

**Shelby County Plan Commission  
Meeting Minutes  
Tuesday  
February 28, 2023**

**Members Present:**

Megan Hart  
Jason Abel – Attended via Zoom  
Mike McCain  
Scott Gabbard  
Kevin Carson  
Charity Mohr  
Nick Hartman  
Taylor Sumerford – Left after RZ 23-05

**Members Absent:**

Terry Smith

**Staff Present:**

Desiree Calderella – Planning Director  
Jason Clark – Plan Commission Attorney

**Call to Order and Roll Call:**

Kevin Carson called the February 28, 2023 meeting to order at 7:00 pm in Room 208 A at the Court House Annex.

**Approval of Minutes:**

Charity Mohr made a motion to approve the minutes from January 24, 2023. Scott Gabbard seconded the motion. The minutes were approved 8-0.

**Old Business:**

**RZ 23-02 – JANUARY REZONING:** Negative Findings of Fact.

Charity Mohr made a motion to adopt the Findings of Fact and Jason Abel seconded that motion. **The findings were ADOPTED 8-0.**

The Board adopted the following findings of fact:

1. The request is NOT consistent with the Shelby County Comprehensive Plan because: The rezoning is not consistent with Land Use Goal 1, Strategy 1

identified in the Comprehensive Plan due to lack of improved roads to accommodate truck traffic, lack of sanitary sewer, and the existing residential character context. Land Use Goal 1: Welcome and promote future development in appropriate areas of the County. Strategy 1: Balance development patterns and character with available transportation and utility resources and existing character context.

2. The request is NOT consistent with the current conditions and the character of structures and uses in each district because: The property is adjacent to higher-density residential development in the unincorporated community of Brookfield and several residential estate lots.
3. The request is NOT consistent with the most desirable use for which the land in each district is adapted because: The property is located a significant distance from the interstate, in an area lacking adequate roads and utilities, and within a residential area. Use of the property for industrial and trucking related uses would negatively impact surrounding residential properties. A few potential impacts include alteration to the aesthetic character of the area, noise from trucks, truck traffic, and impacts to groundwater and surrounding wells from fluids leaking from trucks in disrepair.
4. The request is NOT consistent with the conservation of property values throughout the jurisdiction because: Development of the property for industrial purposes and the nuisance impacts associated with industrial and trucking related uses would negatively impact surrounding residential property values.
5. The request is NOT consistent with responsible growth and development because: The property is not located within the Shelby County Northwest Economic Development Area (EDA) and the County has not proposed any road or utility improvements in the Pleasant View area outside the EDA. The narrow width of the existing road cannot safely accommodate the amount of truck generated by the proposed development or typical industrial development. Development of the property for industrial purposes and the nuisance impacts associated with industrial and trucking related uses would negatively impact surrounding residential properties.

**RZ 22-19 – HERITAGE AGGREGATES LLC REZONING:** Rezoning of 243.04-acres from the A1 (Conservation Agricultural) District and R1 (Single-Family Residential) District to the HI (High Impact) District to allow for expansion of aggregate mining operations. Located generally, north of CR 1200 S, south of Old SR 252, east of CR 100 W, and west of SR 9, Flat Rock, Washington Township.

Desiree Calderella read the petition into the record and stated that Staff recommends commitments regarding use and development of the property.

Chad Roots, Director of Land for US Agg., John Schmitt President of US Agg., and Tom Bedsole, Legal Counsel for US Agg. were present.

Chad Roots presented a PowerPoint presentation including a summary of company operations and the rezoning request (see case file).

The Board opened the hearing for public comment.

Reggie Isley, who owns the adjoining farm ground to the southeast and on the north side of Old SR 252, expressed concern about existing encroachment of overburden onto his property, sale of aggregate to out-of-county companies with the burden of development placed on Shelby County, drainage, runoff into the creek, and closure of CR 25 W preventing access to his farm ground.

Gabriel Babinec, Washington Township Trustee, expressed concern regarding future use of the property as a landfill, runoff into the creek, inconsistency of the rezoning with the future land use recommendation of the Comprehensive Plan, and blasting.

