

**SHELBYVILLE PLAN COMMISSION
SUMMARIZED MEETING MINUTES
May 23, 2022**

Mike Evans called the meeting to order.

Members Present: Joanne Bowen, Ben Hall, Jeremy Ruble, Wade Lewis, Doug Cassidy, Mike Evans, Gary Nolley, Winnie Soviar, Joe Lux, John Kuntz

Members Absent: Josh Martin

Staff Present: Adam Rude, Allan Henderson

Approval of Minutes: Gary Nolley motioned to approve the previous meeting's minutes and Doug Cassidy seconded the motion. Voice vote, minutes approved.

Old Business: None

Before beginning New Business, Mr. Evans reordered the agenda making items 4 & 5, the rezones to the front of the agenda. Gary Nolley motioned to approve the change in the agenda and Ben Hall seconded the motion. Voice vote, motion approved.

New Business: *PC 2022-11 S. Pike Street rezone*

Adam Rude read the petition and Eric Glasgow, the petitioner's representative discussed the petition saying the owners would like to rezone the parcel to condos or something 2 family.

- Joanne Bowen asked how many apartments would fit on the land. Mr. Glasco said they were looking at either a duplex or 2 condos.
- Ben Hall had no questions.
- Jeremy Ruble asked if they would be rental properties and Mr. Glasco said yes.
- Wade Lewis had no questions.
- Doug Cassidy had no questions.
- Gary Nolley had no questions.
- Winnie Soviar had no questions.
- Joe Lux had no questions.
- John Kuntz had no questions.
- Mike Evans said his question about the number of buildings had been answered.

Mr. Evans closed board comment and opened it up to the public. No one stepped forward, so public comment was closed and reopened to the board.

- Joe Lux asked if the petitioner would have to come back before the Plan Commission. Mr. Rude said they wouldn't need to come back before the Plan Commission. Mr. Glasco said if they need variances, they'd have to go to the Board of Zoning Appeals.

There being no further questions, Mr. Evans called for a motion. Wade Lewis motioned to forward a favorable recommendation for the rezone petition from PK, park and open space to R2, 2 family residential pursuant to the planning staff's report and Findings of Facts. Doug Cassidy seconded the motion. Ballot vote: Wade Lewis - yes, Jeremy Ruble - yes, Joanne Bowen - yes, Ben Hall - yes, Doug Cassidy - yes, Gary Nolley - yes, Mike Evans - yes, John Kuntz - yes, Joe Lux - yes, Winnie Soviar - yes. Motion carried.

PC 2022-12 Second Street rezone

Adam Rude read the petition and Eric Glasco, the petitioner's representative discussed the petition to rezone to neighborhood business from residential to redevelop the property for commercial use.

- John Kuntz asked what kind of business would be in the location. Mr. Glasco said possibly a contractor but nothing is known for sure yet.
- Joe Lux had no questions.
- Winnie Soviar asked about whose responsibility the sidewalk is. Discussion followed and it was believed to be parking area and not sidewalk.
- Gary Nolley had no questions.
- Doug Cassidy asked if the front of the building would be rebuilt and Mr. Glasco said the building would be remodeled.
- Wade Lewis had no questions.
- Jeremy Ruble had no questions.
- Ben Hall had no questions.
- Joanne Bowen asked a follow up question about cleaning up the sidewalk. Gary Nolley pointed out that owners are responsible for their sidewalks. John Kuntz added that the city doesn't take care of business sidewalks through their residential sidewalk program.
- Mike Evans had no questions.

Mr. Evans closed board comment and opened it to the public. Linda Hess said she's not against a business particularly, but she doesn't want to see the neighborhood rezoned to allow businesses due to traffic in the area.

There being no further public comment, Mr. Evans closed public comment and asked Adam to give a list of businesses that would be allowed in the BN zoning district. Mr. Rude said animal grooming, personal services uses (beauty salon), restaurant, retail type 1 (limits on hours, no drive thru, maximum square footage), daycare center, nature preserve, park, dwellings on the upper floors. There is a list of special exception uses which would require approval from the Board of Zoning Appeals. Those are: drive up or drive thru facility, office uses, recreational

uses, retail type 2 (middle intensity), community centers, medical and health clinics, parking lots, police/fire stations, assisted living facilities, bed & breakfast facilities, fair housing facilities, nursing homes/retirement centers.

