

**Shelby County Plan Commission
Meeting Minutes
Tuesday
April 23, 2019**

Members Present:

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

Members Absent:

Steve Mathies

Staff Present:

Desiree Calderella – Planning Director
Mark McNeely – Plan Commission Attorney

Call to Order and Roll Call:

Doug Warnecke called the April 23, 2019 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 March 26, 2019. Kevin Carson seconded the motion. The minutes were approved 8-0.

Public Hearings:

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

New Business

RZ 19-04 – YEARLING REZONING: Rezoning from the A1 (Conservation Agricultural) District to the R1 (Single-Family Residential) District to allow for a Simple Subdivision. The property is located in VanBuren Township immediately east of 2590 W 900 N, Fountaintown.

Desiree Calderella read the petition into the record and stated that Staff recommends approval of the petition due to the natural separation of the lot from the farmground.

Jerry Lux, attorney for Edwin Yarling, explained that Mr. Yarling planned to give the property to a granddaughter to build a new house. Mr. Lux indicated that the Board should approve the petition because the Comprehensive Plan supports the subdivision of property by direct heirs and that the Plan encourages home ownership.

The board opened the hearing for public comment. None was heard. The Board closed the public comment portion of the hearing.

Kevin Carson made a motion to vote on the petition and Chris Ross seconded that motion. The petition was approved 7-0, 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 current 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 development and growth.

SD 19-04 – YEARLING SIMPLE SUBDIVISION: Primary Plat of a 1-lot Simple Subdivision and a waiver request to allow for a property in the R1 District to not have public sanitary sewer and water utilities. The property is located in VanBuren Township immediately east of 2590 W 900 N, Fountaintown.

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

Jerry Lux indicated that surrounding area includes similar tracts.

The board opened the hearing for public comment. None was heard. 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 7-0, with Taylor Sumerford abstaining.

SD 19-05 – HARMON SIMPLE SUBDIVISION: Primary Plat of a 3-lot Simple Subdivision. The property is located in Brandywine Township at the address 3141 N 425 E, Fairland.

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

There was no comment on the petition.

Kevin Carson made a motion to vote on the petition and Chris Ross seconded that motion. The petition was approved 8-0.

RZ 19-05 – SMALL CELL FACILITIES & ASSOCIATED WIRELESS SUPPORT STRUCTURES ORDINANCE AMENDMENT: Recommendation of an amendment to Article 5 of the Shelby County Unified Development Ordinance to add section SCF-01 Small Cell Facilities and Associated Wireless Support Structures.

Desiree Calderella summarized the proposed ordinance.

Q: Terry Smith – How does the ordinance ensure that a situation exists that would not allow for colocation?

A: Desiree Calderella – The ordinance requires that the applicant sign an affidavit affirming that a situation exists that prevents colocation.

Q: Terry Smith – How does the ordinance encourage colocation on Rush-Shelby poles?

A: Desiree Calderella – The ordinance does not include incentives for colocation but does regulate location of new poles.

Q: Terry Smith & Doug Warnecke – How would the County know if a small cell facility ceased operation?

A: Desiree Calderella – The County would only know if they received a complaint.

Q: Chris Ross – The ordinance requires a permit from the Commissioners.

A: Desiree Calderella – Yes, a right-of-way permit.

The Board had a general discussion on permit fees.

Q: Scott Gabbard – Does the ordinance clearly rank each step of the procedure to obtain a permit?

A: Desiree Calderella – Yes.

Kevin Carson requested that the ordinance state that a pole cannot be placed directly across the road from another pole in order to not impede the movement of farm equipment.

Terri Smith suggested that new wireless support structures shall not be located within the area spanning 25-feet on either side of a point measured directly across the street right-of-way from any other wireless support structure or utility pole.

Chris Ross made a motion to vote on the amendment with the change suggested by Terri Smith and Kevin Carson seconded that motion. The amendment was approved 8-0.

RZ 19-06 – ACCESSORY STRUCTURE EXEMPTIONS & SIZE AMENDMENT: Recommendation of an amendment to Article 5.04 and Article 5.07 of the Shelby County Unified Development Ordinance to exempt accessory structures 1200 sq ft or

less from ordinance requirements and to amend the size requirements for all accessory structures in the R1, R2, VR, and MI Districts.

Desiree Calderella indicated that the ordinance would eliminate the need for variances from accessory structure size requirements for most residential properties not within residential neighborhoods. She also indicated that exempting structures 200 sq.ft. and under from zoning requirements would be consistent with the exemption of structures 200 sq.ft. and under from building permits.

Doug Warnecke indicated that the BZA has always approved variances from size requirements for accessory structures not within residential neighborhoods.

Kevin Carson made a motion to vote on the amendment and Chris Ross seconded that motion. The amendment was approved 8-0.

Discussion

Comprehensive Plan

The Board decided that they would like to discuss the plan with the consultant before the Plan Commission meeting on the 28th at 6:00PM. Desiree Calderella stated that she would verify that that date and time would work for the consultant.

Plan Commission & BZA Per Diem

Desiree Calderella suggested eliminating the Plan Commission and BZA Per Diem due to the County's current financial situation. No member of the Board opposed this request.

Adjournment:

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

Doug Warnecke
President

Date

Scott Gabbard
Secretary

Date