

June 15, 2011

The Hendricks County Area Plan Commission Administrative and Plat Committee held a meeting on Wednesday, July 15, 2011 at 9:00 a.m. in the Hendricks County Government Center, Rooms 4 & 5, 355 South Washington Street, Danville, Indiana. Members present: Mr. Don Reitz, AICP, Planning Director and Chairman; Mrs. Sonnie Johnston, Plan Commission Representative; Mr. Brett Pickett, Deputy Surveyor; and Mrs. Julie Haan, Environmental Health Department. Member absent was: Mr. John Ayers, County Engineer. Also present was: Mr. Eric Fazzini, Plan Technician; Mrs. Lesa Ternet, Planner; Mr. Roger Salsman, Engineering Inspector; and Mrs. Joanne Garcia, Recording Secretary.

Mr. Reitz called the meeting to order. There was a quorum with four (4) voting members present.

Mr. Reitz called for a vote to approve the minutes for the May 11, 2011 meeting.

Mrs. Johnston then made a motion to grant approval for the May 11, 2011 minutes.

Mr. Pickett seconded the motion.

FOR – 4 – AGAINST – 0 – ABSTAINED – 0 –

Mr. Reitz called for the first item on the business session agenda as follows:

DPR 411/11 (AMENDMENT): FAIRFIELD FRIENDS MONTHLY MEETING; an application to amend the original development plan approval, 6.18 acres, Guilford Township, S17-T14N-R2E, located at the southwest quadrant of County Road 700 South and County Road 1050 East. (Banning Engineering, PC)

Mr. Robert Staton of Banning Engineering, P.C., Mr. Lee Comer of Comer Law Office, Mr. Jim McClung, Mr. Jimmy McClung and Mr. and Mrs. Frank Gladden appeared.

Mr. Staton stated that the project had received Drainage Board approval. He stated that the plans now showed some striping for increased safety in the pedestrian area. He asked Mr. Fazzini if that was acceptable.

Mr. Fazzini stated yes.

Mr. Staton then stated that they had received a permit from the Indiana State Department of Health for the proposed commercial onsite sewage disposal system. Mr. Staton stated that concerning the dumpster location, they had submitted a screening plan. He stated that they had not yet received a revised lighting plan in regard to an area that exceeded the 0.20 foot-candle at the property line. He stated he believed the light poles would not exceed twenty-five (25) feet in height. He stated that in regard to the landscaping plan, they proposed a Type 2 Bufferyard along the south property line and they had revised the parking lot screening to show a minimum of four feet adjacent to the residential zoning districts. Mr. Staton asked if the initial planting could be at two feet.

Mr. Fazzini stated that it did not indicate but he believed it would be a shorter height at planting.

Mr. Staton then went on to say that they had revised the interior parking lot trees to be deciduous shade species. He stated they also added a profile of the offsite storm sewer.

Mr. Reitz then asked if it was correct that there was a lighting plan but it had not been revised as yet.

Mr. Staton responded that they had a lighting plan but it did not meet the ordinance.

Mr. Fazzini clarified that there was a small portion along the parking lot that was over the foot candle limit.

Mr. Staton reviewed the changes that would be made to the photometric plans and stated he would provide those revisions as soon as possible.

The members asked Mr. Fazzini if he had any further comments or changes.

Mr. Fazzini stated the plans as presented were acceptable. He asked Mr. Staton to show Mrs. Johnston the elevations for the proposed structure.

Mr. Staton complied.

Mrs. Johnston then stated she wanted to make a comment in regard to the planting of trees close to the entrance and exits of projects and she felt mature trees often obscured the site view.

Mr. Fazzini commented that a black line shown on the plans indicated no landscaping in front of that right-of-way line.

Mr. Reitz stated that the approval could be subject to receipt of the revised lighting plan.

Mr. Pickett then made a motion to grant approval for **DPR 411/11: Fairfield Friends Meeting Hall (Amendment)** subject to the following conditions:

1. Conditions and recommendations in staff's letter dated June 7, 2011; and
2. Receipt of the revised lighting plan.

Mrs. Johnston seconded the motion.