- Doug Cassidy asked if under retail 1, a convenience store could go in and Adam said yes. Adam said that retail type 1 is low density and read the particulars of it.
- Gary Nolley and Mike Evans wondered how it was allowed to be a business and Adam gave his opinion. Further discussion ensued.
- Mr. Glasco said that he believed Mrs. Hess was referring to "spot zoning" which the city doesn't normally do so there has to be a particular reason why it fits. He thinks since the building obviously hasn't been a residence, but a business, that shows precedent. Further discussion ensued regarding the property and it's potential uses.

Mr. Evans called for a motion. Joanne Bowen motioned to forward a favorable recommendation from R1 to BN pursuant to the planning staff's report and Findings of Fact. Joe Lux seconded the motion. Ballot vote: Wade Lewis - yes, Ben Hall - yes, Joanne Bowen - yes, Jeremy Ruble - yes, Doug Cassidy - yes, John Kuntz - yes, Joe Lux - yes, Winnie Sovier - yes, Gary Nolley - yes, Mike Evans - yes. Motion carried.

Mr. Evans spoke to Mrs. Hess and she had an additional question. She asked that before anyone moves in there that it be fixed up.

PC 2022-08 Twelve Oaks PUD Detail Plan

Adam Rude read the petition and Paul Clare, representative for the petitioner, discussed the petition.

- Joanne Bowen had no questions.
- Ben Hall had no questions.
- Jeremy Ruble asked who would have responsibility for roads and Adam said the city would. They have to be built to city standards and then dedicated to the city.
- Wade Lewis had no questions.
- Doug Cassidy had no questions.
- Gary Nolley brought up the maximum height of accessory structures, asking since there's been discussion of changing that height requirement if it needed to be changed in their detail plan. Adam said the easy fix is for them to cite the UDO in their standards.
- Winnie Soviar had no questions.
- Joe Lux had no questions.
- John Kuntz said his questions were related to the plat, so he'd wait until then.
- Mike Evans asked for an update on the existing HOA with the entrance and the other issues. Mr. Clare said he had a Zoom meeting with them and the board members were receptive to his proposals. Discussion followed.

There being no further questions from the board, Mr. Evans closed board comment and opened it to the public. No one from the public approached so Mr. Evans closed public comment and reopened it to the board.

- Doug Cassidy pointed out a mistake in the name, but motioned for a favorable recommendation Twelve Oaks Detail Plan as presented. Jeremy Ruble seconded the motion. Ballot vote: Wade Lewis - yes, Jeremy Ruble - yes, Doug Cassidy - yes, John Kuntz - yes, Joe Lux - yes, Winnie Soviar - yes, Ben Hall - yes, Joanne Bowen - yes, Mike Evans - yes, Gary Nolley - yes.

PC 2022-09 Twelve Oaks Preliminary Plat

Mr. Rude said that all the information was the same as the previous petition but this is the preliminary plat.

- John Kuntz discussed the street width.
- Joe Lux had no questions.
- Winnie Soviar had no questions.
- Gary Nolley had no questions.
- Doug Cassidy had no questions.
- Wade Lewis had no questions.
- Jeremy Ruble had no questions.
- Ben Hall had no questions.
- Joanne Bowen had no questions.
- Mike Evans had no questions.

Mr. Evans closed board comment and opened it up to public comment. There being no public comment, he closed public comment and reopened it to the board. No one from the board had any questions, so Gary Nolley motioned to approve the preliminary plat as presented pursuant to the planning staff's report and Finding of Facts. Joanne Bowen seconded the motion. Ballot vote: Wade Lewis - yes, Ben Hall - yes, Joanne Bowen - yes, Jeremy Ruble - yes, Doug Cassidy - yes, Joe Lux - yes, Winnie Soviar - yes, Gary Nolley - yes, Mike Evans - yes, John Kuntz - yes.

PC 2022-10 Isabelle Farms Preliminary Plat

Adam Rude read the petition and Lantz McElroy, the petitioner's representative, discussed the petition.

