _____ Proposed zoning: _____

Project total size: _____ Acres Proposed open space: _____ Acres
(include the area of all parcels)

Proposed No of Lots: _____ Lots

New public ways proposed? Yes No Length of proposed public way _____ Miles

If yes, please describe subdivision regulations that the waiver is requested for below. Cite the section that you are requesting to waive and a brief description. Attach additional sheets with more details if needed.

Waiver(s) Requested? Yes No

PRIOR OR RELATED CASES Not applicable

Rezone/PUD _____ Primary plat: _____

Variance(s): _____ Secondary plat: _____

PROPERTY OWNER INFORMATION*

Name: _____

Mailing address: _____

City/Town: _____ Zip code: _____

Email: _____ Phone #: _____

APPLICANT INFORMATION* Same as owner

Name: _____ Title: _____

Company name: _____

Mailing address: _____

City/Town: _____ Zip code: _____

Email: _____ Phone #: _____

SURVEYOR/ENGINEER INFORMATION* Same as applicant

Name: _____ Title: _____

Company name: _____

Mailing address: _____

City/Town: _____ Zip code: _____

Email: _____ Phone #: _____

ATTORNEY INFORMATION

Name: _____ Title: _____

Company name: _____

Mailing address: _____

City/Town: _____ Zip code: _____

Email: _____ Phone #: _____

APPLICANT AFFIDAVIT

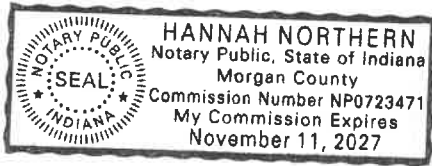
STATE OF Indiana
COUNTY OF Marion S.S.

The undersigned, having been duly sworn on oath, states that the information in the Application is true and correct as they are informed and believe.

Applicant printed name: Charlie Mattox

Applicant signature: [Handwritten Signature]

Subscribed and sworn to before me this 5th day of January, 20 24.



Notary printed name: Hannah N. Northern

Notary signature: [Handwritten Signature]

My commission expires: November 11, 2027

OWNER AFFIDAVIT

STATE OF Indiana

COUNTY OF Shelby S.S.

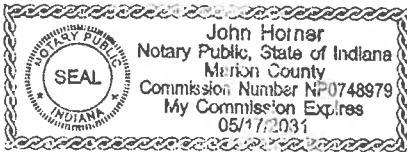
The undersigned, having been duly sworn on oath, states that they are the Owner of the Property involved in this application and that they hereby acknowledge and consent to the forgoing Application.

Owner printed name**: Matt Haehl

Owner signature**: Matt Haehl

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the Property Owner, who having been duly sworn acknowledged and consents to the execution of the foregoing Application.

Subscribed and sworn to before me this 8TH day of JANUARY, 2024.



Notary printed name: JOHN HORNER

Notary signature: [Signature]

My commission expires: 5-17-31

*** A signature from each party having interest in the property involved in this application is required. If the Property Owner's signature cannot be obtained on the application, then a notarized statement by each Property Owner acknowledging and consenting to the filing of this application is required with the application.*

Duly Entered for Taxation
Subject to Final Acceptance for Transfer

2008019522 \$18.00
11/20/2008 09:39:50A 2 PGS
Lisa Hobbs
Madison County Recorder IN
Recorded as Presented

NOV 14 2008

J. Kelly
AUDITOR, MADISON COUNTY

[Space above this line reserved for recording data.]

Mail Tax Statements to: PO Box 242, Shelbyville, IN 46176
Grantee's Address is: 157 E. Rampart Street, Shelbyville, IN 46176

TRUSTEE'S DEED

First Merchants Trust Company, N.A., as Trustee of the Norma Wells Revocable Trust Agreement dated April 14, 2008, hereby conveys to ~~Shelby Gravel, Inc.~~ of **SHELBY** County, State of Indiana, for One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Madison County, State of Indiana, to-wit:

A survey of the Southwest Quarter of the Northeast Quarter of Section 16, Township 18 North, Range 6 East, described as follows:

