

**Shelby County Plan Commission
Meeting Minutes
Tuesday
January 23, 2024**

Members Present:

Jason Abel
Mike McCain
Terry Smith
Scott Gabbard
Kevin Carson
Charity Mohr
David Lawson

Members Absent:

Megan Hart
Taylor Sumerford

Staff Present:

Desiree Calderella – Planning Director
Jason Clark – Plan Commission Attorney

Call to Order and Roll Call:

Terry Smith called the January 23, 2024, meeting to order at 7:00 pm in Room 208 A at the Court House Annex.

Oath of Office:

David Lawson took the oath of office.

Election of Officers:

Kevin Carson made a motion to retain the 2023 slate of officers. Charity Mohr seconded the motion. The officers were retained 7-0: Terry Smith as President, Kevin Carson as Vice President, Scott Gabbard as Secretary.

PC Appointment to the BZA:

This item was continued to the next regular meeting of the Plan Commission.

PC Appointment of BZA Hearing Officer:

Kevin Carson made a motion to appoint Dave Klene as the BZA Hearing Officer. Jason Abel seconded the motion. Dave Klene was appointed as the BZA Hearing Officer 7-0.

Attorney Contract:

Scott Gabbard made a motion to approve the contract. Kevin Carson seconded the motion. The Attorney Contract was approved 7-0.

Approval of Minutes:

Charity Mohr made a motion to approve the minutes from November 28, 2023. Scott Gabbard seconded the motion. The minutes were approved 7-0.

Old Business:

SD 23-16 – RHODEN SIMPLE SUBDIVISION: Simple Subdivision of 5-acres into a 2.5-acre building lot and a 2.5-acre lot including an existing single-family residence and waiver of subdivision standards to allow Simple Subdivision of property less than 6-acres. Located at 6045 N 600 W, Fairland, Moral Township.

This case was **WITHDRAWN** by the petitioner prior to the meeting.

New Business:

VAC 24-01 / SD 24-01 – VACATION OF LOT 1 IN BURTON SIMPLE SUBDIVISION / DILLON RIDGE SIMPLE SUBDIVISION: Amendment of Stipulation of Rezoning to allow subdivision of property subject to a rezoning stipulation prohibiting re-subdivision of the property, vacation of Lot 1 in Burton Simple Subdivision, Simple Subdivision of 19.646 acres into three residential building lots (15.388 acres, 2.256 acres, 2.002 acres), and waiver of subdivision design standards to allow residential lots without frontage on a public street built to the County street standards. Located south of and adjoining 7354 S Edinburgh Rd, Edinburgh, Jackson Township.

Desiree Calderella read the petition into the record and stated that Staff recommends denial. She also provided a summary of each request. She clarified that the petitioner has the burden to prove that the conditions have significantly changed to justify an amendment to the rezoning stipulation to allow re-subdivision of the property.

Mike Burton summarized his previous and current plans for the property, indicated that he and his children plan to build houses in the subdivision, expressed confusion about the zoning approval process, and indicated that he had spoken with the adjacent neighbors and that none of those neighbors had expressed concern with the project.

The Board opened the hearing for public comment.

James Wheatley, who owns property at 7354 S Edinburgh Rd, asked that the Board impose a stipulation of approval requiring that the paved driveway be located at least ten feet from his property line. He indicated that the paved driveway would narrowly fit through the narrowest part of the lot. He indicated that heavy rain does cause flooding on the subject property.

The Board closed the public comment portion of the hearing.

Mike Burton explained that a small culvert on adjacent property causes water to back up onto the subject property during a heavy rain event, however, he has no control over that culvert.

Terry Smith asked for a summary of the BZA meeting at which the Board approved the use of a shared driveway by the lots in the proposed subdivision.

Kevin Carson explained that the Board generally viewed the request favorably if the petitioner agreed to pave the driveway and set the driveway back ten feet from Mr. Wheatley's property line.

Jason Abel asked Mr. Burton how he would ensure that the development did not negatively affect drainage.

Mr. Burton indicated that he would install two 48" culverts where the driveway would cross the creek. He explained that the homesites would sit on a hill, therefore the septic systems would drain adequately.

Charity Mohr questioned if the petitioner had taken into consideration items typically addressed by a developer, such as the cost of paving the driveway.

Jason Abel asked what drainage requirements would apply to a standard subdivision, as the total number of lots created from the original 2010 parcel would exceed the maximum number of lots permitted for a Simple Subdivision.

Desiree Calderella explained that the Drainage Ordinance requires submittal of a drainage study for standard subdivisions.

Mike McCain asked Scott Sumerford to elaborate on the potential impact of development of the property on drainage.

Scott Sumerford explained that the size of the culvert pipe installed under the driveway would need to allow for adequate flow of water. He indicated that the lots could accommodate drainage from septic systems.

