

HENDRICKS COUNTY AREA PLAN COMMISSION

Meeting Minutes

Tuesday, April 9, 2024

6:30 PM

Hendricks County Government Center • Meeting Rooms 4 & 5
355 S Washington St #G80
Danville, IN 46122

Members Present: Mr. Brad Whicker; Mr. Bob Gentry; Mr. Ron Kneeland; Mr. Walt O’Riley; and Mrs. Margaret Gladden.

Members Absent: Mr. Damon Palmer; Mr. Thomas Whitaker

Staff Present: Mr. Tim Dombrosky, Secretary and Planning Director; Mr. Greg Steuerwald, County Attorney Representative; Mr. Brian Hurskainen, Senior Planner; and Mrs. Anna Wozniak, Recording Secretary.

A quorum was established, the Pledge of Allegiance was recited, and Mr. Whicker asked for a motion to approve the minutes from the March 12, 2024 meeting. Mr. Gentry made a motion to approve the March minutes. Mr. O’Riley seconded the motion. Motion of approval passed 5-0.

ZA 512/24: LENNAR HOMES; a zoning amendment change from LI to PUD; 19.7 acres; Guilford Township; 26-15N-16E; located at Southeast corner of SR 267 and E 300 S (533 E. Township Line Road) – (Brian J. Tuohy)

Mr. John Moore – Attorney - 50 S. Meridian St., Suite 700, Indianapolis, IN 46204

Mr. Moore: Present on behalf of petitioner Lennar Homes, also present were Taylor Navarre from Lennar Homes and Kyle Ackhorn from HWC Engineering (Project Engineer)

Power Point Presentation: Showing area on a screen and introducing project background information.

- Southeast corner of S. Avon Ave. & E County Road 300 S
- Currently Agricultural – Vacant land
- Zoned Light Industrial
- Comprehensive plans: County – Suburban Residential and Plainfield – Single-Family/Secondary Growth Area
- Concept Plan – Access from S Avon Ave, E CR 300 S and Family Promise cul-de-sac to East
- Mix of 125 Total Homes – 30 Single-Family Detached (16 Front-Load & 14 Rear-Load) as well as 95 (Rear-Load) Townhomes
- 22% Open space
- Recreation would include pool & pool house, playground, and paved pedestrian paths.

Mr. Moore: The project does comply with the Hendricks County Comprehensive Plan, however, this property is unique due to its location near Plainfield and therefore is designated as a High Intensity area. Residential development is more desirable than industrial development.

Letter included from the Town of Plainfield Development Services.

Mr. Whicker: Do we have any initial questions from the plan commission?

Mr. Gentry: Not at this moment.

Mr. Whicker opened the public portion of the meeting for those who had signed up to speak.

Mr. Jonathan Daum – 567 Northfield Rd., Plainfield, IN 46168

Speaking on behalf of Daum Family Trust. I am the fourth-generation member of the trust and have a daughter that will be first of the fifth generation. The trust owns the fields South of the proposed development site and East of Family Promise. It is currently an active farm that is operated by our family. The main concern of the trust is that the water runs often to the ditch East of Family Promise. The ditch is privately owned by the trust and is not a legal drain. The ditch cannot accommodate any additional water. We have seen the water rise to the top of our bridges when it rains with the addition of Family Promise. I brought some pictures to show you as an example. The ditch will not be able to handle the addition of over a hundred homes. We feel we should not be burdened with finding solutions to excess water that does not currently exist. The trust stance will not accept the need for the water run off or retention pond overflowing to the ditch as a result from the proposed development.

Mr. William Schlusser – 545 Willoughby Ct., Plainfield, IN 46165

My wife Rhonda and I live in Northfield Woods. This proposal is way too intensive, everything around there is a single family detached. This proposal looks more like an apartment complex than a housing development. As far as the Hendricks County Comprehensive Plan goes, the land calls for medium density residential with urban services 1 to 4 units per acre. This development calls for 6 units per acre. That is more than 50% denser than the maximum specified for medium density with residential with urban services. That is not consistent with the Comprehensive Plan. Plainfield's Comprehensive Plan does call for single family detached, and you can work in some attached which we don't have a huge problem with some attached but 95 on the 19 acres is just too many. We are definitely opposed to this; it will change the whole nature of the neighborhood from single family detached. It is going to be residential someday but there needs to be a realistic plan that comes to within 1 to 4 residential units per acre.