- Joanne Bowen asked if there was any outer mound or boundary lines for the houses that are currently at the property line. Mr. McElroy said nothing is required for that and it would have to be maintained. He said there's a buffer along Michigan Road and along Riley Highway. Joanne said there could be a problem deciphering property lines without

a buffer between the current homes and the proposed new ones. Mr. McElroy again said it's not a requirement.

- Ben Hall verified that Edgehill Road, a stub road, would not be continued. He asked if there was concern about it remaining a stub road when the other was not. Adam Rude said to continue that road would've required clearing a 50-60' wide path through the woods so that's why it's not being continued.
- Jeremy Ruble had no questions; just wanted to verify the wooded area would remain and Adam Rude said yes.
- Wade Lewis had no questions.
- Doug Cassidy asked if they could alleviate some of the construction coming in off of St. Rd. 9 by putting the road in all the way to Michigan Road. Mr. McElroy said they could discuss that with the staff but they don't currently own all the land and may not for a few years. He said their current plans are to build on Michigan Road last. Doug asked how long they anticipate the build out to take. Lantz said it's currently split into 4 sections. Ideally, they'd like to build a section a year, but that's market-related.
- Gary Nolley had no questions.
- Winnie Soviar had no questions.
- Joe Lux asked about putting a cul-de-sac on the other side of Edgehill Road so it's not a stub for future connection. Adam said they'd look at it. Joe asked what's been worked out on the drainage problems. Mr. McElroy explained they'd had to redesign their drainage system to tie in with Knauf's. Mr. Lux asked if they could've solved the problem by making their drainage pond bigger and have less building lots. Further discussion ensued.
- John Kuntz had no questions.
- Mike Evans had no questions.

Mr. Evans closed board comment and opened it to the public.

- Lisa Adkins, 1580 Crest Drive asked when the roundabout that was mentioned come about on St. Rd. 9 and why wouldn't a light be better than a roundabout. Adam Rude said it's part of the city's streetscape design for the Riley Highway corridor. The traffic study done as a part of that work indicated a traffic light wasn't warranted. John Kuntz explained that the traffic study showed that a light would slow down traffic on N. Riley just to let the neighborhood traffic in and out so a light wasn't needed. Ms. Adkins expressed her opinion that using Edgehill Road, rather than Crest Drive would make more sense since Edgehill Road would give people a straight shot. She indicated that if Edgehill Road could be made a cul-de-sac then Crest Drive could be as well. Ms. Adkins also expressed her displeasure with joining their subdivision with the new one due to the disparities in the two.
- Hector Perez, 1471 N. Riley Highway said he was concerned about the farmers trying to access their fields.
- Charlie Heintz, 1443 N. Riley Highway said he's only received one notice regarding this development and it was a long time ago. He doesn't think it's right and felt like other people would've been present if they've received notice of the meeting. Mr. Heintz

expressed his concern with not having a buffer between his home and the new ones. He thinks it would look better to have one line that matches all down through there that delineates the new subdivision from his home.

- Duane Schuler, 1574 Rolling Ridge Road thanked the board for addressing the proposed construction entrance. He said that at the last meeting, they were told there would be a 30' natural buffer around the perimeter of the new neighborhood. Therefore, he was surprised that's not shown on the plans and feels that's unacceptable and asked that it be installed. He hasn't had any drainage problems in 46 years of living in his home and is concerned about the potential with the new subdivision. He asked what his recourse would be if that occurs.
- Bob Adams, 1453 N. St. Rd. 9 has been in his home for over 50 years and has been concerned about getting information from the developer. He said that several of his neighbors did not get notice of the meeting and they should've been notified. Mr. Adams said fencing was required before when Fountain Lake was developed. The fence is still there. The county is requiring an 8' fence along their property. Mr. Adams said that the Plan Commission can require any type of commitment they wish since they have control over the plat. Mr. Adams said no one enforces the covenants and that's a problem. He said that the city can have that power if they choose to put it in the covenants(?). He brought up a concern he has about a project manager. Mr. Adams also mentioned a concern about tree maintenance.
- Taylor Sumerford, Shelby County Surveyor, said there's no longer a problem between his description and the one that's on the plans. Mr. Sumerford said that his attorney's son has brought to his attention that he may have a problem with having an "attractive nuisance" so he would like to see a permanent fence between his property to the south and the proposed addition. He said that it was done for Fountain Lakes Estates and he'd like to see it here.
- Lisa Lay, 1315 N. Riley said that they were told by a company representative at a previous meeting that there would be a 30' buffer between the current property owners and the new subdivision consisting of mounds, trees, shrubs, etc. She also asked where the roundabout would be. Mrs. Lay has a concern about drainage. She also said she's concerned about geese since there will be a drainage pond behind their house.
- Lyle Linville, 1473 N. Riley Highway said he didn't receive a notification about this meeting. He also reiterated Mr. Schuler's drainage concerns and asked if trees that are currently on the property lines would be removed.

