Hamilton County Plan Commission  
February 20, 2019

Mr. Habig called the official meeting of the Hamilton County Plan Commission to order at 7:04 p.m.

Members Present: Amanda Baird, Diane Crim, Frank Habig III, Kent Ward, Mark Heirbrandt, and Tom Clover. Absent: David Musselman, Jim Galloway, and Steve Schwartz. Also present: Charles Kiphart, Director; Aaron Culp, Legal Counsel; and Linda Burdett, Secretary.

Declaration of Quorum: Mr. Habig declared a quorum with six out of nine members present.

Guests: See sign-in sheet.

Communications or Reports: Nothing to present.

Approval of Minutes: Mr. Habig identified the minutes of the November 14, 2018 meeting. There is a correction. The P.U.D. was incorrectly identified on the packet of information submitted to the board; on the agenda; and then read into the minutes as Article 15. It should have been identified as Article 25. I’ll need a motion for the minutes.

Mr. Heirbrandt made a motion to approve.

Mr. Clover seconded.

With no further comments… Mr. Habig called for the vote. 6 yes votes… 0 no votes.

Public Comments: Mr. Habig opened the hearing to the public and asked if anyone would like to speak on anything other than what was on the agenda. And, with no one stepping forward to address the board… Mr. Habig closed the public portion of the meeting.

Correspondence: Nothing to present.

President’s Report: Nothing to present.

Election of Officers: Mr. Habig opened the nomination for President.

Mr. Heirbrandt: motion to approve Frank Habig as President.

Mr. Ward seconded.

Mr. Habig asked for a motion to close nominations. Mr. Ward so moved. Mr. Clover seconded.
With no further comments… Mr. Habig called for the vote on Frank Habig for President 2019. 6 yes votes… 0 no votes.

Mr. Habig opened the nominations for Vice President.
Mr. Clover made a motion to nominated Jim Galloway.
Mr. Ward seconded.

Mr. Ward moved that the nominations be closed.
Mr. Habig seconded.

With no further comments… Mr. Habig called for the vote on Jim Galloway for Vice President. 6 yes votes… 0 no votes.

Mr. Habig opened nominations for Secretary.
Mrs. Crim nominated Linda Burdett.
Mr. Habig seconded.

Mr. Ward moved nominations be closed.
Mr. Clover seconded.
With no further comments… Mr. Habig called for the vote on Linda Burdett for Secretary. 6 yes votes… 0 no votes.

Old business: Mr. Habig identified P.C.-Ord.&Map.Amendment-0001-04-2015. Ordinance and Map Amendment on indefinite hold. I would like a motion to pull that. We have had it on the agenda for a few years.

Mr. Ward so moved.

Mr. Heirbrandt seconded.

With no further comments… Mr. Habig called for the vote. 6 yes votes… 0 no votes.

New Business: Mr. Habig began with P.C.-P.P.-0001-01-2019 a Primary Plat. It was tabled in January for additional information. We are passing a recommendation on to the county commissioners.

Mr. Culp addressed the board. I would request that this remain tabled. We have a notice issue. One of the adjoiners was not sent a notice. I have discussed it with the petitioner. They’re going to resolve that issue. I requested that this be heard next month on Wednesday, March 20, 2019 at 7:00 p.m.

Mr. Heirbrandt made a motion to table.

Mrs. Crim seconded.
With no further comments… Mr. Habig called for the vote.  **6 yes votes… 0 no votes.** This is tabled for the March meeting to be held on March 20, 2019 at 7:00 p.m.

Mr. Habig continued with **NBZA-L.U.V.-0002-02-2019** a Land Use Variance. We are passing a recommendation on to the North BZA. This concerns allowing the commercial use of an A-2 Zoned property including offices, a training facility, and a public events facility in one new commercial building proposed. **Location: 213 East 276th Street, Atlanta, Indiana.** Would you like to step up to the podium?

**Beth & Terry Henderson, of 283 East 276th Street, Atlanta, Indiana,** stated their names and address for the record. **Mrs. Henderson:** We are applying for a land use variance on adjoining property that we own. We are requesting to build a barn. Our intention is to move our family business, Achieva, Inc., an agriculture technical training and communications business that we have owned and operated for 22 years to the property. Currently our office is in a building on Main Street in Carmel that we have sold and will be vacating in May of 2019.

We moved to our farm in 2007. We purchased the land in 2005. The land was pretty raw and unkempt especially around the 15 acre rock quarry. It has taken us 12 years to clean-up and beautify the 115 acres we have. With the improvements we made it has attracted a pair of beautiful bald eagles that nest in a tree on the west side of the property. We have since named our farm Eagle’s Landing. We feel the need to preserve, protect, and share their beauty.

We love the land we live on. We like to share this little slice of heaven with friends, family, and people who want to experience what it’s like to live in the country.

I have a variety of farm animals including Belgian draft horses that I use to pull wagonloads of people and have put children and adults on their backs for a ride. I have had many events hosting assisted living communities, mentally and physically handicapped adults and children, and troubled teens. I am always in awe of the positive impact these animals have on each individual.

Farmland is being developed and the small family farmer cannot afford to continue to farm with the increasing cost of the land. We are seeing Hamilton County move north and development is coming.

We both feel by building this beautiful Eagle’s Aerie barn to house our agriculture, technical training center would not only preserve the rural heritage of what we have, we can provide opportunities for people to come learn and appreciate what rural Indiana is about.

The facility will not only house Achieva it will also be used for community organizations such as Janus, Hamilton County Youth Assistance Programs, 4-H, and FFA just to name a few.

We will also have other events on a select limited basis, but the primary use will be for the agriculture training events. We have taken great care to design a beautiful barn that will fit very well into this farm setting. Thank you.
Andy Wert, a land use professional with the law firm of Church, Church, Hittle & Antrim with offices at 2 North Ninth Street, Noblesville, stated his name, his profession, his employer, and employer’s address for the record. They have retained my services to assist them with this process. We are seeking your recommendation on our variance of use petition that will be forwarded to the North Board of Zoning Appeals. That meeting is scheduled for next Wednesday.

It is a 9,000 sq. ft. building roughly. The primary purpose would be for events related to Achieva. The Henderson purchased this particular parcel back in 2010 after they built their home on the property adjacent to the east.

Mr. Henderson is a graduate of Oklahoma State University. He worked for Dow Landco for over 14 years before starting Achieva. This company offers technology applications and training in the field of agri-business.

Their dream was to build this facility for the agri-business training sessions in a rural environment and as a center for community events. They have three full-time employees and two part-time.

In your folder you will find a copy of the architectural plans, elevations of all four sides, and the floor plans. The bulk of the ground or basement floor will be used for our training sessions. These are typically half-day events with anywhere from 20 to 30 people attending. These groups are agricultural organizations, businesses, and government entities such as the Nature Conservancy, U.S. EPA, and several leading ag manufacturers and distributors.

The first floor will be a traditional barn complete with stalls for horses.

To hold these sessions in a sterile environment of a typical office building is less than ideal for our purposes. Hands on engagement is very important to our business model.

Mrs. Henderson has plans to bring in Janus, a youth assistance program, 4-H, FFA, and elementary school outings. All focusing on science and natural resource education and appreciation.

Political events have been hosted out here in the past without any detrimental effects to the area, so we do anticipate some of this. Wedding events, certainly, but the primary focus is on training sessions and community outreach events.

We met with the county commissioners a few weeks back and received their approval for the driveway shown on the site plan. Right-of-way along the 276th Street frontage has already been dedicated to accommodate future widening of that road.

We positioned the barn to minimize the impact of view from neighboring properties. We have paperwork in to the Indiana State Board of Health for our septic field. We are proposing a stone parking lot. That is one of the development standards we will be seeking from the BZA. We have hired a professional landscaping team to lay out some planting.
There is a flood zone identified on this property but it’s part of a 12 acre lake. This was a former gravel pit. They have every incentive to continue to be good stewards of the land.