FOR – 4 – AGAINST – 0 – ABSTAINED – 0 –

The staff recommendations and conditions were as follows:

DRAINAGE CONDITIONS:

1. Subject to Drainage Board approval and the conditions of the County Surveyor.

STAFF RECOMMENDATIONS:

1. The project engineer must provide an estimate of construction cost and post a performance guarantee prior to the issuance of an Improvement Location Permit.
2. This development is subject to the Non-Residential Design Standards in the Hendricks County Zoning Ordinance; (HCZO Chapter 8.3).
 - a. Pedestrian areas in parking lots or, preferably, the canopy area must be demarcated with special paving, color or height change, or striping for increased safety.
3. This property is not in an area served by a public wastewater treatment plant. A commercial on-site sewage disposal system for this proposed use will have to be approved by the Indiana State Department of Health prior to recording of the associated Minor Plat and the applicant must obtain a Hendricks County Health Department permit.
4. The applicant has proposed the existing dumpster remain in its current location in front of the proposed building which is not permitted by the Zoning Ordinance. Staff has no objection to this request given that this is the existing location of the dumpster for the church and screening will be provided. Acceptance of this is a modification the committee has the authority to make (HCZO 7.5(M)).
5. Light spillage along the southern parking lot may not exceed 0.20 foot-candles at the property line. Also, it should be noted on the photometric plan that light poles shall not exceed 25 feet in height from the adjacent grade to the top of the fixture.

6. Landscaping:
 - a. A Type 2 bufferyard is required along the south property line as there is an established residential use present. A modification of this bufferyard width is not needed as there is approximately 160 feet between the southern parking lot and the property line;
 - b. All parking lot screening must be a minimum height of four feet as they are adjacent to residential zoning districts; and
 - c. At least six of the eight interior parking lot trees must be a deciduous shade species.
7. A profile of the off-site storm sewer should be provided, as well as a detail of the outlet showing area of riprap, distance from existing channel, etc. Also, the off-site sewer must be within a Drainage Easement.

CONDITIONS OF APPROVAL:

1. A properly executed County/Owner Inspection Agreement must be provided prior to secondary approval with all appropriate fees paid prior to the start of any construction.
2. This project is subject to the National Pollutant Discharge Elimination System (NPDES) General Permit covering storm water quality. Procedures there under are governed locally by the Hendricks County Stormwater Management Ordinance and corresponding Technical Standards Manual. An application, fees, construction plans, specifications and Stormwater Pollution Prevention Plan must be presented for approval to the Hendricks County Drainage Board separately from the application to the Hendricks County Area Plan Commission. Secondary Stormwater Approval for a plat, PUD or development plan must be obtained from the Drainage Board prior to Secondary Approval (or Approval in the case of minor plats) by the Plan Commission or its Administrative and Plat Committee. In addition, an Erosion Control Permit issued by the Hendricks County Surveyor is required for individual building lots prior to obtaining a Building Permit from the Planning and Building Department.
3. The Hendricks County Planning and Building Department must be notified at least seventy-two (72) hours prior to any site improvements being installed.
4. The applicant will have two (2) years from the date of approval to obtain an Improvement Location Permit/Building Permit. Should this two (2) year period elapse without the applicant having obtained the appropriate permit, the development plan approval will become null and void.
5. Development plan approval does not constitute approval of signage unless such approval is expressly granted by the Plan Commission as part of this development plan. Signage review and approval is typically carried out as a permitting process separate from development plan approval.
6. This property is not in an area served by a public wastewater treatment plant. A commercial on-site sewage disposal system for this property and for the proposed use will have to be permitted and approved by both the Indiana State Department of Health and the Hendricks County Health Department. Proposed subsurface drain outlet elevations are required on each lot prior to final approval.
7. The absorption field areas must be fenced in such a way that accidental crossing of the site with equipment is prohibited. This may be done by farm fence, snow fence, or other similar materials. Preservation of the absorption field areas is the responsibility of the developer and if these areas are not preserved, it could make the lots unbuildable.

MIP 1040/11 (EXTENSION OF TIME TO RECORD): FAIRFIELD FRIENDS CHURCH; an extension of time to record an approved one-lot minor subdivision on 4.48 acres, Guilford Township, S17-T14N-R2E, located at the southwest quadrant of County Road 700 South and County Road 1050 East. (Comer Law Office)

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Mr. Reitz stated that this was a request for a one year extension of time to record the plat due to incomplete financing and that this extension would require the plat to be recorded by June 11, 2012.

Mr. Pickett then made a motion to grant approval for the extension of time for one year to June 11, 2012.

Mrs. Johnston seconded the motion.

FOR – 4 – AGAINST – 0 – ABSTAINED – 0 –

MRP 013/11: ESTAN L. FULLER, TRUSTEE; a 1-lot minor residential plat on 5.00 acres, Brown Township, S24-T17N-R1e, located on the south side of County Road 950 North, approximately 0.09 mile east of County Road 925 East. (Kruse Consulting, Inc.)