Justin Gifford, attorney with Beck, Rucker, and Habig, represented Sam Deiwert, who owns property at 11573 S 25 W. He explained that approval of the rezoning would result in permanent removal of agricultural land from an area designated for agricultural use by the Comprehensive Plan. He explained that the UDO does not designate the A1 or A2 districts as appropriate adjacent districts to the HI District. He explained that the 2019 Comprehensive Plan promotes preserving the agricultural and rural quality of the County. He explained that Indiana Law does not allow the Plan Commission to consider precedence when making a decision. He indicated that a future owner could change the use of the property to another use permitted in the HI District. He indicated that the Comprehensive Plan encourages attraction of businesses that will generate tax revenue and that the existing quarry does not generate significant tax revenue. He referenced academic reports that have found that quarries impact surrounding property values in a similar manner as a landfill. He indicated that the quarry expansion would generate additional truck traffic. He explained that approval of the rezoning would not meet the goal of preservation of natural features identified in the Comprehensive Plan. He expressed concern with dewatering. He referenced County opposition to solar farms and explained that solar farms do not generate noise and must provide decommissioning plans. He stated that his client requests that the Board render an unfavorable recommendation.

Joel Neuenschwander, who owns property at 11903 S SR 9, expressed concern with dust and explosions moving closer to his house.

Brian Willis, a truck driver who hauls aggregate, expressed concern with dust, removal of agricultural land for quarry use, blasting, and delivery of most of the aggregate to adjoining counties.

Tony Miller, who lives at 758 W 1200 S, expressed concern with blasting and potential impacts to his well by blasting at too great of a depth. He provided drone photographs of the existing quarries to the Board (see case file).

Thomas Samuel 'Sam' Deiwert, who owns property at 11573 S 25 W, expressed concern with aesthetics, light, future use of the property for other uses permitted in the HI District, availability of other property zoned HI in the area, inconsistency of the rezoning with the Comprehensive Plan, lack of economic benefit to Shelby County, the lack of tax revenue generated by the quarry relative to the impact of the operation on County resources, and the availability of land in other counties for mining purposes. He asked that the Board vote to deny the rezoning or table the rezoning to allow time for additional public discussion. He provided a petition in opposition to the rezoning to the Board (see case file).

Nick Alrick, the Plant Manager for Heritage Agg, spoke about the company's financial and resource contributions to the area, blasting procedures which mitigate impacts to adjacent properties, and environmental regulations that apply to mining activities.

Sam Deiwert asked how the company would monitor impacts to groundwater and natural resources.

The Board closed the public comment portion of the hearing.

Chad Roots indicated that Heritage strives to work with its neighbors when issues arise. He indicated that Heritage had no knowledge of encroachment of overburn onto the Isley property, however, would rectify that issue if it exists. He indicated that Heritage works with the Drainage Board when they encounter a drainage tile and that the quarry itself holds water before discharging water into the creek. He explained that the quarry has on-site sedimentation ponds monitored by IDEM and a Heritage environmental technician, therefore the quarry does not discharge sediment into the creek. He explained that overburden would mostly become berms along the perimeter of the mined area. He indicated that the County has vacated CR 25 W, however Mr. Isley has access to his farmland. He explained that environmental regulations prevent future use of the property for a landfill and that likely the quarry would provide a future water source for the County. He indicated that trucks include covers with clips to minimize fall of overburden, however Heritage has little control over trucks after the trucks leave the quarry. He indicated that adjacent HI zoning renders the location appropriate for a rezoning to HI. He explained that the rezone would allow access to future reserves and would not increase the volume of mineral extraction. He indicated that the facility would generate more than ten-times the tax revenue than suggested by Mr. Gifford and personal property taxes. He provided a handout to the Board regarding impacts of quarry operations on property values (see case file). He spoke about economic contributions of the quarry to the County including creation of on and off-site jobs. He emphasized that the rezoning represents a continuation of quarry operations that have existed in the area

for the last seventy-three years. He explained that Heritage has a seismograph and that blast measurements stay under compliance maximums. He explained that Mr. Deiwert chosen to build a new home on his property with knowledge that Heritage intended to expand their mining operations. He explained that not allowing the expansion of the quarry would increase aggregate prices by minimizing local competition and local aggregate material. He indicated that the County does not have available HI zoned property other than adjacent to Heritage's competitor's quarry.

