

**MINUTES  
CITY OF COLUMBUS BOARD OF ZONING APPEALS  
TUESDAY, FEBRUARY 27, 2024 & 4:00 P.M.  
COUNCIL CHAMBERS, CITY HALL  
123 WASHINGTON STREET  
COLUMBUS, INDIANA  
AND WEBEX**

**Members in Person:** Charles “Chuck” Doup, Grant Hale, Michael Kinder, Zack Ellison, and Charlie Hammon

**Members via WebEx:** None

**Members Absent:** None

**Staff in Person:** Melissa Begley, Jeff Bergman, Kyra Behrman, Andres Nieto, Jessie Boshell, Noah Pappas, and Deputy City Attorney Austin Whitted

**Staff via WebEx:** Janie Meek

Mr. Ellison opened the meeting with a brief explanation of the board and its responsibilities. Proof of adequate public notice for all cases on the agenda was confirmed.

Austin Whitted, City Deputy Attorney, administered an oath to all in attendance who would be speaking.

**OLD BUSINESS REQUIRING BOARD ACTION**

None

**NEW BUSINESS REQUIRING BOARD ACTION**

**CDS-2024-001: William & Angela Meyer** – A request by William and Angela Meyer for development standards variances from 1) Zoning Ordinance Section 7.3(Part 1)(C)(3)(b) to allow driveway access to streets where alley access is available, 2) Zoning Ordinance Section 7.3(Part 1)(C)(2)(b)(iii) to allow a drive where the second access point on Franklin Street does not meet the 50 foot minimum separation from the nearest adjacent drive. The property is located at 1900 Franklin Street, in the City of Columbus.

Mr. Nieto presented for the Planning Department.

William & Angela Meyer and Randy Royer with Hitchcock Design Group represented the applicant.

Mr. Royer stated that due to the angle of the home on this lot it does not allow for adequate parking off of the existing alley. The two requested curb cuts will provide the applicant with parking on their site that was previously on the street and will not remove any more than 2 on street parking spaces.

Mr. Hale asked if the sidewalk around the property would remain if the drive were constructed.

Mr. Royer stated that the sidewalk would remain.

Mr. Ellison asked about the plans for the trees in the front yard.

Mr. Royer stated the trees along the sidewalk under the power lines are dying or already dead and will be removed. A couple of large trees in the yard will be removed, but there is new landscaping planned that includes adding trees back.

Mr. Royer stated that there is room off the alley to park 2 vehicles if they are small, a larger vehicle protrudes into the alley, and there is not much of a turn radius.

Mr. Ellison opened the meeting to public comment.

Jesse Brand, 1825 Franklin Street, participating in-person, stated he was concerned that this drive would remove too many on street parking spaces. He is indifferent to the project.

David Hayward, 1945 Franklin Street, participating in-person, stated he was concerned with the loss of on-street parking spaces so near to the park. He is indifferent to the project.

Ms. Meek indicated that no additional members of the public attending via WebEx requested to speak.

Mr. Ellison read a letter from Matt Schneider, 1848 Lafayette Avenue, stating he was in support of the new drive. He supports approval of the project.

Mr. Ellison closed the meeting to public comment.

Mr. Meyer stated there are several other properties in close proximity to them that also have 2 curb cuts so their request is not out of character for the neighborhood.

Mr. Brand noted that he has 2 curb cuts, but does not have any alley access or garage.

**Motion:** Mr. Kinder made a motion to deny the request agreeing with staff findings that criteria #2 and #3 have not been met. The motion failed due to lack of a second.

**Motion:** Mr. Hale made a motion to approve the request based on staff findings that criteria #1 has been met. He stated criteria #2 has been met, as the 2 curb cuts will not substantially affect the adjacent properties. Criteria #3 has been met due to the homes orientation on the property. Mr. Doup seconded the motion. The motion passed with a voice vote of 3 in favor and 1 opposed. Mr. Kinder opposed.

**CUV-2024-001: MAC Duplex 1** – A request by the MAC Property Group, Inc. for a use variance to allow a duplex in the RS2 (Residential: Single Family 2) zoning district per Zoning Ordinance Section 3.9(A). The property is located at 3325 Riverside Drive, in the City of Columbus.

