

## Planning Commission Meeting Minutes

The Shelbyville Planning Commission met in regular session on Thursday, October 27, 2022, at Shelbyville Recreation Center, 220 Tulip Tree Road. Chairman Warren Landers called the meeting to Order at 6:00 PM and City Recorder Lisa Smith called the roll. The following were present: Chairman Warren Landers, Commissioner Dawn Gonzalez, Councilmember Stephanie Isaacs, Mayor Wallace Cartwright, Commissioner Henry Wilhoite, Commissioner Steve Taylor, and Commissioner David McGee. Commissioner Bo Gill and Commissioner Joe Paul Moore were absent. Also, present were City Attorney Ginger Shofner, Planning Director Waleed Albakry and City Recorder Lisa Smith.

Chairman Landers requested a motion to adopt the Agenda and hearing no deletions or additions, **Commissioner Wilhoite made a motion to adopt the Agenda as submitted, Mayor Cartwright seconded, and the motion carried unanimously upon oral vote.**

The next item up was approval of the minutes from the September 22, 2022, Regular Meeting, hearing no corrections or additions, **Mayor Cartwright made a motion to approve the minutes as submitted, Commissioner McGee seconded, and the motion carried upon unanimous oral vote.**

### **NEW BUSINESS:**

**Consideration of a rezoning application from R-1 zoning district to the R-3 zoning district for a property located at 239 Fowler Road:** Planner Albakry advised the request to rezone the property at 239 Fowler Road totaling 5.05 acres from R-1 to R-3. He further noted the request agrees with the Future Land Use Map which shows this area as Mixed Density Residential. There are no comments and Staff recommends a favorable recommendation be sent to the City Council. **Commissioner Taylor made a motion to provide a favorable recommendation for this item to the City Council, Mayor Cartwright seconded, and the motion carried unanimously upon roll call vote.**

**Consideration of the preliminary plat for Phase 3 of the Cedar Glade PUD which contains 96 residential units:** Albakry noted the preliminary plat for Phase 3 of the Cedar Glade PUD show 96 townhomes with associated common areas on 10.29 acres. In Staff recommendation Albakry noted in exercising the powers granted to it by §13-4-302, the Planning Commission shall not require an owner of private property to dedicate real property to the public, or pay money to a public entity in an amount that is determined on an individual and discretionary basis, unless there is an essential nexus between the dedication or payment and a legitimate local governmental interest and the dedication or payment is roughly proportional both in nature and extent to the impact of the proposed use or development of the property. This proposed preliminary plat will be subject to the "Horizontal Property Regime" and as a result there is no Public Right of way dedication associated with it. Staff recommends approval with one (1) Procedural Notification – 1) The plat is required to be revised to refer to replace "Stonecrop Drive" with "Cedar Glade Circle". **Commissioner Gonzales made a motion to approve the preliminary plat with the one (1) Procedural Notification, Commissioner Wilhoite seconded, and the motion carried by unanimous oral vote.**

**Consideration of the final plat for Phase 3 of the Global Manor Subdivision for 31 lots:** Planner Albakry advised this final plat for Phase 3 of Global Manor Subdivision is for 31 residential lots on 5.27 acres. In Staff recommendation Albakry noted in exercising the powers granted to it by §13-4-302, the Planning Commission shall not require an owner of private property to dedicate real property to the public, or pay money to a public entity in an amount that is determined on an individual and discretionary basis,

unless there is an essential nexus between the dedication or payment and a legitimate local governmental interest and the dedication or payment is roughly proportional both in nature and extent to the impact of the proposed use or development of the property. The dedication of a 50' foot wide right-of-way is the standard for road dedication for local streets in the City of Shelbyville and it is minimum requirement to allow for ingress/egress from the subdivision. Therefore, there is an "essential nexus" between the road dedication and the functionality of the subdivision. Furthermore, the dedication is roughly proportional both in nature and extent to the impact of the proposed 31 lots. Staff further recommends approval of the final plat with one (1) Procedural Notifications – 1) A final inspection of water and sewer is required to be conducted after curbs and topsoil are installed prior to signing the Final Plat by Shelbyville Power. **Commissioner Gonzales made a motion to approve with the one (1) Procedural Notification, Commissioner Wilhoite seconded, and the motion carried unanimously by roll call vote.**

