

**Shelby County Plan Commission
Meeting Minutes
Tuesday
August 25, 2020**

Members Present:

Doug Warnecke
Chris Ross
Terry Smith
Charity Mohr
Taylor Sumerford
Mike McCain
Kevin Carson
Scott Gabbard
Steve Mathies

Members Absent:

None

Staff Present:

Desiree Calderella – Planning Director
Mark McNeely – Plan Commission Attorney

Call to Order and Roll Call:

Doug Warnecke called the August 25, 2020 meeting to order at 7:00 pm in Room 208 A at the Court House Annex.

Approval of Minutes:

Chris Ross made a motion to approve the minutes from July 28, 2020. Charity Mohr seconded the motion. The minutes were approved 6-0, with Kevin Carson, Scott Gabbard, and Steve Mathies abstaining.

Public Hearings:

Doug Warnecke began the public hearing portion of the meeting by explaining the proceedings for the petitions.

New Business

RZ 20-10 – HUNGERFORD REZONING: Rezoning of 4 acres from the A2 (Agricultural) District to the RE (Residential Estate) District to allow for a one-lot Simple Subdivision. Located at 3919 S 800 E, Waldron, Liberty Township.

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

Jeff Powell represented the petitioner and provided an overview of the petition.

Mace Hungerford was present.

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

Kevin Carson said he applauds any person who can find a piece of property in Shelby County to build on that does not use up good farmland.

Kevin Carson made a motion to vote on the petition and Charity Mohr seconded that motion. **The petition was APPROVED 9-0.**

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 20-06 – HUNGERFORD SIMPLE SUBDIVISION: Subdivision of one 4-acre single-family residential building lot from a 9.62-acre parent tract. Located at 3919 S 800 E, Waldron, Liberty Township.

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

Jeff Powell represented the petitioner and provided an overview of the petition.

Mace Hungerford was present.

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

Chris Ross made a motion to vote on the petition and Charity Mohr seconded that motion. **The petition was APPROVED 9-0.**

RZ 20-11 – PURDUE REZONING: Rezoning of +/- 5.27 acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for a two-lot Simple Subdivision. Located at 5302 West Marietta Railroad Street, Shelbyville, Hendricks Township.

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

Jeff Powell represented the petitioner and explained that they had conversations with the neighbors concerning the drainage concerns brought forth by the neighbors at the July meeting.

Jefferson Purdue was present.

The Board opened the hearing for public comment.

Jed Pile, who owns adjoining property to the south and east, expressed concerns with lack of a drainage outlet for the pond and drainage into the pond causing the pond to flood onto his adjoining property.

Micky Pile, who owns adjoining property to the north, west, and east, expressed concerns lack of a drainage outlet for the pond and drainage into the pond causing the pond to flood onto his adjoining farm ground.

The Board closed the public comment portion of the hearing.

Jeff Powell indicated that he had found no evidence that drainage from the pond had caused any damage to adjacent properties. He explained that Mr. Purdue had recently enlarged the pond, thereby increasing its storage capacity. He indicated that he had shot elevations and determined drainage would not shed toward Jed Pile's house. He stated that in his professional opinion development of the site would not have a negative impact on adjacent properties.

Q: Steve Mathies – Have you done a perc test?

A: Jeff Powell – Yes. The septic system is proposed at the southeast corner of the property and will not require subsurface drainage.

Q: Steve Mathies – Is the pond a watershed?

A: Jeff Powell – Water sheds from the tillable ground to the northwest and east.

Q: Doug Warnecke – What is the driveway plan?

Jeff Powell explained the driveway plan shown on the plat.

Doug Warnecke explained that review of the site plan by the technical committee would address drainage, location of structures on the property, etc.

Q: Scott Gabbard – Does the new building lot have a right-of-way?

A: Desiree Calderella – It will have an easement. Staff has recommended that the petitioner record a driveway maintenance agreement.

Steve Mathies made a motion to vote on the petition and Charity Mohr seconded that motion. **The petition was APPROVED 8-1**, with Kevin Carson casting the negative vote.