**CUV-2024-002: MAC Duplex 2** – A request by the MAC Property Group, Inc. for a use variance to allow a duplex in the RS2 (Residential: Single Family 2) zoning district per Zoning Ordinance Section 3.9(A). The property is located on the vacant lot to the north of 3325 Riverside Drive, in the City of Columbus.

Ms. Behrman presented for the Planning Department.

Mr. Ellison asked if lot 29 was in the floodway.

Ms. Behrman stated it is in the 500-year flood area but not the floodway.

Fred & Jodie Cusack represented the applicant.

Mr. Cusack stated that Bartholomew County is in need of affordable housing options. This particular property was in poor condition with trash and overgrown vegetation, and they have since cleaned all of that up. He stated that they will be managing the properties and ensuring that they do not become an eye sore again.

Mr. Doup wanted to clarify that the applicants will personally be managing the properties.

Mr. Cusack stated that they would.

Mr. Ellison opened the meeting to public comment.

Felipe Martinez, 3465 Riverside Drive, participating in-person, stated he was concerned with the price point, only alley access, density impact, property values, and that criteria #3 has not been met. He opposed the project.

Edward Davis, 3436 Washington Street, participating in-person, stated he would like to see a connection of the two lots as the lower lots proposed driveway is in an area that floods frequently & severely. He was concerned with the proper filling of the cistern, excess traffic on the alley, amount of rent charged, and that it could be single-family affordable housing. He opposed the project.

Margaret Walls, 3345 Riverside Drive, participating in-person, stated she was concerned with flooding in the area and renters not maintaining the property, she opposed the project.

Steven McDaniel, 3446 Washington Street, participating in-person, stated he was concerned with traffic on the alley, renters not taking care of the property, duplexes not fitting with the neighborhood. He opposed the project.

Tom Dell, 1063 Hummingbird Lane, participating in-person, stated this project does not meet criteria #3 and any use variance should meet all criteria for approval. He does not believe duplexes are a good fit in this neighborhood and opposes approval of this request.

Ms. Meek indicated that no members of the public attending via WebEx requested to speak.

Mr. Ellison closed the meeting to public comment.

Mr. Ellison responded to questions proposed by the public that where more staff questions than applicant questions. He and Ms. Behrman addressed those questions.

Mr. Cusack responded to the questions from the public.

Board members and staff discussed flooding and what the requirements are to build in a flood area. They also discussed the difference between rezoning and a use variance.

**Motion:** Mr. Doup made a motion to deny CUV-2024-001 Lot 27 agreeing with staff findings that not all criteria were met. Mr. Kinder seconded the motion. The motion passed with a voice vote of 3 in favor and 1 opposed. Mr. Hale opposed.

**Motion:** Mr. Kinder made a motion to deny CUV-2024-002 Lot 29 agreeing with staff findings that not all criteria have been met. Mr. Doup seconded the motion. The motion passed with a voice vote of 3 in favor and 1 opposed. Mr. Hale opposed.

**CUV-2024-003: Cherry Street Boarding House** – A request by the LARC Properties, LLC for a use variance to allow a shared housing facility (a boarding house) in the CC (Commercial: Community) zoning district per Zoning Ordinance Section 3.20(A). The property is located at 522 South Cherry Street, in the City of Columbus.

Mr. Nieto presented for the Planning Department.

Jeff Rocker and Ron Cram represented the applicant.  
Mr. Rocker briefly explained the reason for this request.

Mr. Ellison opened the meeting to public comment.

Douglas and Linda Lininger, 551 Center Street, participating in-person, stated they were concerned with the tenants throwing trash off the balcony that lands in their yard, drug paraphernalia that is being left in the area, excessive noise, and overall trashiness of the property, and the fact that they have been operating this boarding house without approval for many years. He opposes the project.

Ms. Meek indicated that no members of the public attending via WebEx requested to speak.

Mr. Ellison closed the meeting to public comment.

Mr. Rocker and Mr. Cram stated they recognize the neighbors' concerns and will address those as quickly as possible.

