

**Shelby County Plan Commission
Meeting Minutes
Tuesday
February 25, 2025**

Members Present:

Jason Abel
Mike McCain
Kevin Carson
Troy Merrick
Alicia Barr
Andrew Newkirk
Megan Hart
Jeff Powell

Members Absent:

None

Staff Present:

Desiree Calderella – Planning Director
Jody Butts – Plan Commission Attorney

Call to Order and Roll Call:

Kevin Carson called the February 25, 2025, meeting to order at 7:00 pm in Room 208 A at the Court House Annex.

Approval of Minutes:

Jason Abel made a motion to approve the minutes from January 28, 2025. Troy Merrick seconded the motion. The minutes were approved by 8-0.

Old Business:

None.

New Business:

SD 25-02 – NADING SIMPLE SUBDIVISION: Simple Subdivision to legally establish a 5.68-acre, single-family building lot subdivided from a 14.68-acre parent tract and waivers of Simple Subdivision prerequisites to allow for Simple Subdivision of

property zoned A2 and of design standards to allow lot lines not within a 15-degree angle to the right-of-way. Located south of and adjoining 9179 S 600 W, Edinburgh, Jackson Township.

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

Scott Sumerford represented the petitioner. He explained that his client acquired the property after an out-of-county surveyor divided the property from the parent tract without Simple Subdivision approval. He explained that his client discovered this issue when applying for a septic permit to install a bathroom in the existing barn on the property.

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

Jeff Powell indicated that the existing barn would not comply with the property line setback requirement for a primary structure.

Desiree Calderella explained that the petitioner could seek a variance from the setback requirement.

Jeff Powell indicated that the septic system would have an adequate drainage outlet.

Jeff Powell made a motion of vote on the petition and Andrew Newkirk seconded that motion. **The petition was APPROVED 8-0.**

RZ 25-02 – MCFARLAND REZONING: Rezoning of 2-acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for a one-lot Simple Subdivision. Located at 1273 N 350 E, Shelbyville, Addison Township.

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

Norman Kuhn, father-in-law of the petitioner, represented the petitioner. He explained that he intends to gift the petitioner two-acres. He explained that he may extend the farm lot along CR 350 E south, therefore, decided to gift the petitioner land behind the farm lot rather than next to the farm lot along the roadway. He indicated that the Board had granted approval of a lot without road frontage that he gifted to his daughter thirteen or fourteen years prior.

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

Kevin Carson asked if the lot would have access in case of an emergency through the farm lot.

Norman Kuhn verified that the lot would also have access through the farm lot.

Kevin Carson referenced the similarities between the case and the Rush rezoning case approved by the Board a few months prior, which also included a lot without road frontage.

Andrew Newkirk indicated that Mr. Kuhn had chosen to provide an access easement, rather than gift the land used for access, because gifting the land would result in a larger lot than the lot given to his other daughter. He indicated that this reasoning makes sense.

Andrew Newkirk made a motion of vote on the petition and Megan Hart seconded that motion. **The petition was APPROVED 7-0-1**, with Jeff Powell abstaining.

SD 25-03 – NWK SIMPLE SUBDIVISION: Simple Subdivision of 2-acres from a 76.99-acre parent tract and waivers off Simple Subdivision design standards to allow a lot without 160-feet of road frontage and without frontage on a public street built to County street standards. Located 1273 N 350 E, Shelbyville, Addison Township.

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

Norman Kuhn represented the petitioner. He had no comment.

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

Megan Hart made a motion of vote on the petition and Mike McCain seconded that motion. **The petition was APPROVED 7-0-1**, with Jeff Powell abstaining.

RZ 25-03 – SHORT-TERM RENTAL STANDARDS TEXT AMENDMENT: Amendment of Article 2 and Article 5 to add Section 5.86 STR-01: Short-Term Rental Standards. Applies to unincorporated Shelby County.

Desiree Calderella provided an overview of the proposed ordinance amendment as indicated in the Staff Memo in the meeting materials.

Jeff Powell asked about the concerns associated with short-term rentals.

Desiree Calderella indicated that primary concerns include safety, nuisances associated with renting out structures to multiple people, and traffic.

Desiree Calderella clarified that she serves as the Zoning Administrator referenced in the ordinance.

Alicia Barr expressed concern that the ordinance does not provide a deadline for existing short-term rentals to register with the County.