We have been working with an architect to design a building that would fit into this farming area including preservation of heritage and keeping the rural feel. The way it will look from 276th Street is indicated in your architectural plans as the north elevation.

We have received many letters of support for our proposal. We have also received some letters of opposition. We have made a concerted effort to respond to each question and concern. We did hold a neighborhood meeting Monday night at the Henderson’s home. It was well attended. Everyone who was on the list for a public hearing notice was sent an invitation. Following the meeting we sent the planning staff a list of conditions that we are willing to commit to should the board of zoning appeals approve our request.

Mr. Wert went on to read the list of conditions.

We contacted the county surveyor’s office, the health department, the soil and water conservation office, the Sheridan Fire Department. All are aware of our proposal here.

This body is charged in making its recommendation to the BZA on how this proposal fits with the comprehensive plan. The first three of the five principals that serve as the foundation for the comp plan are: (1) protect and steward the Hamilton County Plan Commission’s jurisdiction’s environment and natural resources; (2) preserve and enhance the rural character of the Hamilton County Plan Commission’s jurisdiction; and (3) promote economic growth and a stable tax base for the Hamilton County Plan Commission’s jurisdiction.

Our proposal fits these principals like a glove. The lake and the natural areas that exist on this property are absolutely essential to our business model. The most important piece of our proposal isn’t the big barn… it’s the green infrastructure. Being good stewards of the property and operating it in a sustainable manner is part of the DNA of this company. That wraps up my formal presentation.

Mr. Henderson continued. Good evening. I try to be as transparent as possible. We have never filed any complaints against any neighbors nor have we known of any problems whatsoever. What I want to tell you is a day in the life of Eagle’s Aerie and Achieva, Inc. From 8:00 to 8:30 we (Beth & Terry) and our two Achieva employees arrive at Eagle’s Aerie. At 9:00 a.m. we will be meeting with agricultural clients to demonstrate education options or updates on current project work. Projects may include ag technology education, ag training modules, virtual reality/augmented reality simulation, weed or pest identification, farm application, responsible use and proper application. At 11:00 a.m. we would have lunch with the ag clients. We might go a mile to the east of us to Reynolds Farm Equipment or we might have it catered in. Then at 1:00 p.m. we would probably have a different ag client for a video recording in the Eagle’s Aerie ag TV studio which will be in the basement with a rustic news desk. Companies appreciate being able to be in touch with rural America and the farm community. At 2:30 p.m. post and lead
Senator’s Braun’s ag advisory council meeting. I have been asked to lead that council. This is 14 leaders from across the state and about half of them are farmers and the other half are leading agri-business people. Then at 4:30 p.m. the meeting would conclude with Mrs. Henderson providing the 12 to 14 person council a horse-drawn carriage ride to tour Eagle’s Aerie and Eagle’s Landing Farm. Then the day concludes.

Day two at 8:00 to 8:30 a.m. we and two employees arrive at Eagle’s Aerie. At 9:00 a.m. agricultural training session with 30 dealers and farmers from the mid-west region. The training session is held on the main floor using Achieva’s interactive professional presentation expertise and the latest technology equipment including virtual and augmented reality, and other interactive video and training equipment.

This is going to have a rustic barn feel to it and these are the very kinds of people who appreciate and identify with that.

Then we have a break and have the harnessed and groomed Belgian horses brought into the show stalls on the main floor. People would get to view them from 10:30 to 11:00 a.m. From 11:00 to 12:00 p.m. we would have an exam for EPA certification and Certified Crop Advisory certification. We are one of the few companies in the nation that can provide agriculture training under the licenses of the EPA and Certified Crop Advisory. That goes a long way with key companies. We are all working to try to be as responsible with these agricultural products as possible.

Then at 12:00 p.m. it would be a catered lunch with a viewing of the Eagle’s Aerie video.

We are planning to have a two minute or so video to highlight rural Indiana, Indiana agricultural, Hamilton County, and information about the beautiful eagles that have made their way to Eagle’s Aerie, and overall information about Eagle’s Landing as well. One of the things we want to be sure we do here is to be able to serve as a preservation and observatory of the eagles.

At 2:30 p.m. we would host a community event meeting for Janus, 4-H, FFA, Hamilton County Youth Assistance. My heart goes way deep into the youth agricultural organizations. I was state president when I was in 4-H in Oklahoma. My father was a vocational agriculture teacher so when I was working for Dow I had the opportunity to chair the committee that brought national FFA to Indianapolis.

We would use the virtual reality equipment to simulate a farming experience. We are one of the few companies that has developed virtual reality for agriculture. Our virtual reality training is around the identification, responsible use of pesticides, seed identification, etc. It is all about ag technology. Then at 3:15 p.m. there is a horse-drawn tour of Eagle’s Aerie and Eagle’s Landing and meet the farm animals. Then from 5:00 p.m. to 7:30 p.m. the National Belgian Horse Association Dinner.

Mrs. Henderson is very involved with the different breeds especially the Belgian Horses so we
will host that organization as well as other agricultural organizations. That is basically a pro-bono situation, but it is part of our donation back to this beautiful rural culture. When I hear the fact that I am not connected to farming or connected to agriculture it kind of hits at the heart strings.

I will turn this over to Tom Treinen. He is the guy who developed the design of this barn so it would fit the area.

**Tom Treinen** stated he name for the record. I have a small design company in Noblesville. I am a 30 year resident of Noblesville and Hamilton County. I have known the Hendersons for about 20 years. They called and asked me if I would help them put a structure together that would: (1) meet the needs for their business – and one of their biggest concerns was that the structure fit the environment. You can go to just about any farm community across this country and a gambled roof barn is a pretty common site. And then (2) harmonize with the ground itself and fit into the overall environment. We settled on this look. It is basically a wood structure. It is going to have a wood siding product. There will be some exposed beams on the inside. We have included two horse stalls facing the inside of the building. The stalls will have doors to the paddock area outside the barn. We tried to make it work for their commercial use but at the same time to fit into a rural barn structure. They have gone the extra yard to make this building a little more than a pole barn or a metal implement building which they could have done. I can answer any questions concerning the structure or the barn itself.

Mr. Heirbrandt complimented Mr. Henderson on the day and life of what you would be doing there on a daily basis. Did you compensate for any overnight stays? (2) Are there beds that are going to be in this facility?

Mr. Henderson stated that they have it if there would be a need over time. (2) There is a room that they could put some bunks in.

There is a note there from the Hamilton County Tourism and what they talked about is that this would be an excellent time for hotel use because most of our business guests, agricultural guests they’ll come in and they would want to go to a decent hotel and that’s where they will be staying the night. These are executive type adults from across the mid-west but also from across the U.S.

We have already gotten calls from a couple of mid-west organizations that I work with Hallmark out of Bloomington, IL is going to do a training. They will come in and have us work with their dealers and farmers on their training. Wilbur Ellis out of Denver, Co. is going to come in with their employees and their dealers as well.

One of the things that we see with today’s youth is that farms are getting larger so as a result more of our youth are becoming suburban or urban. So, having the opportunity to share this and get them to understand what responsible food production, responsible agricultural is all about. It is very much a part of our goal.

Mr. Habig asked what the largest crowd was that he would accommodate there.
Mr. Henderson stated that it was built to accommodate up to 90 people. If we were going to have more than 90 we would bring in a tent. Any time we would have a group of over 65 people we would have a full-time policeman from Cicero. Jim Hunter oversees the security that we hire. For my son’s wedding there will probably be more than 90. We will have additional port-a-potties brought in and we would have additional tents brought in for that kind of event. Most of the typical training that we are going to do on a regular basis is more in the 30, 40, 50 number.

Mrs. Crim asked about the square footage of the barn.

Mr. Henderson answered, right at 9,000 sq. ft. About 3,000 of that is in the basement where we will have our offices. The upper two levels are about 6,000 sq. ft. It is not all that much larger than our house. Certainly not much larger than a lot of the barns throughout the community.

Mr. Clover asked for clarification. You mentioned 30, 40, 50 people. Is that on a daily basis?

