

**Shelby County Plan Commission
Meeting Minutes
Tuesday
January 24, 2023**

Members Present:

Megan Hart
Jason Abel
Mike McCain
Terry Smith – Arrived after approval of attorney contract
Scott Gabbard
Kevin Carson
Charity Mohr
Nick Hartman
Taylor Sumerford

Members Absent:

None

Staff Present:

Desiree Calderella – Planning Director
Jason Clark – Plan Commission Attorney

Call to Order and Roll Call:

Kevin Carson called the January 24, 2023 meeting to order at 7:00 pm in Room 208 A at the Court House Annex.

Approval of Minutes:

Scott Gabbard made a motion to approve the minutes from October 25, 2022. Jason Abel seconded the motion. The minutes were approved 8-0.

Election of Officers:

Jason Abel made a motion to retain the 2022 slate of officers. Megan Hart seconded the motion. Megan Hart moved to close nominations. Charity Mohr seconded the motion. The officers were retained 8-0: Terry Smith as President, Kevin Carson as Vice President, Scott Gabbard as Secretary.

PC Appointment to the BZA:

Jason Abel made a motion to appoint Nick Hartman to the BZA. Mike McCain seconded the motion. Scott Gabbard moved to close nominations. Mike McCain seconded the motion. Nick Hartman was appointed to the BZA 8-0.

PC Appointment of BZA Hearing Officer:

Mike McCain made a motion to appoint Dave Klene as the BZA Hearing Officer. Scott Gabbard seconded the motion. Dave Klene was appointed as the BZA Hearing Officer 8-0.

Attorney Contract:

Kevin Carson made a motion to approve the contract. Jason Abel seconded the motion. The Attorney Contract was approved 8-0.

Withdrawn Business:

NORTHWEST SHELBY COUNTY ECONOMIC DEVELOPMENT AREA RESOLUTION: Resolution approving amendments to the Declaratory Resolution of the Shelby County Redevelopment Commission that established the Northwest Shelby County Economic Development Area.

Continued Business:

RZ 22-19 – HERITAGE AGGREGATES LLC REZONING: Rezoning of 243.04-acres from the A1 (Conservation Agricultural) District and R1 (Single-Family Residential) District to the HI (High Impact) District to allow for expansion of aggregate mining operations. Located generally, north of CR 1200 S, south of Old SR 252, east of CR 100 W, and west of SR 9, Flat Rock, Washington Township.

Old Business:

None.

New Business:

RZ 23-01 – APPLE REZONING: Rezoning of 0.34-acres from the R1 (Single-Family Residential) District to the M1 (Multiple-Family Residential) District to allow for the development of two duplexes & rezoning of 0.12-acres from the R1 (Single-Family Residential) District to the C2 (Highway Commercial) District to allow for expansion of an adjacent commercial property. Located at 15 Hale Rd, 17 Hale Rd, & 1016 W Hendricks St, Shelbyville, Addison Township.

Steve Apple provided an overview of the petition. He indicated that a neighboring property includes three duplexes. He indicated that he intends to expand the commercial property with a shipping and receiving area and additional parking.

The Board opened the hearing for public comment. There was none. The Board closed the public comment portion of the hearing.

Desiree Calderella stated that the City of Shelbyville had no objection to the rezoning. She explained that the City would require the petitioner to sign a waiver of remonstrance to future annexation as a condition of connecting the duplexes to City sewer.

Q: Scott Gabbard – To be clear, these buildings will connect to city sewer?

A: Steve Apple – Yes

Q: Jason Abel – Are there any drainage issues in the area?

Steve Apple outlined the drainage patterns in the area.

Kevin Carson made a motion to vote on the petition and Charity Mohr seconded that motion. **The petition was APPROVED 8-0**, with Taylor Sumerford abstaining.

The Board adopted the following findings of fact:

1. The request is consistent with the Shelby County Comprehensive Plan.
2. The request is consistent with the current conditions and the character of structures and uses in each district.
3. The request is consistent with the most desirable use for which the land in each district is adapted.
4. The request is consistent with the conservation of property values throughout the jurisdiction.
5. The request is consistent with responsible growth and development

RZ 23-02 – JANUARY REZONING: Rezoning of 18.23-acres from the A1 (Conservation Agricultural) District to the I2 (High Intensity Industrial) District to allow for development of a tractor/trailer repair and trucking company center. Located west of and adjoining 8111 N 850 W, Fairland, Moral Township.

Don Fisher, with Insight Engineering Inc, represented the petitioner and developer - Ways Transportation. He provided a handout to the Board (see case file). He indicated that the Comprehensive Plan supports the development and that the petitioner proposes a less intense development than the warehouse development occurring north of the property. He indicated that the relatively small development would not require any upgrade to the current road or utility facilities.

The Board opened the hearing for public comment.

Lisa Wojihoski-Schaler with the Northwest Shelby County Concerned Citizens Coalition and who lives at 7757 W 700 N, provided an overview of an Information Packet for Consideration from the Northwest Shelby County Concerned Citizens Coalition submitted to the Board (see case file). She also spoke on behalf of Wayne Bley.