Kevin Carson expressed concern with the language of Section C 2 of the ordinance amendment “The Zoning Administrator shall also have the discretion to require Board of Zoning Appeals approval of any request to increase the maximum occupancy limit.”

Desiree Calderella explained that this section refers to requiring a hearing before the Board of Zoning Appeals rather than requiring the Board of Zoning Appeals to approve a variance. **She said she would rewrite Section C 2.**

Jeff Powell asked what factors the Zoning Administrator would take into consideration when granting an increase in occupancy as referenced in Section C 2.

Desiree Calderella explained that the Zoning Administrator would have discretionary power but would take the size and location of the structure into consideration.

Kevin Carson asked how the Zoning Administrator would confirm sleeping arrangements.

Desiree Calderella explained that the Short-Term Rental permit application would require a description of sleeping arrangements.

Jeff Powell asked if the Fire Department would have any involvement in determining the occupancy of a structure.

Desiree Calderella explained that State code requires that the County regulate short-term rental structures by residential building code and the residential building code does not require review of residential permits by the Fire Department.

Kevin Carson asked if the ordinance should require carbon monoxide detectors depending on the maximum occupancy.

Desiree Calderella explained that State code likely would not support this regulation because residential building code does not require carbon monoxide detectors based on occupancy.

Jeff Powell asked about septic system requirements.

Desiree Calderella explained that the State currently requires a commercial septic system for short-term rental structures. She explained that Jody Butts plans to contact the State to discuss this requirement because the requirement conflicts with State code, which requires government to regulate short-term rentals as residential structures. She explained that residential septic code bases required septic system capacity on the number of bedrooms, therefore, she used the number of bedrooms to determine maximum occupancy requirements in the proposed short-term rental ordinance.

The Board opened the hearing for public comment.

Curt Johnson, who lives at 2216 E Old Rushville Rd, indicated that the ‘grandfathering’ (Section F) clauses in the proposed ordinance have no rational basis and result in inequitable treatment of short-term rentals. He proposed either eliminating any ‘grandfathering’ clause or providing a ‘sunset’ clause which would provide a timeframe for existing short-term rentals to either come into compliance with the ordinance or cease operation. He suggested providing a limitation to the number of short-term rentals in a geographical area.

The Board closed the public comment portion of the hearing.

Kevin Carson stated that he supported limiting the number of short-term rentals in a geographical area.

Megan Hart indicated that the County does not limit the number of any other type of use in a geographical area.

Desiree Calderella explained that a geographical limitation would depend solely on which short-term rental begins operations first and would likely result in an unreasonable limitation prohibited by State Code.

Alica Barr indicated that a limit on the number of short-term rentals in a geographical area would restrict diverse types of short-term rentals occupying the same area.

Andrew Newkirk explained that variances would grant unique types of short-term rentals relief from ordinance requirements. He indicated that the ‘grandfathering’ clauses would protect property investments which occurred when the County lacked guidance regarding regulation of short-term rentals.

Jeff Powell indicated that the ordinance would not allow short-term rentals in non-residential zoning districts and that homeowners associations may impose additional regulations on short-term rentals. He asked about existing regulations for establishing a short-term rental.

Alica Barr explained that short-term rental platforms do not impose any property restrictions.

Jason Abel stated his primary concern that short-term rentals have adequate septic system capacity.

Kevin Carson expressed concern that business travelers would park their commercial vehicles on short-term rental properties.

Desiree Calderella explained that the proposed ordinance includes property appearance standards which would address the issue of commercial vehicles parked on a property on a regular basis.

Kevin Carson suggested eliminating the ‘grandfathering’ clauses and establishing a one-year ‘sunset’ clause.

Mike McCain expressed concern that the ‘sunset’ clause would reduce the value of properties not in compliance with the new ordinance.

Kevin Carson explained that new zoning rules do sometimes restrict rights to use property.

Megan Hart agreed with establishing a ‘sunset’ clause because the ‘grandfathering’ clause would not address the issues with existing short-term rentals. She indicated that the vast majority of short-term rentals likely comply with the proposed ordinance requirements.

Alica Barr explained that the Short-Term Ordinance Review Committee viewed short-term rentals as a necessity for the County’s lodging needs, however, agreed that regulations should address appearance and consideration for neighbors.

The Board unanimously agreed that they would need to know the specific requirements for septic systems for short-term rentals before providing a recommendation on ordinance.