Mr. Dustin Craig – 540 Willoughby Ct., Plainfield, IN 46165

My primary concern is that 3 years ago we moved from Avon for a better school system in Plainfield. We have been very happy with the VanBuren school system and the student to teacher ratio. The concern with this development is how are we going to matriculate students from 125 single home residences into VanBuren school without overloading our school system. Those students will be in the zone, and I don't want my kids going to school with overloaded teachers even more than they already are. I would be severely disappointed to see the school system go down and the quality because we are trying to incorporate a lot of residences in a very small area.

Mr. Whicker closed the public portion of the meeting.

Mr. Whicker: I have a few comments. I live in the town of Plainfield and have lived there my entire life, I completely agree that the property is inappropriately zoned, and it should be 100 % going to the town of Plainfield, unfortunately it is locked out of the town annexing it. Ultimately the county is forced to make planning decisions based on a piece of property that should be lying in the town of Plainfield. We have a relatively weak letter from the town of Plainfield that doesn't provide me with a level of comfort I would like at this point to act. I strongly feel that this will lie in the town of Plainfield in a reasonable period of time. I also have density concerns. I would like Mr. Dombrosky to give us an overview briefly of the ramifications of the PUD zoning request.

Mr. Dombrosky: The ordinance itself carries more specificity and the ordinance that they drafted specifically would allow the development that they have shown and nothing else. In 2015 or so there was a PUD done by Eagle Lakes that never developed, and that PUD sat on that property. They had to sell that property as a PUD, and it ultimately came back to us. It only allows the development that they have shown and only based on that concept plan and standards that they have written.

Mr. Whicker: My question to John is why PUD? Those are my initial concerns.

Mr. Gentry: It's really simple for me, in order for me to support this project the density will have to be reduced, the drainage will have to be addressed and Mr. Daum's request for screening will have to be followed. It's that simple for me. Very simple.

Mr. Whicker: I will make one more comment for whomever is here on behalf of this, the request is a zoning change, this body does not hold the authority to make this zoning change.

Mr. Gentry: Mr. President, traditionally have these items gone to the drainage board and then come here?

Mr. Whicker: They are only asking for a zoning change; they are not here for a DPR. We don't have the authority to do that, we hold the public portion of the meeting and then make a recommendation to the Board of County Commissioners who do hold the authority to change zoning.

Mr. O'Riley: I think it's too dense and I am wondering if there was any kind of approval at all, would it not be smart to make it subject to the town of Plainfield approving utilities being provided.

Mr. Whicker: That is a requirement before the Commissioners would act on it.

Mr. O'Riley: It would be uncomfortable voting on something that we don't have in place.

Mr. Dombrosky: It would be difficult to put conditions on, you can recommend what the commissioners should consider as conditions. At this point we would recommend if you were to have favorable recommendations, it would be based on the towns input, which they in their letter suggest that the public hearing be held first before they would chime in.

Mr. O'Riley: I am uncomfortable with the density totally.

Mr. Keeland: I am as well.

Mr. Gladden: I am too, the density, the runoff.

Mr. Whicker: The runoff is not a county issue; it will come up at a later date. My difficulty is that it's a town of Plainfield matter, it puts the county in a very difficult position, and I am very respectful of this, the towns have different needs. The density as much as we have apprehension about it, when we get into an unincorporated area, we will be seeing more and more of that because of the cost of construction. I wish we had more insight from the town of Plainfield to give me any level of comfort this evening and the letter they provided you does not do that for me. No matter how we act this evening, it's still going to the County Commissioners, and we have 3 options: favorable, unfavorable or we can

take the staff recommendations and continue neutral and have trust that our commissioners will ensure that there is more information provided and they can choose to continue or deny it.