**Motion:** Mr. Kinder made a motion to approve the request agreeing with staff findings that all criteria have been met. Mr. Doup seconded the motion. The motion passed with a voice vote of 4 in favor and 0 opposed.

**CCU-2024-001: Athens Church of Columbus** – A request by Perr Investments, LLC for conditional use approval per Zoning Ordinance Section 3.18(B) to allow a worship facility in the CN (Commercial: Neighborhood) zoning district. The property is located at 1268 Washington Street, in the City of Columbus.

**CCU-2024-003: Roviari Building Shared Parking** – A request by Perr Investments, LLC for conditional use approval per Zoning Ordinance Section 7.1(Part 2)(A)(2) to allow shared parking between two or more uses within the Roviari Building. The property is located at 1268 Washington Street, in the City of Columbus.

Mr. Nieto presented for the Planning Department.

Andy Perr with Perr Investments represented the applicant. Mr. Perr stated that he would like to waive the requirement to have the dumpster enclosure completed prior to the church taking occupancy.

Board members, staff, and the applicant discussed the dumpster enclosure, building remodel, and occupancy approval timelines, as well as repercussion of non-compliance.

Mr. Ellison opened the meeting to public comment.

No one from the public attending in person requested to speak.

Ms. Meek indicated that no members of the public attending via WebEx requested to speak.

Mr. Ellison closed the meeting to public comment.

There was discussion between board members and staff about a time based condition for the dumpster enclosure.

**Motion:** Mr. Doup made a motion to approve CCU-2024-001 including agreeing with staff findings that all criteria have been met and a commitment that the dumpster enclosure will be completed in 3 months of this meeting. Mr. Kinder seconded the motion. The motion passed with a voice vote of 4 in favor and 0 opposed.

**Motion:** Mr. Hale made a motion to approve CCU-2024-003 agreeing with staff findings that all criteria have been met. Mr. Doup seconded the motion. The motion passed with a voice vote of 4 in favor and 0 opposed.

**CCU-2024-002: HMGO Real Estate** - A request by HMGO Real Estate for conditional use approval per Zoning Ordinance Section 3.12(B) to allow a duplex in the RE (Residential: Established) zoning district. The property is located at 1010 California Street, in the City of Columbus.

Mr. Nieto presented for the Planning Department.

Clayton Miller and Michael Hooker represented the applicant. Mr. Miller stated this application did not have any variance requests and they have accommodated all 4 required parking spaces on the site.

Mr. Kinder asked if would there be a sidewalk connection from the parking area to the front of the building.

Mr. Miller stated that there would be.

Mr. Ellison opened the meeting to public comment.

Angel Espinol, 1002 California Street, participating in-person, stated she was concerned with a two family unit on this lot, plumbing issues in the area, renters not taking care of the property, and proximity to adjoining neighbors. She opposes the project.

Juan Espinol, 1002 California Street, participating in-person, stated he was concerned with parking, their property being smaller than they indicated and not supporting a duplex. He opposes the project.

Ms. Meek indicated that no members of the public attending via WebEx requested to speak.

Mr. Ellison closed the meeting to public comment.

Mr. Miller and Mr. Hooker addressed the questions from the public.

Board members, applicants, and staff discussed parking and sewer issues.

Mr. Ellison re-opened to public comment and read the following letters.

Don Fye, 1027 California Street, who stated he was in favor of the duplex as long as it meets current zoning ordinance rules.

Barbara Handt, 916 11<sup>th</sup> Street, 2094 E Iroquois Trail, who stated California Street was too narrow to handle additional parking, there is limited food access, and putting a duplex on the lot would not leave room for landscaping. She opposes the project.

Mr. Ellison closed the meeting to public comment.

Board members and staff discussed the difference between a use variance and a conditional use request.

**Motion:** Mr. Doup made a motion to approve the request agreeing with staff findings that all criteria have been met including the 6 commitments as outlined in the staff report. Mr. Kinder seconded the motion. The motion passed with a voice vote of 4 in favor and 0 opposed.

Mr. Hammon joined the meeting.

Mr. Ellison opened the solar portion of the meeting with a brief explanation of the board and its responsibilities. Proof of adequate public notice for all cases on the agenda was confirmed.