Kevin Carson made a motion to eliminate the ‘grandfathering’ clauses and establish a one-year ‘sunset’ clause. The Board approved the motion 6-2, with Mike McCain and Andrew Newkirk casting the dissenting votes.

Desiree Calderella explained that after adoption of the ordinance, she would send letters to the owners of any identified short-term rental properties notifying them that they will need to obtain a short-term rental permit. She suggested a six-month timeline from the date of short-term rental ordinance adoption for all existing short-term rentals to register with the County. She explained that the County would not issue a violation to any short-term rental property without receiving complaint.

The Board unanimously agreed to a six-month timeline from the date of short-term rental ordinance adoption for all existing short-term rentals to register with the County.

SHELBY COUNTY 2025 SUB-AREA ECONOMIC DEVELOPMENT PLAN & AMENDMENT TO SHELBY COUNTY 2019 COMPREHENSIVE PLAN. Applies to unincorporated Shelby County.

Desiree Calderella provided an overview of the Plan and planning process as indicated in the Staff Memo in the meeting materials.

Philip Roth, with American Structurepoint, presented a PowerPoint (see Sub Area Plan file).

Andrew Newkirk asked about the justification for the amount of allocated industrial acreage in the 2019 Comprehensive Plan, given that the Sub-Area Plan allocates a significantly smaller amount of land to industrial development.

Philip Roth explained that Structurepoint did not find a specific rational for the amount of allocated industrial acreage, however, the 2019 Comprehensive Plan likely incorporated a broad and conceptional approach to land use planning rather than the numbers-based approach used to determine the land use allocations in the Plan.

Jeff Powell asked about the lifespan of the Plan.

Philip Roth explained that the Plan has 25-year timeframe and allocates 40% more industrial land than projected for that 25-year timeframe.

The Board opened the hearing for public comment.

Lisa Wojihoski-Schaler spoke on behalf of the Shelby County Northwest Concerned Citizens Coalition. She indicated that the County had taken public interest into consideration when drafting the plan. She appreciated considerations given to preservation of rural and agricultural heritage, water resources, addressing infrastructure before approving development, overall traffic patterns, and visual impacts. She expressed concern that elimination of road doglegs would result in eminent domain and additional truck traffic in residential areas. She indicated that the group favors research and lab developments over warehouse development. She recommended alternative energy developments in industrial areas rather than in agribusiness areas, coordination with the Northwest Sewer District, and allocations for fire and police protection in coordination with development. She asked which rural roads qualify as arterial roads and clarification on the definition of the Estate Residential land use. She indicated that the County may address the group's concerns by continuing ongoing planning processes.

Michelle Highers, who lives at 10385 N SR 9, expressed concern that the Plan benefits the economic development community rather than the residents of the unincorporated County. She proposed that the Plan include a primary goal of preserving and protecting farmland in perpetuity. She explained that Plan goals such as promoting city water and sewer and improving roads benefit development and not the residents of the unincorporated County. She suggested a working staff group consisting of residents and without many of the stakeholders listed in the Plan to revise the document.

Mike Buccieri, who lives at 1309 E Shelby 1200 N, expressed general support for the Plan.

Kevin Carson stated that he participated in the steering committee for the 2019

Comprehensive Plan. He confirmed that the 2019 Plan in broad terms designated growth areas near high traffic areas and interstate intersections.

Briane House, with Pritzke & Davis, LLP, represented the elected and appointed officials of Morristown. He indicated that he had discussed the intent and methodology of the Plan with Philip Roth and Brian Stump (planning consultant for Morristown). He explained that Morristown has an existing industrial park and public utilities to accommodate additional industrial growth. Therefore, Morristown views the reduction in the area for potential commercial and industrial growth in the Morristown area as a bit aggressive. He proposed that the County and Morristown work together on a compromise that would allow the opportunity of additional development while recognizing the concerns of the citizens by proposing development in appropriate locations.

Jason Abel asked if Morristown could annex the areas not allocated for industrial development to address its concerns.

Briane House spoke about the difficulties associated with non-voluntary annexation. He explained that if Morristown does annex a property, then the existing plan should provide the opportunity for commercial or industrial development.

Kevin Carson indicated that developments in the industrial park would likely pursue voluntary annexation to obtain access to town utilities.

Alicia Barr expressed concern for the Town's apparent lack of concern for housing and interactions with its citizens.