Mr. O’Riley: I agree, it is going to wind up with residential at some point. I am just not comfortable with residential that is being proposed.

Mr. Whicker: The town was preemptive when it came before us 2 years ago with light industrial use and it got a little too far down the road, there was an awful lot of money spent on them. That’s why that is a Plainfield issue.

Mr. Whicker: John, do you have any closing comments?

Mr. Moore: Thank you for the comments and your time and understanding. Also, just a few thoughts on the drainage, we are limited on the drainage and can’t discharge water at a greater rate, but we will figure it out with engineering. We will have to figure that out and get it approved before we can move forward with any type of development. With respect to the density, I hear all the questions there. This is in the Plainfield area of secondary growth, which provides for denser development, we feel that 6 is rather appropriate. Having said that, we would like to hear more from the town of Plainfield and continue till next month. We can ask for more concrete answers from the town of Plainfield and provide everyone with more information to help you make a decision you will be more comfortable with.

Mr. Whicker: It’s a great decision because if the town of Plainfield gives us their blessing to approve it, I will approve it because it will be ultimately annexed in the town. As a member of Plan Commission from Hendricks County, I am not comfortable doing that.

Mr. Moore: Understood.

Mr. Whicker: With that being said is that a formal request for continuance?

Mr. Moore: Yes.

Mr. Whicker made a motion granting approval for the continuance of ZA 512/24: Lennar Homes to May 14, 2024 meeting.

Mr. O’Riley seconded the motion.

Motion to approve continuance of ZA 512/24 fails: Favorable – 3 Unfavorable - 2

VOTE: For – 3 Against – 2 Abstained – 0 APPROVE

TZA 01/24: HENDRICKS COUNTY COMMISSIONERS; ordinance banning Commercial Wind Farms.

Mr. Whicker asked Mr. Dombrosky to speak and give an overview.

Mr. Dombrosky: The County Commissioners have requested an amendment to the ordinance, we drafted an amendment that would remove Wind Turbines as a permitted use from our use table and delete the section discussing standards and permitted areas.

Mr. O'Riley: So, will they be prohibited?

Mr. Dombrosky: Yes.

Mr. Whicker: Just so everyone understands, as I stated earlier this is the zoning change. We hold a public hearing to understand what the consensus is, and we would make a recommendation to the Board of County Commissioners that has the ultimate authority to make this change in effect. Everyone knows why we are here and why we are considering this, and why we want to find some finality.

More discussion about the changes that may take place in the future years to come.

Mr. Whicker opened the public hearing.

Mr. Steuerwald calling out names to approach the podium.

Mr. Darrin Bunch – 2179 W US Highway 36, Danville, IN 46122
Didn't mean to sign up to speak.

Ms. Rita Crouse – Coatesville, IN
I have lived in Hendricks County for 40 of my 45 years and just wanted to say I am against an ordinance banning Wind Farm Mills in Hendricks County.

Mr. Jesse Kirkheim – 370 Kaymar Dr., Danville, IN 46122
Just found out about Wind Farms so I am not fully prepared to speak on the subject. I grew up in Oklahoma, still have relatives there that lease windmills on their farms and have no complaints. Without having a really good study about sustainability and getting little more particulars about the situation I think it's unnecessary to ban the consideration of Solar or Wind Farms.

Mr. Brad Belcher – 22 Woodfield Place, Danville, IN 46122
I am a Hendricks County resident, just to understand there will be a recommendation on this issue to the Commissioners, correct and the current recommendation is a ban on Wind Farms.

Mr. Whicker: Not necessarily.

Mr. Belcher: Can you please clarify for me what you anticipate.

Mr. Whicker: We will make a recommendation which can either be favorable or unfavorable or no recommendation back to the commissioners to make a change in the ordinance.

