

Planning Commission Meeting Minutes

The Shelbyville Planning Commission met on January 22, 2015 at 6:00 p.m. Chairman Warren Landers called the meeting to order at 6:00 p.m. Roll was called and the following members were present: Commissioner Woodlee, Commissioner Wilhoite, Commissioner Warren, Commissioner Pitner, Commissioner Davis, Councilmember Pruitt, and Mayor Cartwright. Commissioner Taylor was absent. Also present were City Planner Amanda Rhinehart, City Manager Jay Johnson, City Attorney Ginger B. Shofner, and City Recorder Shanna Boyette.

The first item on the Agenda was the approval of the Agenda. Chairman Landers called for any items to be added or removed from the Agenda. Planner Rhinehart requested that the minutes from the BZA meeting of December 18, 2014 be added to the Agenda. All members were in favor and the Agenda was approved as amended.

The next order of business was approval of the BZA minutes from December 18, 2014. Commissioner Woodlee made a motion to approve the minutes, seconded by Commissioner Pitner, and approved unanimously upon oral vote. Commissioner Woodlee made a motion to approve the Planning Commission minutes of December 18, 2014. Commissioner Wilhoite seconded the motion and the motion was approved unanimously upon oral vote.

Chairman Landers called for items of Old Business. Planner Rhinehart stated that there were no items of Old Business.

Items of New Business were then in order.

The first item was consideration of rezoning request by Gateway Church located at 1304 Madison Street (Tax Map 089, Parcel 12) from C-2 (Highway Service District) to I-1 (Light Industrial). The applicant was represented by Pastor Jason Daughdrill. Planner Rhinehart stated that it was staff recommendation to deny the application based on two reasons, spot zoning and Long Range Comprehensive Plan. More specifically she provided an overview that there are no industrial pieces of property abutting the subject piece of property, nor are there any industrial pieces of property on the south side of Madison Street zoned industrial. The majority of Madison Street on both sides are zoned C-2. Therefore a change in zoning from C-2 to I-1 would constitute spot zoning. Planner Rhinehart also explained in staff comments that the Long Range Comprehensive Plan adopted by the City Council does not designate this area of Madison Street to transition to Industrial Use. Therefore a change in zoning from C-2 to I-1 would be in violation of the City's adopted Long Range Comprehensive Plan. (Staff notes are attached to the minutes as matter of record)

There was at length discussion on warehousing/distribution not being allowed in C-2 as well as the City's Long Range Comprehensive Plan. There were also comments that the Long Range Comprehensive Plan should be updated if funds were available as it is reaching the 20 year mark. City Planner Rhinehart also provided history of the application to the Commissioners and the details that led up to the applicants filing application. The request for rezoning application was filed on December 17, 2014 with the Planning Department. It was further mentioned that Religious Institutions are permissible in any zone, thus the church is not the issue on the application, but rather that the warehousing is not permissible in a C-2 location.

Chairman Landers recognized the applicant Pastor Jason Daughdrill. Pastor Daughdrill explained to the Planning Commission that this process was a learning process and that the funds generated from the warehousing provided resources for the Church. He provided documentation from the State Fire Marshall's Office to the Planning Commission. It was also noted that there is a court date set in February of 2015 for the applicants.

Commissioner Woodlee then made a motion to move the zoning to I-1. There was no second for the motion, but further discussion continued on the application before the Commission.

Chairman Landers asked City Attorney Shofner for comments. City Attorney Shofner provided research findings to the Planning Commission on two court cases emphasizing that the primary question in Supreme Court for such cases being, "is there a need by the public as a whole for a specific particular use?" It was noted that if warehousing of this specific use is needed than the documentation should be presented and heard by the Planning Commission. Commissioner Woodlee inquired on if the application could be deferred. City Planner Rhinehart reminded the Commission of the Church's court date and timeline. City Attorney Shofner explained that if the application is deferred there is a 30 day period of which the applicant, Gateway Church, would need to be in agreement with the Planning Commission for the application to go back to the Planning Commission for consideration otherwise it would go before the Council.