Brian Stump, with HWC Engineering, represented the elected and appointed officials of Morristown as their planning consultant. He explained that Morristown generally agrees with the text of the Plan. He indicated that the 200-acres allocated for industrial development will not accommodate the industrial development envisioned by the Town. He stated that one user could encompass the majority of that acreage. He also expressed concern with encroachment of other uses into the area that the Town envisions for industrial development past a 25-year period. He proposed that the County consider a map showing the boundaries for industrial development envisioned by the Town.

Jason Abel stated that the County had reached out to Morristown to participate in the planning process before drafting the Plan.

Dave Benefield, President of the Morristown Town Council, explained that the Town had thought that the Plan applied mostly to Moral Township and that the Town should have had additional opportunity for input regarding the Morristown area. He spoke about opportunities in the Town for development.

Briane House suggested that Phillip Roth and Brian Stump work together to devise an alternative map for the Morristown area prior to the Plan Commission meeting in March.

Desiree Calderella asked Brian Stump to identify the specific areas of concern on the future land use map.

Brian Stump indicated that Morristown had not yet developed a map.

Jason Abel reiterated his question about annexation.

Brian Stump explained that areas proposed for agricultural and residential uses by the County outside of the industrial park and not annexed into the town could pose land use conflicts if Morristown expands their industrial park.

Thomas Wright, President of the Morristown Community Development Partnership and member of the Morristown Citizens for Responsible Growth, expressed support for the current future land use map in the Plan. He explained that the Town should address truck traffic and housing before adding more industrial development and that only two property owners who own land around the industrial park would benefit from an additional industrial land allocation.

Sara Goedde, who lives at 10938 N 450 E, expressed support for the Plan. She explained that she lives outside the Town and therefore does not have a say in town policies, but negative impacts associated with development in the Town impacts her property.

Brad Trittipp, precinct committeeman for Hanover Township South and Morristown resident, disputed the methodology of the survey referenced in the Plan. He indicated that the survey did not reach an adequate number of people.

Brian Asher, Executive Director of the Shelby County Development Corporation, explained that site selectors look for properties designated for industrial development on the future land use map to reduce risk. Therefore, reducing the area allocated for industrial development may reduce the likelihood of companies selecting properties in the County and thereby reduce chances to increase the tax base. He did not express support for or oppose the recommendations of the Plan.

Jeff Powell asked how much involvement Brian Asher had in the planning process prior to drafting of the Plan.

Brian Asher explained that he had not received many requests for input and had chosen to let the people of the County make their own decisions.

Blake Newkirk, who resides in Bengal, indicated that the County should add fire and police resources if approving new development. She indicated that Morristown knew about the Plan at least thirty days prior to the Plan Commission meeting.

Rynn Evans, who lives in Moral Township, indicated that she would prefer less growth than proposed in the Plan.

The Board closed the public comment portion of the hearing.

Philip Roth provided details regarding the methodology of the survey.

Kevin Carson suggested that the County work with Morristown to address their concerns before adoption of the Plan because not addressing their concerns could create future problems.

Desiree Calderella explained that the Board could address the concerns of Morristown, however, changing the map would upset the residents who had already participated in the planning process and who prefer less growth. However, not addressing the concerns of Morristown could create future problems. Also, the Board could move forward with adopting the Plan with the current map, then potentially amend the Plan at a later date to address the Town's concerns.

Lisa Wojihoski-Schaler indicated that at least 250 residents of Morristown participate in the Shelby County Northwest Concerned Citizens Coalition Facebook page and knew about the Plan.

Megan Hart suggested that Phillip Roth and Brian Stump discuss a compromise and present a potential amendment to the Morristown map. The Board could then vote on the potential amendment in March and the Plan in April.

Jeff Powell noted that no members of the public spoke regarding the Waldron area.

Philip Roth noted that Morristown had begun their Comprehensive Plan process and that the County map could reflect an interim solution for the areas around Morristown until the Town adopts their Comprehensive Plan.

The Board agreed that they did not see any issues with the Plan other than the map for the Morristown area. They asked Phillip Roth and Brian Stump to discuss a compromise and present a potential amendment to the Morristown map in March, and the Board would vote on the Plan and potential revised map in March.

Discussion:

None.

Adjournment:

With no further business to come before the Board, Jeff Powell made a motion to adjourn. Megan Hart seconded that motion. The meeting was adjourned.