Mr. Henderson answered, no. Maybe on a weekly basis. You are probably looking at two to four times on a monthly basis. And that might be a little bit on the high side.

We tried to be very diligent and covered all of our bases for what might happen. If we had that much demand I’m figuring on a good week we would probably have one event for the week and that would be a training event. But then, of course, we are going to have some youth events in there too. Pro-bono types of activities as well.

Christina Sorsenson stated her name for the record. I am the president and CEO of Janus Developmental Services. We are a non-profit with a mission to provide individuals with disabilities the opportunity to participate and contribute within the community. I would like to speak in support of the variance the Hendersons are requesting for the construction of Eagle’s Aerie in Atlanta.

I have been at Janus for seven years. In that time, we have worked to develop partnerships and opportunities for those we serve so that they can feel they are really true members of our community.

We have a strong association with the Purdue Extension Office having worked with their Master Gardener program for many years. Additionally, we have hatched baby chicks through their Purdue program.

I think that this really helps to honor this rich rural heritage that we have in our county. I think many in this room will agree that there is a real value in working with and growing plants, and interacting with animals.

Last fall Mr. & Mrs. Henderson invited a group of Janus clients to visit their farm and gave them the opportunity to enjoy a ride on a horse drawn wagon, pet and interact with a variety of farm animals, and enjoy hot cider and doughnuts by a fire. One of the true experiences that we had
there was seeing the bald eagle fly. To see a live eagle was an experience that I just can’t explain how much that meant to our clients. And when they got to see the nest and really see the reality of what the size was… it was like bringing a real experience to life. Something that they never thought they would get to see in person.

Our clients were welcomed with incredible graciousness and kindness. They agreed afterwards that it was the best field trip that they had ever taken. When we deal with people with special needs a lot of times when people who are not necessarily familiar with or have had much experience in dealing with people with special needs there is almost a fear in one sense or an uncomfortableness because they are not quite sure how to interact. They want to be respectful but there is a little bit of tension. Mr. & Mrs. Henderson just made everyone feel so welcome and so respected. They answered a lot of questions about caring for the animals. About what the work was. They got to take full control of a miniature horse and lead it around. Experiences that I don’t know where else we could find that.

I know that Mr. & Mrs. Henderson really intend to continue to provide these types of opportunities in our community for the future. I am confident that their plans for Eagle’s Aerie will be a wonderful addition to Hamilton County and I would just like to ask for you to support their variance request. Thank you very much for allowing me to speak tonight.

_MaryAnn Haymaker_ stated her name for the record. I am with the Hamilton Heights Youth Assistance program and I serve as the early intervention advocate at the Heights district. I have about 85 families that I work with. That is not counting how many kids and programming that I do for the school. The kids that I work with – sometimes they’re at risk kids, sometimes they’re kids that have just had some tough breaks in their life. This barn would be the coolest experience for some of these children. Interacting with animals are some of the things these kids only dream of. There is a dog that comes into the school specifically in the elementary school and it’s not for every class. The kids get so excited; they’re so connected to animals. So to be able to offer this experience to some of our kids at Heights, it would just be amazing. I know that Mr. & Mrs. Henderson are very supportive of this and educating our kids. My hope would be that we could use the barn for our Hamilton Heights Youth Assistance board meetings or sometimes an event to help our kids. Thank you very much.

Mr. Heirbrandt stated that since you brought up Janus and the other organization that you have there… would you meet all the ADA requirements in that building?

Mrs. Henderson answered, yes. We’ll make sure that we do.

Mr. Henderson stated that about the agricultural heritage and the connection there… there is a customer or two of ours who have made it here tonight to speak as well. I hope they will be given an opportunity to visit as well.

With no further questions from the board… Mr. Habig opened the meeting at 7:51 p.m. to anyone who wanted to speak for or against the petition. Would you please step up to the podium, and
state your name and address for the record?

**Benjamin Cox, of 28028 Arthur Baker Road,** stated his name and address for the record. I am just a half a mile north of the proposed development. I’m an electrical engineer and I work for Delphi Electronics in Kokomo. I moved to the neighborhood in 2014 and I now have a wife and son. We have started our family on Arthur Baker Road.

I strongly oppose this development. I moved here five years ago with the hopes that it would stay rural residential and that is how it is shown on the land use map. If the proposed development is allowed I think that could set a bad precedent and even more development could occur in the area. Traffic from strangers – I lost a really good cat. It got hit by a car. That’s just something that happens and honestly our road isn’t as busy as 276th Street so it doesn’t have as many cars, but when they do come by… they fly by. With the house being close to the road it is a dangerous situation. The people who live around here drive slow and they drive careful but when people are not from the area and just passing through… it’s just as fast as they can go. When you have a commercial facility, you’re going to have more traffic with people coming and leaving there, lunch, weddings, events, etc. I think it means more danger to my family and to my animals. I have a young son who is just learning to walk, and I would like for him to be able to walk down the road with me to visit some of the neighbors as we do already. My wife jogs down Arthur Baker and on 276th Street and up Horton Road and back sometimes on Dunbar Road. We jog around. We ride the horses around and I think this is a potential to make the road less safe. And it might be passed that threshold with the additional vehicle traffic.

My second point is just people in general. There are several uses listed for this commercial facility and I think it will be bad for the neighborhood. Specifically, a wedding venue, an event venue, a training facility, and community events. They all bring a lot of new people to the area. You may ask, “why are people bad?” I don’t think people are bad but let me give you an example of people who aren’t from the area. A couple of years ago I was outside working out back and I was filling a wheelbarrow full of dirt. I saw this van creeping along and I came around the corner to see who they were or if I knew them. They stopped right in front of my house, in front of the barn area and I saw that he had his hand out the window and was apparently taking pictures. When I went up to him and asked if I could help him he said “oh, I just saw your chickens out here and I thought it would be cool to take pictures of them and I saw your barn and it looks pretty cool, too, and I was taking pictures of that.” I don’t know what that guy was doing or what his business was, but he just said he was passing through and thought he would stop and take pictures of everything. I find that kind of scary. I find it kind of strange. I think that is one of the effects of commercial development in the area.

Community events – I think it’s a great thing especially for the kids we just heard about. But the thing with the community events is it brings people from all over not just the immediate area. These are good people with their kids a lot of times and unfortunately it is also bad people. I don’t know what all the bad people’s agenda will be if they are there, hopefully not, but you never know and now there are a lot of people within walking distance of our place and my family and it becomes different from what the area originally was.
We already have community in our neighborhood. We share each other’s tools and equipment. We eat together. We work together. Help each other out. We’ve got that here, so these events would be a different community. I don’t know what the community would be, but it would be people from other places.

The wedding venue was another proposed use and I think my concern there is really someone becomes intoxicated and that happens at wedding and they start walking across the field because they see some animals and they want to mess with the animals or cause a little destruction and they are not in their right state of mind. When you have public events with a large number of people things just spread.

Tonight I heard the words “rich and rural heritage,” “authenticity” and I really think the authenticity of what the country is is actually diminished by commercial development. I think you lose what it is when you introduce that. I think this area right now is very high quality. We have been here five years and have great neighbors. We have peace and quiet. We have privacy and we have safety. I think all these things have the potential to be compromised if this development goes through. I pled with you to consider this matter carefully and to make a recommendation to not allow this development. Thank you.

Amanda Egler, of 5228 East 225th Street, stated her name and address for the record. I live a little distance away, but I own and operate a family farm north, south, east, and west of this property. I am a fourth generation family farmer in that area. As Mrs. Henderson mentioned earlier, it is hard these days for family farms. We face a lot of pressure from land prices, input prices, and uncontrollable markets. Farming is difficult. Our operation on 276th Street – we store 100,000 bushels of grain next door to this property at my father’s house. That means every fall I’m charged with getting 100 semi-trucks in and out of that driveway. Later in the year I’m charged with getting 100 semi-trucks of grain out of the driveway. Get it out of the bins, put it in the bins, take it out of the bins.

I think it is important to note… we keep talking about a barn – it is a barn shaped commercial building. Otherwise we wouldn’t be here discussing a variance. It wouldn’t be needed.

