

**Shelby County Plan Commission
Meeting Minutes
Tuesday
June 23, 2026**

Members Present:

Kevin Carson
Jeremy Ruble
Alicia Barr
Andrew Newkirk
Megan Hart
Jeff Powell
Jason Abel
Jenna Martin

Members Absent:

None.

Staff Present:

Desiree Calderella – Planning Director
Jody Butts – Attorney

Call to Order and Roll Call:

Kevin Carson called the May 26, 2026, meeting to order at 7:00 pm in the auditorium of Shelbyville High School.

Approval of Minutes:

Jeremy Ruble made a motion to approve the minutes from May 26, 2026. Jeff Powell seconded the motion. The minutes were approved by 8-0.

Old Business:

None.

New Business:

RZ 26-11 – DCO-DATA CENTER OVERLAY DISTRICT UDO AMENDMENT

Kevin Carson explained that the ordinance would only apply to the unincorporated portion of the County and explained the intent to the Commissioners to proactively

implement a data center ordinance prior to any project proposal. He outlined the meeting procedure.

Jason Abel outlined the history of development of the ordinance. He emphasized the need for a proactive ordinance which incorporates public input. He provided the names of the members of the ordinance review committee, explained how the group members were chosen, explained that the group provided non-binding recommendations, and explained that the group compromised on some items included in the ordinance draft. He stated that the County had not been approached about a potential data center project.

The Board opened the hearing for public comment.

Lisa Wojihoski-Schaler spoke on behalf of the Northwest Shelby County Concerned Citizens Coalition. She emphasized that group members had requested further limiting maximum sound levels. She referred to several different health studies which have found that sound levels exceeding 40 dBC are detrimental to human health and that constant sound exposure should not exceed 60 dBC. She explained that the sound scale increases exponentially rather than in a linear manner. She requested that the Commissioners consider extending the moratorium to provide additional time to consider noise regulations. She provided the Board with online resources regarding noise.

She provided a list of questions/comments posed by group members:

- In Section 3.21, further clarification on flood restrictions, does it just apply to 100-year floodplain?
- Section 3.22 5D is empty.
- There is a typo on page 7 in \$25 million.
- Do energy onsite storage systems include BESS storage? Do any regulations apply?
- Can generators be tested constantly between 12 PM and 5PM?
- Is there an application fee?
- Should there be a definition for karst terrain?
- What constitutes a residential area?
- Does required sound testing include both dBA and dBC?
- The County should review its enforcement procedures and fines as a \$7,500 fine would not prove a deterrent given the financial resources of a data center.

Connie Lindsay spoke on behalf of the Shelby County Citizens Against Data Centers. She indicated that she has consulted an acoustic analyst with the International Acoustics Research Association. She referenced two articles on acoustics that she had provided to the Board. She emphasized the determinantal impacts of high sound levels on human health. She asked if the County could ban data centers.

She suggested the following amendments to the ordinance draft:

- Further limiting maximum sound levels.

- A maximum 15-foot-height requirement for luminaires.
- Remove section 3.22 A 7 5 (voluntary setback waiver).
- A separate enforcement and penalties ordinance that applies specifically to data centers given.
- A consultant hired by the County to enforce the terms of the ordinance.
- Change the words ‘encourage’ to ‘required’ and ‘should’ to ‘must.’
- Quarterly well testing and monitoring of environmental pollution.

Allen Miller, candidate for House District 73, indicated that overall, the ordinance includes a very robust set of regulations. He suggested reducing the maximum sound level to 40 dBC, identified a typo in section 3.22 C 1 d, identified an incorrect IC citation in the definition of Data Center Energy System, and suggested increasing the setback from a residential use to a half mile.

Whitney Carson, who lives at 4487 E 250 S, suggested a separate enforcement and penalties ordinance that applies specifically to data centers. She asked for clarification on the process for drafting the ordinance and making further amendments to the draft ordinance. She requested additional time to review the ordinance prior to a final decision by the Plan Commission.