Austin Whitted, City Deputy Attorney, administered an oath to all in attendance who would be speaking.

Mr. Bergman discussed the temperature in the building, overflow room, storm procedures, clarification regarding the completeness of the application at time of filing, and that this is for a specific conditional use project not a discussion about solar in general.

Mr. Ellison verified there were no conflicts of interest with the board members, the board members had not reviewed the meeting from February 26, 2024, and advised the public, who wished to speak, that they will be limited to a 3 minute time frame and to avoid repeating comments made by other speakers. He added that there should be no audible reactions during or after the speakers out of respect for one another.

**CCU-2023-018: Carina Solar** – A request by Carina Solar for conditional use approval per Zoning Ordinance Section 3.5(B) to allow a solar power generation facility in the AP (Agriculture: Preferred) zoning district. The project includes multiple parcels and is located generally south of 100 South, west of US 31, east of South Gladstone Ave, and north of 300 South, in Columbus Township.

Ms. Begley presented for the Planning Department.

Mr. Doup was concerned that approval of this request would prohibit any future development in the area. Ms. Begley stated that it would not be developable for the length of time it contains the solar facility.

Mr. Kinder asked for clarification what does the Comprehensive Plan indicate as future land use of this area.

Ms. Begley stated that the map recognizes this area as long-term agricultural use.

Board members and staff discussed the Comprehensive Plans and how it applies to development decisions, document updating time frames, other documents and maps used in conjunction with the Comprehensive Plan, and noting that they all play a role in the long term planning of agriculture, commercial, and residential growth of the city.

Andy Buroker, Attorney representing Carina Solar, Sean Cavanaugh, Director of land for Samsung C&T America/Carina Solar, and Liam Sawyer, Engineer for the project, represented the applicant.

Mr. Buroker shared the legal aspects of the presentation and a brief explanation of the process that was going to be displayed by the slide presentation.

Mr. Cavanaugh went over his portion of the slide presentation.

Mr. Sawyer went over the building process and gave a brief discussion on the zoning. He covered the setbacks of properties, flood zones, and wetlands. Mr. Sawyer shared some renderings of the properties with solar panels. Mr. Sawyer covered additional standards and described how they were working with or taking into consideration fire/emergency response and the highway department to cover entrances and right-of-ways. Mr. Sawyer also described and shared slides to help explain the drainage process of the solar panels, sharing that there is little to no impact on runoff volumes/rates and it meets the requirements of the Bartholomew County drainage ordinance.

Mr. Cavanaugh shared information on property value impact of these properties in question and asked that individuals use an open mind while reading the entire packet of information and that there have been studies completed in numerous states. He shared that the standards they followed for this project exceed what the state requires. He shared information regarding the need for green energy. He also shared how the solar facility will help families keep their property in the family. He also spoke on the economic impact of solar panels.

Mr. Sawyer shared information regarding access to water and sewer in the area being difficult and he indicated that the solar facility would not require any water or sewer connections.

Mr. Buroker gave the closing statements for the presentation and indicated that the JOLI Development annexation, Strategic Growth Study, Comprehensive Plan, and should be noted in the record as reference. He concluded that they would be preserving and protecting farmland for future use and any other development that may be appropriate in the future for this area.

Mr. Ellison asked if the 40 decibels from the inverter would be constant.

Mr. Sawyer replied the noise would be audible up to the fence line only when the inverter is cycling.

Mr. Doup asked if the request were approved would that limit the city's growth for at least 30 years.

Mr. Sawyer stated that the growth would be dependent on property owners choosing to annex their property into the city, but the owners have already chosen to lease their property to Carina Solar instead.

Mr. Doup requested a yes or no answer.

Mr. Buroker stated that you would not be able to build a house on top of a solar panel so as long as the panels are there the land would not be available for a housing development.

Mr. Doup asked if the applicant would put in writing that, they would not be using all of the property they have requested for solar panels.

Mr. Cavanaugh stated it is already in writing.

Mr. Doup asked if the young farmers in the room would be his age before they could farm this property.

Mr. Cavanaugh stated that they would never be able to farm these properties because they do not own them. Mr. Cavanaugh added that the property owners that have signed up to lease their properties for the solar facility have stated that they do not have any heirs wanting to farm their property.