We are talking about adding a commercial venue in an agricultural area. If you want to protect our agricultural heritage and the ag work that goes on every day, day in and day out in this county, I think we have to oppose development like this.

Our 276th Street is not suitable for a large number of cars back and forth every day. We move large farm equipment all over the county. We know it is hard. There is a lot of traffic. I don’t think injecting commercial traffic into the middle of an agricultural district is a wise move. The road is simply not built for it. When Reynolds went in down at 31 they added traffic infrastructure. They added a deceleration lane. They made improvements to the road. Are those type of improvements going to be required of this development? The Mary Parks drain is an open drainage ditch alongside the road. There is not much room for error when it comes to moving equipment and moving vehicles down that or any county road let alone when you add a
large open ditch right next to the road. I personally ended up in an experience driving a tractor down the road and was stopped and stationary when I was hit by another vehicle who was traveling too fast on that road. Its just not the location for it.

I think the number of people scheduled to be there for these different events whether it’s the training events or the wedding venue or events venue, I think we’re dancing awful close to the requirements to be considered as a transient non-community water system. I think once you start having more than 25 people on site 60 days a year those requirements are stricter. You become a water supply. And I think those requirements need to be considered. What happens later with future uses, and business is booming, and this building and development has been approved and put in place? What checks and balances are there to come back later and say “Oh wow. We are using it more than we thought we would be and maybe our septic system should have been upgraded.” Maybe we do need to do this monitoring and reporting as required by the Department of Environmental Management for the water quality for the public that you are serving here.

I heard it mentioned at the meeting at Mr. Henderson’s house the other day and he said up to 20 larger events per year. Those numbers start getting closer to the numbers that concern me to have that many people on one site that many days a year.

The community events that they discussed and the work with Janus and other organizations is great. But I don’t think that this commercial building is necessary for them to continue those activities.

My dad hosted his own wedding in his back yard at his pond. He hosted his step-daughter’s wedding. There is no problem with hosting family weddings or hosting small personal events. The issue is that these events are going to cause headaches for the neighbors, cause traffic problems, and make my job harder. We don’t get any benefits from that. We get the annoyance. We get the consequences of it, but we don’t get the paycheck that comes along with it.

I think those items should be strongly considered and I urge you to deny this variance and recommend that it be denied with the zoning board.

Neil Thompson, of 45 East 276th Street, stated his name and address for the record. My house is closer to this proposed commercial building than the petitioner’s house is. It’s real close. On the variance application under the variance request the petitioner writes and signs the following statement: “Utilize land that we currently own and live on for building a barn structure for housing our agriculture technology company, Achieva. Also, technology training facility and public events facility.”

To begin with… what is agriculture technology. You have a copy of Achieva’s website that I pulled off the web on February 06, 2019. Note that there is no mention of the word agriculture. It was only after a neighbor pointed out the lack of “agriculture” related on the website that a reference to agriculture was added to the website. Has anyone asked for verification of the agriculture related commercial enterprise that would qualify the petitioner for the required
variance? If not, why? If so, why has it been made an element of the required application process? If agriculture technology training has been an on-going element of this business, why was there no mention of agriculture made on the website until two weeks ago after the application for the variance had been submitted?

In my research for tonight’s meeting I noted that according to the North American Industrial Systems Code applied for by Achieva, Inc. definition of that type of business is “this industry comprises establishments primarily engaged in designing and implementing public relation campaigns. These campaigns are designed to promote the interest and image of their clients.”

The standards industrial code for Achieva describes the type of business as establishments primarily engaged in preparation of materials, written or spoken, which are designed to influence the general public or other groups in promoting interest of their clients. These definitions don’t make any mention of the word agriculture in those codes.

It appears that the petitioner is using the key word “agriculture” in the attempt to make Achieva qualify as an agriculture related commercial enterprise required by the Hamilton County Agriculture District Zoning Ordinance.

In further review the Achieva website shows no mention of public events business. In no stretch of the imagination can a location that will be permitted to host weddings, large commercial banquets, community events such as Breakfast with the Easter Bunny or Visit with Santa be classified as agriculture related commercial enterprise as required by the Hamilton County District Zoning Ordinance, Article 15 – Special uses.

They are already two public event facilities within three miles of my house. Do we need another one?

Certainly, there has not been a community need established for a three story, 8,500 sq. ft. commercial business masquerading as a barn. You can put lipstick on a pig but it’s still a pig. It’s still commercial.

With the two public event facilities within three miles of the proposed location of this project certainly isn’t a “need” for another public event facility.

Why does the petitioner want to set up his commercial non-agriculture related business in a zoned agriculture district? In a word… “convenience.” Not for the community but for the petitioner. The only reason mentioned is where the petitioner wrote in the petitioner’s finding “We currently have our business in Carmel, Indiana but our intention is to have our business closer to our residence for convenience and practicability.” Convenience… really? I would like to walk out the back door and go to work. It would be nice.

Has convenience become the standard in justification for encroachment upon breaking the agriculture districts in Hamilton County? I don’t think convenience was the intent or the spirit
of the Hamilton County Agriculture District Zoning Ordinance for qualifying exemptions. I’m quite sure that the residents of the county do not want agriculture industry to cease to exist and if we keep adding commercial business that’s what’s going to happen.

Please note that on the variance application form completed by the petitioner – Hardship if variance is not approved – this line was left blank. So, there will be no hardship to the petitioner.

Uncontrolled development in the farming areas has already chased out all the hog farms and dairy farms out of the county. Are the crop farmers next??

Projects such as this will go a long way in making that happen. Once you break the ice for one person then anybody else can come in here and try to get a variance and say “Yup. You passed it here. We want one.”

This project is being reviewed by the Hamilton County Plan Commission for a recommendation to the February 27th Hamilton County Board of Zoning Appeals – North for approval or disapproval yet this property already has a street address of 213 East 276th Street. How does an 80 acre field that does not have any structures and is zoned A-2 have a mailing address before any of the approvals have been granted? Has this project been approved already and are we just here going through the motions??

In closing, what we have here is simply a petitioner who wants this commissions’ approval for him to encroach onto the agriculture district and set up these non-agriculture related businesses, construct a three story 8,500 – 9,000 sq. ft. commercial building in an agriculture zone simply for his own convenience. If a commercial variance is allowed, it will open the door for more commercial variances.

I would like to ask all those that are against this project to please stand.

Secretary’s note: The room was almost full and only about 10 people present did not stand. This does not include board members, attorney, or staff.

Mr. Thompson continued. You have seen that the community and my neighbors for about a two mile radius all around this project are all against this. We feel the board should vote a negative recommendation for this project. Thank you for your time.

Sam Barrick stated his name for the record. My wife, Jenny, and I are here and we live within two miles of this property. Our address is 759 East 256th Street. I came as a neighbor to be supportive of this, but I feel compelled to say a couple of other things in response to the agriculture side of the comments previously. The company that I worked for has used the Achieva organization for agriculture since 2012 in the training area that was referenced earlier. We intend to continue to use the company and would prefer to do it in a rural setting. SePRO is the company that I work for. We represent about 100 employees in the area of agriculture. I don’t know why it’s not on the website. I can show you the work that has been done for us. I’ve known the
Henderson family for about 30 years. What they represent tonight as being a good steward of the
land and their intention to support Hamilton County, I believe. My wife and I have lived here for
21 years. We have raised our family here and we’re very proud to be citizens. Thank you for
the hard work you do in trying to please a lot of different stakeholders. We are here in support.

**Bill Root** stated his name for the record. I too live here in Hamilton County. I was a 37 year
person that was working for Dow AgroSciences within the area and have been involved with
agriculture my entire life. I, too, used Achieva and their services within the company at Dow
AgroSciences. They are truly a company that provides support to our industry. It is a very
important support aspect. We produce a lot of technology, a lot of chemistry, a lot of things that
go on crops, and used in agriculture but it has to be used by distributors and by applicators
throughout the industry and we have to have someway to transfer that knowledge from the basic
manufacturers to the people that are out in the field.

