

April 14, 2009

A regular meeting of the Hendricks County Area Plan Commission was held on Tuesday, April 14, 2009 at 6:30 p.m. in Meeting Rooms 4 & 5 of the Hendricks County Government Center, 355 South Washington Street, Danville, Indiana 46122. Members present were: Mr. C. Richard Whicker, President; Mrs. Jo Ann Groves, Vice-President; Mrs. Sonnie Johnston; Mr. Brad Whicker; Mr. Jon Cain; Mr. Eric Wathen; and Dr. Russell Hodgkin. Staff members present were: Mr. Don F. Reitz, AICP, Secretary and Director of Planning; Mr. John Ayers, County Engineer; Mr. Tyler Starkey, Acting County Attorney; Mrs. Cathy Grindstaff, Environmental Health Director; Mrs. Lesa Ternet, Planner; Mr. Eric Fazzini, Plan Technician; and Mrs. Joanne Garcia, Recording Secretary.

Mr. Whicker stated that there was a quorum present with seven (7) voting members. Mr. Whicker then opened the meeting with the Pledge of Allegiance.

Mr. Whicker stated that the first order of business was approval of the minutes for the March 10, 2009 meeting.

There being no corrections or additions, Mrs. Johnston made a motion to grant approval for the March 10, 2009 minutes.

Mrs. Groves seconded the motion with Mr. Brad Whicker abstaining.

FOR – 6 – AGAINST – 0 – ABSTAINED – 1 –

Mr. Whicker then introduced Mr. Tyler Starkey who was appearing on behalf of the County Attorney, Greg Steuerwald.

Mr. Whicker then announced a requested continuance for the following matter:

DPR 418/09 (PRIMARY & SECONDARY): AACME AUTO PARTS & TOWING

Mr. Wathen asked what the procedure was for applicants who requested continuances and how late could they request those.

Mr. Reitz stated it depended if it went strictly by the rules, which was up until five days prior to a meeting, the staff could make an administrative decision to continue a matter. He stated what was typically done was to allow a request right up until the date of the meeting. He stated if the request came less than five days prior, it was considered up to the Commission.

Mr. Wathen stated he had asked the question because there were some remonstrators present who would not have come to the meeting if they had known it would be continued. Mr. Wathen asked if a continuance could be posted online if it was known prior to the meeting. He asked if it could be added to the agenda in some way that there was a request for continuance.

Mrs. Groves stated that there had been occasions when a continuance was requested but denied at the meeting and the matter had then gone forward with being heard.

Mr. Reitz stated that unless it was an administrative continuance, the Commission had to vote on a request.

Mr. Whicker then called for a motion on the continuance.

Mr. Wathen made a motion to grant the continuance for thirty (30) days for **DPR 418/09 (Primary & Secondary): AACME Auto Parts & Towing.**

Mr. Brad Whicker seconded the motion.

FOR – 7 – AGAINST – 0 – ABSTAINED – 0 –

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Mr. Whicker then stated that the first item for hearing would be moved to the end of the meeting, that being **TSA 01-09: Amendment to the Hendricks County Subdivision Control Ordinance.**

Mr. Whicker then called for the next item on the agenda for hearing:

ZA 396/09: LAWRENCE R. WHEATLEY; a zoning amendment change from AGR/Agriculture Residential Zoning District to NB/Neighborhood Business Zoning District, 2.39 acres, Washington Township, S8-T15N-R1E, located on the south side of Old U.S. Highway 36, approximately 0.25 mile east of County Road 400 East, more commonly known as 4265 East Main Street. (Comer Law Office)