The Board adopted the following findings of fact:

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RZ 20-07 – JEFFERSON PURDUE SIMPLE SUBDIVISION: Subdivision of 6.241 acres into a 5.270-acre building lot and 0.971-acre lot including an existing residence and waivers of subdivision design standards to allow for: (1) Simple Subdivision of property zoned VR (Simple Subdivisions only permitted in the A3, A4, & RE Districts); (2) A lot without road frontage (160-foot lot width and road frontage required); (3) Side lot lines not within a 15-degree angle to the Right-of-Way. Located at 5302 West Marietta Railroad Street, Shelbyville, Hendricks Township.

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

Jeff Powell represented the petitioner and provided an overview of the petition.

Jefferson Purdue was present.

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

Steve Mathies made a motion to vote on the petition and Charity Mohr seconded that motion. **The petition was APPROVED 8-1**, with Kevin Carson casting the negative vote.

RZ 20-12 – SHELBYVILLE COMMUNITY CHURCH REZONING: Rezoning of 0.33 acres from the C2 (Highway Commercial) District to the IS (Institutional) District to allow for a small fair housing facility. Located at 106 W Boggstown Rd, Shelbyville, Addison Township.

Desiree Calderella read the petition into the record and stated that Staff chose to not make a recommendation.

Bruce Miller represented Shelbyville Community Church. He explained that the church

has operated a program for two years which provides assistance to individuals recovering from addiction. Through this program, the church discovered the need for a temporary housing facility for women released from jail while they 'get back on their feet'.

The Board opened the hearing for public comment.

Gary Nolley, who owns property at 103 W Boggstown Rd. and 701 & 703 N Harrison St, opposed use of the property for a 'halfway house'. He explained that the corner of Boggstown Rd. and N Harrison St. serves as the unofficial gateway to downtown, and that the proposed use would not complement the downtown area. He stated that two similar facilities exist within 3,000 f.t. of the property which might disqualify use of the property for the intended purpose. He indicated that the proposed use may negatively impact surrounding property values. He referenced the letter submitted to the Board by the City of Shelbyville Planning Director. He clarified that he opposes the petition as a private citizen and not in his capacity as a member of the City Plan Commission. He stated he does not disagree with the church's mission, just the location.

Desiree Calderella read a letter of opposition into the record (see case file).

The Board closed the public comment portion of the hearing.

Bruce Miller explained that the facility would monitor the residents 24/7 and that the residents would need to follow facility rules. He explained that the church found the location ideal due to its separation from residential uses. He explained that the church keeps the property well maintained and that they have started to remodel the interior of the building for residential use. He explained that the layout of the building could not easily accommodate a commercial use.

Q: Taylor Sumerford – Does the property have adequate parking?

A: Bruce Miller – Yes, it has adequate parking for staff and volunteers. The residents will not have vehicles.

Q: Kevin Carson – What is the capacity?

A: Bruce Miller – Maximum of 12 women, likely no more than 10.

Q: Kevin Carson – Will you offer programs for people living off-site?

A: Bruce Miller – No.

Q: Doug Warnecke – Is the letter from the city indicating that the city opposes the petition?

A: Desiree Calderella – It is not giving a formal recommendation, just outlining items to consider.

The board had a general discussion about annexation of property into the city.

Gary Nolley pointed out that the property sits on the opposite side of the street from the trailhead.

Jed Pile expressed his support of the petition.

Q: Steve Mathies – Have you considered adding a wing to your church to accommodate this facility?

A: Bruce Miller – It is cost prohibitive and these residents are typically uncomfortable with church.

Q: Kevin Carson– What is your success percentage?

A: Bruce Miller – We have never operated a residential facility.

Bruce Miller described the benefits of the church’s proposed program.

Doug Warnecke indicated that the issue in question is land use, not the quality of the church’s program.

Mark McNeely stated that Staff was not aware of the other facilities for the mentally ill within 3,000 feet of the property at the time she wrote the staff report.

Desiree Calderella explained that she had suggested that the church apply for a rezoning rather than a variance because the rezoning would also allow for use of the property for other church related activities.

Bruce Miller confirmed that they would use the property for institutional purposes if the proposed program did not come to fruition.

Kevin Carson made a motion to vote on the petition and Steve Mathies seconded that motion. **The petition was APPROVED 5-4**, with Doug Warnecke, Chris Ross, Terry Smith, & Steve Mathies casting the negative votes.

The Board adopted the following findings of fact:

1. The request is consistent with the Shelby County Comprehensive Plan.
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Discussion

Commercial Solar Energy System Ordinance