John Schmitt spoke about environmental regulations applicable to quarries and management of water, dust, and blasting. He provided assurance to the Board that Heritage will manage the property responsibly.

Megan Hart asked about the possibility of the property becoming a landfill in the future.

Desiree Calderella explained that the proposed commitments would run with the land and prohibit use of the property as a landfill.

Scott Gabbard asked about enforcement of commitments.

Desiree Calderella explained that the commitments would attach to the property deed and that the County would have the authority to enforce the commitments through the zoning violation process.

Lori Webb, Environmental Manager for US Agg, explained that DNR regulations address dewatering of neighboring wells.

Scott Gabbard asked how the geology of the site could limit turning the site into a landfill.

John Schmitt explained that the investment required to seal the site to ensure that materials would not contaminate groundwater render future use of the site for a landfill highly unlikely.

Chad Roots stated that the commitments would guarantee that the site would not turn into a landfill.

Q: Jason Abel – Regarding loss of revenue due to the setbacks, are the costs you referenced annual or amortized?

A: Chad Roots – Amortized.

Q: Jason Abel – You referenced this use as an agricultural venture. Are there any analogous agricultural operations that do blasting on a regular basis?

A: John Schmitt – Historically, stump removal.

Q: Nick Hartman – Are your proposed hours of operation your current hours of operation? When do you blast?

A: Nick Alrick – Yes. Currently we operate 8AM-5PM Monday through Friday and sometimes we do half a day on Saturday. Blasting between noon and two.

Q: Nick Hartman – Nothing is going to change with blasting?

A: Chad Roots – Operationally speaking, I don't believe so.

Q: Nick Hartman – I assume dust will come from your neighbor since you operate in the hole?

A: Nick Alrick – Our plant is a fixed plant in the hole.

Q: Nick Hartman – How does the creek effect you guys?

A: Chad Roots – We are precluded from doing work in the floodway. We rely on the water as a clean water source. We would not mine north of the creek.

Q: Kevin Carson – As you move outward, you would be blasting at a higher level since you are deeper in the ground now?

A: Chad Roots – No. We would continue the existing hole.

Q: Kevin Carson – You have committed that you will not close CR 25 S north of the current bridge? To allow access to the farm ground.

A: Chad Roots – It is already vacated but will commit to allow him access.

Chad Roots indicated that the Staff proposed increased setback north of the creek would not pose as much of an issue as the proposed increased setbacks in the mining areas.

John Schmitt asked which concerns would implementing increased setbacks address. He explained that berms provide a buffer zone.

Q: Kevin Carson – Would you attest to a commitment regarding a berm edge to a property line to address Mr. Islay's concern?

A: John Schmitt – That's trespassing, we cannot do that. If that's an issue that exists today, we will correct it.

Charity Mohr explained that the increased setbacks would reduce the impacts of noise and dust to adjacent properties.

Scott Gabbard asked for further information regarding the legal ramifications referenced in the petitioner's presentation.

Chad Roots explained that Indiana Law includes a clear but broad statute that may allow Heritage Agg to extract mineral resources up to the property line. However, Heritage Agg would agree to abide by HI zoning setback requirements.

Tom Bedsole explained that Indiana statute includes the right-to-mine in rural areas which a comprehensive plan or zoning ordinance cannot restrict. However, Heritage has agreed to a long list of commitments to address the County's concerns.

Q: Nick Hartman – Do you plan to go west or south first? Why are you asking for both areas now?

A: Chad Roots – It depends on the geology as it's uncovered. We intend to mine it all overtime.

Q: Megan Hart – You will not mine the area north of the creek?

A: John Schmitt – That is not our current plan. Potentially look at mining that area many years down the road.

Q: Megan Hart – If you are not planning on using the area north of the creek, why zone it?

A: John Schmitt – If you look at the quarry to the west, that natural progression is that the quarries will adjoin at some point.

Q: Scott Gabbard – What is the commitment regarding access to the farm ground off vacated CR 25 W?

A: Chad Roots – The owner of the land has a 50% share of the road. His (the farmer's) protections are guaranteed by the landowner.

