

**Shelby County Plan Commission  
Meeting Minutes  
Tuesday  
September 26, 2023**

**Members Present:**

Megan Hart  
Taylor Sumerford  
Mike McCain  
Terry Smith  
Kevin Carson  
Charity Mohr  
Scott Gabbard

**Members Absent:**

Jason Abel  
Nick Hartman

**Staff Present:**

Desiree Calderella – Planning Director  
Jason Clark – Plan Commission Attorney

**Call to Order and Roll Call:**

Terry Smith called the September 26, 2023 meeting to order at 7:00 pm in Room 208 A at the Court House Annex.

**Approval of Minutes:**

Charity Mohr made a motion to approve the minutes from July 25, 2023. Scott Gabbard seconded the motion. The minutes were approved 7-0.

**Old Business:**

**RZ 23-11 – LARRISON REZONING:** Rezoning of 2.547-acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for a one-lot Simple Subdivision. Located east of and adjoining 8493 S 475 E, Saint Paul, Nobel Township.

This case was **WITHDRAWN** by the petitioner prior to the meeting.

**SD 23-07 – LARRISON SIMPLE SUBDIVISION:** Simple Subdivision of 2.547-acres from a 62.63-acre parent tract and waiver of subdivision design standards to allow side

lot lines not within a 15-degree angle to the right-of-way. Located east of and adjoining 8493 S 475 E, Saint Paul, Nobel Township.

This case was **WITHDRAWN** by the petitioner prior to the meeting.

**SD 23-02 – DAVIS SIMPLE SUDIVISION:** Simple Subdivision of 14.74-acres into a 9.5-acre lot and 4.74-acre lot. Located east of and adjoining 453 E 700 S, Shelbyville, Washington Township.

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

Eric Glasco represented the petitioner and provided a summary of the case. He indicated that the petitioner had engaged an engineering firm to conduct a flood impact study, and that the study determined that development of homes on the site would have no impact on the floodway or flooding on adjoining properties. He indicated that the rezoning of the property had included a stipulation preventing development in the floodplain and that the petitioner had engaged a firm to review the feasibility of septic systems. He indicated that the request meets the legal criteria for approval of a subdivision.

The Board opened the hearing for public comment.

Michelle Wheelhouse, who lives at 7015 S 75 E, expressed concern with the possibility of excavated dirt moved into the floodplain worsening flooding on her property, with the proximity of the proposed homes to existing homes, and with old aerial photography used in the floodplain impact report.

The Board closed the public comment portion of the hearing.

Eric Glasco referenced the expertise of the engineering firm that provided the floodplain impact study, indicated that the Technical Review Committee would review drainage plans for the sites prior to issuance of building permits, and explained that the rezoning stipulation would prohibit stockpiling of dirt in the floodplain.

Kevin Carson suggested a stipulation that the homes sit two feet above the base flood elevation as recommended by the floodplain impact report.

Eric Glasco indicated that the stipulation seemed reasonable.

Desiree Calderella explained that County ordinance would not preclude basements outside of the floodplain, however, basements would probably not be a good idea.

Scott Gabbard asked if the Board could impose a stipulation preventing construction of berms that would impede the flow of water across the property.

Desiree Calderella explained that petitioner could voluntarily agree to this stipulation, however the Board does not have the authority to regulate drainage as a condition of subdivision approval.

Eric Glasco indicated that he would advise his client to agree to a stipulation preventing construction of berms that would impede the flow of water across the property.

Scott Gabbard made a motion of vote on the petition with stipulations and Kevin Carson seconded that motion. **The petition was APPROVED 7-0 with stipulations:**

1. Excess dirt shall not be bermed on the eastern side of Lot 2 such that it interferes with the natural flow of water.
2. Any new dwelling shall have the lowest floor; including basement, at or above the Flood Protection Grade (two feet above the base flood elevation). The Flood Protection Grade shall be 734.6 feet, NAVD.

**RZ 23-19 – SCHWIER & CO., LLC REZONING:** Rezoning of 38.197-acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District and waivers of Simple Subdivision prerequisites to allow Simple Subdivision of property into nine lots (major subdivision process required for division into more than three lots) and of subdivision design standards to allow two lots under two acres and one lot with less than 160-feet of road frontage.

Jacob S. Brattain with McNeely Law LLP represented the petitioner. He requested a continuance to the October Plan Commission meeting.

The Board granted the continuance. The case was **CONTINUED**.

**New Business:**

**RZ 23-20 – WELLS REZONING:** Rezoning of 0.52-acres from the R1 (Single-Family Residential) District to the C2 (Highway Commercial) District and of 2.03-acres from the RE (Residential Estate) District to the C2 (Highway Commercial) District to allow for speculative commercial development. Located at 1803 & 1815 S 450 E, Shelbyville, Liberty Township.

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

Dennis Wells explained that the property previously had a manufacturing zoning designation, however, had not been used for commercial purposes for the past twenty years. He indicated that the rezoning would benefit both the property owner and the County due to proximity of the property to the interstate.

The Board opened the hearing for public comment.

Whitney Carson-Mahin expressed concern about rezoning the property without a proposed plan for use for the property.

The Board closed the public comment portion of the hearing.

Dennis Wells explained that the size of the property would preclude development of a truck stop.

Kevin Carson expressed concern about rezoning the property without a proposed plan for use for the property.

Desiree Calderella read the list of permitted uses in the C2 District and explained that the size of the property may preclude development of a few of the permitted uses. She explained that the recommended stipulations require Plan Commission approval of any future development plan for the property, however, the Board must approve any development plan that complies with the development standards identified in the UDO.

Terry Smith emphasized that the zoning district dictates the permitted uses, and that the Board would decide if the permitted uses in the C2 zoning district are appropriate for property next to the interstate and next to other properties zoned C2.

Kevin Carson indicated that the Board had denied commercial zoning for property on the west side of the interstate due to the specific intended use.

Desiree Calderella indicated that that developer had requested industrial zoning and for rezoning of a larger piece of property.

Megan Rush expressed concern that approving the rezoning would set a precedent for approval of future commercial rezonings in an area. She indicated that the area does not need commercial development due to the proximity of existing commercial development at the Shelbyville/SR 44 interchange.

Megan Rush made a motion of vote on the petition with the stipulations provided in the Staff Report and Kevin Carson seconded that motion. The petition was **CONTINUED** due to lack of majority vote with Charity Mohr, Terry Smith, Taylor Sumerford, and Scott Gabbard voting to approve with stipulations and Megan Hart and Kevin Carson voting to deny.

**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.

Travis Rhoden requested a continuance to the October Plan Commission meeting.

The Board granted the continuance. The case was **CONTINUED**.

**Discussion:**

Charity Mohr asked about revisiting the Comprehensive Plan. Desiree Calderella explained that the Commissioners had begun the process for a subarea plan for the northwest portion of the property.

Charity Mohr asked about the possibility of appointing an alternate Board member to substitute for a Board member who may have a conflict at a meeting time. Desiree Calderella explained that the Commissioners would need to take action to appoint an alternate.

The Board had general discussion regarding continuances.

**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.

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**Terry Smith**  
**President**

**Date**

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**Scott Gabbard**  
**Secretary**

**Date**