Mr. Andy Kult of the Comer Law Office and Mr. Larry Wheatley, Applicant, appeared. Mr. Kult reviewed the location of the property and stated that Mr. Wheatley wished to relocate his law office to the site. He stated that the site included two parcels and there was an existing residence on a .6 acre parcel and the larger L-shaped parcel was approximately 1.8 acres. He stated that the current zoning of the property as well as surrounding properties was AGR. He stated their request was to rezone the property to NB/Neighborhood Business to accommodate the law office use. He stated the law office would fit in a GB/General Business District but they felt the NB district would be a much less intense use for the area and he stated they had placed a self-imposed commitment to limit the use to an administrative and professional office. He stated that in regard to the exterior of the property, there would not be much changing other than removing a portion of the large deck on the rear of the house and the driveway might need to be widened. He stated that they would also be striping the large existing paved area in the rear of the house. He stated that the interior of the existing residence would be remodeled to accommodate the changes for a law office. He then showed photos of the neighboring residences to show that the parking lot would not be visible to the homes to the west. He stated that Mr. Wheatley would have two full-time employees and may hire a third. He stated the hours of operation would be Monday through Friday from 8:00 a.m. to 5:00 p.m. He stated that no dumpster would be required as Mr. Wheatley would take any trash offsite. He stated that in conjunction with the zoning change, the Comprehensive Plan Land Use for the area was high-intensity and the future land use showed a designation of commercial. He stated they felt the zoning requested would create a good transition for the main street corridor. He stated that they had also agreed to a modified development plan review through the staff as there would be no significant changes to the exterior of the property.

Mr. Whicker asked for questions or comments.

Mrs. Groves asked Mr. Reitz about the overlay district for the area.

Mr. Reitz stated that the parcel abutted the U.S. Highway 36 overlay district but the property itself with the residence was not in the overlay area. He stated that the only thing on the parcel would be the parking lot and that use would not change. He stated that under the overlay provisions, because the property was not changing, it would be a legal nonconforming use and the provisions of the U.S. Highway 36 overlay would not apply at this point in time.

Mr. Cain asked for clarification on plans for landscaping requirements.

Mr. Kult stated that there was a level three requirement but he stated although they did not yet have concrete plans for the landscaping, Mr. Wheatley proposed on the front side facing the road to install a three foot wrought iron fence with some landscaping behind it and in the rear of the property, a powder-coated chain link fence. He stated that the southern portion was dense with trees which would meet the level three requirements. He stated they would address those requirements with the staff.

Mr. Whicker asked for further questions or comments. There being none, Mr. Whicker opened the public hearing. There being no one signed up to be heard, Mr. Whicker closed the public hearing and called for a motion.

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Mr. Cain then made a motion to send a favorable recommendation to the Hendricks County Board of Commissioners for **ZA 396/09: Lawrence R. Wheatley** and adopt the positive Findings of Fact/Law subject to the following conditions:

1. Staff recommendations in letter dated April 7, 2009;
2. The self-imposed restriction by the applicant to limit the use on the property to an Administrative/Professional Office; and
3. Administration by staff of a limited development plan review.

Mrs. Groves seconded the motion.

FOR – 7 – AGAINST – 0 – ABSTAINED – 0 –

This matter would be heard by the Hendricks County Board of Commissioners on Tuesday, April 28, 2009 at 9:30 a.m. or thereafter.

The staff recommendations and positive Findings of Fact/Law were as following:

Hendricks County Area Plan Commission

Findings of Fact/Law

ZA 396/09: Lawrence R. Wheatley

An application for the above noted zoning map amendment was filed in the office of the Hendricks County Department of Planning and Building (DPB). That application sought to rezone a property from AGR/Agriculture Residential to NB/Neighborhood Business. Acting in its role as staff to the Hendricks County Area Plan Commission, the DPB staff subsequently created a file containing all documentation of the request and made that file available for public inspection in the department's office at the Hendricks County Government Center.

In accordance with Indiana Code (IC) 5-3-1, the DPB staff published a legal notice in the *Hendricks County Flyer* and the *Danville Republican*. This notice advertised the public hearing scheduled in conformity with the Hendricks County Area Plan Commission Rules of Procedure Section 3.07(D)(1). The public hearing included the above zoning map amendment on its agenda.

In accordance with Section 3.07(D)(2) of the Rules of Procedure of the Hendricks County Area Plan Commission, the applicant also sent courtesy notices to certain surrounding property owners of record and other interested persons. A copy of this courtesy notice and a list of those receiving them were made a part of the file for this rezoning petition.