Q: Mike McCain – All these setbacks talk about stockpiles, is there any setbacks on mining?

A: Chad Roots – Heritage's commitments include the ordinance setbacks. It doesn't make logical sense to have stockpiles behind the mining, because then you have islands of stockpiles. Stockpiling will more than likely stay where the operation currently is, but that doesn't mean it will stay that way forever.

Charity Mohr made a motion to use the list of commitments proposed by Staff and Jason Abel seconded that motion. The Board unanimously voted to use Staff's list of commitments.

Mike McCain made a motion of vote on the petition with Staff's proposed list of commitments and Jason Abel seconded that motion. **The petition was APPROVED 7-1**, with Taylor Sumerford casting the dissenting vote, with **commitments**.

**The commitments are attached to these minutes.**

The Board adopted the following findings of fact:

1. The request is consistent with the Shelby County Comprehensive Plan.

2. The request is consistent with the current conditions and the character of structures and uses in each district.
3. The request is consistent with the most desirable use for which the land in each district is adapted.
4. The request is consistent with the conservation of property values throughout the jurisdiction.
5. The request is consistent with responsible growth and development.

**New Business:**

**VAC 23-01 – VACATION OF LOTS 41, 42, 43, 44, 45, & 46 IN MAPLETON SUBDIVISION** and **SD 23-01 – ARCHER SIMPLE SUBDIVISION**: Subdivision of 0.74-acres into one 0.40-acre commercial lot and two 0.17-acre two-family residential lots and waiver of subdivision standards. Located at 15 Hale Rd, 17 Hale Rd, & 1016 W Hendricks St, Shelbyville, Addison Township.

Desiree Calderella read the petition into the record and stated that Staff recommends approval.

Scott Sumerford represented the petitioner. He provided a summary of the design of the proposed development.

The Board opened the hearing for public comment. There was none. The board closed the public comment portion of the hearing.

Charity Mohr made a motion of vote on the petitions and Megan Hart seconded that motion. **The petitions were APPROVED 7-1**, with Taylor Sumerford abstaining.

**RZ 23-04 – DAVIS REZONING**: Rezoning of 14.74-acres from the A2 (Agricultural) District to the RE (Residential Estate) District to allow for two new single-family residential lots. Located east of and adjoining 453 E 700 S, Shelbyville, Washington Township.

Desiree Calderella read the petition into the record and stated that Staff recommends approval with a stipulation.

Scott Sumerford represented the petitioner. He explained that a creek and residential properties surround the property and referenced the limited practicality of continuing to farm the relatively small parcel of land. He indicated that the petitioner plans to split the property into two residential lots and that all development would occur near the road and outside of the floodplain.

The Board opened the hearing for public comment.

Brian Willis, who lives at 453 E 700 S, explained that the subject property floods, and



expressed concern that raising the land to build on the property would divert floodwaters onto neighboring properties. He provided a petition signed by neighbors in opposition to the Board (see case file). He expressed disappointment with removal of trees on the subject property. He explained that he chose to live in a county setting and does not want closer neighbors.

Michelle Wheelhouse, who owns property at 7015 S 75 E, described previous flood events on her property and in the neighborhood. She expressed concern that raising the land to build on the property would divert floodwaters onto neighboring properties.

Nancy Settles, who owns farmland to the east and west, expressed concern that development of the property would worsen flooding on her farm ground. She allowed the Board to view pictures of flooding in the area on her cellular phone.

Brandy Moore, whose mother lives at 624 E 700 S, described previous flood events on her mother's property and in the neighborhood. She indicated that her mother would not like additional neighbors.

The Board closed the public comment portion of the hearing.

Scott Sumerford indicated that his client intends to build houses on the higher area of the property and has no intent to disturb the flood zone.

Q: Nick Hartman – How many acres are in the flood area? Is there a stipulation on how many acres you need to build?

A: Desiree Calderella – About one-acre on each lot outside the flood area. The minimum lot size applies to the whole lot including the flood areas. These lots greatly exceed the minimum lot size.

Nick Hartman expressed concern about the limited buildable area of the lot and disclosure of that fact to future land buyers.

Q: Charity Mohr – Say we had a three-acre minimum, has there ever been a consideration that the entire three-acres must be buildable?