Mr. Dale Kruse of Kruse Consulting, Inc. appeared on behalf of the applicant. He reviewed the history and location of the property. He then discussed the recommendations in staff's letter dated June 7, 2011. He stated that they would comply with the recording of the proposed thirty-foot offsite easement.

Mr. Reitz asked if the easement was acceptable.

Mrs. Haan stated that it had not been accepted yet since they did not know where the connection would be located. She asked if excavation had been done.

Mr. Kruse stated not yet.

Mrs. Haan stated that as long as they received an acceptable easement prior to recording, it was okay with her.

He stated that elevations for the underdrain were identified for the correct depth under the ditch. He then discussed the driveway culvert pipe that might have inadequate cover. He stated that the problem was the ditch was as deep as it could be. He stated that a fifteen inch pipe could be installed coming up off the road. He stated that a twelve inch pipe would decrease the elevation only thirteen inches less.

Mr. Reitz asked what they were proposing.

Mr. Kruse stated they proposed installing a twelve inch pipe. He stated that in regard to the location of the power pole in the flowline, Hendricks Power had informed him that they would not relocate that pole. He stated that in regard to a forty foot "Naturally Sensitive Area" setback required along the property line, that would be shown on the plat.

Mr. Reitz asked for questions or comments.

There was discussion on the installation of the driveway culvert pipe and ways to install said pipe.

Mr. Roger Salsman, engineering inspector, appeared to discuss how the pipe should be installed. He discussed installing a twelve inch flat bottomed or "squash" pipe and how that would minimize the hump over the culvert.

Mr. Pickett summarized that the plan for the culvert pipe would be to move the ditch back two to four feet and instead of a fifteen or twelve inch standard round pipe, a flat bottomed "squash" pipe would be used to maximize the capacity and minimize the hump.

Mr. Kruse stated that the ditch flow line would be fifteen feet at the edge of the pavement.

Mr. Salsman discussed further installation procedures.

The members were in agreement with the aforementioned alternative plan.

There being no further discussion, Mr. Reitz called for a motion.

There was further discussion with Mr. Kruse and the members to clarify the installation and type of culvert pipe.

Mr. Pickett made a motion to grant approval for **MRP 013/11: Estan Fuller, Trustee** subject to the following conditions:

1. Conditions and recommendations in staff's letter dated June 7, 2011;
2. Moving flow line south to fifteen (15) feet from edge of pavement and replacing the culvert with a twelve (12) inch flat bottomed pipe; and
3. Receipt of the approved thirty (30) foot offsite easement prior to recording.

Mrs. Johnston seconded the motion.

FOR – 4 – AGAINST – 0 – ABSTAINED – 0 –

The staff conditions and recommendations were as follows:

DRAINAGE CONDITIONS:

1. Subject to Drainage Board approval and the conditions of the County Surveyor.

STAFF RECOMMENDATIONS:

1. A copy of the proposed 30 foot off-site easement must be submitted to the Health Department prior to recording of the plat. Furthermore, the easement must be approved by the County Attorney prior to being recorded.
2. Elevations need to be provided for the underdrain at each end of the roadside ditch, at the connection with the septic perimeter drain, and at the outlet connection to the existing legal drain tile.
3. The driveway pipe size must be specified. It appears that there will be inadequate cover over the pipe if it meets ordinance requirements; the applicant must explain how the drive will be constructed.
4. The power pole located in the flowline of the proposed ditch should be relocated.
5. At such time the "Remainder" is subdivided, a 40 foot Naturally Sensitive Areas setback will be required along any property line adjacent to the stream/riparian area.

CONDITIONS OF APPROVAL:

1. A properly executed County/Owner Inspection Agreement must be provided prior to approval with all appropriate fees paid prior to the start of any construction.
2. This project is subject to the National Pollutant Discharge Elimination System (NPDES) General Permit covering storm water quality. Procedures there under are governed locally by the Hendricks County Stormwater Management Ordinance and corresponding Technical Standards Manual. An application, fees, construction plans, specifications and Stormwater Pollution Prevention Plan must be presented for approval to the Hendricks County Drainage Board separately from the application to the Hendricks County Area Plan Commission. Secondary Stormwater Approval for a plat, PUD or development plan must be obtained from the Drainage Board prior to Secondary Approval (or Approval in the case of minor plats) by the Plan Commission or its Administrative and Plat Committee. In addition, an Erosion Control Permit issued by the Hendricks County Surveyor is required for individual building lots prior to obtaining a Building Permit from the Planning and Building Department.