What they do is provide a service and they talk about it on the virtual website that they have. The
virtual training as well as the experiential learning out in the field where they help train people on
how to correctly use the product so that we are using it correctly and not harming our
environmental; we’re not harming individuals; and we’re using the right amounts out in the fields.
One of the very key elements that we have to remember is Hamilton County is located in one of
the very key agricultural states in the world. The three “I” states are very key in the world. We
grow more corn in these three states than in any other parts or regions in the world. You have the
only U.S. chemical company, Corteva, located within about 25 miles of this location. (Corteva –
Agriculture Division of Dow DuPont.) You’ve got a very important partner that is producing
about one-third of the chemistry for all of the world. A lot of very important bio-chemistry is
going out into a lot of our plants so in terms of convenience, yes, it’s convenient to be here in
Hamilton County. It is very key to our livelihood within the state and it is also very key to us as
individuals because agriculture is very key. I truly support what they’re doing because it is part
of agriculture. I like what they’re proposing. People are located in this area that are using the
product and people can get to it easily. I do know Mr. Henderson very well. I have used him.
I have used his services. And I really do feel like this is something that could be very helpful for
our community. Thank you.

**Keith Kohlmann, of Westfield, Indiana,** stated his name and mailing city for the record. I have
been in the Westfield area since 1990. I grew up on a farm in central Illinois. I worked from the
manufacturer’s side of the business as well as the distributor retailer. The distributor retailers are
companies like North Central which is now Series Solutions and Co-Alliance. That is more of
what you would know around here. CPS (Crop Production Services) would be the other one. I
am retired now but prior to that my job for the last seven years was working for a company called
GrowMark out of Bloomington, IL. My primary responsible was to bring GrowMark to Indiana,
Ohio and Michigan. My primary job was working with crop specialists in the field. I brought
an example of the crop protection handbook. It is nothing but corn, soybean, wheat and all the
chemistry that goes into that. They would come in for three days, get some training, look at some
corn and soybeans, and then back out in the field for real life training. How I would apply Mr.
Henderson’s business would be to bring in 30 to 40 crop specialists, do a half-day to
three-quarters of a day training, go down to Westfield to the Grand Park hotels – that’s where I would put up my crop specialists, take them out to dinner, and do those kinds of things with them. They are all above-board people. Farming people are good people. One thing I did want to bring to light – my job encompassed more than just agriculture. I am the former Indiana state lawn care president of Lawn Care and Landscape. I was training not only agriculture, the green industry – aquatics, nursery growers, landscape people - all these people in order to do a responsible job in today’s environment needs training. There are 600 crop specialists in three states. What Mr. Henderson is trying to do is bring things back to food, fiber, recreation, responsibility and at the same time bring benefit to the county of Hamilton. Thank you very much.

Mark Barker stated his name for the record. I have lived in Hamilton County for almost 30 years now. I live at 68 East 276th Street. Nobody is saying that we don’t want the Hendersons to have their business. We just don’t want it where they propose to put it which is right across the street from me. They have their business in Carmel and I understand that they are moving out. Just don’t put it where we already have it listed as agricultural land. Thank you.

Ron Lancer, of 10522 East 206th Street, Noblesville, stated his name and address for the record. My mother-in-law is Anita Billingsley. They have a family farm out there so at some point in my life I am going to be a future farmer. This is being presented as an agricultural business but I noticed at the end we kind of slid in that we are going to have parties out here. The problems with the parties – they don’t understand farming. If you have an agricultural business those folks coming in here are not going to understand how a farming community is. You bring in a wedding party that spends $20,000 to $30,000.00 and they have a piece of farm equipment in front of them, they’re blowing their horns, and they’re calling the police. We’re a distraction to them. Is he going to come back and sue the farmer because they had their equipment out there? It is something that you’ve got to look at. Some of these farmers in Westfield were called on this summer because they were working too late. There’s not a guy sitting here who farms that can give you a schedule like Mr. Henderson did. They work all hours - day or night. Let’s be careful of what we do out here. I think you take the parties off of this because that is where you’re going to have your biggest problems. The roadways aren’t going to handle it. Why is Reynolds up on U.S. 31.? They used to be the anchor of Fishers. Why were they moved out?? The people complained about the equipment going down that road, so you start letting it in up here and it is going to happen up here. So be careful.

Ray & Christie Crail, of 680 East 271st Street, stated their names and address for the record. We live east and just a little bit south of the Hendersons. I probably live as close to them as anybody. I can look through the woods and see their house. We’re concerned about the noise. We’re concerned about the traffic. We hear them when they ride their jet skis, their four-wheelers, when they have parties. We hear everything. My family has owned that land since 1951. Me and my wife bought about half of it and built a house back in the woods. On any given day we can look over and see the old rock quarry that used to belong to the Thompsons which now belongs to the Hendersons. On certain days when the wind is just right we can hear them over there talking. That’s how close we are. I want to maintain the lifestyle that I have invested my money into –
my family’s farm and my house. I built my own house and I want to maintain that lifestyle. I don’t want a bunch of racket and carrying on. If you guys approve this tonight there is no way for you to police it. There is no way for you to guarantee that they’re doing what they say they’re going to do cause once it’s approved it’s approved. And unless one of you intend on taking a weekly trip out there to make sure they’re abiding by the rules and abiding by everything they said… there is no way to police it. And then we’re left to pick up the pieces.

Now, I want to address the barn also. Mr. Habig, you’re from our area. I challenge any of you to drive around our area to find a barn that looks like that. It don’t exist. Is it made out of wood, yes. It looks nice. But it does not fit in our area. That does not look like a farm barn. It looks like an event center like they have a Chatham Hills in Westfield. You can go six miles south. Believe me, Westfield would love to have something like this and that’s not that far away.

Christie Crail stated that her biggest concern was when they received the pack in the mail for the variance. The first thing that stood out to me was that in the first paragraph they said “They raised their kids in our community for the past 11 years.” My kids don’t know any Henderson kids. My kids are still in school. My oldest son graduated two years ago. So, where did their kids go?

My next concern is… they’re already holding community events, outreach events for Janus unbeknownst to us. If you approve this, just like my husband said… how are you going to police this?

We already hear them, and I feel like there is some kind of deceit. Yea, their kids probably grew up back in there, back in the acreage and stuff… great.

We didn’t know they had llamas. We didn’t know that they had all these animals. They have never been welcoming to the surrounding community within a two to three mile radius. It would have been nice if they had invited us over and said “hey, we’re having a community event. We would love for you to see our animals.” If they want to be part of Sheridan, which that is our address, then invite your neighbors.

I feel they’re outsourcing. They’re relying on Hamilton County. Yes, I love Hamilton County. We’ve lived here for a long time. But if you live in Sheridan we’re Sheridan people. We stick together regardless.

I really don’t want tents out there. Really don’t want port-a-potties. Really don’t want it close to the road. Like everyone has said it’s hard for a small family vehicle to get down 276th Street and if there are two vehicles going east and west it’s hard. I don’t know where the rest of you live here in Hamilton County, but it’s not made for a lot of traffic. It’s a farming community. I feel like there is a little deception here. I don’t mind somebody having a business, but I feel like this is an event center, and we didn’t move out here and establish our family to live by an event center. We live out there to raise our kids and have a peaceful quality of life and I don’t appreciate that they will have all these trainings which seem like a lot and then go look at crops in Westfield.
I just don’t buy it. I don’t buy that it’s an ag building. I buy that it’s a business and 8,500 sq. ft. is a big building. I’d be more upset if I lived right next door to it.

Mr. Crail added that their property borders the Henderson property on the east. We own the woods and that’s where the eagles are. We see them quite frequently. We hunt deer and rabbit in those woods. We’re back there shooting guns and squirrels, and I think all that is relevant, too. Am I going to take my son out deer hunting and have somebody call the cops? I just think it’s a bad idea and we’re dead set against it. And we encourage you to vote it down.

