

**Shelby County Plan Commission
Meeting Minutes
Tuesday
April 28, 2020**

Members Present:

Doug Warnecke
Chris Ross - via conference call
Kevin Carson - via conference call
Terry Smith - via conference call
Scott Gabbard - via conference call

Members Absent:

Taylor Sumerford
Charity Mohr
Mike McCain
Steve Mathies

Staff Present:

Desiree Calderella – Planning Director
Mark McNeely – Plan Commission Attorney - via conference call

Call to Order and Roll Call:

Doug Warnecke called the April 28, 2020 meeting to order at 7:00 pm in Room 208 A at the Court House Annex.

Approval of Minutes:

Kevin Carson made a motion to approve the minutes from January 28, 2020. Scott Gabbard seconded the motion. The minutes were approved 5-0.

PC Appointment of BZA Hearing Officer:

Kevin Carson made a motion to appoint Doug Warnecke as the BZA Hearing Officer and Mark McNeely as the Alternate BZA Hearing Officer, and Terry Smith seconded that motion. It was approved 5-0.

Public Hearings:

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

New Business

RZ 20-04 – SUTHERLAND REZONING: Rezoning of ~8 acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for four single-family residential building lots. Located at approximately 4498 W

800 N, Fairland.

This petition was continued to May 26, 2020.

SD 20-04 – SUTHERLAND SIMPLE SUBDIVISION: Three-lot Simple Subdivision & Waivers of Subdivision Design Standards allow for two lots having 25-feet of road frontage (minimum 160-feet required) and to allow for a buildable remaining lot for four (4) building lots total (maximum of 3 building lots permitted for Simple Subdivisions). Located at approximately 4498 W 800 N, Fairland.

This petition was continued to May 26, 2020.

SD 20-05 –LAMB REZONING: Rezoning of 1.584 acres from the RE (Residential Estate) District to the R1 (Single-Family Residential) District to allow for a two-lot Simple Subdivision. Located at 6801 W 500 N, Fairland.

This petition was continued to May 26, 2020.

SD 20-01 – JORDAN SIMPLE SUBDIVISION: Two-lot Simple Subdivision & Waivers of Subdivision Design Standards to allow a simple subdivision of a tract less than 6-acres and a lot with 60-feet of road frontage (minimum 160-feet of road frontage required). Located at 4450 W 300 N, Fairland.

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

Jeff Powell represented Robert & Karen Jordan. He gave an overview of the petition.

The Board opened the hearing for public comment.

Mike Nelson, who owns property and resides at 4520 W 300 N, Fairland, indicated that he had concerns about the original permitting of the home on proposed Tract 4B, that approval of the request would lower surrounding property values, and about drainage issues.

Tyler Griffin, who owns property and resides at 4580 W 300 N, Fairland, indicated that he had similar concerns as expressed by Mr. Nelson. He explained that the subdivision approved by the Board in the neighborhood the previous year applied to a corner lot with adequate road frontage, but the existing home in that subdivision did sell for less than other homes in the neighborhood. He expressed concerns about the lack of separation between the homes on the subject property and approval setting a precedent for additional subdivision of property in the neighborhood.

The Board closed the public comment portion of the hearing.

Jeff Powell inferred that property values generally reflect the value of similar sized properties and structures; therefore, the subdivision may not impact property values of larger homes on larger lots in the neighborhood. He indicated the he did not have knowledge of drainage from the property causing a problem. He explained that the rear lot would have fee-simple access and a separate driveway that would comply with separation requirements identified in the Unified Development Ordinance.

Desiree Calderella explained that the petitioner had a verbal agreement with the Plan Commission office that they would temporary occupy the home on proposed Tract B and remove the living quarters at the time they completed repairs of the home on proposed Tract A. She explained that the Board of Zoning Appeals had not granted approval for two dwelling units on the property.