3. A septic system must be designed for these lots prior to building permit application to reflect the actual house location and size. The initial review of the submitted soil analysis indicates that the soils are rated severe and that septic systems are feasible on these lots. Additional soil borings for each lot may be required at the time of septic permit application. Proposed subsurface drain outlet elevations are required on each lot prior to final approval.
4. The absorption field areas must be fenced in such a way that accidental crossing of the site with equipment is prohibited. This may be done by farm fence, snow fence, or other similar materials. Preservation of the absorption field areas is the responsibility of the developer and if these areas are not preserved it could make the lots unbuildable.
5. Secondary septic field easements (SSFE) must be shown on the plat, or separate easement document to be recorded with the plat must be provided.
6. Prior to recording a statement must be added to the plat that states: Those designated as secondary septic field easements (SSFE) are secondary septic field easements that are hereby expressly reserved for the purpose of the placement of a sewage disposal field. Uses shall be limited to those consistent with the proper operation of a septic system and that will not result in soil compaction. The easement shall terminate only with the written approval of the Hendricks County Health Officer.
7. The Hendricks County Planning and Building Department must be notified at least seventy-two (72) hours prior to any site improvements being installed.
8. Addresses must be added to the final plat prior to recording. The Director of the Plan Commission will not sign the final plat without addresses included. To obtain addresses, the applicant must submit a request to the Planning and Building Department well in advance of the recording package being forwarded to the Hendricks County Engineer's Office. The Plat Address Information Sheet submitted with the plat application does not constitute a request for addresses.

MAP 436/11 (REPLAT): FOREST COMMONS, SEC. 8, LOT 218; COMMON AREA "A" OF THE REPLAT OF FOREST COMMONS, SEC. 4, LOTS 112-115 AND 144-146; AND MIP 600; 0.62 acres, Washington Township, S35-T16N-R1E, located internal to the Forest Commons Subdivision and known as Lot 218 and Common Area "A," also known as 1915 Thistle Court. (Benchmark Consulting, Inc.)

Mr. Bill Ottinger of Benchmark Consulting, Inc. appeared on behalf of the applicant to request a replat of Lot 218 of Section 8 and Common Area "A" in order to create one lot for taxing purposes.

Mr. Reitz stated that he wanted to make clear that the proposal would not affect the total common area.

Mr. Ottinger stated that was correct.

There being no further discussion, Mr. Reitz called for a motion.

Mrs. Johnston made a motion to grant approval for **MAP 435/11 (Replat): Forest Commons, Section 8, Lot 218; Common Area "A" of the Replat of Forest Commons, Section 4, Lots 112-115 and 144-146; and MIP 600** subject to the staff's Memorandum dated June 7, 2011.

Mr. Pickett seconded the motion.

FOR – 4 – AGAINST – 0 – ABSTAINED – 0 –

The staff memorandum was as follows:

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MEMORANDUM

TO: Hendricks County Administrative & Plat Committee

FROM: Plan Commission Staff

DATE: June 7, 2011

RE: MAP 436/11 (REPLAT): FOREST COMMONS, SEC. 8, LOT 218; COMMON AREA "A" OF THE REPLAT OF FOREST COMMONS, SEC. 4, LOTS 112-115 AND 144-145; AND MIP 600

The applicant has proposed to replat Lot 218 of Section 8 and Common Area "A" in order to create one lot for taxing purposes. Staff has no objection to the request as Common Area "A" was not a requirement of the subdivision, but rather a result of a road alignment shift. Furthermore, no existing easements will be affected by the replat.

MIP 1047/11 (REVISION): JEFFREY & JO ANN MONGAN; a revision to a three-lot minor subdivision on 20.52 acres, Guilford Township, S4-T14N-R1E, located 0.50 mile west of the intersection of County Road 600 South and county Road 600 East. (David Gaston)

Mr. Reitz stated that there was a request to continue this matter for thirty (30) days. He stated that Mr. Gaston could not appear due to an illness and that there had also been no Drainage Board approval for the project.

Mrs. Johnston then made a motion to grant a thirty (30) day continuance for **MIP 1047/11 (Revision): Jeffrey & Jo Ann Mongan.**

Mrs. Haan seconded the motion.

FOR – 4 – AGAINST – 0 – ABSTAINED – 0 –

That concluding the regular agenda items, Mr. Reitz called for a staff discussion item on a **Grant Park Development Strategy.**

GRANT PARK DEVELOPMENT STRATEGY

Mr. Reitz asked Mr. Roger Salsman, Engineering Inspector for the Planning & Building Department to give a presentation on the matter.