I didn’t get to attend the meeting the other night but it was my understanding that Mr. Henderson made a statement similar that if we didn’t back off he was going to parcel it off and sell it. We’re not going to be bull-dogged. That’s the wrong thing to do so I encourage you to vote it down. Thank you.

Kim Carlisle, of 28220 Lamong Road, stated his name and address for the record. I live about three miles from this proposed project. We’re a small farming community. I have been out there since the 1950s. Most of these people I know; they’re our neighbors.

This just doesn’t seem to be a good fit for the community. And what I mean is the party aspect of it. Like they mentioned - they are going to have weddings there. They did say they were going to have music.

I admire these ladies for working with all kinds of disadvantaged kids and it would be a great opportunity for them.

They mentioned the eagles… we come by every day or so, and that’s what we look for. Lots of people do. Everyone knows where the nest is back there. I know it’s not on their property. If they’re going to have events out there and I know they’re going to love the eagles but are they going to love them to death? If you’re going to have events out there with parties and loud music how long are those eagles going to stay around?

When there are events out in the country, and it’s not very often, that noise travels for miles. I’m three and a half or four miles from U.S. 31 and on a calm night we sit out on our porch and we can hear U.S. 31. There are other events and they are a few miles away. When they play music at night we can hear it because there is nothing out in the country to stop that music. My main focus is the party, it’s the weddings, it’s the noise.

Most of the people who have come forward tonight and have spoken FOR this project… they don’t live in our community. I only know of one person who has come up here and spoken FOR the project that lives in our area.

I know everyone that comes up here and has spoken against it… they live there. We live there. We have to live there. I just ask you… would you want this project right next door to your property? Thank you.
Christie Crail, of 680 East 271st Street, Sheridan, Indiana returned to the podium. They have four of these events and about 11:00 p.m. is the last person to leave. That’s late. Most of us are sitting out on our front porches in the summer relaxing and enjoying the peace and quiet. I think it’s just too late. I think the events are ridiculous. We don’t want the Easter Bunny. We don’t want Santa Claus. I had no idea Mrs. Henderson was already doing carriage rides on their property anyway. They have not made themselves friendly to their surrounding neighbors. I feel like another point is they are going to Cicero to get police protection. Why don’t they utilize some of the people from Sheridan? Hamilton County? Even Arcadia? That would be a neighbor. We are going to stop partying at 11:00 p.m. so you’re going to kick everybody out at five minutes before the party ends. I just don’t like the parties or the time limits either. Thank you.

Andy Wert returned to the podium. I tried to make some notes so I could reflect on this. Ms. Egler talked about the road network as well as the septic system being overwhelmed. Those are self-limiting factors particularly the septic system. We have a finite number of individuals that can utilize this facility. We certainly don’t want our septic field to be overwhelmed. If it needs expanding in the future we’ll have to address that as well. The limitations here are very enforceable. Mr. Thompson mentioned some issues with the website. We’ve heard some testimony that this isn’t an agri-business related firm. I don’t know what else I can say on that. As far as the mailing address – I don’t know how Mr. & Mrs. Henderson got that. I know they have applied for the septic permit; their driveway permit; utilities. You need an address before you can do any of that stuff. It doesn’t necessarily mean that everything has been pre-approved here by any means.

Terry Henderson returned to the podium. I think the reason that there are two addresses for this property is when we bought the property originally back in 2007 we bought 30 acres. (2) Then the other 81 acres we bought… (3) There has been a lot of talk about other homes closer to this property than ours. Our property is not obstructed to where this barn is going to be. We’re building this barn because it is something that we want to be very proud of and that we want to be next to. A question was ask: “Is this something that you would want to live next to?” The answer from us would be “yes.”

Beth Henderson returned to the podium. That was 2005. (2) In 2010. It is a separate parcel. We didn’t ask for the address. It was just given to us when we were going to the planning office. Another thing that wasn’t addressed on the forms is the unnecessary hardship in the use of the property. I would just like to mention that farmland is increasing in price dramatically. It is very expensive for us to maintain the grounds. The farm income that we get from our land just isn’t enough to justify having it as farm ground. We don’t want to sell it to be developed. We want to leave a legacy for our children and future generations. The face of rural America and Hamilton County is changing quickly. We want not only to enhance but also to preserve this beautiful rural area. Placing a barn on our property that we can run our family business, an agriculture technology training business, along with other community and private events helps us justify maintaining the property as a farm in rural Hamilton County.
Mr. Henderson stated that when he started in the business almost 22 years ago he was in government public affairs for Dow AgriSciences at the time. I left and started this company. The public relations that we were doing was for agriculture. We were working to provide technical facts and we worked with researchers across the U.S. to get their opinions and comments so agriculture could advance whether it be bio-technology, seed technology, or in other ways. The only reason agriculture was not on my website is a lot of people in our business already know that we are in agriculture. Since 2012 100% of our business is in agriculture. It’s always been 60 to 70 to 80% but it has been 100% since 2012. There is a list of our clients.

Mrs. Henderson stated that their website is not the best website right now. It is not representative of what we do. There is a brochure in your folder that is a better representation.

The eagles are used to our presence and they are not bother by our activity even on busy days with cars, people, horses, and dogs. They come perch on the trees closest to our house on a daily basis. If anything frightens them it is the loud gunshot, automatic artillery, and explosions from the neighboring farms. People come from far and wide to see the nest and eagles which is fine. We love to share their beauty. They park in our driveway and in front of our farm. We welcome people to come and see these magnificent birds of prey.

Mr. Clover asked how far away the proposed barn was from where these eagles nest.

Mrs. Henderson answered, several hundred yards.

Mr. Henderson stated that having that facility there will serve as a buffer because there is a shooting range to the east of us.

Neil Thompson returned to the podium. The eagles nest is on the Jeff & Kathy Pitts property not on the Henderson property.

Tammy Hilfiker, of 24 East 266th Street, stated her name and address for the record. We live on the other side of the lake. We share the gravel pit with the Hendersons. I’m just concerned. When you look at the people that are out here a lot of us don’t have the luxury to pick up and move. When we went to your house you brought up two or three times, “Ya know, we could go to Florida.” We can’t. We can’t all leave what we’ve worked to earn. It is not an option for all of us so if this were to be built and they decide to leave what’s left for all of us to deal with? Also, I think you should consider – none of the neighbors were aware that this project was going on including myself until we got the certified letter in the mail. I think that should also be considered on how much they’re involved with the community. Thank you.

With no one else stepping forward to address the board… Mr. Habig closed the public portion of the hearing at 8:50 p.m. Do we have any more questions for the petitioner?

Mr. Heirbrandt stated that he did. You said that you have lived at the property since 2005. How many complaints have you had from neighbors about any parties or anything like that that you’ve
had? (2) No police? No nothing? (3) **To the audience:** As a commissioner, it was one of our requirements when they came before us that they reach out to the neighbors. How many of you folks went to their house and had the opportunity to listen to their presentation? If you could please stand. (4) How many people got letters? (5) Tell me about the security. Would you open the security up to Sheridan or Hamilton County? (6) Would you consider changing the time from 11:00 to 10:00 p.m.? (7) There was a question about hardship and if you left that property - would you have any objections that it would not stay commercial? (8) That was one of the questions that the people brought up. That they would be left with the burden of it being commercial and that something else could happen.

Mrs. Henderson answered, none. (5) Absolutely. Yes. The only reason we chose Jim Hunter is because we’ve known him for so long. We’re not opposed to using Mark Barker, the Sheridan police. We are familiar with Mr. Hunter because we lived in Cicero for nine years. Our kids played hockey together. The security team that he put together for the Mike Braun event was second to none. We want to use top quality security people. We don’t just want to use somebody who is a security officer on the side. We want to be sure we use qualified officials to provide security. (6) Absolutely. And that would be us going out and making sure the building is secure.

(2) Mr. Henderson answered, no. (6) Yes. We would make sure that the event was closed down by 10:00 p.m. and then whatever needs to be picked up if anything… the doors will be locked and all the lights off by 11:00 p.m. but… The question also came up would we be there for events? If we’re not there, we would have an employee there. Anytime we have 65 or more people we will have hired police. We will hire them as part of the security. (9) Actually, it could be easily converted to a home or a barn either way.

