

ROLL CALL

Harry Baumgartner, Jr.	Jerome Markley
Angie Dial	Keith Masterson
Jarrold Hahn	Mike Morrissey
Bill Horan	Tim Rohr
Richard Kolkman	John Schuhmacher
Finley Lane	

Michael Lautzenheiser, Jr., Director

The February 7, 2013 meeting of the Area Plan Commission was called to order at 7:30 p.m. by President Jerome Markley. Eleven members were present for roll call.

APPROVAL OF MINUTES:

Angie Dial noted that she was absent from the January meeting, yet the Roll Call at the top of the minutes still showed her name. Jarrod Hahn made a motion to approve the minutes from the January 3, 2013 meeting with correction to Roll Call. Mike Morrissey seconded the motion; the motion carried 10-0-1, with Angie Dial abstaining.

OLD ITEMS:

A13-01-02 LANCASTER TWP., SE/4 33-27N-12E Almco Steel Products, Inc requests approval for a development plan for a 96' X 190' pre-engineered metal building with one dock and drive-in door. The property is located at 173 N. Oak St. Ext., Bluffton, IN 46714 and is zoned I-2.

Phillip Knickrehm, with Grand Industrial, discussed the conditions from last month's meeting. He commented on the fact that they did not have any issues with the drainage maintenance agreement, and that the BZA approved the variance. He stated that the building will strictly be a storage warehouse and no manufacturing will be done there. The structure should help improve the sound conditions for the residents north of the main facility. Mr. Knickrehm stated that if the use were to change, then other things could be done to lessen the sound. He advised that any change to the structure to make it a manufacturing facility would require extensive changes to the interior. The floor will be designed strictly for storage and could not handle the weight of machine presses.

Michael Lautzenheiser, Jr. stated that the change in use was a concern brought up by a citizen. He clarified that the county does not have a building department. Therefore any interior changes would not be known locally because all of the permitting is done through the state, which is the reason the use change was listed as a condition. He advised that the written commitment about the use change would just be for the safety of everyone. Mr. Lautzenheiser then explained how the commitment would be enforced.

Mr. Knickrehm and Tim Weist discussed how the building would be fiberglass insulated with R13 insulation in the walls and R38 insulation in the ceiling, and talked about how the meeting with the city of Bluffton went. They also said that Jim Almdale would prefer not to do a written commitment.

Conditions: Meet the city conditions and a written commitment for if the use of the structure changes to manufacturing that additional sound proofing would be installed.

Motion to Approve: Mike Morrissey

Second: Finley Lane

Vote: 11-0

NEW ITEMS:

A13-02-04 HARRISON TWP., SW/4 04-26N-12E First Church of Christ requests approval for a development plan for an 80' X 136' structure to be used for the church office and youth center. The property is located at 909 W. Spring St, Bluffton, IN 46714 and is zoned R-2.

Bill Horan recused himself from hearing this petition due to possible conflict of interest, as he is a member of the petitioning church.

Phil Troyer, architect, explained that the proposed metal building would be used for a youth activity center on the north side of the building and an office area on the south side, and the structure will be using an existing water tap and an existing sanitary tap, which will have to be upgraded. He then stated that one of the south side parking lot access drives will be closed and the parking would be reconfigured to clean up the traffic pattern. Doing this will also help to improve the drainage of the storm water from the north lot to the retention area located on the south lot through the storm pipe, which was previously installed. Mr. Troyer also discussed the additional lighting that will be added to the parking lot and the structure. He explained that this would not cause any light pollution on to neighboring lots. He stated that they have filed a variance with the BZA for a reduction in the secondary front yard setback to 10 feet along Horton Street. There are no windows or doors along the north side facing Horton Street. Mr. Troyer then explained that one of the existing structures must be removed prior to construction because it lies within the proposed buildings footprint. The existing youth building will be razed once they are able to move into the new one and the office area in the house, which is to the southeast of the proposed location, will also come out once the new structure is constructed.