Mr. Hammon asked for explanation on the 30-year leases.

Mr. Cavanaugh stated that all landowners involved signed a 30-year lease agreement with two 5-year extension options, meaning they could lease the properties for up to 40 years. Mr. Cavanaugh added that at any point if the market for solar is no longer viable then the leases can be negotiated to accommodate another form of energy or decommissioned and restored to farmland.

Mr. Hammon asked if the 30 years was standard for these types of projects.

Mr. Cavanaugh stated that 30 years is the standard lease for almost every state.

Mr. Hammon asked what does recycling or repairing panels look like regarding an environmental process.

Mr. Cavanaugh stated that if a panel breaks or stops producing energy they would be able to see that in real time. They would repair or replace that panel immediately as they are required to produce a specific amount of electricity in a certain time frame and would need all of the panels to supply what was promised.

Mr. Sawyer stated that solar panels contain less than ½ the amount of lead that is in a single buckshot. The content that contains the lead is completely encased in glass that has been rigorously tested to withstand hurricane force winds and hail. He added that there is a growing market to use a decommissioned commercial solar panel for residential uses. After 30 years, the panels still have the capability to produce enough energy for single residential use. He stated he is not aware of any other current panel recycle options.

Mr. Ellison stated he would like to see a commitment that upon decommission the panels would go to a recycler.

Mr. Cavanaugh stated they would be open to committing to a recycle agreement for all items that can be recycled. Mr. Cavanaugh added that they would be putting up a decommission bond to cover any decommission costs should they fail to honor the lease agreement.

Mr. Hale asked if the leasee would have the same option as the lessor to terminate the lease in 20 years if it is not working out.

Mr. Cavanaugh stated that as long as the site is generating revenue they would not be able to terminate the lease until the end of the agreement.

Mr. Ellison asked would the farmer have access to the setback in order to farm that area.

Mr. Cavanaugh stated that the setback would be outside of the fenced area and they should not have any problem accessing that area. He added that 60% of the area they have requested would remain farmable land.

Mr. Kinder asked if the bond would be transferrable in the event the solar facility was sold to another company.

Mr. Cavanaugh stated that the bond would be transferrable.

Mr. Ellison opened the meeting to public comment.

Jason Kuchmay, 4211 Clubview Drive, Fort Wayne, Indiana 46804, Attorney that represents a group of ten individuals who are against Carina Solar and this project. He shared binders of information to the Board Members. Mr. Kuchmay's information gave reason as to why this project should be denied, citing reasons that solar arrays are dangerous, there is a negative impact of property values, there are questions as to the dates of when the application was submitted and this attorney believes that this makes this application void.

Cheryl Carothers, 4800 East 300 South, Columbus, Indiana 47203, Ms. Carothers gave a brief explanation of the group that is being represented "B4CSF". Ms. Carothers shared her disapproval to the solar project and gave some examples of projects that they deem appropriate for solar. She shared that it should be denied due to all four criteria not being met.

Taffy Schroer, 3950 Highview Way, Columbus, Indiana 47203, Ms. Schroer noted the gateways into Columbus and the proposed location of unattractive solar panels along the gateway that is in conflict with the Comprehensive plan Policy E-2-1 and that the #4 criteria is not meet.

Claudia Sims, South 450 East, Columbus, Indiana 47203, Ms. Sims shared that the proposed plan does not preserve or protect agriculture and noted in the Comprehensive plan and that criteria #4 is not being met. She disapproves of this project.

Henry Sims, South 450 East, Columbus, Indiana 47203, Mr. Sims shared information on why criteria #4 is not being met, focusing on the impacts on the soil and effects of soil erosion. He disapproves of this project.

Dena Hasler, 6680 East 450 North, Columbus, Indiana 47203. Ms. Hasler shared how this project has already caused such turmoil to family and friends. She shared that she is not against solar, just solar on farmland. Ms. Hasler is against this project.

Grace Hasler, (via WebEx) 6680 E 450 N Columbus, Indiana 47203, Ms. Hasler is currently living in Washington D.C., shared her disapproval for this project and doesn't believe agriculture should be replaced with green energy and instead should be placed on marginal or underutilized ground.