Beginning at an existing iron pipe marking the Southwest corner of the Northeast Quarter of Section 16, Township 18 North, Range 6 East, and running thence North 00 degrees 04 minutes 54 seconds East (assumed bearing) along the West line of the said Quarter Section a distance of 1330.82 feet to a 5/8 inch rebar with a "REW FIRM 0076" cap marking the Northwest corner of the Southwest Quarter of the Northeast Quarter of said Section 16; thence South 89 degrees 57 minutes 55 seconds East along the North line of the said Quarter-Quarter Section a distance of 1333.73 feet to a 5/8 inch rebar with a "REW FIRM 0076" cap marking the Northeast corner of the said Quarter-Quarter Section; thence South 00 degrees 03 minutes 41 seconds West along the East line of the said Quarter-Quarter Section a distance of 1330.01 feet to a magnetic nail marking the Southeast corner of the said Quarter-Quarter Section; thence South 90 degrees 00 minutes 00 seconds West along the South line of the Northeast Quarter of said Section 16 a distance of 1334.20 feet to the point of beginning.

Being the Southwest Quarter of the Northeast Quarter of Section 16, Township 18 North, Range 6 East, and containing 40.742 acres, more or less.

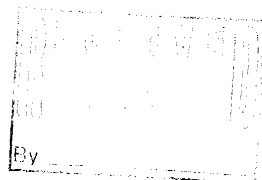
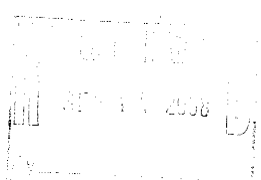
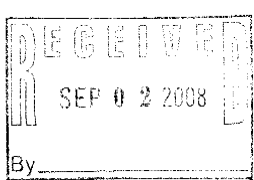
Key No. 06-0005-9-009

Grantor assumes and agrees to pay taxes and assessments for the first installment of 2007 due and payable in 2008. Grantee assumes and agrees to pay taxes and assessments for the second installment of 2007 due and payable in 2008. Grantee also assumes and agrees to pay taxes and assessments for 2008 due and payable in 2009 and all taxes and assessments levied against said real estate thereafter.

Subject to all covenants, restrictions, reservations, easements, conditions, rights of way and other rights appearing of record.

The Trustee warrants and represents that they are authorized to convey real estate by the terms and provisions of said trust agreement.

[Space below this line reserved for recording data.]



[Space above this line reserved for recording data.]

IN WITNESS WHEREOF, First Merchants Trust Company, N.A., Trustee of the Norma Wells Revocable Trust Agreement dated April 14, 2008, have hereunto set its hands and seal on this 29th day of August, 2008.

FIRST MERCHANTS TRUST COMPANY, N.A.

By: Debra K. Barker
Debra K. Barker, Trust Officer

STATE OF INDIANA
SS
DELAWARE COUNTY

Before me the undersigned, a Notary Public for Delaware County, Indiana, personally appeared Debra K. Barker, Trust Officer for and on behalf of First Merchants Trust Company, N.A., Trustee of the Norma Wells Revocable Trust Agreement dated April 14, 2008, and being first duly sworn by me upon oath, say that the statements contained in the foregoing Trustee's Deed are true.

WITNESS MY HAND AND NOTARIAL SEAL on this 29th day of August, 2008.

Anna Leah Patty

Notary Public



ANNA LEAH PATTY
Notary Public, Indiana
A resident of
Randolph County, Indiana
Commission Expires: November 5, 2015

My Commission Expires:

This instrument prepared by Sara E. Shade, Attorney, P.O. Box 1648, Muncie, IN 47308. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Sara E. Shade.

[Space below this line reserved for recording data.]

Duly Entered For Taxation
Subject To Final Acceptance
For Transfer
Nov 16 2023
Rick Gardner
AUDITOR MADISON COUNTY

2023R016169
11/16/2023 10:04:06 AM
FEE: 25.00 PGS: 4
ANGIE ABEL
MADISON COUNTY RECORDER, IN
RECORDED AS PRESENTED
THIS DOCUMENT WAS eRECORDED

STATE ID: 48-15-16-100-002.001-044

CORPORATE WARRANTY DEED

THIS INDENTURE WITNESSETH that **Giving Hope Foundation, Inc.** (“Grantor”), CONVEYS AND WARRANTS to **Shelby Gravel, Inc.**, an Indiana corporation (“Grantee”), for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, Grantor’s fee simple interest in and to that certain real estate in Madison County, Indiana, which real estate is more particularly described in Exhibit A, attached hereto and incorporated herein by this reference (“Real Estate”).