James Miller, a member of the church, explained that the project is all based off what they can get financed. He stated that the youth center would be completed first and then if funds still were available then the office would be added.

The board discussed the how the permits would be handled if the project were in phases. They also talked about the drainage on the south lot.

Conditions: BZA variance approval and that all utilities meet the city of Bluffton's standards for connections.

Motion to Approve: Jarrod Hahn

Second: Mike Morrissey

Vote: 10-0

A13-02-05 LANCASTER TWP., SW/4 22-27N-12E MMATT Partnership (Andy Shively) requests rezoning approval for 24.287 acres to be zoned R-2. The property is located between Goldenrod Court and Stillwater Drive., Bluffton, IN 46714 and is currently zoned B-3 & R-2.

A13-02-06 LANCASTER TWP., SW/4 22-27N-12E MMATT Partnership (Andy Shively) requests approval for a major subdivision of 24.287 acres in to 41 lots. The property is located between Goldenrod Court and Stillwater Drive., Bluffton, IN 46714 and is currently zoned B-3 & R-2.

Brett Miller, with Miller Land Surveying, explained the area that they would like to have platted as Northwood Farms section VII, which would be the remaining land between Goldenrod Court and Stillwater Drive. The subdivision would consist of 42 lots, which would range in size from a third of an acre to just under an acre. He discussed what had occurred at a preliminary meeting with the planning staff and head of utility boards. The first possible change to the site plan that was discussed was that Oak Forest Drive and Fieldcrest Drive would have to connect, and Songbird Lane would have to be extended to tie into the new road, which is not named. Next, Stillwater Drive would have to be extended and

looped to the new road. Lastly, it was requested to change the two culs-de-sac road of Red Oak Court and the new yet to be named road, into a road that would loop between. Doing so, would be for ease of snow plows and road maintenance. He stated that the utilities shown are schematic for primary approval. Mr. Miller then went on to explain where the sanitary sewer and water lines are currently located and where the new lines would be installed along the new yet to be named road. He stated that storm drainage would connect in with existing storm sewers and the existing pond; however those calculations will be reviewed by Jarrod Hahn, county surveyor, for approval.

Tony Crowell, attorney for MMATT, stated that when this neighborhood/subdivision was initially platted in its sections, back in 1997, there was no thought to an overall concept of the project. Therefore, parts of this neighborhood were constructed under a different subdivision control ordinance. He explained that the proposed subdivision is under the 2008 ordinance and listed some of the requirements. Of those requirements, the petitioner is seeking waivers for modification: 1.) of the three access points needed for the whole subdivision to two points of access, which is what would be needed for just the 42 lots proposed, 2.) of the length of the stub of the yet to be named street and to keep that a stubbed street rather than changing it to a cul-de-sac, and 3.) of the need for street lighting and sidewalks, which are not in either of the developments that the proposed subdivision would connect with.

Mr. Miller then went on to explain the rezoning request. He stated that it is basically an acre and a half triangle out of the Interurban Industrial subdivision, which is currently zoning B-3. By rezoning and adding that acreage, the residential lots could be continued north along Fieldcrest Drive.

Ben Wagner, a Woodlands resident on Oak Forest Drive, asked for clarification on where the rezoning was going to occur. Mr. Miller pointed out the section on the site plans that they were requesting to be rezoned. Then Mr. Crowell re-explained the reason the rezoning is being requested to continue the residential development along Fieldcrest Drive.

Mike Klansek, Northwood Farms resident, questioned the significance of the rezoning. He commented that it would seem that the rezoning would be done just for the sole purpose of doing this project.

Michael Lautzenheiser, Jr. stated that with the rezoning request, there is an easement that would need to be vacated and the piece of the property being rezoned would need to be added from Interurban to the project area. He addressed that there is usually a buffer between two different zoning areas; therefore he stated that there should be some sort of buffer system put in, whether it is a mound like behind the small strip mall building on Commerce Drive or through landscaping.