Mr. Evans closed public comment and reopened questions from the board asking that the developer address the questions from the public - buffers, drainage, attractive nuisance, etc.

- Adam Rude said that there are buffer requirements at St. Rd. 9 but will verify that there are not between residential areas.
- Mr. McElroy's rebuttal regarding the notification issues was partially inaudible but he didn't seem to know why they weren't received. In regards to the buffer, Mr. McElroy said they have a 30' green strip immediately north and west of the property just to the south of them. Mr. Evans asked Mr. McElroy to clarify and the response was inaudible.

Discussion ensued regarding the “open area”. Mr. McElroy said there’s a buffer between Michigan Road and Riley Road. More discussion ensued. Mr. McElroy said there’s a 20’ tree preservation easement shown on the north along the whole east property line. Their intent is to keep whatever is there. To the north, he doesn’t know about a 30’ buffer that was committed to. It’s not in the PUD. Discussion ensued about DU&Es but he doesn’t see a commitment for a 30’ buffer to the side of the lots. Adam made an inaudible comment and Mr. Evans said while he knows we don’t require R1 to R1 but if the comment was made by a representative of theirs at a prior meeting, and that’s what he was asking about. If there was a commitment, it rings a bell with Mr. Evans. He said it looks like you have the green space, but just haven’t shown the trees/shrubs. Mike asked if that could be found in the minutes. While staff was looking for that, Mr. Evans asked Mr. McElroy to address drainage concerns. Mr. McElroy’s answer wasn’t clearly audible. Mr. Evans said they currently don’t have problems and don’t want any created by this development. Mr. McElroy said all the lots that back up, probably 15, on the west side will have a rear yard swale with drainage inlets that’ll pick those rear yards up. They don’t want homeowners of their subdivision or outside to have drainage issues. He said that they’ll meet the engineering drainage requirements.

Mr. Evans resumed questions from the board.

- John Kuntz said that the 20’ DU&E was required on the north side of Isabelle Farms so we could pick up any drainage coming off of that, pull into their system and move down to their ponds. They’re gonna be picking up anything of the other stuff on their property and bringing it into the ponds so it shouldn’t affect any of the people around them. John said covenants being enforced by the city isn’t the city’s responsibility. Each subdivision has different covenants and they’re their responsibility. John said that the roundabout entrance shown on the map is where the roundabout will be. It’ll be at Isabelle Farms’ entrance.
- Joe Lux asked if a vote should be taken if notification was a question. Adam Rude said they show the Post Office stamping off on all those letters. Joe asked if that was satisfactory and Adam said yes because the requirements of our ordinance was provided and certified by the Post Office.
- Hannah Jones, staff planner said a resident told her that the letter they received looked questionable so she wanted to let everyone know that the letter would be coming from the petitioner and not from the city. Mr. McElroy said it was probably from Projects Plus, their engineering firm.
- Winnie Soviar had no questions.
- Gary Nolley asked what recourse existing property owners would have if they begin to have drainage problems. Adam Rude said their first recourse is to reach out to the city who would then consult with the developer. If that fails, it’s a civil suit. Mr. Nolley said the plan commission has talked about geese before and asked if the procedures that have been discussed in the past are in place in this development. Adam Rude said it’s not. Gary then asked if it’s something that we can require and Adam’s reply was not

clearly audible. He did say that he could share the research that's been done by other developers. Further discussion ensued regarding geese.

