

**Shelby County Plan Commission
Meeting Minutes
Tuesday
March 25, 2025**

Members Present:

Kevin Carson
Troy Merrick
Alicia Barr
Andrew Newkirk – via Zoom
Megan Hart
Jeff Powell

Members Absent:

Jason Abel
Mike McCain

Staff Present:

Desiree Calderella – Planning Director
Jody Butts – Plan Commission Attorney

Call to Order and Roll Call:

Kevin Carson called the March 25, 2025, meeting to order at 7:00 pm in Room 208 A at the Court House Annex.

Approval of Minutes:

Jeff Powell made a motion to approve the minutes from February 25, 2025, with a correction. Megan Hart seconded the motion. The minutes were approved by 6-0.

Old Business:

RZ 25-02 – MCFARLAND REZONING: Findings of Fact.

Megan Hart made a motion to adopt the Findings of Fact indicated in the March 25, 2025, meeting materials and Troy Merrick seconded the motion. The Findings of Fact indicated in the meeting materials were adopted 5-0, with Jeff Powell abstaining.

RZ 25-03 – SHORT-TERM RENTAL STANDARDS TEXT AMENDMENT:

Amendment of Article 2 and Article 5 to add Section 5.86 STR-01: Short-Term Rental Standards. Applies to unincorporated Shelby County.

Desiree Calderella provided an overview of the revisions to the proposed ordinance amendment as indicated in the Staff Memo in the meeting materials.

Karen Barlow, who owns a short-term rental located at E 2084 E Old Rushville Rd, spoke in regard to a letter submitted to the Board from her son Adam Barlow (see case file).

Curt Johnson, who lives at 2216 E Old Rushville Rd, asked the Board to adopt the ordinance amendment as presented.

Jeff Powell indicated that his primary concern is adequate utilities and septic facilities.

Desiree Calderella explained that short-term rentals would need to comply with the septic requirements of the Health Department regardless of how the Board chooses to proceed with the ordinance.

Kevin Carson indicated that the Board does not have jurisdiction over septic requirements.

Andrew Newkirk indicated that the Board should not overly rely on septic system capacity to determine occupancy because guests typically do not occupy short-term rentals in the County for more than three days a week. He indicated that the property owner would ensure adequate septic system capacity because they would receive bad guest reviews if the septic system failed. He indicated that the Board should table the ordinance because it should not enforce commercial septic system standards on short-term rentals.

Alicia Barr indicated that the proposed ordinance does not govern septic system requirements, but that the State Health Department could choose to enforce its requirements on a short-term rental.

Jeff Powell explained that no difference exists between the requirements for a residential septic system and commercial septic system, other than increased well separation from the septic system and the method for calculating required capacity.

Megan Hart indicated that regulating occupancy by the number of bedrooms seems fair. She indicated that if the owner of a short-term rental shows that the property can adequately accommodate additional guests, then the Board would likely approve a variance to increase the maximum occupancy limit.

Andrew Newkirk expressed concern that the County would not grant a variance to increase the occupancy limit if the Health Department deemed a septic system inadequate for the proposed occupancy. He explained that language in the ordinance regarding occupancy may result in the Board relying on septic capacity alone when determining whether to grant a variance. He expressed support for a 30-day application window from the date of ordinance adoption for any short-term rental to apply for grandfathering

status. He explained that it would provide the short-term rentals that have operated with permission from the County with an opportunity to demonstrate historical performance.

Kevin Carson indicated that the County had not given short-term rentals permission to operate but had lack of clear guidance. He indicated that people must comply with new laws.

Andrew Newkirk expressed concern that owners of short-term rentals had made significant financial investments in their properties under the impression that the County did not restrict short-term rentals.

Megan Hart explained that often property owners who unknowingly used their property unlawfully apply for a variance in an effort to bring their property into compliance.

Kevin Carson explained that the BZA approves most variances, but may place stipulations on approval.

Jeff Powell indicated that he would prefer to have more information regarding septic system requirements.

Alica Barr indicated that the ordinance would not prohibit an existing short-term rental from operating, it may just limit the number of guests.

Andrew Newkirk made a motion to table the ordinance until the next Plan Commission meeting and Jeff Powell seconded the motion. The motion failed 4-2, with Andrew Newkirk and Jeff Powell approving the motion.

Megan Hart made a motion to vote on the ordinance as presented and Alicia Barr seconded that motion. Megan Hart, Alicia Barr, Kevin Carson, and Troy Merrick voted to approve. Jeff Powell voted to deny. Andrew Newkirk did not vote due to lost Zoom service. The case was **CONTINUED**.

SHELBY COUNTY 2025 SUB-AREA ECONOMIC DEVELOPMENT PLAN & AMENDMENT TO SHELBY COUNTY 2019 COMPREHENSIVE PLAN. Applies to unincorporated Shelby County.

Desiree Calderella provided a summary of Morristown Map alternatives Map A (map currently included in the Plan), Map B (map including areas designated for industrial development by the Morristown Town Council), and Map C (map currently included in the Plan with a Morristown Comprehensive Plan Overlay over the areas designated for industrial development by the Morristown Town Council), as indicated in the Staff Memo in the meeting materials.