Rezoning

Conditions: Must meet city of Bluffton requirements including utility easement, buffer, and add the land to the project area.

Motion – Do Pass Recommendation: John Schulmacher

Second: Jarrod Hahn

Vote: 11-0

The board discussed how the roads intersect and if the street names will be continued. They talked about if this project could be looked at on its own as 41 or 42 lots or as a part of the larger subdivision, especially when it comes to having a third access drive. It was stated that the yet to be named street stub to the east had the potential to be used as a third access point for a future development. They also talked about possible placements of stop signs and traffic calming signs.

Mike Morrissey advised the board on what was discussed at the Bluffton City Council meeting, in regards to this project. He stated that the council did not sound favorable to waiving the requirements of

the sidewalks, street lights or the third ingress/egress. However, it is subject to what comes up during the discussion from this APC meeting.

Mr. Crowell advised that the covenant states that the houses are required to have yard lights. Therefore there would still be some lighting that is out there.

Tracy Houtz, Oak Forest Drive, expressed his concerns about maintaining the covenants and restrictions to the new lots. He commented that he would like to have the style of homes carried through so that there is not a loss in property value to the existing dwellings.

Mr. Klasek questioned the drainage of the proposed area to the pond and asked if there were calculations done to determine if the pond could handle the extra area. He stated that he lives next to the pond and that when it rains Dave Troxel's yard and his yard floods. He advised that his and Mr. Troxel's lots are 123 & 124. Mr. Klasek then addressed his apprehensions with the construction of the new homes. He said they should be built to similar standards as his own, so that the new homes would not adversely affect his property value. He also expressed his concerns over the safety issues of the overflow traffic by tying the two existing neighborhoods together.

Mr. Wagner explained that he had 47 signed petitions from concerned property owners of The Woodlands. He stated that those individuals make up the ownership of 31 lots, which is a majority of the current subdivision. He then addressed other concerns that some of the petitioners wrote. The addition of the proposed section would negatively affect the current properties due to increased traffic flow and affect the safety of the residents. It would also cause the existing neighborhood to no longer be peaceful. Mr. Wagner stated that the current proposal is unacceptable to the majority of The Woodlands residents. He suggested that the two existing neighborhoods should not connect. However, if they wanted to extend Oak Forest Drive to include Lot 175 and then have it turn east and connect it with Stillwater Drive, he thinks that would be a better alternative.

The board then talked about possible placements of stop signs and traffic calming signs. The drainage to the pond was discussed and possible alternative options, if the calculation determines that the additional lots drainage could not be contained in the existing pond. Mr. Miller did advise that the pond was constructed with a future development in mind. The board further discussed the process that major subdivisions have to go through with primary and secondary approvals. Mr. Lautzenheiser suggested that the Plat Committee would be the best option for reviewing the specifics after the primary approval on behalf of the Area Plan Commission.

Jim Hiester commented on the waivers by stating that if this subdivision had sidewalks and street lighting, it would cosmetically look out of place with the existing neighborhoods due to the fact that they do not have either. He does not see how the third point of ingress/egress could be feasible

Blake Gerber commented, as a former developer, that continuity is a big thing and that through recent city policies this has changed. He stated he would like to see the growth of the city to continue. He advised that there could be a few modifications to the plan, but that it looked very decent.

Major Subdivision

Conditions: Pass all the waivers as they were presented, have a 4-way stop sign placed where Oak Forest and Fieldcrest meet, verify the city utilities and storm drainage, and appoint the Plat Committee as the secondary approval group.

Motion – Do Pass Recommendation: Mike Morrissey

Second: Bill Horan

Vote: 11-0

A13-01-03 WELLS COUNTY Ordinance Amendments

- Amendment of setbacks requirements involving Large and Medium WECS
- Amendment of noise requirements involving Large, Medium, and Small WECS
- Amendment of shadow flicker requirements involving Large and Medium WECS

Jarrold Hahn and Mike Morrissey recused themselves from the meeting before the large WECS ordinance amendments discussion occurred, due to advice from the attorney for the APC.