(3) **Secretary’s note:** about six people stood up. (4) **About six people stood up.**

(7) Andy Wert stated that that was part of their commitments. (8) We have committed that the variance be void should the Hendersons no longer live at or own the property so it would be on the next owner to come in and go through this process or comply with the A-2 restrictions.

With no further questions from the board… Mr. Habig asked for a motion on passing a recommendation on to the North BZA.

Mr. Heirbrandt asked Mr. Culp if the Hendersons had met the requirements to our by-laws as a plan commission. (2) A lot of the objections seem to be more, in my opinion, to zoning issues rather than plan commission. That is the only reason that I brought it up. I want to stay true to what this board is to do.

Mr. Culp stated that procedurally they have met the requirements for publicizing things and putting everything together. In terms of whether they’ve met the various items required to grant a variance… that is something that this board and ultimately the BZA must decide. (2) You are just looking at the overall use and whether or not you think it fits in with the area and our
comprehensive plan. It’s the BZA that dives into the details.

Mr. Cover asked if any limitations regarding time limits, noise levels, how many people could be on the property at any given time, or what would constitute needing security would all be determined or could be imposed by the BZA. (2) They have indicated what size of groups might use their facility but there has been no discussion of any limits with specificity.

Mr. Culp answered, correct. This board can make recommendations but the BZA is free to adopt or reject those. And they are free to impose completely new ones if that’s what they determine because they are the finders of fact and officially the judge who makes the decision here. (2) Correct. The BZA cannot discuss anything with the petitioner or anyone else ahead of the hearing. They are like a judge. They can only hear it during the hearing and everyone hears the same information. That way the public gets to hear anything that is put before the BZA and comment on anything before the BZA. The petitioners are proposing some limits and address some of the concerns that they heard but whether the BZA wants to accept that or they feel that has gone far enough or too far… that’s up to the BZA at the time.

Mrs. Crim asked Mr. Culp if the board could pass this on with a “no” recommendation.

Mr. Culp stated that it can be favorable, unfavorable, or no recommendation and you are just going to advance it so it can get to that stage. For any recommendation of this body to be final there has to be a majority of the total membership. So that would mean that five of the six of you here tonight would all have to agree. If at least five of you can’t agree one way or another then we would pass it on with “no” recommendation as well.

Mrs. Crim made a motion that we pass this on with “no” recommendation.

Mr. Habig seconded the motion for discussion purposes. I would almost say that it’s unfair for us not to pass on whether we are for or against it to the North BZA. It’s going to be tough enough on them.

Mr. Heirbrandt asked Mr. Ward for his thoughts. (2) What is your reason that it doesn’t fit?

Mr. Ward stated that he was ready to ask the plan commission to pass this along with an unfavorable recommendation. I don’t believe that this fits in the ag zoning. (2) I think that the party aspect is out of line. I feel for the people who live out in that area. I can understand their feeling towards having something like that in their back yard. And this truly is their back yard.

Mr. Habig stated that he looks at it that this is their property and they want other people to come out and enjoy it. It is not zoned commercial. But for the type of business and even as an event center to allow people to come out to northern Hamilton County and for somebody who is gracious enough to let them step across their property, I kind of love that part of it. But it is tough on the people who live around there.
I keep telling everybody it’s coming and everybody is going to have to accept it. There are times that everybody’s feet are going to get stepped on but there is some good that comes out of it. Every once in awhile planning it right, getting certain things going in the community only enhances that community. It’s just tough to throw a cold shoulder to something new in an old established community.

I moved up to Sheridan in 1972 and I still kid people… what does it take to become a part of the community? It’s tough to come up with new ideas and bring them into your fold when you’re not really accepting to look at anything. One of these days it’s going to be forced down our throat. It’s coming. I’m torn. I’m really torn.

Mr. Heirbrandt stated that he was too. I see the education piece that goes into this. I think it is especially important for youth. The growth is coming. Whether anybody here sees it… there is going to be an interchange at 276th Street. It is going to be a major interchange. We are already seeing 276th Street going out to the east. It is going to be a major east/west thoroughfare. That was decided by the U.S. 31 Coalition, the Blue Ribbon Commission, and there was another organization. Whether or not we like it, it is happening.

I have talked to Sonny Beck and this is going to be more of an ag area all over there on the south side of 276th Street. He owns a lot of the property over there by Reynolds, too. It is a tough decision for me. I have to deal a lot in this position with change.

I hear you regarding the parties and all that and that is why I was asking about the complaints. The noise is more for the BZA. It is not what this board decides on. If I was going to have any restrictions it would probably be on the parties. When I was listening to some of the comments it was specifically towards those parties. I think that is really concerning to a lot of people.

Mrs. Crim stated that she knows that they have a comprehensive plan. And we have zoning all laid out and when you buy a property you know what the zoning for that is. Most people who live out in the country do so because they want peace and quiet and a rural setting. You trust the zoning laws to cover and protect you.

I live out in the country and that’s what I prefer. For us, if commercial things started moving in we would leave because that is not what we want. I think the business sounds like a wonderful business and something really needed so I’m really torn because not having been out there to see the property and how close it is to the neighbors I can’t quite get a picture with the address since they don’t make much sense to me. I’m having trouble in my mind deciding what’s fair. There are a lot of neighbors here that are against it and I can totally understand why they feel that way. And I do think if the party aspect was removed that might help to a certain extent. I don’t know if that would be enough.

Mrs. Burdett asked for clarification on the motion. This is not a “negative” recommendation this is a “no” recommendation, correct?
Mr. Habig answered, correct.

Mr. Heirbrandt asked for an explanation on the difference.

Mr. Culp explained that a “no recommendation” means that they don’t approve it. “No” recommendation means you are passing it without comment.

With no further comments… Mr. Habig called for the vote. 3 yes votes… 3 no votes. Mr. Clover, Mrs. Crim, and Mr. Habig voted yes. Mr. Heirbrandt, Mrs. Baird, and Mr. Ward voted no.

Mr. Ward made a motion to pass this on to the North BZA with an unfavorable recommendation.

Mr. Clover and Mr. Heirbrandt indicated that they would like to ask the petitioners some more questions.

Mr. Culp agreed.

Mr. Habig asked for questions from the board to the petitioners.

Mr. Heirbrandt stated that his questions were still on the parties.

Mrs. Henderson stated that they would be open to limiting the parties because the primary use of the building is for the ag training facility. We don’t want to limit it to that but we don’t want to be a “party barn” either.

Mr. Clover asked about the type of parties that they would have. I understand what a wedding would be. (2) What happens at an event like that? Is there music? Are there live bands?

Mr. Henderson stated that they had a political event last September and had 170 – 180 people at their place. We had security. (2) There was music and it was a live band. It was done by 8:30 p.m. and people went on their merry way.

Mrs. Henderson stated that they didn’t get any complaints. This was an outdoor event at our home. What we are envisioning for our barn facility is most music would take place inside the building. If there is any music on the outside of the building it would not be amplified music past 9:00 p.m. so if you had an acoustic guitar or something like that. The event would end by 10:00 p.m. and closed up tight by 11:00 p.m. Also, it is not going to be lit up like a party barn or an event center. We are going to have dusk to dawn lighting. We’ll have lighting when we have people there but when the building is not in use it will be lit up like a barn.

Mr. Henderson stated that they would not be building the building as a party barn. We have a property that is not obstructed from that building. There has been a lot of talk about how close it
was for others but everybody else has some obstruction between them and this facility. A tree line or there are grain bins and then there is an auction barn and then there is some other equipment to the west. To the east there are a couple tree lines between them and that property but between our home and where we’re proposing to put Eagles Aerie’s barn there is no obstruction whatsoever. We’ll always have an employee and/or ourselves will be there. We stay here year-round.

