

**Shelby County Plan Commission  
Meeting Minutes  
Tuesday  
November 26, 2019**

**Members Present:**

Taylor Sumerford  
Doug Warnecke  
Chris Ross  
Kevin Carson  
Terry Smith  
Steve Mathies  
Scott Gabbard

**Members Absent:**

Mike McCain  
Charity Mohr

**Staff Present:**

Desiree Calderella – Planning Director  
Mark McNeely – Plan Commission Attorney

**Call to Order and Roll Call:**

Doug Warnecke called the November 26, 2019 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 October 22, 2019. Chris Ross seconded the motion. The minutes were approved 7-0.

**Public Hearings:**

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

**New Business**

**SHELBYVILLE PLAN COMMISSION – PETITION FOR EXTRA-TERRITORIAL JURISDICTION IN RELATION TO NEW RESIDENTIAL DEVELOPMENT.**

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

Adam Rude, Director of the Shelbyville Planning & Building Department, represented the Shelbyville Plan Commission.

Mr. Rude provided an overview of the technical aspects of the petition. He then explained that the City has historically asked the County for jurisdiction over properties proposed for development, however the law had changed and now requires a public hearing before the Plan Commission prior to asking for jurisdiction from the County Commissioners. He explained that Arbor Homes plans to request voluntary annexation and therefore the property will be annexed into the City at a future date regardless of the decision now before the County Plan Commission. Mr. Rude indicated that the project would require at least three public hearings before the City Plan Commission and at least three public hearing before the City Council, and that Arbor Homes plans to host a voluntary public meeting. He indicated that the City is asking for jurisdiction because the City would prefer to enforcement their zoning code throughout the planning process to avoid any future discrepancies.

Mr. Rude then provided a rebuttal to the Objection to Petition by Shelbyville Plan Commission for Extra-Territorial Jurisdiction submitted by Robert Adams (Exhibit 1). His comments on items 1 – 8 were as follows:

1. The City Plan Commission voted on January 28, 2019 to adopt the Comprehensive Plan which includes the property in the City Planning Area. The Plan Commission further approved filing of the petition on November 26, 2019.
2. The City has held several public meetings in relation to the Plan.
3. Not sure what this concern is.
4. Notice included legal description and parcel numbers.
5. City did not find any inconsistencies in the petition procedure.
6. City has used this procedure previously.
7. City hold several public meetings prior to final approval of the project.
8. City will review drainage though their standard procedure.

The Board opened the hearing for public comment.

Robert Adams, who resides at 1453 SR 9, opposed the petition. He detailed his concerns indicated in his Objection to Petition by Shelbyville Plan Commission for Extra-Territorial Jurisdiction (Exhibit 1). He emphasized that approval of the petition would result in loss of County jurisdiction over drainage impacting the County Highway Department garage, that the Shelbyville Plan Commission had not adopted a resolution authorizing the City to file the petition, and inconsistencies in describing the property in the public notice. Mr. Adams submitted six exhibits (see case file).

Lyle Linville, who resides at 1473 N Riley Highway, ask if his property would be annexed into the city.

The Board closed the public comment portion of the hearing.

Mr. Rude stated that only the three parcels included in the petition would be annexed into the city.

Mr. Rude reiterated his previous rebuttal to Mr. Adams's objections. He added that notice had been provided to all property owners within 600-feet of the property, including the County. He indicated that the Shelbyville Plan Commission further ratified the petition for extra-territorial jurisdiction at their meeting on the previous night and that a resolution is not legally required. He indicated that both the City and County had provided all files related to the case to Mr. Adams prior to the meeting. He indicated that the notice included a clerical error in typing, however adequacy described the property.

Mark McNeely stated that the Plan Commission has jurisdiction to vote on the petition as it stands and that the petition adequately describes the location of the property. He indicated that any potential procedural technicalities can be addressed by the City after it assumes jurisdiction over the property. He clarified that the Plan Commission would make a recommendation to the County Commissioners on the petition, and that the Commissioners would make the final decision.

The Board had a general discussion regarding the annexation process and timeline for the project.

Kevin Carson made a motion to vote on the petition and Chris Ross seconded that motion. The petition was **APPROVED 5-1**, with Kevin Carson dissenting and Taylor Sumerford abstaining.

## **2020 PLAN COMMISSION MEETING CALENDAR**

Kevin Carson made a motion to approve the meeting calendar and Chris Ross seconded that motion. The calendar was **APPROVED**.

### **Discussion**

None.

### **Adjournment:**

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

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**Doug Warnecke**

**President**

**Date**

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**Scott Gabbard**  
**Secretary**

**Date**