

**HENRY COUNTY PLANNING COMMISSION
1201 RACE STREET, SUITE 214
NEW CASTLE, INDIANA 47362**

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Zoning Administrator*

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The Henry County Planning Commission held a regular monthly meeting virtually via Zoom at 5:00 pm on Thursday February 18th, 2021.

The meeting was called to order at 5:00 pm by President Jim Wenning. Roll was called. Board members present were: Dale Cole, Bobbi Plummer, Larry Brayton, Jim Wenning, Marsha Gratner, Tom Green, Kenon Gray and Olene Veach. Rachel Clark was absent. Also present was Darrin Jacobs, Zoning Administrator and Attorney Sean Row.

The Commission welcomed Kenon Gray back and stated that they were grateful for his recovery.

Previous Minutes

The Board read and approved the January 21st, 2021 minutes on a vote 7-0 with Kenon Gray abstaining. The motion to approve was made by Dale Cole and seconded by Olene Veach.

Case B: 2243

Elizabeth Middleton of 210 S 8th St. Middletown, IN 47356 requesting to rezone a parcel from Single Family Residential (R1) to Rural Residential (RR) for the purpose of keeping livestock. The property is owned by Elizabeth & Michael Middleton and located at 210 S 8th St. Middletown, IN 47356 on Parcel #022-11271-00 in the Town of Middletown.

The Zoning Administrator gave a summary of the case and presented the staff report.

President Jim Wenning asked if the applicant or their representative was prepared to present their case. Elizabeth Middleton addressed the Commission. Mrs. Middleton stated that her husband had recently passed and that they had built the house as their forever home, but she has now recently moved and needs to sell the property. Mrs. Middleton stated that everyone who has wanted to purchase the property wanted horses which wouldn't be allowed under R1. Mrs. Middleton also stated that the town will allow livestock as long as it is kept 300 feet from residential properties, and that she thought her property was a good location for horses because it is very isolated. Mrs. Middleton also stated that there is farm field south of her property and that the town sewer plant is nearby.

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Olene Veach discussed that the animals, and any barns or pens would need to be 300 feet from any residential property, which would greatly limit how much room the horses might have to roam.

Dale Cole asked if animals other than horses could be kept on the property if it was zoned Rural Residential. The Zoning Administrator stated that any and all livestock or poultry could be kept on the property if it was zoned RR.

Larry Brayton asked how many houses surrounded the property. Mrs. Middleton stated that most people didn't even know that her house was back there and that a lot of the neighboring houses were blocked by trees.

Bobbi Plummer stated that this was a town matter.

Kenon Gray asked if the Commission had received any letters about the rezone. The Zoning Administrator stated that they had received no written correspondence, but he had received two phone calls.

Jim Wenning asked if anyone wished to speak on the request.

Tim Mundell, the Clerk/Treasurer stated that some residents had visited the Town Office and raised concerns about the possible smell from livestock. Kenon Gray asked if the sewer plant smelled. Mr. Mundell stated it did not.

Mrs. Middleton stated that she didn't want to do anything to hurt Middletown, and that she didn't think that horses would.

With no other questions the President asked for a motion.

Kenon Gray moved to recommend the rezone to Rural Residential (RR). Dale Cole seconded the motion, but after clarification of the motion withdrew his second. Bobbi Plummer then seconded the motion. The motion failed, with 3 in favor and 5 opposed.

Bobbi Plummer moved to send the request to the Town of Middletown with no recommendation, Tom Green seconded. The motion passed 8-0.

Case B: 2244

Janet Howard & Darius Burke of 6403 W Co Rd 100 N, New Castle, IN 47362 requesting a Commission Approved Use (CAU) to allow for Recreational Development, specifically an events venue. The venue would be used for, but not limited to; indoor & outdoor weddings, business retreats, family & social gatherings, agritourism, a u-pick farm, farmers markets, wedding expos, concerts, craft fairs, antiques fairs and similar gathers for socializing, exhibiting and selling of goods. The property is owned by Janet

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Howard of 6403 W Co Rd 100 N, New Castle, IN 47362 and located at 6403 W Co Rd 100 N, New Castle, IN 47362 on Parcels 006-01404-00, 006-01429-00 & 006-01430-00 in Harrison Township.

The Zoning Administrator gave a summary of the case and presented the staff report.

President Jim Wenning asked if the applicant or their representative was prepared to present their case. Darius Burke addressed the Commission. Mr. Burke gave the Commission a PowerPoint presentation on their project. Mr. Burke stated that he had recently gotten married and that his wife planned the entire event and that they believed that it was something they could do as a business. Mr. Burke stated that they had purchased the property with the express purpose of using it as a wedding venue and had already received a state design release for their proposed wedding barn. Mr. Burke stated that the trees around the property will help with noise and that they plan to have hours of operation from 8am to 11pm, with sound off at 10pm. Mr. Burke stated that all lighting will be down lit. Mr. Burke stated that the “teahouse” building currently has restrooms, which will be used by the wedding party, and that they will have portable restrooms or a restroom trailer for the guests. Mr. Burke stated that once they are up and running they plan to install a commercial septic system and add restrooms to the wedding barn.