Katie Stoner, 10411 North 150 East, Columbus, Indiana 47203, Ms. Stoner shared that she is a senior at Hauser and gave background to her future in Agriculture. She shared her belief in the future in agriculture and fears that this project will harm her future in agriculture. Ms. Stoner is against this project and feels that it is a huge risk.

Mike Hasler, 6680 East 450 North, Columbus, Indiana 47203, Mr. Hasler shares that this application will be injurious to the community and already has. He shared a video of a property in Michigan that is approximately the same size as this project, and showed a video that includes the noise made by the inverters. Mr. Hasler is against this project.



Jeff Finke, 11030 North 150 East, Columbus, Indiana 47201, Mr. Finke shared that he is a real estate broker and shared that he has concerns with the impact of properties, shared examples of what is considered amenities and dis-amenities. Mr. Finke stating that solar panels are dis-amenities and noted other solar projects had good neighbor agreements offering monetary offers to neighbors. Mr. Finke is against this project.

Nick Rosenberg, 3881 Terrace Woods Drive, Columbus, Indiana 47201, Mr. Rosenberg shared that he is a real estate broker and shared further information on studies that were conducted "to show proof that solar farms decrease property values". Mr. Rosenberg is against this solar project.

Jeff Hilycord, 4345 North 425 East, Columbus, Indiana 47203, Mr. Hilycord shared that he is a real estate broker and also shared further information on research that was conducted on housing prices on rural homes that are near solar installations. Mr. Hilycord is against this project and feels that criteria #3 has not been met.

Stephanie Murphy, 61 Lookout Ridge Drive, Columbus, Indiana 47201, Ms. Murphy shared that she is also representing 6405 East 250 South, Columbus, Indiana 47201. Ms. Murphy questioned the safety of the solar fields and how they will hold up against weather. She spoke on the effect on historical homes and feels that this solar farm will show disregard to these Historical sites. Ms. Murphy is against this solar project.

George Hassfurder, 14020 East South, Elizabethtown, Indiana 47232, Mr. Hassfurder gave a brief description of the underground tiles in the area of the project and shared the possible damage to these tiles. He shared that no one knows where all these tiles are (No maps) and he showed three different tiles. Mr. Hassfurder demonstrated what some of the damage might look like. Mr. Hassfurder shared that he is against this project.

Marlene Dow, 2925 South 300 East, Columbus, Indiana 47201, Ms. Dow spoke on water run-off and erosion. She shared that she feels that Carina Solar will not meet criteria #3 and is against this solar project.

Doug Roxbury, 5501 South 250 East, Columbus, Indiana 47201, Mr. Roxbury asked the board to deny this project due to criteria #3 and #4 not being met. He spoke on wildlife preservation/protection of bald eagles and the possible harm/risk that a solar farm may pose. Mr. Roxbury is against this project.

Adam Wade, 6630 East 350 North, Columbus, Indiana 47203, Mr. Wade expressed concern about the facility being sold to a public utility and that public utilities do not need to comply with local zoning regulations. The conditional use #2 not being met and is against this project.

Jeni Smith, 4875 North 700 East, Hope, Indiana 47246, Ms. Smith spoke on the loss of farmland in the area and what the total will be if this project is approved. Ms. Smith shared that criteria #1 and criteria #4 is not met and is against this project.

Tim McNealy, (via WebEx) 912 5<sup>th</sup> Street, Columbus, Indiana 47201, Mr. McNealy spoke about tenant farmers losing their jobs. Mr. McNealy also spoke to the associated economic development revenue loss due to the solar facility. Mr. McNealy shared that criteria #1 is not met and he is against this project.

Chris Kimerling, 3704 Ironwood Court, Columbus, Indiana 47203, Ms. Kimerling spoke about assessed value of solar facilities versus other uses within the county. She spoke about the possible difference in property taxes that will not be collected if this project is approved. She is against this project.

Justin Nolting, 13105 East 300 North, Hope, Indiana 47246. Mr. Nolting spoke about concerns on decommissioning of CSES and shared concerns about local taxpayers being responsible if the owner fails to pay. Mr. Nolting shared that criteria #1 is not met and he is against this project.