Gerald Evans, who lives at 8154 W 700 N, indicated that development should occur closer to the interstate and that the proposed development would occur too far south and close to his neighborhood.

Eddie Hager, from Marion County, spoke about pay-to-park and truck repair properties in Marion County. He provided a list of Marion County properties in violation and a photograph of illegal dumping on one of the properties (see case file). He explained that like Marion County, Shelby County does not have ordinances regulating these operations and that these operations take advantage of areas without regulations. He referenced economic development studies which recommend protection of existing residential properties from trucking operations.

David Riggins spoke on behalf of his family and the Moral Township Fire Department. He spoke about the County's past planning efforts and thoughtful planning in general. He indicated that the UDO requires water and sewer for developments in industrial zoning districts. He indicated that a truck parking operation is not a desirable use of the property and that other properties near the interstate could accommodate this type of development. He explained that leaking fluids from trucks needing repair would pose an environmental hazard. He indicated that the Moral Township Fire Department opposes the rezoning because trucks would likely overturn when traveling through Brookfield and could spill hazardous materials.

Bridget Herbert, who lives at 8111 N 850 W, explained that the property surrounds the home she recently purchased and that she had not received any information regarding development of the property for a truck facility when purchasing her home. She spoke about the nuisance impacts associated with trucking facilities and expressed concern with trucks using the narrow county roads.

Randy Duncan, who owns a business at 8520 N 850 W, expressed concern with the narrow width of the road and site visibility over a crest in the road. He spoke about drainage in the area. He indicated that the developed area shown on the site plan did not appear large enough for the proposed business operation.

The Board closed the public comment portion of the hearing.

Don Fisher indicated that most of the public comments dealt with design issues, and that the design of the development must comply with County ordinance and State regulations. He indicated that narrow County roads can accommodate large agricultural equipment. He referenced the presence of a 'No Trucks' sign on CR 850 W in Brookfield. He described the size of the building and site layout. He indicated that the petitioner had not investigated water and sewer requirements, however nearby industrial development currently does not have access to water and sewer. He explained that he has conducted engineering work in Marion County and has not heard of any problems with pay-to-park or truck repair operations. He explained that central Indiana has demand for trucking facilities. He indicated that the presence of an active railroad, proximity to the interstate, access road, location within a developing area, and industrial land use designation render

the property desirable for industrial development. He indicated that drainage does not factor into decisions on rezonings.

Q: Jason Abel – You agree that the roads are narrow and stated that these are appropriate access roads. How do you rectify those two statements?

A: Don Fisher – It will depend on the speed that the trucks use the road.

Q: Jason Abel – The roads are 16-feet wide. How wide is a commercial 53-footer?

A: Don Fisher – Eight feet.

Jason Abel indicated that the current condition of the road cannot handle the proposed truck traffic.

Don Fisher indicated that the road appears in good condition and that other commercial businesses and farming operations use the road. He indicated that he had not measured the width of the road.

Q: Kevin Carson – Did your clients give any other location consideration and/or choose Shelby County due to lack of regulations?

A: Don Fisher – I am working on a similar operation in Hamilton County. I don't really know what he meant by the County not having control of the development.

Kevin Carson expressed concern with lack of County environmental regulations.

Don Fisher explained that the State has environmental regulations.

Kevin Carson indicated that existing commercial businesses on CR 850 W do not generate a large amount of truck traffic.

Q: Kevin Carson – Did you talk to the owners of any properties within the Economic Development Area regarding land availability?

A: Don Fisher – Sunbeam is not interested in small buildings. Site selection occurred before I became involved.

Don Fisher requested a continuance.

Charity Mohr made a motion to deny the request for continuance and Nick Hartman seconded that motion. The continuance was denied.

Q: Megan Hart – Is there a plan for fuel pumps?

A: Don Fisher – No.

Q: Megan Hart – Is there a plan for underground storage?

A: Don Fisher – Not that far in the design process.

Q: Megan Hart – Is there a plan for a gate at the entrance?

A: Don Fisher – Likely security fencing.

Q: Megan Hart – Is there a plan for a curb around the developed portion of the property to contain leaking fluids and runoff?

A: Don Fisher – Runoff managed in multiple ways.

Don Fisher explained that the site would not function as a truck stop or rest area. He explained that typically truck drivers would leave their personal vehicles on site during the day and return home at night. He explained that the operation would include a variety of trucking uses.

The owner of Ways Transportation provided additional information regarding company operations.

Charity Mohr made a motion to vote on the petition and Megan Hart seconded that motion. **The petition was DENIED 9-0.**

The Board unanimously continued the findings of fact to the next Plan Commission meeting.

RZ 23-03 – JUGAAD LLC REZONING: Rezoning of 6.971-acres from the A1 (Conservation Agricultural) District and I2 (High Intensity Industrial) District to allow for a truck parking facility. Located east of and adjoining 9075 N Frontage Rd, Fairland, Moral Township.