A: Desiree Calderella – No, its based solely on the size of the lot regardless of practical buildability.

Q: Megan Hart – Would there be enough space to build with road setbacks and property line setbacks?

A: Desiree Calderella – Generally, if you have about and acre and your soils are good, you have enough space for a house, septic system, and one outbuilding.

Q: Nick Hartman – Has there been soil tests?

A: Scott Sumerford – No.

Megan Hart explained that the Health Department could restrict the size of the house dependent on the size of the septic system that the property can accommodate.

Kevin Carson explained that elevation points show the area outside the floodplain on the subject property at about the same elevation as the surrounding houses.

Desiree Calderella clarified that Staff's recommended stipulation prohibits all development in the floodway and flood fringe, however it would not prohibit elevation of the land outside of the flood hazard area. She noted that the current zoning allows for development of one house on the property.

Charity Mohr made a motion of vote on the petition with staff's recommended stipulation and Megan Hart seconded that motion. **The petition was CONTINUED** due to lack of majority vote with Charily Mohr, Mike McCain, and Scott Gabbard voting to approve with stipulation, Megan Hart, Nick Hartman, Kevin Carson, and Jason Abel voting to deny, and with Taylor Sumerford abstaining.

**RZ 23-05 – F AND A MARTIN HOLDINGS, LLC REZONING:** Rezoning of 0.16-acres from the C1 (Neighborhood Commerical) District to the C2 (Highway Commerical) District to allow for operation of a resturant. Located at 506 W Carey St, Fairland, Brandywine Township.

Desiree Calderella read the petition into the record and stated that Staff recommends approval with a stipulation.

Autumn Martin explained that Fairland has a need for additional restaurant options.

The Board opened the hearing for public comment.

Michael Turner, who owns property at 309 S Edgerton St, inquired about septic requirements for use of the property for a restaurant.

The Board closed the public comment portion of the hearing.

Autumn Martin indicated that the County Health Department had approved use of the existing septic carry-out only resturant.

Desiree Calderella explained that any future change in use would require approval from the Health Department for use of the existing septic system.

Nick Hartman made a motion of vote on the petition with a stipulation and Scott Gabbard seconded that motion. **The petition was APPROVED 8-0** with a **stipulation:**

- 1. Use of the property for a pawn shop, quick cash/check cashing, and/or for**

**restaurant or retail generating its primary source of revenue from liquor sales shall be prohibited.**

The Board adopted the following findings of fact:

1. The request is consistent with the Shelby County Comprehensive Plan.
2. The request is consistent with the current conditions and the character of structures and uses in each district.
3. The request is consistent with the most desirable use for which the land in each district is adapted.
4. The request is consistent with the conservation of property values throughout the jurisdiction.
5. The request is consistent with responsible growth and development.

**RZ 23-06 – IN RNG INTERCONNECT, LLC REZONING:** Rezoning of 6.696-acres from the A1 (Conservation Agricultural) District to the I2 (High Intensity Industrial) District to allow for a natural gas injection facility. Located at 5445 S Smithland Rd, Shelbyville, Hendricks Township.

Desiree Calderella read the petition into the record and stated that Staff recommends approval stipulations.

Steven Wilkinson with REV LNG presented a PowerPoint presentation including a summary of company operations and the rezoning request (see case file).

Eric Kessler, Vice President of Business Development at REV LNG, explained that operations would only involve transfer of gas into the pipeline and no processing. He indicated that the development would generate one truck a day, and every-other-day three trucks, and employee vehicles. He indicated that the project would increase the tax base, entice other agricultural gas producers to utilize the location, and would only accept agricultural gas. He explained that deliveries would only occur during the day and that local truck drivers would operate high-tech, safe trucks. He indicated that operations would not involve manure and would produce no odor or sound.

Charity Mohr asked about truck routes.

Steven Wilkinson explained that REV had not finalized the trucking routes, but likely trucks from travel south from the interstate. He indicated that they may add routes from additional farms in the future.

Kevin Carson indicated that truck routes are under the jurisdiction of the County Commissioners and Sheriffs Department.

The Board opened the hearing for public comment.

