

**Shelby County Plan Commission
Meeting Minutes
Tuesday
April 22, 2025**

Members Present:

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

Members Absent:

Mike McCain

Staff Present:

Desiree Calderella – Planning Director
Jody Butts – Plan Commission Attorney

Call to Order and Roll Call:

Kevin Carson called the April 22, 2025, meeting to order at 7:00 pm in Room 208 A at the Court House Annex.

Approval of Minutes:

Troy Merrick made a motion to approve the minutes from March 25, 2025. Andrew Newkirk seconded the motion. The minutes were approved by 7-0.

New Business:

RZ 25-06 – VEST REZONING: Rezoning of 1.49-acres from the RE (Residential Estate) District to the R1 (Single-Family Residential) District allow for a two-lot Simple Subdivision. Located at 7764 N 625 E, Shelbyville, Hanover Township.

Desiree Calderella read the petition into the record and stated that Staff recommends approval.

Travis Smith, son-in-law of the petitioner, represented the petitioner. He indicated that he plans to build a single-family home and mother-in-law quarters on proposed Lot 1. He

indicated that the petitioner plans to rent the home on proposed Lot 2 to family or for income.

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

Travis Smith indicated that the petitioner does not intend to re-subdivide the property.

Kevin Carson indicated that the subdivision would not remove farmland from production.

Jason Abel asked if development of the property would impact the Woodyard legal drain.

Jeff Powell, speaking as the project surveyor, explained that the plat also includes a no-build / preservation easement over the legal drain easement and therefore development would not impact the legal drain.

Andrew Newkirk made a motion to vote on the petition and Jason Abel seconded that motion. **The petition was APPROVED 6-0-1**, with Jeff Powell abstaining.

Jason Abel made a motion to adopt the Findings of Fact as stated in the Staff Report. Troy Merrick seconded the motion. The Findings of Fact as stated in the Staff Report were adopted 6-0-1, with Jeff Powell abstaining.

SD 25-05 – VEST SIMPLE SUBDIVISION: Simple Subdivision to create one new 5.584-acre, single-family building lot and a 1.49-acre lot including an existing single-family residence and waiver of Simple Subdivision prerequisites to allow for Simple Subdivision of property zoned R1. Located at 7764 N 625 E, Shelbyville, Hanover Township.

Desiree Calderella read the petition into the record and stated that Staff recommends approval.

Travis Smith represented the petitioner. He had no comment.

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

Kevin Carson made a motion to vote on the petition and Troy Merrick seconded that motion. **The petition was APPROVED 6-0-1**, with Jeff Powell abstaining.

RZ 25-05 – STEPHENSON REZONING: Rezoning of 1.208-acres from the RE (Residential Estate) District to the VR (Village Residential) District to allow for a one-lot Simple Subdivision. Located south of and adjoining 4372 S Smithland Rd, Shelbyville, Hendricks Township.

Desiree Calderella read the petition into the record and stated that Staff recommends

approval.

Steven Stephenson indicated that his daughter and son-in-law intend to build a house on the property. He indicated that they would not build the house until they address the existing drainage issues.

Jason Brazen, the petitioner's son-in-law, explained how he plans to correct the drainage issues and presented a plan to the Board (see case file). He indicated that he would create detention basins on the remaining tract and use that soil to elevate the house. He indicated that approval of the rezoning would allow him and his wife to build their house next to family while improving area drainage.

The Board opened the hearing for public comment.

Todd Stephenson, who lives at 3472 S Smithland Freedom St, did not express concern with construction of a house on the property after correction of the drainage issues. He indicated that the petitioner and the County should correct the drainage issues prior to approving the rezoning. He indicated that the County had not addressed area drainage issues in the past.

The Board closed the public comment portion of the hearing.

Jeff Powell, speaking as the project surveyor, indicated that the petitioner would not use off-site fill to elevate the house. He indicated that the County must review and approve a Site Plan prior to construction of a house. He indicated that the Smithland Tile has contributed to the drainage issues in the area. He indicated that the Drainage Board would review a plan to address the drainage issues caused by the Smithland Tile the following Monday. He indicated that soil borings show that the property can accommodate a septic system.

Kevin Carson asked if any Board member had a concern with approving the rezoning and allowing the Site Plan Committee and Drainage Board to address the drainage issues.

No Board member expressed concern.

Troy Merrick made a motion to vote on the petition and Andrew Newkirk seconded that motion. **The petition was APPROVED 6-0-1**, with Jeff Powell abstaining.

Jason Abel made a motion to adopt the Findings of Fact as stated in the Staff Report. Andrew Newkirk seconded the motion. The Findings of Fact as stated in the Staff Report were adopted 6-0-1, with Jeff Powell abstaining.

SD 25-04 – STEPHENSON FAMILY TRUST SIMPLE SUBDIVISION: Simple Subdivision of a 1.213-acre, single-family building lot from a 3.572-acre parent tract and waivers of Simple Subdivision prerequisites to allow Simple Subdivision of property

zoned VR and Simple Subdivision of property under 6-acres. Located south of and adjoining 4372 S Smithland Rd, Shelbyville, Hendricks Township.

Desiree Calderella read the petition into the record and stated that Staff recommends approval.

Steven Stephenson had no comment.