The Commission conducted the hearing as advertised and heard evidence and testimony on the above noted rezoning. Meeting in open session, the Commission subsequently considered the above noted request and its relationship to the requirements of IC 36-7-4 and the Hendricks County Zoning Ordinance. A tape recording of this proceeding has been on file and available to the public in the DPB office since the date of the hearing.

In its deliberations, the Commission weighed the evidence associated with the following requirements and made the following findings.

IC 36-7-4-603: Zoning ordinance; preparation and consideration of proposals. In preparing and considering proposals under the 600 series, the plan commission and the legislative body shall pay reasonable regard to:

(1) The comprehensive plan;

The Commission finds that the proposal does substantially comply with the recommendations of the Hendricks County Comprehensive Plan. The Comprehensive Plan designates this area for commercial land uses. The proposed zoning designation permits lower intensity commercial land uses.

(2) Current conditions and the character of current structures and uses in each district;

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The Commission finds that the proposal is consistent and compatible with the character of current structures and uses in the zoning district. There are no significant physical changes to the exterior of the structure that would alter the appearance of its current state as a residence. Further, the use of the site for administrative/professional office use will not measurably alter the site's current intensity of use.

(3) The most desirable use for which the land in each district is adapted;

The Commission finds that the proposal does represent the most desirable use for which the land is adapted. The site under consideration is along East Main Street and this type of residential conversion has occurred under Plan Commission approval. Further, the proposed zoning district is consistent with the land use recommendation of the Comprehensive Plan for the area.

(4) The conservation of property values throughout the jurisdiction;

The Commission finds that the proposal does conserve property values in the jurisdiction. The proposed use does not require significant alterations to the property and is consistent with the established use pattern along East Main Street. Moreover, screening the site as a consequence of this rezoning may have a conservative influence on property values immediately surrounding the site.

(5) Responsible development and growth.

The Commission finds that the proposal does represent responsible development and growth. The area is transitioning away from residential use toward commercial uses. Commercial activity, particularly along East Main Street, is increasing in the area. Further, commercial land uses in the area are supported by the Comprehensive Plan Future Land Use Map.

Also subject to the following commitments:

1. Self-imposed commitment to restrict uses in the NB/Neighborhood District to administrative/professional office exclusively.

ZA 397/08: KS HENDRICKS PARTNERS LLC; a zoning amendment change from AGR/Agriculture Residential District to PB/Planned Business Park District, 12.62 acres, Liberty Township, S26-T14N-R1W, located on the north side of County Road 1000 South, approximately 0.33 mile east of County Road 100 East. (Comer Law Office)

Mr. Ben Comer, Comer Law Office, and Mr. Mark Sanders, KS Hendricks Partners, appeared.

Mr. Comer reviewed the location of the property. He stated that over the last two years the surrounding properties had been rezoned with the majority being PB/Planned Business Park District. He stated that a development plan had been approved for the first part of the project where a roadway was platted. He stated that as a condition of that approval, it was required that one tract included in the plan be zoned PB. He stated that was the nature of the zoning amendment before the Commission. He stated that there were two tracts that totaled 12.62 acres with existing residences. He stated that the proposed property was located in the middle of the 70 West Commerce Park project. He stated that the staff was favorable to the request and they were in agreement to record a commitment form.

Mr. Whicker asked for questions or comments.

Mrs. Groves asked Mr. Reitz about the public safety parcel comment in the staff's letter of April 7, 2009 to provide land for public safety purposes.

Mr. Reitz stated that commitment was to be included in this rezoning as they wanted the conditions of development to be the same on this parcel as they were on the surrounding parcels for the 70 West Commerce Park project.

Mr. Whicker asked Mr. Comer why the parcel was selected for the PB zoning district.

Mr. Comer stated that the surrounding properties were zoned PB.

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Mr. Whicker asked for further questions or comments. There being none, Mr. Whicker opened the public hearing. There being no one signed up to be heard, Mr. Whicker closed the public hearing and called for a motion.