Mr. Roger Salsman appeared to discuss the matter. He stated that the developer for the project was now out of the picture and the bank had made a request that the project be split into two phases. He stated that Phase I would be the existing units and Phase II would be future units and that the project consisted of condominiums. He stated that some of the currently constructed units had not received certificates of occupancy and would need building permits to be completed and to record the plat. He stated that in the past, the staff had agreed to split the project into two phases subject to completion of items on a punch list. He stated that on March 16, 2011 he sent a letter to Greg Handrich of the Michigan Avenue Real Estate Group, who represented the lending institutions that financed the project. He stated that after a discussion with Mr. Handrich, he had problems with some of the items to be completed. He stated that those particular items from the list were numbers 13, 15, 24, 25 and 28 and the landscaping. He stated that Item 13 was in regard to repair, replacement or removal of the silt fencing. He stated that they did not want to do anything with the silt fencing. He presented photographs of the silt fence in question. Mr. Salsman's suggestion was to just remove the fence as it was not needed. He stated there might be some isolated repairs in some areas.

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Mr. Reitz stated he believed the bank was concerned about the costs of doing these items. He stated they were willing to complete most of the items on the punch list except for the ones being discussed by Mr. Salsman.

Mr. Pickett asked if the bank's suggestions were for lessening their costs.

Mr. Reitz stated the staff's position was they were administratively helping the bank out as much as possible by phasing the development and some informal agreements to help minimize their costs so that they could complete part of the project, obtain some money and eventually sell off the rest of the project when the market comes back. He stated the county did not need to be bending over totally as there were ways to help minimize the costs that the staff would recommend to Mr. Handrich.

Mr. Pickett commented that he felt the silt fence should be removed and that would not be an expensive item to complete.

Mr. Salsman stated that in Item 15, sidewalk sections were discussed as being cracked and needing replacement. He presented photos of the damaged sections of sidewalk and the necessity for replacement of those sections. He discussed solutions for correcting the problem.

Mrs. Haan asked if Mr. Salsman had discussed with Mr. Handrich the suggestions for correcting the problems.

Mr. Salsman stated not at this time and that Mr. Handrich expressed his concerns and his idea about delaying the completion of those items and requiring future builders to take care of the repairs. Mr. Salsman stated he and Mr. Reitz were concerned that the delaying of the repairs could mean they would never be completed. He stated they were not comfortable with delaying completion.

Mr. Pickett stated that Mr. Salsman was asking for the Committee's opinion on the matter.

Mr. Salsman stated yes and they would take the Committee's decision to Mr. Handrich. He stated they would ask Mr. Handrich to provide acceptable solutions that would meet the intent of the Ordinance.

There was further discussion on the solution of crack sealing to repair the damaged sidewalk sections and whether that would be a long term solution.

Mr. Fazzini asked if all the items on Mr. Salsman's punch list would need to be completed before the phasing of the development would be allowed.

Mr. Salsman stated that was correct.

Mr. Reitz noted that the bank did not honor the bond forfeiture in the first place, which caused the present situation.

Mr. Reitz summarized that the proposal would be to inform Mr. Handrich that the Committee was reluctant to waive any of the individual items on the punch list but if he wanted to propose something to minimize the costs involved in completing the items, then the Committee would work with him on that.

Mr. Pickett agreed.

Mrs. Haan agreed but stated she felt the sidewalks should be repaired.

There was further discussion on the sidewalk repairs. Mr. Salsman stated that he would recommend to the bank that they do the same type of repairs on the sidewalks as he would recommend to a developer.

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Mr. Salsman also discussed #24 on the Punch List which had to do with swales and evidence of standing water. He stated tests confirmed that there were algae growing in those swales between the structures. He stated a way to minimize repair costs for this would be to find out if there were high spots in those swales that could be corrected to get the swales to function properly.

Mr. Salsman then discussed #25 on the Punch List regarding the undeveloped lots that he would recommend overseeding. He stated he would recommend five pounds of seeding to the acre or a pasture style mix which was not a lot of grass.

Mrs. Johnston stated she felt something should be used to maintain the topsoil on those lots.

Mr. Salsman stated he would not recommend regrading but just broadcast overseeding. He then stated that the last item in contention was #28 regarding the water quality plantings. He stated these needed to be reinstalled. He stated this was a Clean Water requirement.

Mr. Salsman added that there was a large list of landscaping requirements for the project. He stated the bank wanted future homeowners to be responsible for the landscaping.

The members agreed that the staff should not waive any of the requirements but work with the bank on completing these items in a manner agreed upon by both parties.

There being no further business, the meeting was adjourned at 9:50 a.m.

Don F. Reitz, AICP, Chairman