Scott Gabbard made a motion to approve the petition and Chris Ross seconded that motion. The Board voted 3-2 to approve the petition, with Doug Warnecke and Kevin Carson casting the negative votes. **The motion did not pass. The petition was CONTINUED.**

SD 20-02 – BOGUE SIMPLE SUBDIVISION: Two-lot Simple Subdivision & Waivers of Subdivision Design Standards to allow for simple subdivision of a tract less than 6-acres and side lot line greater than degrees (15°) of a right angle to the street and right-of-way. Located at 6707 N 775 E, Morristown.

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

Jeff Powell represented Scott Bogue. He gave an overview of the petition.

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

Q: Doug Warnecke – Why is the petitioner subdividing the property?

A: Jeff Powell – He intends to sell the lot with the existing home and live in a new home constructed on the vacant tract.

Scott Gabbard made a motion to approve the petition and Kevin Carson seconded that motion. **The petition was APPROVED 5-0.**

RZ 20-03 – WEBER CONCRETE / STAR LITE LEASING REZONING: Rezoning of 8 acres from the A1 (Conservation Agricultural) District to the I2 (High Intensity Industrial) District to allow for a ready-mix concrete plant. Located on Frontage Road, east of 850 West and approximately ¾ mile from the Pleasant View exit, Moral Township.

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

Peter DePrez represented the petitioner. He indicated that neither the petitioner nor Plan Commission office received any phone calls regarding the project. He indicated that Tim Eckert, who represents Weber Concrete, spoke with most of the surrounding property owners. He indicated that the proposed development would not require any variances. He explained that the property lies within one of the five areas identified for industrial development in the Comprehensive Plan. He explained that the petitioner had chosen to contain the silos within a building. He indicated that the development would include a dry-batch plant, mounding three to five feet in height with trees planted on top of the mounds, noise suppressors, and a particle collection system. He indicated that the petitioner agreed with the stipulations outlined in the Staff Report.

Peter DePrez entered into the record a power-point presentation, letter of support from Genesis Property Development, a list of vehicles to be parked on-site, elements of the Comprehensive Plan he had highlighted in support of the rezoning, and an affidavit of support from Ronald L. Shumake (the owner of the residence located north of the property).

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

Q: Scott Gabbard – Will the building have adequate fire suppression equipment.

A: Peter DePrez – Yes, the building will require a State Design Release.

Kevin Carson made a motion to approve the petition with stipulations and Terry Smith seconded that motion. **The petition was APPROVED 5-0 with stipulations:**

- 1. The property shall not be used for recycling processing, sewage treatment, or outdoor storage of materials unrelated to the proposed ready-mix concrete plant.**
- 2. Development of the site inconsistent with the Site Plan submitted with the rezoning application as determined by the Zoning Administrator shall not be permitted without Site Plan Approval from the Plan Commission.**
- 3. Variances from requirements of the Unified Development Ordinance shall not be permitted without Site Plan Approval from the Plan Commission.**
- 4. Landscape mounding, as well as landscaping required by the Unified Development Ordinance, shall be installed along the entire front property line. Landscaping mounding and all trees at mature height shall in combination be at least 10-feet in height from existing land grade**
- 5. Outdoor stockpiles of raw materials shall not exceed 9-feet in height.**

6. **Traffic generated by the development shall not utilize any portion of Frontage Road south of the property. A one-way sign shall be installed by the developer at the exit of the property.**
7. **The access point shall be developed with 1 inbound lane and 1 outbound lane. These lanes shall be constructed at 15 feet wide. A radius of 40 feet shall be included where the access point ties into Frontage Road.**
8. **The petitioner shall submit a signed and notarized statement of approval of the petition from the current owner of property located at 9237 N Frontage Rd, Fairland. If signed approval cannot be obtained, hours of operation shall be limited to 7:00 AM to 9:00 PM.**

Discussion

None.

Adjournment:

With no further business to come before the Board, Chris Ross made a motion to adjourn. Scott Gabbard seconded that motion. The meeting was adjourned.

**This meeting was conducted during the COVID-19 public health emergency. As permitted by the Governor's Executive Order 20-04, Chris Ross, Kevin Carson, Terry Smith, Scott Gabbard, and Mark McNeely attended remotely via conference call and votes were taken by roll call rather than paper ballot.*

Doug Warnecke
President

Date

Scott Gabbard
Secretary

Date