Chairman Landers recognized Mike Coffey of Nationwide to provide comments to the Planning Commission. Mr. Coffey explained to the Planning Commission that the type of warehousing proposed at this location by Nationwide is considered to be food grade quality warehousing and stated that he would like to be a resource to explain the need for such type of warehousing in Shelbyville. Commissioner Pitner requested that documentation be submitted for consideration to the Planning Commission. Chairman Woodlee rescinded her first motion to allow in I-1 and changed her motion to be that the application be deferred until the Planning Commission meeting of February 26, 2015 and for City Attorney to request extension of court date. Commissioner Pitner seconded the motion and the motion carried unanimously upon oral vote.

The next item on the Agenda was consideration of Morris Dickens subdivision revision of Lots 2 and 3. The applicant was Northcutt Surveying on behalf of David Dickens. City Planner Rhinehart provided staff comments that Mr. Dickens would like to revert the property lines prior to the November plat approval

on Lots 2 and 3. It was staff recommendation to approve the request. Commissioner Warren made a motion to approve, seconded by Commissioner Davis, and carried unanimously upon oral vote.

Withdrawal of approval site plan approved November 2014 which was intended to accommodate expansion of Celebration Liquors was the next item on the Agenda. City Planner Rhinehart explained that Mr. Dickens would like the lot lines to be reverted to the placement as they were prior to November 2014 plat approval. It was staff recommendation to approve the withdrawal request because such site plan would be in violation of both the zoning and subdivision regulations if permitted to remain. Commissioner Davis made a motion to approve the withdrawal request, seconded by Commissioner Warren, and approved unanimously upon oral vote.

Consideration of site plan for ice vending machine to be located at 1417 N. Main Street, Tax Map 078G Parcel 012.00 was the next item before the Planning Commission. The applicant was Alex Moltz. There was brief discussion by the Planning Commission and applicant, Mr. Moltz on how the process works and how much ice is generated daily as well as the proximity of the machine to the building. Planner Rhinehart provided comments that the parking would still be in compliance and that the site plan meets all requirements as set forth on the site plan checklist and recommended approval. With no further discussion, Mayor Cartwright made a motion to approve, seconded by Commissioner Pitner, and carried unanimously upon oral vote.

The final item of consideration was consideration of Zaxby's Site Plan located on Palmer Drive, Shelbyville. City Planner Rhinehart told the Planning Commission the City Council approved the Wall Removal and acceptance of Letter of Credit. Staff comments also included that they were 6 items related to the offsite sewer project that still need to be completed. Therefore it was recommendation of staff for conditional approval of site plan subject to the 6 remaining items to be completed. Building permits will not be pulled until items are complete. Commissioner Woodlee made a motion to approve a conditional site plan subject to outstanding items being complete. The motion was seconded by Commissioner Wilhoite, and approved unanimously by oral vote.

Reports from staff was the next item on the Agenda.

City Planner Rhinehart reported that the City Council met in Special Study Session on January 20th and one of the items on the Agenda was the Prospective Zoning Ordinance, Table of Uses, and Parking Calculations. Planner Rhinehart explained that Performance Standards were also discussed at the Council Study Session. It was staff recommendation that the Planning Commission consider removing Performance Standards as they need to be updated and staff needs a document that can be enforced. This was an item provided to the Commission through staff report for further review and consideration. In addition staff provided update on the status of the Proposed Cell Tower Ordinance. Planner Rhinehart explained that City Attorney Shofner participated in a recent Webinar and that there are recent FCC modifications as they relate to existing towers, 6409 A. They explained the need to the Planning Commission to add the language necessary in the Ordinance to satisfy these regulations.

There being no other business before the Planning Commission, Commissioner Woodlee made a motion to adjourn, seconded by Commissioner Pitner. The meeting adjourned at 7:02 p.m.

APPROVED:



Chairman Warren Landers

ATTEST:


Shanna Boyette, City Recorder