Jerome Markley explained that the amendments would just be to setbacks, noise and shadow flicker and they would just be temporary fixes until the Comprehensive Plan is complete. Then, they would look at a possible whole ordinance revision.

Henry Janda stated that he was assisting John Vavarek, an Ossian resident. Mr. Janda provided the board with his talking points. He commented that wind farms are industrial and not agricultural. He suggested that rather than having a static number for the setback distance, it should be a multiplier based on the turbine height to protect citizens against larger turbines. He advised that they are against the removal of the reciprocal setback; however they would like to add a line that states it can be reduced to no less than 1,500 feet. Mr. Janda also suggested that the maximum noise level should be 40 decibels on the dBA scales, which would be measured at the property line. He also stated that the vibrations should not be perceptible to humans beyond the property on which the turbine is located. He recommends that shadow flicker not be on any residence unless the home owner has agreed to sign a waiver. This waiver would be recorded and run with the property. Mr. Janda explained that he was involved with helping form the Whitley County Ordinance.

William Morris, 1373 W 1050 S, commented on what Tim Ehlerding, the Wells County Economic Development Director, stated in the January meeting about wind farms having a positive economic impact on Wells County. He quoted numbers from a letter written by Commissioner Scott Mosburg and Councilman Jim VanWinkle and a study from the accounting firm H.J. Umbaugh and Associates. It states that an estimated \$12.3 million could be received in tax revenue over a twelve year period from the Wind Capital project. \$3.15 million of the funds would be from new money. He also addressed the one-time payment of \$3.6 million to the county that Wind Capital agreed to pay. With taxes included, the figure for new money received by the county would be \$15.9 million. Mr. Morris then discussed the cost of removing a wind turbine. He stated that the average cost is \$450,000 per turbine and multiply it by the 188 turbines proposed by Wind Capital, the total cost to remove the project would be \$84.6 million. He explained that the only way for the county to protect itself from the risk would be to require the wind developer to have the estimated funds for decommissioning and removal of the turbine in escrow before any permit could be issued.

Brian Heck, attorney with Beckman Lawson and representing the Wells County Concerned Citizens (WCCC), addressed comments that were made at the January meeting. He stated that Wells County should not wait to amend the WECS ordinance until the Comprehensive Plan is finalized. He advised that the completion of the Comprehensive Plan is a long process, which has just started. Mr. Heck stated that after reviewing the 1993 Comprehensive Plan, it sets out a vision for the agricultural areas and the vision is not compatible with the current WECS ordinance. He quoted from the 1993 plan and the concerns about taking farm land out of production, which he stated that the industrial wind farms would do. He explained that the WCCC want the setback to be at least 2,000 feet from any non-participating resident or 1,800 feet from a property less than 20 acres that has a dwelling, which would make the WECS ordinance consistent with the goals of the current Comprehensive Plan. Mr. Heck next commented on vested rights interest and discussed the Indiana Code along with case law. He then went on to discuss the reciprocal setback requirement and why it should not be removed from the ordinance. However, if the

setbacks for the turbines were from the property line, then it would eliminate the problem with reciprocal setbacks because there would be no "taking" of a non-participants' property.

Mr. Morris restated a question that he had asked at the January meeting about where the 1,000 foot setback originated. He stated the proposal that the WCCC offered. He commented on the video that he provided to the board members before the meeting about a residence in DeKalb, Illinois. He then addressed the issue of living in a wind farm area versus visiting it.