Diana Lemmons, who lives at 6284 E Blue Ridge Rd, suggested that the ordinance include a more precise definition for prime farmland, prohibit natural gas well drilling, and require that developers disclose intended end-users or if they intend to develop the data center for speculative purposes.

Alan Kitson, who lives at 138 Luna Place, emphasized the negative impacts that data centers impose on local communities and urged the board to take time to consider the ordinance regulations.

The Board closed the public comment portion of the hearing.

Kevin Carson suggested taking time to answer the questions posed by the public, reviewing the ordinance again at the Plan Commission next meeting, and then voting on the final draft at a third meeting.

Desiree Calderella indicated that the County plans to review its enforcement and penalties section of the ordinance. She explained that the enforcement and penalties section of the ordinance would apply to data centers and all other development in the County. She indicated that the County issues zoning violations on a complaint basis.

Kevin Carson emphasized the importance of clarifying the definition of residential use. He indicated that the Board would need more time to review the sound studies provided by Ms. Lindsay. He indicated that having a data center ordinance is better than having no ordinance at all, that the current draft includes regulations recommended by the public, and that the Board will need to address the particular issues arisen at this meeting.

Jason Abel explained that moratoriums tend to cause concern at the Statehouse which could threaten rights to home rule. He did not support extension of the moratorium.

Jeremy Ruble expressed concern that the restrictive nature of the ordinance could provide cause for the State legislature to preempt local control of regulation of data centers.

Kevin Carson indicated that the maximum building size does not compare to the size of larger industrial buildings.

Jason Abel indicated that the ordinance should address impacts on natural gas wells.

Jeff Powell asked how a data center could come into compliance with noise limitations if built in a manner that exceeds the noise limitations. He asked if a data center could establish its own public utility. He asked if all data centers use battery storage. He asked where he could visit an operational data center.

Jenna Martin spoke about her experience visiting a data center in a similar community in Ohio.

Andrew Newkirk explained that a data center would require rezoning approval even if it complies with the criteria of the ordinance. He asked about the process for amending the data center ordinance in the event of new information.

Desiree Calderella outlined the amendment process. She indicated that only the Plan Commission or County Commissioners can trigger an ordinance amendment process.

Jeff Powell asked if the ordinance incorporates regulations adopted by other communities.

Debroah Luzier explained that the ordinance incorporates model ordinances from other states and is tailored to Shelby County.

Megan Hart suggested adding a definition for residential area.

Desiree Calderella explained that the ordinance designates residential areas as property zoned for residential purposes and includes a definition for sensitive use.

Megan Hart suggested requiring more specific information regarding maximum water and power usage. She expressed concern that the ordinance does not include any regulations for back-up battery systems.

Desiree Calderella explained that the ordinance does not regulate any on-site power generation facilities. She explained that any existing standards and ordinances, or lack therefore, applicable to on-site power generation would apply to that portion of the data center campus.

Jason Abel indicated that the County has contracted with Debroah Luzier to draft a battery storage ordinance.

Megan Hart asked if the ordinance would allow for construction of a battery storage system and on-site power generation on a data center campus.

Desiree Calderella explained that the ordinance would not permit a battery storage system and that the data center would need to obtain separate zoning approvals (note this was a misstatement, batteries are permitted). She explained that this process also applies to on-site power generation.

Megan Hart asked about prohibiting nuclear reactors as a form of on-site power generation.

Jason Abel indicated that he does not believe that the County has jurisdiction to determine power sources due to State and Federal regulations.

Megan Hart pointed out incorrect wording for SCR in Section 3.22 C 5 b and a missing zero in Section 3.22 C 2 c 1.

Jeremy Ruble made a motion to have a second discussion on the ordinance at the regularly scheduled July 28th, 2026, Plan Commission meeting and to vote on the ordinance at a special Plan Commission meeting held on August 12th, 2026. Megan Hart seconded the motion. The motion PASSED 8-0.

Discussion:

None.

Adjournment:

With no further business to come before the Board, Andrew Newkirk made a motion to adjourn. Jason Abel seconded that motion. The meeting was adjourned.