Mr. Belcher: I would recommend to you if you were going to consider banning windmills or if they were ever allowed at all, that you would consider a mediation claw so anyone who installs at any time would be able to decommission. Decommissioning up to and including possibly posting bonds because sometimes these companies go out of business. We have all seen the structural details of what goes into these windmills and it's not easy to return to their original usage without dedicated efforts.

My point is to recommend that there is a means of returning the land to its original condition upon retirement.

Mr. Whicker: That is in our current ordinance, it was adopted about 6, 7 years ago.

Mr. Whicker: Anyone else that would like to speak, now is your opportunity. Technically this is the public hearing of a zoning that could ultimately be a zoning change by the County Commissioners, they will welcome you at their meeting but most likely will not let you speak at the meeting.

Ms. Rita Shearer - 527 W CR 1000 S

Currently we have massive warehouses to the East of us, and my concern is that half a mile West of us we have farmland, we don't want to be sandwiched in between. Even Solar, I would request to have Solar Fields banned, if they want them on the roof tops that would be fine. We are very concerned about what all these changes would do to our property values. I am totally against Windmill Farms and would like to request that you add Solar Fields to that.

Ms. Iris Crawford – 3398 W 200 N., Danville, IN 46122

As you can see, I am totally against it. I am 2 miles away from where they want to place one, I have lived out here for 32 years and I really like my countryside. I have wells, I have animals and farms and I have learned enough about the windmills myself and I think everyone should. I am totally against it and I will fight it, I am one person but I will fight it.

Ms. Trena Loudermill - 5098 N 400 W., North Salem, IN 46165

We have lived in River Township for 52 years and we thought that this item had been tabled. One of my neighbors called and said it's back on the agenda. So now it's back on the agenda?

Mr. Whicker: It was never tabled, not sure where that came from. The commissioners came out with a written statement, and they were asked to take that a step further and hold a public hearing, which is what we are doing this evening.

Ms. Loudermill: Well, you can see I am against it. There were a bunch of people at the previous meeting that were against it as well.

Mr. Tom Loudermill - 5098 N 400 W., North Salem, IN 46165

We are not public speakers and were not expecting to speak tonight. We attended a meeting maybe 3 weeks ago and the room was full of people who in my opinion were against the concept. We had 1 representative who gave a 20-minute speech explaining why the residents did not appreciate the windmills. What I am trying to say is, both rooms were packed, and they were displaying live broadcast of the meeting on large screen.

Mr. Whicker: Just for the record, it was not at this meeting, it was at the Commissioners meeting. This is the Plan Commission made up of 7, we have 5 present today versus 3 County Commissioners, again, a very different body.

Mr. Loudermill: All the people that were here protesting and left with the feeling that it was defeated, and I am getting the impression that it's being reintroduced through the back door and that's why there is only 4-5 people here that are protesting and disagreeing.

Mr. Whicker: Let me clarify some of the concerns, two different bodies, the County Commissioners, Executive Legislative body of the County. We are the Plan Commission we deal with planning and approvals. The commissioners came out and made a statement, they can't take any further action without a formal public hearing. The ordinance change to the zoning has to start here and finish with them, but they can't make that change without the public hearing which we are having here this evening.

Mr. Loudermill: Apparently there is a miscommunication whether it's just me or the other people, we thought it was through and agreed upon and here we are again.

Mr. Steuerwald: The commissioners made a statement they intended to ban windmills in the county. To follow that process, we must have an amendment to the zoning ordinance conducted by hearing here and that is what we are doing tonight which bans windmills. Prohibits them from being built in Hendricks County, it's a follow up to the statement commissioners made. Their opinion didn't change but now to change the ordinance it must go through the process, and this is step one to the process.

Mr. Loudermill: I am confused listening to you earlier, sounds like you guys listen and then you pass it on to the commissioners. Now, it sounds like the commissioners already made their decision and we are going backwards.

Mr. Steuerwald: They made a statement saying they intended to ban the ordinance, ban windmills. That is what we are doing.

Mr. Whicker: They are acting on the statement, changing the ordinance is changing the county law, that's the next step. Making a statement is not banning anything other than their position. We are making it public and following the process.