Dan Schroer, 3950 Highview Way, Columbus, Indiana 47203, Mr. Schroer spoke on the possibility of proposed panels becoming waste. He spoke of some of the harmful materials that these panels may be made of. Mr. Schroer is against this solar project.

Caitlyn Murphy, 6405 East 250 South, Ms. Murphy spoke on the adverse effects of weather and the possibility of reoccurring damage that could take place over the next 30 years. Ms. Murphy feels that criteria #1 is not met and is against this project.

Jennifer Probst, 9163 Janelle Drive, Seymour, Indiana 47274, Ms. Probst shared that she is the Director at St. Paul preschool. Ms. Probst stated that there are concerns for safety of the children that attend and shared that this is a very windy area and she has concerns of what debris will end up on the playground, placing the children in danger.

Shawn McNealy, 3788 North 475 East, Hope, Indiana 47246, Mr. McNealy shared that the #1 criteria from this project is not met and shared the risks of failure and fire ignition to a solar farm. Mr. McNealy worries about the risk that firefighters may face due to inexperience with training. He is against this project.

Chad Sims, South 450 East, Columbus, Indiana 47203, Mr. Sims shared that 404 acres should not have been signed up for this project due to this property being in litigation. Mr. Sims shared the history of his land and asked the board to deny this project.

Jason Newton, 5540 East Sawin Drive, Columbus, Indiana 47203. Mr. Newton fears that once the first project is started, this will open up the floodgates. Mr. Newton is against this project.

David Hudson, 1445 S US 31, Columbus, Indiana 47201. Mr. Hudson shared his concern with damage to the panels due to natural storms and disasters because that damage might release contaminants into the ground. He was also against a Korean company owning the company. Mr. Hudson stated he is against the project.

Connie Forester Weichman, 5571 South 300 East, Columbus, Indiana 47203, Ms. Forester shared concerns with damage to underground tiles on adjacent properties that are part of the solar project will create drainage issues on their property. She shares that criteria #4 is not met and she is against this solar project.

Sandra Morrison, 4923 South 525 East, Columbus, Indiana 47203, Ms. Morrison stated she has concerns about the noise that comes from solar farms and is against this project.

Bob Morrison, 4923 South 525 East, Columbus, Indiana 47203, Mr. Morrison stated he is against this project.

Tom Dell, 1063 Hummingbird Lane, Columbus, Indiana 47203. Mr. Dell stated this petition is important, but needs to meet the required criteria. Mr. Dell stated based on all 4 criteria not being met he suggests the request be denied.

Crystal Anderson, 5472 East Karlsway Drive, Columbus, Indiana 47201. Ms. Anderson stated she is concerned with the way water will travel off the solar fields as well as the effect it will have on the septic systems and is against this project.

Letters received after member packets were mailed read by different Plan Commission members.

Unknown writer, 15-year-old FFA member, stated the cons outweigh the pros, solar fields are an eye sore and do not directly benefit Columbus. It is unknown how these panels will affect the ground for farming in the future and is against the project.

Caitlyn Smith, 4875 North 700 East, Hope, Indiana 47246. Ms. Smith stated she is opposed to the project as it does not meet criteria 1 or 4 and does not enhance the surrounding area.

Mackenzie Smith, 345 South Chauncey Avenue, West Lafayette, Indiana 47906. Ms. Smith stated this project does not meet criteria #4 it will not preserve productive farmland or maintain a strong agriculture industry for Bartholomew County she is opposed.

Mark Niemoeller, 1625 S Gladstone Avenue, Columbus Indiana 47201, Mr. Niemoeller is in favor of the project. Mr. Niemoeller commented that the properties can be reclaimed as farmland from the solar facility but would not be reclaimable if a housing subdivision of commercial or industrial business were built on the property.

Joseph and Lisa Conner, 4511 E Base Rd, Columbus, Indiana 47201. Mr. Conner stated, as owners of JOLI Development, they are in the process of annexing property in this area for a future housing development. They are opposed to the solar project, as it will restrict critical city growth on the east side of Columbus.

