

**Shelby County Plan Commission
Meeting Minutes
Tuesday
June 27, 2023**

Members Present:

Megan Hart
Nick Hartman
Taylor Sumerford
Charity Mohr
Jason Abel
Scott Gabbard

Members Absent:

Mike McCain
Terry Smith
Kevin Carson

Staff Present:

Desiree Calderella – Planning Director
Jason Clark – Plan Commission Attorney

Call to Order and Roll Call:

Scott Gabbard called the May 23, 2023 meeting to order at 7:00 pm in Room 208 A at the Court House Annex.

Approval of Minutes:

Jason Abel made a motion to approve the minutes from May 23, 2023. Megan Hart seconded the motion. The minutes were approved 6-0.

Continued Business:

SD 23-02 – DAVIS SIMPLE SUDIVISION: Simple Subdivision of 14.74-acres into a 9.5-acre lot and 4.74-acre lot. Located east of and adjoining 453 E 700 S, Shelbyville, Washington Township.

RZ 23-11 – LARRISON REZONING: Rezoning of 2.547-acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for a one-lot Simple Subdivision. Located east of and adjoining 8493 S 475 E, Saint Paul, Nobel Township.

SD 23-07 – LARRISON SIMPLE SUBDIVISION: Simple Subdivision of 2.547-acres from a 62.63-acre parent tract and waiver of subdivision design standards to allow side lot lines not within a 15-degree angle to the right-of-way. Located east of and adjoining 8493 S 475 E, Saint Paul, Nobel Township.

Old Business:

None.

New Business:

RZ 23-15 – BOWMAN RENTALS REZONING: Rezoning of 0.9-acres from the VR (Village Residential) District to the VM (Village Mixed Use) District to allow for a hair salon and laundromat. Located at 204 E Carey St, Fairland, Brandywine Township.

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

Mike Bowman provided an overview of the case. He explained that the pros of the development would include that it would generate new tax revenue, create new jobs, improve the aesthetic appearance of the Town, and provide a new service to the Town. He indicated that he could not think of any cons to the development. He explained that the setback requirements would prohibit placement of all parking at the rear of the building.

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

The Board discussed the recommended stipulations and required driveway variances.

Charity Mohr made a motion to vote on the petition with stipulations and Nick Hartman seconded that motion. **The petition was APPROVED 6-0 with stipulations:**

- 1. Development of the site shall be consistent with the Site Plan submitted with the rezoning application. The Zoning Administrator shall have the discretion to require Plan Commission approval of any modification to the site plan.**
- 2. All parking spaces shall be located north of the building, unless the building incorporates architectural standards in compliance with Section 5.13 of the Unified Development Ordinance.**
- 3. The current and any future property owner shall abandon any septic system and connect to sanitary sewer at the time sanitary sewer becomes available within 100-feet of the property lines.**

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.

SD 23-11 – WOLSIFFER SIMPLE SUBDIVISION: Simple Subdivision of 5.073 acres into a 2.61-acre building lot and a 2.463-acre lot including an existing single-family residence and waivers of Simple Subdivision prerequisites to allow for Simple Subdivision of property less than 6-acres and of Simple Subdivision design standards to allow side lot lines not within fifteen degrees (15°) of a right angle to the street and right-of-way. Located at 11560 N 800 W, New Palestine, Moral Township.

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

Scott Sumerford represented the petitioner. He explained that his client currently lives in the house on the north lot, and that they intend to sell the north lot and potentially build a new house on the south lot.

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

Q: Nick Hartman – Are those farm buildings on the south lot?

A: Scott Sumerford – General storage.

Taylor Sumerford noted that the area has drainage issues.

Q: Jason Abel – Is there enough space to build a house?

A: Scott Sumerford – Yes, a small house.

Jason Abel made a motion to vote on the petition and Nick Hartman seconded that motion. **The petition was APPROVED 6-0.**

SD 23-12 – ARNOLD SIMPLE SUBDIVISION: Simple Subdivision of 6.5-acres into a 3-acre building lot and 3.5-acre building lot and waiver of Simple Subdivision design standards to allow side lot lines not within fifteen degrees (15°) of a right angle to the street and right-of-way. Located at 11395 N 600 W, Fountaintown, Moral Township.

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

Scott Sumerford represented the petitioner. He explained that his client plans to sell the north lot and build a house on the south lot.

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

Q: Nick Hartman – Is it currently pasture?

A: Scott Sumerford – No, no farming.

Nick Hartman made a motion to vote on the petition and Jason Abel seconded that motion. **The petition was APPROVED 6-0.**

RZ 23-16 – SECOND CIRCLE INVESTMENTS LLC REZONING: Rezoning of 2.2-acres from the A1(Conservation Agricultural) District to the C2 (Highway Commercial) District to allow for development of the property for medium-intensity retail use. Located north of and adjoining 11884 N ST RD 9, Fountaintown, Van Buren Township.

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

Brian House with Pritzke & Davis Lawyers represented the petitioner. He described surrounding development, indicated that the petitioner would seek a variance from the setback requirements for the parking lot, and indicated that the development would have a positive impact on the area. He explained that Second Circle Investments develops moderate commercial sites throughout Indiana and that the company has a solid track record.

Andrew Rossell with AR Engineering and Joe Lenard with Second Circle Investments were present.

The Board opened the hearing for public comment.

Linda Conner, who lives at 9583 N Division Rd, asked how the petitioner plans to use the property.