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

Troy Merrick made a motion to vote on the petition and Andrew Newkirk seconded that motion. **The petition was APPROVED 6-0-1**, with Jeff Powell abstaining.

Old 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 **WITHDRAWN** by the petitioner prior to the meeting.

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 discussion on the amendment at the previous Plan Commission meeting. She read the proposed amendment to Section 5.86 C of the ordinance amendment into the record. She clarified that the amendment to Section 5.86 C provides guidance to the Zoning Administrator and Board of Zoning Appeals when making a decision on a variance to increase the occupancy limit for a short-term rental, however, a short-term rental would not need to comply with the guidance to potentially qualify for variance approval.

Jeff Powell indicated that septic systems serving short-term rentals would need to comply with the commercial septic system requirements of the State Department of Health regardless of the content of the ordinance amendment.

Andrew Newkirk indicated that a conflict exists between the State Department of Health regulations and State law regulating short-term rentals.

Andrew Newkirk stated that he is firmly in favor of the grandfathering language in the original amendment presented to the Board.

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

the public comment portion of the hearing.

Jeff Powell made a motion to vote on the amendment to Section 5.86 C and Troy Merrick seconded that motion. The amendment to Section 5.86 C was APPROVED 7-0.

Jeff Powell made a motion to vote on the ordinance amendment as amended and Troy Merrick seconded that motion. **The ordinance amendment as amended was APPROVED 6-1**, with Andrew Newkirk casting the dissenting vote.

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

Desiree Calderella provided clarification regarding the implementation process of proposed Map C as indicated in the Staff Memo in the meeting materials.

Jason Abel spoke in favor of proposed Map A. He indicated that the Plan intends to limit confusion and Map C creates further confusion. He indicated that the planning process involved substantial input from citizens, the majority of which favored limited industrial growth. He explained that the plan utilizes a statistical process to project the amount of industrial growth needed for the next fifty years, rendering additional industrial area unnecessary. He indicated that the Plan does not preclude the Town of Morristown from utilizing annexation to incorporate the area on Map C into the Town limits. He indicated that the existing industrial development in the Town has placed a substantial burden on unincorporated properties adjacent to the Town limits and that the owners of those properties have no representation within Town government.

The Board opened the hearing for public comment.

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 majority of people who provided input on the Plan favored limited industrial growth and that a special interest group should not override the concerns of the majority of people who live in the area. He indicated that encouraging industrial growth would have a detrimental impact on the homes in the area.

Gary Pieratt, who lives at 2607 E Mockingbird Ct in Blue River Trails, indicated that businesses should not impact the quality of life and property values of nearby residents. He expressed frustration with the method of project approvals in the Town. He indicated that he agrees with Mike Buccieri's comments. He referenced a study on dead turkey vultures in the area. He asked about the specific industrial development proposed by Morristown.

Kevin Carson explained that the Plan serves as a guide for the Plan Commission and BZA when making decisions on specific developments and does not change zoning.

Brian Stump, with HWC Engineering, represented the elected officials of the Town of Morristown. He expressed support for Map C and the collaborative approach to planning for the area.

Briane House, with Pritzke & Davis, LLP, represented the elected and appointed officials the Town of Morristown. He indicated that Map B and Map C demonstrate an effective compromise and promote economic welfare. He stated that Morristown had been reasonably judicious in its development.

Lisa Wojihoski-Schaler represented the Shelby County Northwest Concerned Citizens Coalition. She indicated that the group would prefer that the Board maintain the integrity of the public participation process and adopt Map A. She questioned the need for collaboration because the County currently has jurisdiction over the area and Morristown has the ability to annex the area. She questioned Morristown's adamancy in asking for changes to the map when the Plan only serves to guide policy.

Michelle Highers, who lives at 10385 N SR 9, spoke in favor of Map A. She spoke about the air quality issues associated with current industrial development in Morristown and indicated that additional industrial development would lower residential property values. She indicated that the community needs to balance existing industrial development with more parks, open space, and small businesses.

Philip Roth, with American Structurepoint, clarified that he views his role as providing options to allow the Board to make an informed decision.

The Board closed the public comment portion of the hearing.

Jeff Powell indicated that the Plan serves as a guide. He confirmed that the Town of Morristown would need to annex a property or exercise extraterritorial jurisdiction to change the zoning of a property.

Megan Hart spoke in support of Map A. She explained that American Structurepoint had conducted a diligent planning process which resulted in the recommendations of the Plan, including Map A. She stated that one of the four key themes from the Comprehensive Plan is invest for managed growth within specific areas of the County where new development is desired. She indicated that the members of the community outside of Morristown do not want additional industrial growth.

Alica Barr asked what repercussions Morristown would face if they did not work with the County to determine the land uses on Map C.

Desiree Calderella explained that the County would have no obligation to consider the land uses designated by Morristown and Morristown could only consider the designated land use for a specific property if it annexed that property into the Town.

Jason Abel made a motion to amend the County Comprehensive Plan reflecting Map A and Megan Hart seconded that motion. Map A was APPROVED 6-1, with Jeff Powell casting the dissenting vote.

Kevin Carson made a motion on the Resolution Amending the Comprehensive Plan and incorporating Map A and Jason Abel seconded that motion. **The resolution was APPROVED 7-0.**

Discussion:

None.

Adjournment:

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