Mrs. Groves asked Mr. Comer if he was including the same commitments made on the surrounding properties of the 70 West Commerce Park project.

Mr. Comer stated that was correct.

Mrs. Groves then made a motion to send a favorable recommendation to the Hendricks County Board of Commissioners on **ZA 397/09: KS Hendricks Partners LLC** and adopt the positive Findings of Fact/Law subject to the recommendations in staff's letter dated April 7, 2009 and all other commitments made by the applicant and all previously approved commitments for the Gateway Logistics Center property.

Mrs. Johnston seconded the motion.

FOR – 7 – AGAINST – 0 – ABSTAINED – 0 –

This matter would be heard by the Hendricks County Board of Commissioners on Tuesday, April 28, 2009 at 9:30 a.m. or thereafter.

The staff recommendations and Findings of Fact/Law were as follows:

Hendricks County Area Plan Commission

Findings of Fact/Law

ZA 397/09: KS Hendricks Partners, LLC

An application for the above noted zoning map amendment was filed in the office of the Hendricks County Department of Planning and Building (DPB). That application sought to rezone a property from AGR/Agriculture Residential to PB/Planned Business. Acting in its role as staff to the Hendricks County Area Plan Commission, the DPB staff subsequently created a file containing all documentation of the request and made that file available for public inspection in the department's office at the Hendricks County Government Center.

In accordance with Indiana Code (IC) 5-3-1, the DPB staff published a legal notice in the *Hendricks County Flyer* and the *Danville Republican*. This notice advertised the public hearing scheduled in conformity with the Hendricks County Area Plan Commission Rules of Procedure Section 3.07(D)(1). The public hearing included the above zoning map amendment on its agenda.

In accordance with Section 3.07(D)(2) of the Rules of Procedure of the Hendricks County Area Plan Commission, the applicant also sent courtesy notices to certain surrounding property owners of record and other interested persons. A copy of this courtesy notice and a list of those receiving them were made a part of the file for this rezoning petition.

The Commission conducted the hearing as advertised and heard evidence and testimony on the above noted rezoning. Meeting in open session, the Commission subsequently considered the above noted request and its relationship to the requirements of IC 36-7-4 and the Hendricks County Zoning Ordinance. A tape recording of this proceeding has been on file and available to the public in the DPB office since the date of the hearing.

In its deliberations, the Commission weighed the evidence associated with the following requirements and made the following findings.

IC 36-7-4-603: Zoning ordinance; preparation and consideration of proposals. In preparing and considering proposals under the 600 series, the plan commission and the legislative body shall pay reasonable regard to:

(4) The comprehensive plan;

The Commission finds that the proposal does substantially comply with the recommendations of the Hendricks County Comprehensive Plan. The Comprehensive Plan designates this area as Planned Business. In anticipating a large-scale, integrated multiple-use facility, the proposed zoning is entirely consistent with this designation.

(5) Current conditions and the character of current structures and uses in each district;

The Commission finds that the proposal is consistent and compatible with the character of current structures and uses in the zoning district. The establishment of a distribution and warehousing center is an appropriate land use at this developing interchange area. Further, zoning standards applied to the development will ensure its compatibility with surrounding uses.

(6) The most desirable use for which the land in each district is adapted;

The Commission finds that the proposal does represent the most desirable use for which the land is adapted. The site under consideration is located within a specially designated interchange area. The proposed land uses anticipated by this rezoning are compatible with the Comprehensive Plan's expectations about how the interchange should develop.

(4) The conservation of property values throughout the jurisdiction;

The Commission finds that the proposal does conserve property values in the jurisdiction. The proposed zoning is an appropriate and desirable classification for this interchange area. Further, the proposed use is consistent with the long-established land use recommendation for the area.

(5) Responsible development and growth.

The Commission finds that the proposal does represent responsible development and growth. Warehouse and distribution center uses and mixed uses are consistent with the county's economic development policy for this area, and consistent with the Comprehensive Plan.

Also subject to the following commitments:

1. One (1) acre be reserved for public safety purposes as mentioned in the Gateway Logistics Center document.
2. Gateway Logistics Center Development Standards.