Subject to (i) all easements, highways, rights-of-way, covenants, conditions, restrictions and other matters of record, (ii) the exceptions listed on Exhibit B hereto, and (iii) all current, non-delinquent real estate taxes and assessments.

The undersigned person executing this Corporate Warranty Deed on behalf of Grantor represents and certifies that such person is fully empowered, by proper corporate authority, to execute and deliver this Corporate Warranty Deed; that Grantor has full capacity to convey the Real Estate; and that all necessary action for the making of such conveyance has been taken and done.

**[REMAINDER OF PAGE INTENTIONALLY BLANK; SIGNATURE AND
NOTARIZATION APPEARS ON FOLLOWING PAGE]**

IN WITNESS WHEREOF, Grantor, by an authorized representative thereof, has executed this Corporate Warranty Deed this 15th day of November, 2023.

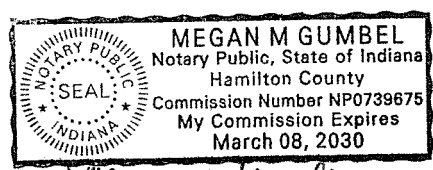
GIVING HOPE FOUNDATION, INC.

W.A. Joseph Shetterley
By: W.A. Joseph Shetterley
Title: President and Founder

STATE OF INDIANA)
)SS:
COUNTY OF Hamilton)

Before me, a Notary Public in and for said County and State, personally appeared W.A. Joseph Shetterley of Giving Hope Foundation, Inc., who acknowledged the execution of the foregoing Corporate Warranty Deed, and who, having been duly sworn, stated that the representations therein contained are true and who indicated he/she has all authority to execute same on behalf of Grantor.

IN WITNESS WHEREOF, I set my hand and notarial seal this 15th day of November, 2023.



Megan M Gumbel

Megan M. Gumbel
Indiana Notary Public
Commission Number: NPO 739675
My Commission Expires: March 08, 2030
County of Residence: Hamilton

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Russell L. Brown

This instrument was prepared by: Russell L. Brown, 26781-49, Clark Quinn Moses Scott & Grahm, LLP, 320 N. Meridian Street, Suite 1100, Indianapolis, IN 46204

Grantee's Address and Send Tax Statements To: Shelby Gravel, Inc., 930 W. 650 South, Pendleton, Indiana 46064

EXHIBIT "A"

Legal Description of Real Estate

THE LAND IS DESCRIBED AS FOLLOWS:

LOT 2 OF GIVING HOPE ADDITION, A SUBDIVISION IN THE TOWN OF LAPEL, GREEN TOWNSHIP, MADISON COUNTY, INDIANA, AS PER PLAT THEREOF, DATED SEPTEMBER 12, 2018 AND RECORDED DECEMBER 19, 2018 AS INSTRUMENT NUMBER 2018R017198, AS AMENDED BY AFFIDAVIT DATED JANUARY 23, 2019 AND RECORDED JANUARY 25, 2019 AS INSTRUMENT NUMBER 2019R001251, IN THE OFFICE OF THE RECORDER OF MADISON COUNTY, INDIANA.

**EXHIBIT B
EXCEPTIONS**

1. Taxes for 2023, payable 2024, now a lien, not yet due and payable.
2. Covenants, conditions, restrictions, building setback lines, buffer areas and easements for drainage, utilities, sewer, driveway and ingress/egress, as set forth in and depicted upon the plat of Giving Hope Addition, recorded December 19, 2018 as Instrument Number 2018R017198.
3. Easement for ingress/egress, utility, and driveway to be constructed and maintained, subject to those terms and provisions, as contained a certain deed dated December 31, 2017 and recorded December 19, 2018 as Instrument Number 2018R17205.