Joe Fritts, 12401 Willow Bend, Elizabethtown, Indiana 47232. Mr. Fritts stated he is a long time resident of Bartholomew County and is opposed to commercial solar facilities anywhere in Bartholomew County.

Kirk and Brenda Saewert, 1925 South Gladstone Avenue, Columbus, Indiana 47201. They stated there should not be any commercial solar facilities within 2 miles of the cities jurisdiction and they are opposed to this project.

Clinton Knapp, 4020 South 250 East, Columbus, Indiana 47201. Mr. Knapp stated he was concerned with the impact large solar facilities have on the housing market as well as the noise pollution produced by these facilities. He is opposed to the project.

Barbara Minor, 3390 South 450 East, Columbus, Indiana 47203. Ms. Minor stated she was concerned with the loss of farmland and flooding from panel run-off. She is opposed to the project.

Jennifer Christie, 4833 Timber Ridge Drive, Columbus, Indiana 47201. Ms. Christie stated she is concerned with the ecological effect a large-scale solar facility will have on the surrounding wildlife and vegetation. She is opposed to the project.

Ms. Meek indicated that no additional members of the public attending via WebEx requested to speak.

Mr. Ellison closed the meeting to public comment.

Mr. Cavanaugh noted that the solar facility would not destroy the farmland, but an annexation for a housing development or business would. He stated the key to their presentation was in 30 or 40 years the land would be available for farming or city expansion whichever is needed at the time. Mr. Cavanaugh commented that crop prices are really low at this time and the farmers involved in the leasing are just trying to find a way to save their farm instead of selling it for development. He added that the leased property owners have made a conscious decision to maintain a steady revenue for their family and their rights should not be taken for granted.

Mr. Sawyer answered some of the questions that were asked throughout the night regarding gateways, drainage concerns, underground field tiles, decommissioning/ bonds, the bald eagle procedures, and

concerns with lead and erosion controls. There were further discussion/responses to some of the other comments and/or questions heard.

**Motion:** Mr. Doup made a motion to deny the request stating criteria #4 has not been met. The motion failed for lack of a second.

**Motion:** Mr. Hale made a motion to approve noting that criteria 1, 2, and 3 have been met as outlined in the staff report, and criteria #4 has been met based on the findings that the proposed project will indeed meet the character of the agriculture preferred zoning district and approximately 50% of the land will still be farmable and the rest can easily go back to farmland. On the recommendation of the Comprehensive Plan for residential development is speculative and subject to external market and population density factors that shift every 20 to 30 years. Commitments of approval are that the setback from schools shall be 500 feet, perform a bald eagle study, all commitments as outlined in the staff report, and that there is no audible sound from the facilities equipment at any non-participants property lines. Mr. Kinder seconded the motion. The motion passed with a roll call vote of 3 in favor and 2 opposed. Mr. Ellison and Mr. Doup opposed.

## **FINDINGS OF FACT**

CDS-2023-028: AAMCO-Circle K

**Motion:** Mr. Kinder made a motion to approve the findings. Mr. Doup seconded the motion. The motion passed with a voice vote of 4 in favor and 0 opposed.

CCU-2023-019: J&D Services

**Motion:** Mr. Doup made a motion to approve the findings. Mr. Kinder seconded the motion. The motion passed with a voice vote of 4 in favor and 0 opposed.

CDS-2023-032: Tijuana Newton

**Motion:** Mr. Doup made a motion to approve the findings. Mr. Kinder seconded the motion. The motion passed with a voice vote of 4 in favor and 0 opposed.

## **APPROVAL OF MINUTES**

Minutes from the January 23, 2024 meeting

**Motion:** Mr. Hale made a motion to approve the minutes. Mr. Doup seconded the motion. The motion passed with a voice vote of 4 in favor and 0 opposed.

## **DISCUSSION**

Briefly summarize any discussion by the board.

## **HEARING OFFICER REPORT**

Briefly summarize any comments by the staff.

**ADJOURNMENT:** 11:57 p.m.

**Motion:** Mr. Doup made a motion to adjourn. Mr. Hale seconded the motion. The motion passed with a voice vote of 5 in favor and 0 opposed.

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Zack Ellison, Chairperson

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Charles Doup, Secretary