- Doug Cassidy asked if the city is ready to repair the roads in Rolling Ridge when people start coming through there to get into Isabelle Farms. Adam said maintenance of city streets is prioritized and would be addressed when needed in relation to other streets.
- Wade Lewis had no questions.
- Jeremy Ruble asked if the city's landscaping ordinances don't fall into the PUD requirements since they're different. Adam Rude said typically when a PUD is written there is a lot of cross referencing to the UDO. If higher standards are intended and they're written in the PUD, that supersedes. Jeremy asked how this one was and Adam said it cites the UDO. Discussion ensued but Adam's part was inaudible.
- Ben Hall had no questions.
- Joanne Bowen asked if she heard correctly that the county is putting up an 8' fence and Bob Adams(?) said yes. She then wanted to know where they were putting it and Adam said around the County Highway garage along their property. Mike asked if that was because of the difference in zoning and Adam said he wasn't sure if it was a zoning requirement or they chose to do it. Joanne then asked if they could choose to do it too and Adam said no. Joanne asked about the 30' buffer in the minutes. Adam said they'd found it and relayed it from the previous minutes. Various board members commented on the buffer issue. (?) asked if they put in a 30' buffer then that couldn't be part of the 25' easement for the utilities. Adam Rude said it could overlap. Discussion ensued regarding the buffer. Most of it is inaudible conversing between board members.
- Mike Evans asked about the build schedule with Phase I being roughly 49+/- homes, 60+ in Phase II (84). Mr. McElroy said roughly a year per phase is anticipated, starting in the spring of '23. He had a site plan pulled up that showed the 30(?)' buffer and asked when it went away. Mr. McElroy wasn't sure. Mr. Evans asked what the recourse is for not having the buffer and Adam said it can be attached as a condition. Mike verified the particulars asking if they agreed to that as a condition would it be binding. Adam said there would be some changes before final plat, so it could be added back in for that.
- Winnie Soviar said that she felt it was premature to vote on it at this point and Joanne Bowen agreed.
- Wade Lewis asked how many feet between the roundabout and the homeowner to the south there is asking if there was adequate distance. John Kuntz didn't know off the top of his head. Board member discussed continued on the distance.
- Mr. McElroy asked for the exact language from the previous minutes. Adam replied, "have a 30' landscaping buffer going around the entire project connecting Crest Drive....(inaudible)...." Mr. McElroy asked for a continuance at that point with no additional notice. Adam replied that with a continuance, notification is not a requirement.

Ben Hall motioned to continue the petition and Winnie Soviar seconded the motion to the next meeting. Roll call vote: Joanne Bowen - yes, Ben Hall - yes, Jeremy Ruble - yes, Wade Lewis - yes, Doug Cassidy - yes, Mike Evans- yes, Gary Nolley - yes, Winnie Soviar - yes, Joe Lux - yes, John Kuntz - yes.

PC 2022-07 UDO Amendments

Adam Rude presented the UDO Amendments.

- (?) asked if he could make a suggestion and Adam said yes. (?) said based on the earlier conversation with the pond discussion earlier, should we make it(?) fall under R1 as well? Discussion ensued about grandfathering.

There being no questions from the board, Mike called for a motion. Gary Nolley motioned to forward a favorable recommendation to City Council and Jeremy Ruble seconded the motion. Ballot vote: Joanne Bowen - yes, Jeremy Ruble - yes, Doug Cassidy - yes, Ben Hall - yes, Winnie Soviar - yes, Wade Lewis - yes, John Kuntz - yes, Joe Lux - abstained, Gary Nolley - yes, Mike Evans - yes.

Miscellaneous: Mike Evans had a general comment regarding Casey's. He said that they put striping all the way to the stair steps but it's not ADA accessible. Then when you get to Taco Bell's lot, there's nothing.

Gary Nolley mentioned that there are trucks parked there all night and they're not supposed to be, so he lodged his formal complaint concerning that.

Discussion: None

Adjournment: Inaudible

Meeting adjourned