Mr. Keith Minor – P O Box 16, Danville, IN 46122

I have lived here in Danville for over 60 years, there are a lot of things that need to be explained. You are going to have a steady stream of concrete trucks, big trucks, and cranes on our small county roads which we all know we are all overloaded now, our roads cannot take that. If you go up North, right off 65 there are windmill farms, but they are on thousand-acre fields. We don't have enough access for farm machinery, combines, tractors and everything else that is going to be trying to get down these roads. I just don't think we need all that here. There are a lot of other considerations.

Mr. Harold DaVia – 4767 Orchid Ct., Plainfield, IN

I don't know whether this is a good or bad idea, I am hearing that Planning Commission is preemptively saying no. They don't want to do this without allowing them to do superficial study whether it is even a feasibility. They can do a feasibility study and decide it's not windy enough area for us to generate enough power we don't even want to full with that. All of this is a bunch of nothing. Secondly, I hear a lot of not in my back yard, don't want to see the windmills here and the trucks up and down my road. I am sorry but this is the world we live in and it's unavoidable and because of the density of population we have we have to start generating more renewable sources of electricity. Unless you want to have more coal power plants and build more smokestacks and coal waste dumps, we can do that in the county. Would they like to have coal waste in their field, I don't think so. Would you rather have a windmill or a coal dump in your back yard? We can go either way here, what do you think?

Mr. Whicker: You are addressing us all?

Mr. DaVia: I am, and that is what people really need to think about, because we are going to have to think about their extraneous accusations the power is going to Canada. The power is going to go into the grid on one end and go out on the other, they are going to buy their power somewhere. If we generate it here it's all well, it's going to create construction jobs and they may have to upgrade the roads up there, this is not a bad idea. At least give them a chance and run a study and say whether it's a good area. These farmers can make a lot of money for a patch of ground where they want to place a windmill. They built on access road and pay them for 50 years, I don't know how many thousands of dollars, people will be jealous that they didn't get one on their land. I would like them to think about that!

Ms. Amanda Thiemke – 3613 N Putnam CR N., North Salem, IN 46165
Moved out of Brownsburg to move away from development. When I think about wind farms, I need to do my own research and not depend upon a corporation who is only going to show anyone the positive benefits to them. I have animals and there have been several studies and if you do your own research, you will see that people have won lawsuits for problems with breeding animals around wind farms. It's a fact, look it up. You must do your own research; you cannot depend upon these people to tell you the truth that does not benefit them solely. Another thing is, with these leases, these leases can be sold to handling companies which may or may not be necessarily bound by the same contract that the original lease holder had. You can put in these contracts whatever you think may be beneficial to the community or the landowners or what have you, but those contracts can be sold and there is a possibility that what is in those contracts is made null and void upon the sale of that contract. That is all I wanted to say.

Mr. Mark Richman – 726 S CR 775 W., Coatesville, IN 46121
Thank you for letting me speak, I retired from the Navy in California in 2005 and moved here to Indiana. I moved out not the Fisher or Carmel area, but I moved out to the countryside of Danville area, because of the schools and the countryside, I wanted peacefulness. I have seen what the windmills do in the state of California, you have to wonder why the mountains aren't taking off because of all the propellers. Those things are disgusting to look at. I can sit here and tell you for hours all the negative things I have found. I have done research on the windmills and cannot find one positive thing about them. Person that mentioned coal fire power plant, I will tell you United States of America is the leader in this world of clean coal power. They want to put the windmills by Blanton Woods, I have Bald Eagles that fly in my yard, and I drive down the road and see deer and other animals, wild turkey come into my yard. All those animals will be gone with the windmills, the government must give themselves a permit to kill the wildlife. Do some research. I was here in January for the commissioners meeting and there were a lot of people here against the windmills. I thought it was tabled and now because of the procedure the commissioners came out and said they are going to vote against windmills in Hendricks County.

