

**SHELBYVILLE PLAN COMMISSION  
SUMMARIZED MEETING MINUTES  
September 25, 2023**

Mike Evans called the meeting to order.

**Members Present:** Joanne Bowen, Joe Lux, Scarlett Tinsley-Price, Doug Cassidy, Mike Evans, Winnie Soviar, Gary Nolley, John Kuntz

**Members Absent:** Jeremy Ruble, Wade Lewis, Ben Hall

**Staff Present:** Adam Rude, Allan Henderson

**Approval of Minutes:** Gary Nolley motioned to approve the minutes and Scarlett Tinsley-Price seconded the motion. Voice vote carried unanimously.

**Old Business:** None

**New Business:** *PC 2023-16 Julia and Nicholas Runnebohm Early Learning Center, Phase II Site Development Plan*

Adam Rude read the petition and Andrew Swanson(?) discussed the petition.

- John Kuntz had no questions.
- Gary Nolley had no questions
- Winnie Soviar asked why the expansion is needed at this point and Mr. Swanson said that Phase I and Phase II is what they wanted to do at the beginning but had to cut it into phases due to funding. Additional funding became available that allowed them to go ahead and build it all at once. Ms. Soviar asked about noise and Mr. Swanson said the only noise he could think of would be play time outside. They're fencing and landscaping to minimize noise.
- Doug Cassidy had no questions.
- Scarlett Tinsley-Price had no questions.
- Joe Lux asked if the outside play areas would be gated. Mr. Swanson mentioned security elements but his response was inaudible.
- Joanne Bowen asked when they'd be accepting applications for children to attend and Mr. Swanson said he didn't know. She then asked when it would be opened and Mr. Swanson said they would like to open it for next year but that's uncertain.
- Mike Evans had no questions.

Mr. Evans opened questions to the public.

- Mike Warble asked about a particular area and was told it was for parking. He thinks it's a good thing.

With no further public comment, Mr. Evans closed it and reopened the meeting to board comments. No one had further comment so Mr. Evans called for a motion. Doug Cassidy motioned to approve the site development plan and Gary Nolley seconded the motion. Ballot vote: Joe Lux - yes, Joanne Bowen - yes, Scarlett Tinsley-Price - yes, Doug Cassidy - yes, John Kuntz - yes, Winnie Soviar - yes, Gary Nolley - yes, Mike Evans - yes. Motion carried 8 - 0.

**Miscellaneous:** Mike Evans expressed his desire to see a better microphone in place for members of the public and petitioners.

**Discussion:** *Extra Territorial Jurisdiction (ETJ) V*

Adam Rude explained they would be sending out the notices prior to the required 10 days and the notice will include a one page FAQ sheet with a link to the website where all the documents and maps will be located. He also said that each of the ETJ hearings would be stretched over a two month period.

In order to clarify an ETJ district, Mr. Evans gave an example of a property owner currently living in the county who would be affected by the proposed ETJ zoning designation and this property owner didn't want it. He explained that the property owner in question could ask the board to not have that zoning designation and then when that property owner sold the property to a developer, that developer would have to come in for a rezone. He said that would be the only objection a current property owner would have. He/she couldn't object to being in the ETJ because the city was allowed to exercise their right by the county. Adam Rude agreed that being in or out of the ETJ was not up for discussion; only the assignment of zoning is at question. Annexation is not a part of the ETJs.

Mr. Rude then proceeded to discuss ETJ, Area V around Progress Parkway from Michigan Road on the northeast all the way down around to 9 and then up to across from Lantana. He started with the northeast corner on Progress Parkway saying there are a few existing single family homes currently zoned residential and they're proposed to remain R1. McIntire Landscaping has a small piece already zoned IL and that will continue.

- Gary Nolley asked about the house on that property that people live in. Adam Rude said there's not a district in the city where that would be allowed, but it's legal nonconforming use. Mr. Rude explained that if you're currently a legal nonconforming use and you cease operation of that use and do not reestablish that use within 12 months, it cannot be reestablished without a rezone or some kind of approval.
- Mike Evans asked if the city will then inherit the zoning enforcement put in place by the county that they still haven't complied with and Adam said yes. Adam clarified that any commitments made to the Shelby County Plan Commission or Shelby County BZA, the

city inherits. That already happens today with any annexation as well. More discussion followed.

- Gary Nolley asked about the surrounding area proposed BG, business general. Adam said that Scott and Andy Sumerford currently own that area zoned BG. Discussion followed.

Mr. Rude moved on to the area behind Shelby's Crest apartments saying that originally there were more apartments planned for that area so the zoning has remained and is being carried through to the north. Discussion followed.

- Joe Lux said that we don't want more industrial development south or east and it feels like R-1 potential to him. More discussion followed.
- Winnie Soviar asked if trailer parks are considered residential and if there's a distinction. Adam said there is. Manufactured modular homes are only permitted in MP, manufactured home park and currently we don't have any land with that zoning designation. RM is the zoning designation for apartments.
- Joe Lux asked if developers come to the city and are directed to appropriate available properties or do they go to landowners. Adam said if they come to the city and have questions about surrounding land uses, they usually don't care about residential intensity. They want to know they're not going to be near an industrial park. Discussion followed.

Heading south, Adam discussed the current property uses/zoning and proposed ones.

- Doug Cassidy asked about the northwest corner, zoned R-1 but has signs out there that it's commercial. Mike Evans said it's neighborhood business, BN. Discussion followed.

Heading west down McKay, Adam said there's a lot of existing island parcels that are completely surrounded by the city but are in the county. Business general and residential is the proposed zoning. The church is proposed institutional.

Heading further west on McKay, everything's proposed R1 since they're currently single family residential.

The entire block at the corner of McKay and St. Rd. 9, the Edgewood neighborhood and existing homes are proposed R1. Discussion followed.

Adam continued to the very southern end of ETJ, area V.

- Mike Evans asked what parcel the church is advertising for sale and Adam said it's the land between the church building and the road (St. Rd. 9). Discussion followed. Mike made the point that as some of these parcels develop and are annexed, as the corporate limits expand, the fringe moves farther out with it.

- Joe Lux asked if there were plans to extend Amos Road to the south. Discussion followed with Adam saying it's possible.

Mr. Rude brought the board up to date on the status of new housing subdivisions.

**Adjournment:** Gary Nolley motioned to adjourn the meeting with an inaudible second.

Meeting adjourned.