**Consideration of preliminary plat for Phase 3 of Ridgewood subdivision 34 lots.** As noted by Albakry this is a preliminary plat for Phase 3 of Ridgewood with 34 lots on 5.03 acres. In exercising the powers granted to it by §13-4-302, the Planning Commission shall not require an owner of private property to dedicate real property to the public, or pay money to a public entity in an amount that is determined on an individual and discretionary basis, unless there is an essential nexus between the dedication or payment and a legitimate local governmental interest and the dedication or payment is roughly proportional both in nature and extent to the impact of the proposed use or development of the property. The dedication of a 50' foot wide right-of-way is the standard for road dedication for local streets in the City of Shelbyville and it is minimum requirement to allow for ingress/egress from the subdivision. Therefore, there is an "essential nexus" between the road dedication and the functionality of the subdivision. Furthermore, the dedication is roughly proportional both in nature and extent to the impact of the proposed 34 residential lots. Staff recommends approval with one (1) Procedural Notification - 1) The mail kiosk is required to be shown on the plat before going forward to the construction phase. **Commissioner Wilhoite made a motion to approve with the one Procedural Notification, Commissioner Taylor seconded, and the motion carried by unanimous roll call vote.**

**Consideration of the site plan for the new Southside Church of Christ Fellowship Hall:** Planner Albakry advised the total area of the parcel is 3.42 acres and the building will have an area of 5,700 square foot. Staff recommends approval with two (2) Procedural Notifications - 1) The fire main must be class 350 ductile iron; and 2) The existing sewer being tied to will have to be televised to make sure of no defects. **Commissioner McGee made a motion to approve with the two (2) Procedural Notifications, Commissioner Wilhoite seconded, and the motion passed unanimously by roll call vote.**

**Consideration of a rezoning application from the R-2 zoning district to the R-3 zoning district for a property located on the east side of Old Nashville Dirt Road.** Albakry explained this property is 60.67 acres and is located north of Greystone Way. The request is to rezone from the current R-2 zone district to R-3, which is in accordance with the Mixed Density Residential classification in the Future Land Use Map. Staff recommends a favorable recommendation to the City Council. After a short discussion, **Mayor Cartwright made a motion to provide a favorable recommendation to the City Council, seconded by Commissioner Gonzales, the motion then passed unanimously by roll call vote.**

**Consideration of a rezoning application from the R-1 Zoning district to R-3 Zoning district for a property located on the north side of Dover Street.** The last rezoning request was on the north side of


Dover Street and has a total area of 4.8 acres which is requested to be rezoned from R-1 zoning district to R-3. This request is in line with the Future Land Use Map which shows this property to be Mixed Density Residential Character Area. Albakry advised Staff recommends forwarding this request to the City Council with a favorable recommendation. Commissioner Wilhoite made a motion to provide a favorable recommendation to the City Council, Mayor Cartwright seconded, and the motion passed unanimously by roll call vote.

**Consideration of the preliminary plat for 59 lots on the west side of Green Lane and referred to as Midtown Estates Townhomes Complex.** The final item on the Agenda was a preliminary plat for 59 lots on 10.72 acres on the west side of Green Lane. Albakry advised in exercising the powers granted to it by §13-4-302, the Planning Commission shall not require an owner of private property to dedicate real property to the public, or pay money to a public entity in an amount that is determined on an individual and discretionary basis, unless there is an essential nexus between the dedication or payment and a legitimate local governmental interest and the dedication or payment is roughly proportional both in nature and extent to the impact of the proposed use or development of the property. The dedication of a 50' foot wide right-of-way is the standard for road dedication for local streets in the City of Shelbyville and it is minimum requirement to allow for ingress/egress from the subdivision. Therefore, there is an "essential nexus" between the road dedication and the functionality of the subdivision. Furthermore, the dedication is roughly proportional both in nature and extent to the impact of the proposed 59 townhomes. He further noted Staff recommends approval of the preliminary plat to create 59 townhomes intended to be subject to Horizontal Property Regime with five (5) Procedural Notifications – 1) The plat needs to show that the lot coverage for all buildings does not exceed 40% of the total area of the proposed new parcel. 2) The minimum required side yard setbacks between buildings, 15' is required to be shown on the preliminary plat. 3) The plat is required to be revised to show that the existing sewer does not cross Green Lane and to show the water tying to the 12" water main. 4) The plat is required to be revised to show the water tying back to Green Lane on the Northern entrance and 5) Future stub out to the west is in an area full of sinkholes and future changes to any of the locations can only be done by going through the preliminary plat amendment process. Commissioner Gonzales made a motion to approve with the five (5) Procedural Notifications, Commissioner Taylor seconded, and the motion carried by roll call vote.

**Reports from Staff:**

**Adjourn:** There being no further business, Chairman Landers declared the meeting would stand adjourned at 6:25 PM.

APPROVED:

  
Warren Landers, Chairman

ATTEST:

  
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Lisa Smith, City Recorder