Susan Sarrazine, home and business owner near the Indiana Ohio state line, stated that she operates a beauty salon near the Ohio turbines. She explained that her customers tell her all about their and their neighbors' complaints about living near the turbines. She stated that most of the people that supported the turbines coming into her area now say that they regret it. The biggest complaint that she has heard is about the lights and their flashing in the night. Next, Ms. Sarrazine listed the things that she and her community have learned since the wind farm has come into her area. She stated that there is general a five year warranty on the turbines and then they are sold. She has heard that landowners will only get further payment for their turbine if it is producing and if there is a buyer. She discussed the new Ohio laws that absolved any wind company from having to pay damages caused by the turbines. She then went on to talking about safe distances from the wind turbines, which she stated was two kilometers that was determined by her insurance company.

Mr. Morris brought a photo that displayed a home located in Riverton Township, Mason County, Michigan which showed a 476 feet tall Vestas Wind Turbine 1,139 feet from the house. He then talked about the family that lives in this home and their ordeal with that turbine and the 26 others that are within a mile and a half from this house. He then restated the WCCC's minimum setback request of 2,000 feet from a non-participating residence.

Chuck Brooks commented on knowing friends that live near wind turbine farms. He stated that he helped with the 1993 Comprehensive Plan and its wishes to preserve the agricultural integrity of the southern part of the county. He then said that he would like this project to simply go away. He and his wife Bonnie would like to see 2,500 foot setback from property lines. Then he addressed how Monroville, Indiana looks with their wind turbines.

Marcia Hotopp, 4290 S 750 E, commented on the photo and stated that it could have been her house due to her neighbors signing leases for their properties

Jack Pace commented on Mr. Brooks' statement. Then he question on how much money it would take to pay the wind company off so that they will leave. He stated that the company is not welcome in the southern community.

Mr. Brooks questioned if the production tax credit had not been extended, would the wind project still be discussed. He also questioned commercial projects that have to have subsidies in order for them to exist and work.

Mr. Markley readdressed the fact that these possible amendments are temporary until the Comprehensive Plan is complete later this year, which could cause further changes to the ordinance. He also restated the areas in the ordinance that were up for possible amendments.

Then the board discussed setback options and distances, and how they would affect the noise and shadow flicker. They also talked about cloud cover discount and what is all involved in determining that, along with possible annual hours of shadow flicker that could be acceptable. The board also discussed a map that the director made at a previous meeting that showed buildable areas at different setback distances within a section that had leased land.

Rob Propes commented that if the setback went to 1,500 feet that the change would effectively kill wind energy in Wells County. Apex would advocate for the 1,200 foot setback, which is what they currently adopted with their project.

Lesley Gaskill responded to Mr. Propes comment by stating that the area is too populated to have a wind project in the county.

Setback

Conditions: 1,800 foot setback from a non-participating property line

Motion: Bill Horan

Second: Tim Rohr

Vote: 6-3 (Finley Lane, Jerome Markley, and Keith Masterson)

Shadow Flicker

Conditions: 30 hours per year for non-participating and 45 hours per year for participating based on cloud cover from data on the Fort Wayne airport and also add the director's language about the shadow flicker study.

Motion: Bill Horan

Second: John Schumacher

Vote: 9-0

The board decided that the noise did not need to be addressed because of the increase in the setback. The distance should take care of decreasing the sound.

A13-01-03 WELLS COUNTY Ordinance Amendments
• **Amendment to the fee schedule**

Amanda Studebaker advised the board of the changes for the fee schedule that were previously discussed at a prior meeting. She addressed some of the fee increases.

Conditions:

Motion: John Schumacher

Second: Richard Kolkman

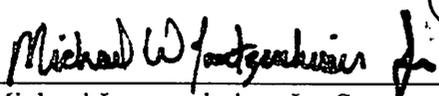
Vote: 9-0

DISCUSSION:

ADVISORY:

Tim Rohr made a motion to adjourn the meeting. John Schuhmacher seconded the motion and the motion passed with a vote of 9-0. The February 7, 2013 Area Plan Commission meeting adjourned at 11:20 p.m.


Jerome Markley, President

ATTEST: 
Michael Lautzenheiser Jr., Secretary