Mr. Whicker: I can't speak on behalf of the commissioners and how they are going to vote. I can tell you the commissioners have asked us to hold a public meeting, which we are doing this evening, potentially send a recommendation to them and how they choose to vote is up to them.

Mr. Richman: You mentioned earlier that they made a statement, could you please repeat the statement that they made.

Mr. Whicker: I can't tell you how they are going to vote, but I can tell you there doesn't seem a lot of interest on the commissioner's side.

Mr. Richman: Can I find the statement that was made?

Mr. Whicker: It's public record.

Mr. Richman: Okay, I will find it.

Mr. Darrin Burch – 2179 W US Highway 36, Danville, IN 46122

I have not lived around for very long, but I do care about the weather. The National Weather Service has on their website that they are specifically requesting that installation like this not be built in line of sight with their radar. Their radar is right down off the Interstate 70 and the windfarms installations to be built there are absolutely textbook for what they do not want. They state that thunderstorms and winter storms could be masked or misrepresented by reducing warning effectiveness in the vicinity of windfarms. They are saying that everything in the direction of the wind farms they cannot get the accurate radar data and the best mitigation is to avoid locating Winter Binds in the radar line of sight of the doppler radar. The National Weather Service is conducting an outreach program to ensure the wind energy industry and the developers are aware of the NWS Doppler Radar locations and the potential impacts on radar data. Just wanted to make sure that it was covered because that is something that impacts all of us. If don't have good radar data, we don't get good warning and we get tornadoes around here. One other thing I wanted to say, someone mentioned that lease companies can sell their leases and it's also if they go out of business or bank robbed that also creates problem with decommission unless there is funding set up. Hamilton County did something very similar and set up guaranteed funding for decommission. The windfarm companies decided not to go there because they didn't want to plan for that. That is something that really must be considered and if they are gone, we don't have the money and that falls on us. Decommissioning needs to be properly funded in advance guaranteed that it will be put back the way that it was, so they can't just leave and leave it the way that it is.

Mr. Whicker closed the public portion of the meeting.

Mr. Whicker: I would like to clarify a few things with the help of Mr. Dombrosky so what I am saying is accurate. We already have the ordinance in place that allows for commercial wind farms.

Mr. Dombrosky: It was adopted in 2009.

Mr. Whicker: It's very restrictive and the reason we are continuing these discussions is it's too restrictive for any reasonable commercial wind farm or that would be my assumption. They will ask for an amendment to accommodate what they would deem necessary to profit. There has been a lot of outcries as this unfolded and I respect that, there have been a few people that mentioned not be narrow minded and we need to understand where the power source is coming from. What any government body can do, can be undone by another government body. I am of the opinion that our restrictive zoning ordinance at its present form is restrictive enough that they are not going to pursue it, or they would pursue it with an amendment I would not be in favor of. We are here this evening to try to bring some calmness primarily to the Western part of Hendricks County. There is that unknown and has not gone away. There has been some misinformation and the commissioner's intent is to put this to rest as best we can as County Government, and I respect that. I will be supportive of it and it's because I respect the commissioners, but I don't deem it necessary that we go that far and that's my statement.

Mr. Whicker: Does anyone want to make a statement or a recommendation?

Mr. Gentry made a favorable recommendation to County Commissioners to ban commercial wind farms.

Mr. O'Riley seconded the motion.

Motion for a favorable recommendation to adopt ordinance change to ban commercial wind farms was carried unanimously.

VOTE: For – 5

Against – 0

Abstained – 0

APPROVE

Mr. Whicker: Hopefully it can bring some calmness to the whole county but primarily that Western part that received a lot of misinformation. We may revisit in the next 20 or 30, 40 years and anything that is done can be undone.

This will be heard by the County Commission on April 23, 2024 at 9:00AM. You are welcome to attend but they will probably not let anyone speak and it will probably be very crowded again.

Mr. Gentry: There is a very eloquent spokesman here today and I would encourage you to reach out to him.

Being no further business before the board, the meeting was adjourned at 7:37 PM.

Tim Dombrosky, Secretary