Eric Glasco with Stephenson Rife represented the petitioner. He indicated that the petitioner would not develop 1.74-acres of the property in the floodplain. He indicated that the petitioner would maintain existing vegetation within a 40-foot setback to minimize impacts to adjacent residential properties. He indicated that one of the residential properties includes a barn and trees which would provide additional buffer between the parking area and the residence on that property. He explained that the development would provide a service to the surrounding industrial development near the interstate and that truck traffic generated by the facility would not pass any residential properties. He indicated that the facility would have a retention pond and fully paved parking lot. He indicated that trucks would be licensed and operable. He explained that the site would not function as a truck stop or rest area. He explained that truck drivers would leave their personal vehicles on site during the day and return home at night. He indicated that the Board could place stipulations on the rezoning to address concerns and to provide the County with additional enforcement authority. He indicated that the petitioner had provided a traffic study showing that the roads can handle the additional truck traffic and that County records show that the bridge on Frontage Rd can handle additional truck traffic. He indicated that the Comprehensive Plan designates the area of the property outside of the floodplain for industrial development. He indicated that the petitioner does not plan to develop buildings in the floodplain.

The Board opened the hearing for public comment.

Lisa Wojihoski-Schaler with the Northwest Shelby County Concerned Citizens Coalition and who lives at 7757 W 700 N, provided an overview of an Information Packet for Consideration from the Northwest Shelby County Concerned Citizens Coalition submitted to the Board (see case file).

Randy Tucker, who owns property at 8681 N 750 W, explained that he had not sold his property to developers because it had been in his family for generations. He expressed concern with truck noise and pollution of the stream.

Ann Miller, who lives at 11737 N 650 W, asked why trucks would pay to park at a site without facilities. She indicated that the engineer had conducted the traffic study between the holidays at a time with typically low truck traffic.

Eric Krebs, who lives at 8921 N Frontage Rd, indicated that the trucks would sit in his front yard and that development of the property would interfere with wildlife along the creek.

Eddie Hager, from Marion County, spoke about how the development would impact the Driftwood Watershed protected district. He provided a list of Marion County pay-to-park properties in violation (see case file) and explained that these businesses continue to operate while in legal proceedings due to lack of regulations.

The Board closed the public comment portion of the hearing.

Eric Glasco clarified that the operation would provide a pay-per-month option for unloaded trucks to park overnight, and that the truck drivers would go home. He indicated that most comments addressed use of the site as a truck stop. He indicated that IDEM would regulate runoff and that development would occur in the County regulated flood fringe, and not in the floodway. He explained that the County Drainage Board would regulate drainage. He indicated that the petitioner intends to comply with all County development standards. He explained that the property would appear as a wooded lot with trucks when viewed from the I-74 gateway. He indicated that the development would provide a buffer between the higher intensity existing industrial development and residential/agricultural land. He indicated that the development would support the nearby industrial development. He indicated that the Board has enforcement power using stipulations to rezoning approval. He indicated that he trusted the engineer of the traffic study to take traffic counts at an appropriate time to provide an impartial report. He indicated that the trucks would only produce noise when entering and exiting the parking lot. He explained that truck drivers will need a place to park their trucks near the location they load and unload their trucks to expedite shipping and receiving.

Q: Nick Hartman – Have you done a study to figure out the interest you have from truckers to use this location?

A: Eric Glasco – We are seeing an expansion of trucking in central Indiana and so there

is a need for individuals to park their trucks.

Desiree Calderella outlined the information regarding the bridge on Frontage Rd. included in the County Bridge Inventory.

Q: Scott Gabbard – Where do the truck drivers park their personal vehicles?

A: Eric Glasco – The guys park in the semi-truck space with their personal vehicles. Its rare that you have all spots taken by trucks at all times.

Q: Scott Gabbard – How many truck drivers are actually in Shelby County?

A: Eric Glasco – Adjacent to Marion County, also pulling drivers from that area.

Q: Megan Hart – Will you have a gate that can limit who can come in and out?

A: Eric Glasco – That’s my understanding, yes. Chain link security fence.

Q: Megan Hart – It is in a wooded area, has there been any thought about drivers missing the entrance?

A: Eric Glasco – There would be signage.

Q: Megan Hart – Is there a plan for a curb around the developed portion of the property to contain leaking fluids and runoff?

A: Eric Glasco – I don’t know if they are looking at doing that yet. When we look at the design side that would be part of the discussion

Q: Jason Abel – The Plan Commission shall pay reasonable regard to responsible growth and development. How is this development going to achieve that objective?

Specifically, how is this going to benefit Shelby County outside the increase in assessed value?

A: Eric Glasco – This could help attract additional industrial development to the area. Part of responsible growth is to allow support industries to industrial developments.

Q: Kevin Carson – Parking lot surveillance?

A: Eric Glasco – I don’t believe so.

Q: Kevin Carson – How many local truckers are interested?

A: Eric Glasco – We haven’t polled the number of truck drivers in Shelby County.

Q: Kevin Carson – Not a lighted facility?

A: Eric Glasco – No light. I don’t believe that’s a part of the plan.

Q: Kevin Carson – All paved?

A: Eric Glasco – Yes.

Q: Kevin Carson – Trucks allowed to run on the property.