David Settles, who owns the farm ground to the east, indicated that the property and surrounding area holds water and floods. He asked if the company would maintain the drain tiles. He expressed concern about fluid leaks draining to Blue River.

Joanna Clariage, who lives in Marietta, expressed concern with leakage draining into her yard due to flooding in the area. She asked if the facility could cause an explosion, if the facility has any connection to the pumping station, and measures for fire safety. She expressed concerns with the narrow width of Marietta Rd. and lack of notice of the petition.

Desiree Calderella indicated that required notice radius of 600-feet from the property lines only reached a couple houses in the town of Marietta.

Harry Lawering, who lives in Marietta, described flooding patterns in the area. He expressed concern with lack of notice of the petition. He indicated that no other county wants this development. He expressed concern with the narrow width of Marietta Rd.

Rachael Barlow, who lives at 2688 S 625 W, asked how many contracts the petitioner would have with dairy farms or landfills. She indicated that deliveries should occur at night when the roads have less traffic. She asked who would monitor the injection of gas into the pipeline. She expressed concern with the narrow width of surrounding roads and the possibility of trucks falling into roadside ditches. She explained that out-of-town and inexperienced drivers frequently travel to the nearby school and could experience conflicts with the trucks. She asked about the local point of contact for this out-of-state company. She asked if the company could continue to obtain dairy farm contracts with the decline in dairy farms. She asked why the company has chosen to locate its facility in Shelby County rather than in Decatur County. She asked why the company must obtain safety certifications. She asked if the company would ask for a tax abatement.

Jared Bowman indicated that he had moved to the area to avoid living near development. He asked if Shelby County has dairy farms. He indicated that the gas would be used out-of-county.

Zanda Stead, who lives in Hendricks Township, asked if deliveries would include manure or gas. She asked about the drawbacks of the operation. She asked about required environmental impact studies to show impacts of a potential gas leak. She asked about fire department disaster response plans. She asked why Shelby County should approve the development if Decatur County does not want the development. She asked about future use of the property.

Justin Parker, who lives in Jackson Township, indicated that the project is a utility, not a farm project. He referenced accidents he has worked in the area as a Sheriff's Deputy. He explained that the pipeline crosses larger thoroughfares, such as I-74, which would provide safer access roads to the development. He spoke about the legal findings of fact

for approval of a rezoning. He indicated that the UDO does not designate the A1 district as an appropriate adjacent district to the I2 district. He indicated that approval of a rezoning would allow for other uses of the property permitted in the I2 district. He expressed concern with rezoning approval setting a precedent for allowing additional industrial development adjacent to the property. He expressed concern with Staff's proposed stipulation which would grant the zoning administrator discretion to approve changes to the site plan.

Mellissa Lawery spoke about the dangers of pipelines and the removal of rural areas by development.

Blake Newkirk explained that the Comprehensive Plan does not recommend use of the area of industrial development or expansion of utilities to the area.

Winn Hulsbosch, who's farm will provide the natural gas, indicated that his family ensured that REV RNG had required certifications and operated safely before agreeing to partner with the company. He explained that the project would create opportunity for livestock farms in Shelby County to develop digesters and that use of digesters will likely become a necessity of farm operations in the future. He indicated that the project would benefit the local agricultural economy.

The Board closed the public comment portion of the hearing.

Eric Kessler indicated that no manure would come to the facility, only natural gas from the Hulsbosch farm. He clarified that only one truck a day would come to the site and three natural gas trucks every other day, and that the facility would only accept natural gas from three to four agricultural operations. He indicated that the company would replace damaged farm tiles and maintain farm tiles that run through the site. He explained that gas leaks encounter open air and therefore do would cause explosions. He stated that the company could supply their safety records. He explained that all users connected to the pipeline would use the gas. He spoke about the company's efforts to participate in their communities. He indicated that the design of the trucks prevents explosions caused by damage to the trucks. He indicated that the facility would employ local employees who could address any complaints.

Steven Wilkinson indicated that rather than the Plan Commission, the Drainage Board and Highway Department would address flooding concerns and that the State and County would address safety concerns with the road.

