

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

Members Present:

Doug Warnecke
Chris Ross
Terry Smith
Charity Mohr (arrived during case RZ 20-11)
Taylor Sumerford
Mike McCain

Members Absent:

Kevin Carson
Scott Gabbard
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 July 28, 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 June 23, 2020. Mike McCain seconded the motion. The minutes were 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 20-10 – HUNGERFORD REZONING: Rezoning of 9.62 acres from the A2 (Agricultural) District to the RE (Residential Estate) District to allow for a two-lot Simple Subdivision. Located at 3919 S 800 E, Waldron, Liberty Township.

This petition was continued to August 25, 2020.

SD 20-06 – HUNGERFORD SIMPLE SUBDIVISION: Subdivision of 9.62 acres into a building lot and a lot including an existing residence. Located at 3919 S 800 E, Waldron, Liberty Township.

This petition was continued to August 25, 2020.

RZ 20-09 – SHELBY COUNTY COMMISSIONERS / VASSAR RENTALS REZONING: Rezoning of 0.26 acres from the R1 (Single-Family Residential) District to the C2 (Highway Commercial) District to assign the zoning district consistent with the historical zoning designation and use of the property. Located at 15-17 Hale Rd, Shelbyville, Addison Township.

Desiree Calderella read the petition into the record and stated that Staff recommends approval. She explained that the County most likely assigned the R1 zoning designation in error when the County changed the county-wide zoning maps in 2008, and that the rezoning would change the zoning of the property to the district most consistent with the historical zoning district of the property.

The property owner, Jim Vassar, 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 Terry Smith seconded that motion. **The petition was APPROVED 5-0.**

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.

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.

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

The Board opened the hearing for public comment.

Jed Pile, who resides at 5244 W Marietta Railroad St, expressed concerns with the small amount of buildable area available on the lot, possible drainage flowing downhill into his property, and the possibility of residents of the new house complaining about the cattle on his adjoining property.

Micky Pile, who owns property at 5100 and 5302 W Marietta Railroad St, expressed concerns with drainage into the pond causing the pond to flood onto his property and the possibility of residents of the new house complaining about the cattle on his adjoining property.

The Board closed the public comment portion of the hearing.

Jeff Powell explained that he had not prepared a site plan, however the petitioner planned to develop the southeast corner of the property, had identified suitable soils for a septic system, and would likely outlet subsurface drainage to the pond. Mr. Powell did not have any additional information regarding the pond. He explained that the petitioner currently lives on the property and is therefore aware of the existing conditions of the area.

Micky Pile explained that the pond is about three feet deep and surface drains onto his property.

Jeff Powell indicated that the elevation of the developed site would be ten to twelve feet above the pond. He explained that the petitioner would need to identify an appropriate drainage outlet prior to site plan approval.

Q: Doug Warnecke – Do you know the location and size of the proposed house?

A: Jeff Powell – At the southeast corner of the property near the pond, but no information regarding the size of the house.

Q: Chris Ross – How does he plan to access the property?

A: Jeff Powell – An easement through the existing drive. The owner attempted to purchase property from an adjoining landowner to gain road frontage, however that landowner did not desire to sell his property.

Q: Doug Warnecke – Will the new house have a separate septic and well?

A: Jeff Powell – Yes.

Doug Warnecke indicated that Mr. Powell currently could not answer questions regarding water and the specific location of the house.

Chris Ross explained that approval of a rezoning did not guarantee approval of a building permit.

Chris Ross made a motion to vote on the petition and Terry Smith seconded that motion. The Board voted 3-2 to approve the petition with one-member abstaining, with Doug Warnecke and Mike McCain casting the negative votes and Charity Mohr abstaining. The motion did not pass. **The petition was CONTINUED** to August 25, 2020.

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.

This petition was continued to August 25, 2020.

Discussion

Commercial Solar Energy System Ordinance

Desiree Calderella stated that Charity Mohr had requested that the Board discuss the solar energy ordinance. Ms. Calderella provided copies of the ordinance to the Board members.

Charity Mohr explained that residents in her area of the County had reached out to her with concerns regarding a proposed solar farm in the southwestern portion of the County. She explained that she, and likely other members of the Board, have concerns with development of a second large solar farm in the County. She requested that the County place a moratorium on development of solar farms while the Plan Commission reviews the current ordinance.

Doug Warnecke explained that the Board members would review the ordinance in the next few months and could propose amendments to the ordinance for approval by the County Commissioners. He explained the review process for ordinances, moratoriums, and proposed solar projects. He stated that a petition for a new solar farm project had not been submitted to the County.

Adjournment:

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

Doug Warnecke
President

Date

Scott Gabbard
Secretary

Date