The Board closed the public comment portion of the hearing.

Brian House explained that the C2 zoning allows for various moderate commercial developments, however, that his client typically develops sites for Dollar General stores.

Q: Taylor Sumerford – You understand, you'll have to go to the State Highway for your driveway permit?

A: Brian House – Yeah.

Q: Jason Abel – You're asking for a setback variance?

A: Brian House – For the parking lot. No member of the public would ever see anything that is in the least bit unusual.

Q: Jason Abel – If this is the first parcel to be developed in the area, don't we want a certain measure of uniformity between parcels?

Brian House explained that he would not expect future large-scale C2 commercial uses in the area, however, moderate commercial development and a variety of other uses. Therefore, grant of appropriate variances would better achieve uniformity between developments.

Q: Megan Hart – What's the benefit of doing the C2 over the VM?

Desiree Calderella explained that the property adjoins other properties zoned C2 and that the VM district is intended for unincorporated downtown areas.

Megan Hart expressed concern that permitting C2 zoning would set a precedent for C2 development in the area.

Desiree Calderella explained that the Board has the discretion to approve rezonings on a case-by-case basis, however, C2 zoning for property along SR 9 in the area is appropriate.

Q: Nick Hartman – You want to do 25-foot setback for the parking lot, why can't you do the extra 15-feet?

A: Andrew Rossell – This is initially how we drew it up based on VM. We are typically 10-feet off the right-of-way line.

Jason Abel explained that INOT has invested in significant upgrades to the SR 9 / US 52 intersection. He indicated that the reluctance to comply with the required setback causes concern that the entire project may lack attention to detail. He indicated that the County should consider future conditions when making decisions on rezonings.

Andrew Rossell explained that the site can accommodate the 40-foot setback, however, that the development will need to decide if he would prefer to pursue a variance. He indicated that the 25-foot setback would be consistent with the setback of the parking lot to the south.

Brian House indicated that a Dollar General would improve upon the existing development in the area which he does not anticipate changing in the near future.

Scott Gabbard referenced the C2 permitted uses.

Brian House stated that his client would agree to a condition prohibiting development of the property for a bar or tavern.

Q: Megan Hart – Is the building one-story?

A: Brian House – Yes.

Scott Gabbard indicated that he believed that the County had considered VM zoning for the nearby Countymark but decided on the C2 zoning.

Desiree Calderella indicated that VM zoning would not be appropriate for the location. She recommended that the Board strike any C2 uses they feel uncomfortable with rather than asking the petitioner to reapply for VM zoning.

Q: Jason Abel – Would the VM zoning be more appropriate for the infrastructure improvements being built to slow down traffic? Make that more attractive?

A: Desiree Calderella – The intent of the VM District does not reflect the location.

Desiree Calderella referenced the intent of the VM District as indicated in the Unified Development Ordinance.

Jason Abel referenced a Center for Rural Affairs best practice which states ‘use local zoning codes to encourage good growth and to discourage harmful business practices with regard to dollar stores’. He asked what benefit a zoning variance would have on the community long term.

Charity Mohr indicated that the BZA would make the decision on the setback variance, however recommended that the BZA not approve a zoning variance.

Charity Mohr made a motion to vote on the petition with stipulations and Nick Hartman seconded that motion. **The petition was APPROVED 5-1**, with Jason Abel casting the dissenting vote, **with stipulations:**

- 1. Development of the site shall be consistent with the Site Plan submitted with the rezoning application. The Zoning Administrator shall have the discretion to require Plan Commission approval of any modification to the site plan.**
- 2. The current and any future property owner shall abandon any septic system and connect to sanitary sewer at the time sanitary sewer becomes available within 100-feet of the property lines.**

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.

SD 23-13 – NOLAN FARMS SIMPLE SUBDIVISION: Simple Subdivision of a 2.2-acre commercial lot from a 30.69-acre parent tract and waiver of subdivision type standards to allow for Simple Subdivision of property zoned C2 (Simple Subdivisions only permitted for property zoned A3, A4, or RE). Located north of and adjoining 11884 N ST RD 9, Fountaintown, Van Buren Township.

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

Andrew Rossell with AR Engineering represented the petitioner. He indicated that he had received comments on the plat from the Planning Director and would address those comments.

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

Q: Charity Mohr – If you don't get your variance, do you still have the acreage to make your accommodations and changes to do the project?

A: Andrew Rossell – Yes.

Q: Taylor Sumerford – I'd like to get State Plane coordinates. Can you provide that?

A: Andrew Rossell – Yes.

Nick Hartman made a motion to vote on the petition and Charity Mohr seconded that motion. **The petition was APPROVED 5-1**, with Jason Abel casting the dissenting vote.

RZ 23-14 – UNIFIED DEVELOPMENT ORDINANCE AMENDMENT:

Amendment of Article 9. Specifically, to add Section 9.20: Plan Commission and Board of Zoning Appeals Bylaws and Rules of Procedure. Applies to Unincorporated Shelby County and the Town of Fairland.

Desiree Calderella read the case into the record.

Charity Mohr made a motion to vote on the amendment and Nick Hartman seconded that motion. **The amendment was APPROVED 6-0.**

Discussion:

None.

Adjournment:

With no further business to come before the Board, Charity Mohr made a motion to adjourn. Megan Hart seconded that motion. The meeting was adjourned.

Terry Smith
President

Date

Scott Gabbard
Secretary

Date