Dale Cole asked what their target date was. Mr. Burke stated they hope to begin having events in late summer early fall.

Marsha Gratner asked how many people their site would accommodate. Mr. Burke stated that the state said they could have up to 300 people in the building, but they will probably keep it around 215 or below.

Jim Wenning asked if anyone wished to speak on the request.

Rosalind Richey asked how many people they would be employing. Mr. Burke stated that right now it would just be him, his wife, and his mother. Mr. Burke also stated that they would have a list of local individuals who can provide services, such as caterers, DJ’s, and photographers. Mrs. Richey stated that the road in front of Mr. Burke’s property floods.

With no other questions the President asked that the CAU questions be called.

| Board Member | Question 1 | Question 2 | Question 3 |
|----------------|------------|------------|------------|
| Jim Wenning | YES | YES | YES |
| Bobbi Plummer | YES | YES | YES |
| Dale Cole | YES | YES | YES |
| Marsha Gratner | YES | YES | YES |
| Olene Veach | YES | YES | YES |

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| | | | |
|---------------|-----|-----|-----|
| Kenon Gray | YES | YES | YES |
| Tom Green | YES | YES | YES |
| Larry Brayton | YES | YES | YES |

The CAU request was **APPROVED**

Solar Ordinance discussion

The Zoning Administrator stated that at the January 21st Planning Commission meeting the Commission tabled the decision on what to do with the solar ordinance that the County Commissioners rejected in December and sent back to them. The Commission directed Attorney Sean Row to write a letter to the County Commissioners requesting specifics as to what is objectionable to the proposed ordinance as written in order to discuss how to proceed. The Zoning Administrator read an email from Commissioner Tarantino in response to the Planning Commission’s letter.

President Jim Wenning asked Bobbi Plummer if she had anything she wanted to comment as County Commissioner. Ms. Plummer said no.

Kenon Gray stated that he would hate to see it just die because a lot of work went into it and that it may not be perfect, but to let it die would be irresponsible. Mr. Gray also suggested a possible combined meeting in the future.

Tom Green asked if the way to keep the ordinance alive was to send it back to the Commissioners. The Zoning Administrator stated that it would keep it alive for now. Bobbi Plummer stated that it wouldn’t keep the ordinance alive if the County Commissioners voted to reject the ordinance a second time.

Dale Cole stated that there had been a lot of work put into the ordinance and it would be a shame if it was just thrown in the trash pile. Mr. Cole stated that anything you put together will need to be tweaked as you go forward, but if they just passed this ordinance at least there is something in black and white that they could work with and make adjustments to. Mr. Cole also stated that there is an opportunity for a lot of revenue from solar projects.

Olene Veach stated that the response from Commissioner Tarantino was still vague and did not give any specifics as to why they rejected the ordinance or what they would like to see changed.

Marsha Gratner wanted to know what Commissioner Tarantino meant by “suggested changes” in his email and if they could see those suggestions. The Zoning Administrator stated he did not know what Commissioner Tarantino was referencing in his email and that she would have to ask Commissioner Tarantino.

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Bobbi Plummer stated that the three County Commissioners are independently researching solar. Ms. Plummer stated that she didn't believe that the issue before the Planning Commission is what the County Commissioners want in a solar ordinance or what Commissioner Tarantino meant in his email. Ms. Plummer stated that all that they should be discussing is whether to accept or reject the County Commissioner's rejection of the solar ordinance.

Kenon Gray asked Bobbi Plummer if the County Commissioners had a timeline or when they might hold a public meeting about solar. Bobbi Plummer stated again that the three County Commissioners are independently researching solar.

Dale Cole asked Bobbi Plummer if she or any of the other County Commissioners had made a field trip to a solar project, like several of the Planning Commission Members had back in the summer. Bobbi Plummer stated that the three County Commissioners are independently researching solar and did not want to do anything as a group that might violate open door laws. Mr. Cole again asked if any of the County Commissioners had visited a solar project. Ms. Plummer stated again that the three County Commissioners are independently researching solar.

Kenon Gray stated that he learned more from visiting the site in Greenfield and the REMC site along I-70 than he had in his paper research.

Bobbi Plummer stated again that she didn't believe that the issue before the Planning Commission is what the County Commissioners are going to do about solar, but rather should the Planning Commission accept, reject, or do nothing with the County Commissioner's rejection of the solar ordinance.

Olene Veach moved to reject/disapprove of the County Commissioner's rejection of the submitted solar ordinance and to send it back to them for further consideration. Kenon Gray seconded the motion. The motion passed 7-0 with Bobbi Plummer abstaining.

Kenon Gray and Bobbi Plummer left the meeting to another Zoom meeting at 6:30.

It was decided that there would be no March Planning Commission meeting.

With no other business Dale Cole made a motion to adjourn and Olene Veach seconded. Motion passed 6-0.

President

Secretary