Eric Kessler indicated that other communities perceived light, odor, and sound as drawbacks but found no concern with these issues after development of the facility in their community. He indicated that the company participates in agricultural education. He spoke about the professionalism of the company's local truck drivers. He emphasized that the company desires to provide education and work with their communities.

Steven Wilkinson explained that the company's agreement with the pipeline will only allow them to inject gas from three to four farms. He explained that daytime deliveries and gas injection provides safer conditions than nighttime operations.

Q: Megan Hart – If you don't get three farms, are you considering contacting the County landfill?

A: Eric Kessler – Absolutely not.

Q: Megan Hart – Does this have any connection to the pumping station across the road?

A: Eric Kessler – No.

Q: Megan Hart – What are your considerations for hours?

A: Steven Wilkinson – The goal would be morning timeframe to afternoon.

Q: Megan Hart – Sound like there is a person monitoring?

A: Steven Wilkinson – Some sort of operations room. Stay during the day and keep track of things.

Q: Megan Hart – Are you going to ask for a tax abatement?

A: Steven Wilkinson – No.

Q: Megan Hart – Is there any difference in this facility versus what goes on across the road in terms of fire department needs?

A: Eric Kessler – Much less. That is a compression station, this is a transfer station. The fire department will have all the specification to do their drills as they see fit.

Q: Megan Hart – What are the plans for leak detections?

A: Steven Wilkinson – Leak detectors throughout the facility. State and federal codes apply.

Megan Hart indicated that she supports this type of facility and considers it a great option to support agricultural operations, however she considers other areas already zoned industrial closer to better roads a more appropriate location for development of the facility.

Eric Kessler explained that pipeline capacity limits the location of the facility. He indicated that the company chooses to develop facilities in agricultural areas because the facilities benefit agricultural operations. He explained that the company had used consultants, Cornell University, and federal traffic studies to choose this location.

Q: Scott Gabbard – Did you talk to Honda?

A: Steven Wilkinson – CenterPoint Energy could not take all the gas.

Q: Megan Hart – Would the ethanol plant use the energy?

A: Eric Kessler – They were not interested in the capacity of gas that we had.

A: Steven Wilkinson – For funding purposes (tax credits / carbon credits), the gas must go into a commercial system, in cannot serve only one customer.

Scott Gabbard expressed concern about the soils and drainage capacity.

Q: Mike McCain – A & R only gave you three possible sites?

A: Steven Wilkinson – Yes.

Q: Mike McCain – How long does it take to unload a truck?

A: Steven Wilkinson – Typically 14 to 16 hours.

Q: Mike McCain – How many unloading stations?

A: Steven Wilkinson – Three.

Megan Hart made a motion of vote on the petition with stipulations (staff's amended to required development plan approval by the Plan Commission) and Mike McCain seconded that motion. **The petition was CONTINUED** due to lack of majority vote with Jason Abel, Mike McCain and Scott Gabbard voting to approve with stipulations, Megan Hart, Kevin Carson, and Charity Mohr voting to deny, and with Nick Hartman abstaining.

**SD 23-03 – RNG - PILE FARMS SIMPLE SUBDIVISION:** Subdivision of a 6.696-acre industrial lot from a 49.17- acre parent tract and waiver of subdivision standards. Located at 5445 S Smithland Rd, Shelbyville, Hendricks Township.

This petition was not heard due to the continuation of RZ 23-06.

#### **NORTHWEST SHELBY COUNTY ECONOMIC DEVELOPMENT AREA**

**RESOLUTION:** Resolution approving amendments to the Declaratory Resolution of the Shelby County Redevelopment Commission that established the Northwest Shelby County Economic Development Area.

Desiree Calderella read the petition into the record and stated that Staff recommends approval.

Chris King provided additional information on the amendment and answered questions.

Jason Clark provided information regarding the legal process for approving the resolution.

Scott Gabbard made a motion of vote on the resolution and Chrity Mohr seconded that motion. **The resolution was APPROVED 6-0**, with Kevin Carson abstaining.

**Discussion:**

**None.**

**Adjournment:**

With no further business to come before the Board, Charity Mohr made a motion to adjourn. Scott Gabbard seconded that motion. The meeting was adjourned.

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**Terry Smith**  
**President**

**Date**

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**Scott Gabbard**  
**Secretary**

**Date**