Mrs. Henderson stated that they are not planning to move to Florida. Growth is coming up our way. An interchange is coming in. Farmland is being snatched up by developers right and left in Hamilton County. By us putting our agriculture business there that we can prevent that for the future. We’re not going to allow that to happen at least on our property but it’s creeping up there quickly. The face of rural America is changing. We would like to preserve it, build this beautiful barn, and pass it on to future generations. The barns right now are falling down. They’re being torn down. They will be non-existent pretty soon. Should we leave or pass away or whatever… this building can be turned into a barn. We’ll have his wedding out there regardless. And we may not even have that many but… we are going to be very select about events that occur. It’s on our property. We live there and we don’t want to be managing parties and wild parties like everyone is making it out to be. We’re going to have executives, and farmers, and distributors from all over the country and the world. We’ll limit the amount of people. We get to pick and choose what the events are. We’re not going to say carte blanche “Yea, we have weddings” and have 300 to 400 people and then pop up tents and get into that business. We’re going to be busy enough with our ag business but we don’t want to limit it to that as well.

Mr. Henderson stated that he only said that because I wanted to make a point that we have dedicated this to be our forever home. I wanted people to understand that we consider ourselves Hoosiers. We appreciate everything about Hamilton County, about Indiana, about agriculture. There was comment about whether or not our kids are really from the area, our son lives in Westfield. He’s 26. He’s engaged. We could commit that we would not have any more than 12 wedding for at least the first couple of years if that will help. But on the other hand… a neighbor, Sam Barrick, said he has a couple daughters that are going to be married and if they would want to have their wedding there I want them to be able to do that as well.

Mrs. Baird asked for clarification. In the Finding it does say that the maximum capacity would be 90 people. So if there was a wedding would it also be 90 people… or more?

Mr. Henderson answered, yes. The septic is set up for 90 people per day. If it’s a wedding that is going to be over 90 people we would have tents there to join it as well. There have been wedding that went on way past 9:00 p.m. in the area. Even over at Eglers they had fireworks that were going on at 11:00 p.m. or later.

Mrs. Henderson stated that this was not a quiet neighborhood. Living in the country there are country noises. There are shotguns. Right now there are uzis going off. We had a neighbor that shot off cannons the other week.
Mr. Henderson stated that there are shooting ranges on all sides. (3) We’ve not made any complaints.

Mr. Clover asked about the gathering for 170 people. (2) What time of day was that meeting?

Mr. Henderson stated that they actually had that twice. One was in April of 2017 and we had it in our current livestock barn. (2) We started that at 5:00 p.m. and were done about 8:00 or 9:00 p.m. There were no complaints. We make sure we have high quality police force security.

Mrs. Henderson asked everyone to bear in mind that these events will be limited times. They will have a window of four hours. That is a typical event. The majority of the activities will be inside the building. We’re not going to have loud bands late at night. We’re not going to have sub-woofers.

Mrs. Crim asked what kind of fee they would charge for a wedding.

Mr. Henderson stated that this was not the income driver of the barn. We haven’t really thought that through. We want it to be affordable for our friends that would want to use it. I’ll say $4,000.00 to 5,000.00 something of that nature, maybe. (2) Dicamba – the U.S. EPA has put out some guidelines that all applicators who handle the product have to be certified and trained. In the state of Indiana that has to be in-person training it cannot be on-line.

Mrs. Henderson stated that a lot of their training is on-line training. Now it’s turning into more in-person training so we need a facility. (3) This brings people into Hamilton County, uses their hotels, restaurants, stores.

Mr. Clover asked if the Hendersons would be agreeable to not having outdoor functions that exceeded the capacity of your building after business hours Monday through Friday. (2) Would you be agreeable to on the weekends instead of a 10:00 p.m. limit on noise and make that 7:00 p.m.? I understand that you’re saying this is not to be construed as a party barn but what would define that would be the specific limits to be there to protect your neighbors. (3) I’m trying to get an idea of what you would be agreeable to.

Mr. Henderson answered, yes. (4) If we agree to something, we’ll live by it.

(2) Mrs. Henderson asked if outdoor music was not to exceeding 7:00 p.m. Is that what you’re saying? (3) We would be willing to not have outdoor music past 7:00 p.m.

Mr. Kiphart advised all those in attendance that the word “party barn” I don’t think exists anywhere in our zoning ordinance. They are “events.” Whatever they talk about is an event. If one of their children is getting married out there… that’s an allowed event. Or a birthday party for their family.

When they start receiving money of any kind and it’s not a family situation it’s a “public event.”
These types of things are very hard to enforce. The BZA will have to be extremely specific if we are going to get into this kind of discussion of what’s to happen. One or two events of the year that is for fundraising or something like that and as long as they meet the county’s noise ordinance and they have the proper facilities to take care of that number of people… probably nobody is going to say anything.

I’m not going to run out there to anybody’s property if they’re having a couple of events a year. It’s when you start receiving money for it and a monthly or weekly group that they must comply with the ordinance irregardless of what it is. (2) That’s true. Yours is land use and the comprehensive plan.

Mr. Heirbrandt stated that we’re bickering over stuff that we really shouldn’t even be addressing. (2) Exactly. That’s for the BZA to decide; it’s not us. This has been a good discussion and that’s why I’m having such a hard time. I am trying to abide by what we are supposed to be doing. I’ve been out to the facility. It’s a beautiful facility. I think they have made a lot of improvements out there.

Mr. Habig asked if the board was through with questions of the petitioners. The public portion is closed. You can speak next Wednesday at the North BZA meeting.

**Without a second to Mr. Ward’s motion… the motion dies.**

Mr. Heirbrandt stated that it was his opinion because they have met all the requirements for this board… **I am making a favorable recommendation with some restrictions to limit the time for any outdoor activities to 8:00 p.m., and to limit the number of people out there to the 90 people that you listed.**

Mrs. Baird seconded.

Mr. Clover stated that for land use purposes this is an ag business in an ag area. (2) I would concur with the restrictions but that’s not the business of this board. It’s for the BZA to put restrictions on the petitioners.

Mrs. Baird stated that in the comprehensive plan they talk about the environment, education, economic growth.

With no further discussion from the board… Mr. Habig called for the vote. **5 yes votes… 1 no vote.** Mr. Ward voted no.

Mr. Heirbrandt thanked everybody who came out tonight.

Mr. Habig stated that everyone had great points. Get ready to go next Wednesday.

**Director’s Report:** Mr. Kiphart passed out the office year-end report for 2018 and information
on a bill that is going before the House and Senate on education. Mr. Kiphart also passed out the drawings for the interchange options for U.S. 31 and 236th Street.

Mr. Heirbrandt stated that there was probably 150 to 200 people that showed up to the interchange open house up in Sheridan. It was very well attended. They are talking about having another one in Cicero because there were so many people there. They got some good ideas from some of the people from what I understand.

Legal Counsel Report: **Mr. Culp asked that the board vote to approve legal action regarding the zoning violations on property owned by Mr. Calhoun.**

**Mr. Heirbrandt so moved.**

Mr. Clover seconded.

With no further comments… Mr. Habig called for the vote. **6 yes votes… 0 no votes.**

Mr. Habig stated that prior to this meeting we held an Executive Session pursuant to Indiana Code 5-14-1.5-6.1(b)(2)(b) to discuss initiation of litigation to enforce Hamilton County Zoning Ordinances.

**Mrs. Burdett asked if the board would like to make a motion, a second, and vote to approve the memorandum for that executive session.**

**Mr. Heirbrandt so moved.**

Mr. Habig seconded.

With no further comments… Mr. Habig called for the vote. **6 yes votes… 0 no votes.**

Mr. Culp stated that his contract is identical to last year’s. The fee hasn’t changed. I just changed the dates.

**Mr. Heirbrandt made a motion to approve.**

Mr. Clover seconded.

With no further comments… Mr. Habig called for the vote. **6 yes votes… 0 no votes.**

The next plan commission meeting will be Wednesday, March 20, 2019.

With nothing further to come before the board… Mr. Habig adjourned the meeting at 9:45 p.m.