Mike Buccieri, who lives at 1309 E Shelby 1200 N, spoke in support of Map A. He indicated that Map A poses the least land use conflicts to existing residential homes in the

area. He explained that the community did not have the opportunity to provide input on Map B or Map C.

Michelle Highers, who lives at 10385 N SR 9, indicated that she does not favor any map that designates property for a different land use than its current land use and that she favors less industrial. However, she would favor Map A over Map B or Map C.

Lisa Wojihoski-Schaler, organizer of the Shelby County Northwest Concerned Citizens Coalition, expressed concern that the County would give up its authority to have a role in the decisions regarding development in the Morristown area if the Board approves Map B or Map C.

Sara Goedde, who lives at 10938 N 450 E, pointed out that Morristown already has a significant amount of industrial development.

Brian Stump, with HWC Engineering, represented the Town Council of Morristown. He explained that the Town has concerns about its economic health due to the reduction in proposed industrial development around the town in relation to the current County Comprehensive Plan. He explained that Map B shows areas anticipated for future industrial growth, and that prior to development of any property in the area the Town would annex the property and provide utilities. He explained that the Town's zoning code would apply to annexed property, which would require buffering between industrial uses and other types of land uses. He indicated that the Town would prefer Map B, but would accept Map C.

Briane House, with Pritzke & Davis, LLP, represented the elected and appointed officials of Morristown. He emphasized that the Plan serves as a guide and does not necessarily dictate development, and that zoning code would apply to any specific proposed development. He explained that the County Commissioners would make the final decision on the Map and that the Town plans to petition the County Commissioners for extraterritorial jurisdiction. He indicated that the County and Town planning consultants had taken a collaborative approach to develop a map alternative as requested by the Board at their previous meeting.

Pam Bassett, who lives at 4738 E 1100 N, explained that she had not anticipated that Morristown would annex land into the Town to expand their industrial park and that the Town had not provided landscape buffering around the industrial park as promised. She stated that she should not have to move.

Dayton Garraty, who was raised at 4738 E 1100 N, indicated that most residents do not want additional industrial development, and that people should not have to move.

Sharron Nichols, who lives on SR 9, expressed concern with odor generated by existing industrial development in Morristown.

Philip Roth, with American Structurepoint, explained that a conflict exists between two rational planning values, a transparent process that considers as many viewpoints as possible and a town's valid interest in development adjacent to its boundaries. He explained that Map C would not relinquish the County's control of the 'hatched area' but rather represent a commitment of the County to enter into a cooperative partnership with the Town for planning for that area. He also indicated that the Town's planning process could result in different recommendations for the hatched areas than industrial development.

The Board asked clarifying questions about the difference in the amount of industrial acreage between the three maps.

Alicia Barr asked if Morristown's recommendations for land use in the hatched areas would come back before the Plan Commission.

Phillip Roth explained that the Morristown Comprehensive Plan would include the hatched areas, but the recommendations would have no official standing until the County adopts their recommendations because the hatched areas lie outside of Morristown's jurisdiction.

Jeff Powell asked about the process for Morristown obtaining extraterritorial jurisdiction.

Briane House provided information on the legal process for acquiring extraterritorial jurisdiction.

Megan Hart stated that Map A best represents what the community wants for the area.

Kevin Carson stated that Map C represents a good compromise. He explained that other than the property in the hatched area furthest to the west, the area will likely experience industrial growth. He indicated that Map C gives the County the opportunity to have further discussion with Morristown.

Jeff Powell agreed with Kevin Carson. He also indicated that Morristown will grow and therefore should have input in planning for the area around the town. He emphasized that the Plan serves as a guide and does not necessarily dictate future development.

Troy Merrick indicated that Map C would allow for further discussions between Morristown and the citizens who live in the Morristown area.

Alicia Barr expressed concern that the citizens had done their due diligence and participated in the planning process for a year and a half, while Morristown had not provided any input on the Plan until the past month. She expressed support for Map A.

Andrew Newkirk stated Map C represents the best compromise and does not designate any area for a specific land use.

Jeff Powell made a motion to vote on utilizing Map C and Troy Merrick seconded that motion. Jeff Powell, Kevin Carson, Andrew Newkirk, and Troy Merrick voted to utilize Map C and Megan Hart and Alicia Barr voted against using Map C.

Troy Merrick made a motion to continue the Plan Resolution and Jeff Powell seconded that motion. The Plan Resolution was **CONTINUED**.

New Business:

RZ 25-04 – FEINSTEIN REZONING: Rezoning of +/- 1.4-acres from the A2 (Agricultural) District to the R1 (Single-Family Residential) District to establish an existing accessory structure on a separate lot from the associated existing single-family residence. Located at 6184 W 900 S, Edinburgh, Jackson Township.

This petition was continued to April 22, 2025 meeting by the petitioner prior to the meeting.

Discussion:

None.

Adjournment:

With no further business to come before the Board, Troy Merrick made a motion to adjourn. Jeff Powell seconded that motion. The meeting was adjourned.