TSA 01-09: AMENDMENT TO THE HENDRICKS COUNTY SUBDIVISION CONTROL ORDINANCE; a proposal to amend *Appendix C – Certificates & Notations*, changes that pertain to subdivision regulations in the area under the jurisdiction of the Hendricks County Area Plan Commission.

Mrs. Lesa Ternet, Planner, appeared and gave a presentation on the proposed amendment to the Hendricks County Subdivision Control Ordinance. She stated that there had been problems with obtaining the correct certificates on plats to be recorded. She pointed out the corrections and additions that were made to Appendix C to clarify inconsistencies with requirements.

Mr. Whicker asked what the economic development statement was for.

Mrs. Ternet explained that statement was only on residential plats to show that a fee had been paid for development on each lot.

Mr. Whicker then asked about the Secondary Septic Field Easement statement.

Mrs. Grindstaff explained that those easement statements were being placed where lot owners were using onsite systems and since there was not an oversight management system.

Mr. Whicker asked if that was an action the county would take to install a secondary field.

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Mrs. Grindstaff stated no and that it was just an easement statement with certain restrictions to notify the owner that said spot needed to be reserved.

Mr. Whicker then asked about the redaction statement.

Mr. Reitz responded that it was a state requirement that no social security numbers were allowed to be included on any public recorded documents. The statement indicated that the preparer of the document had reviewed it and affirmed that no social security numbers were included.

There being no further discussion, Mr. Whicker opened the public hearing. There being no one signed up to be heard, Mr. Whicker closed the public hearing.

Mrs. Groves then made a motion to send a favorable recommendation to the Hendricks County Board of Commissioners for **TSA 01/09: Amendment to the Hendricks County Subdivision Control Ordinance.**

Mrs. Johnston seconded the motion.

FOR – 7 – AGAINST – 0 – ABSTAINED – 0 –

This matter would be heard by the Hendricks County Board of Commissioners on Tuesday, April 28, 2009 at 9:30 a.m. or thereafter.

The amendment to the ordinance would be submitted to the Commissioners as follows:

AN ORDINANCE AMENDING THE HENDRICKS COUNTY INDIANA SUBDIVISION CONTROL ORDINANCE BY AMENDING APPENDIX C – CERTIFICATES & NOTATIONS

WHEREAS, the Board of County Commissioners of Hendricks County, Indiana, adopted the Hendricks County Subdivision Control Ordinance on December 21, 2004;

WHEREAS, the Hendricks County Area Plan Commission has recommended that the Subdivision Control Ordinance be amended by changing Appendix C -- Certificates & Notations;

WHEREAS, the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment (TSA 01-09) and voted to forward a favorable recommendation to the Board of County Commissioners; and

WHEREAS, the County Commissioners have received and reviewed the Area Plan Commission's report, have considered the Area Plan Commission's recommendations, and find that the adoption of the recommended amendment would promote the health, safety and convenience of the people of Hendricks County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HENDRICKS COUNTY, INDIANA AS FOLLOWS:

Bold – Text additions or changes
Strikethrough – Deleted text

APPENDIX C – CERTIFICATES & NOTATIONS

*All plats containing material prepared by a land surveyor shall contain a surveyor's certificate. Major and minor subdivisions shall contain the following surveyor's certificate **on each page of all plats:***

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SURVEYOR'S CERTIFICATE

To the best of my knowledge and belief the within plat represents a survey made under my supervision in accordance with Title 865, Article 1, Chapter 12 of the Indiana Administrative Code and was completed on _____, 20___. This subdivision consists of ___ lots numbered ___ through ___ both inclusive, and streets as shown hereon. The size of lots and widths of streets are shown on this plat in figures denoting feet and decimal parts thereof.

This subdivision contains _____ lineal feet of open ditches and _____ lineal feet of tile drains.

Hereby certified on this _____ day of _____, 20__.

Name

Registered Land Surveyor

Indiana No. _____

All plats to be recorded shall contain the following owner's certificate:

CERTIFICATE OF OWNERSHIP

We the undersigned, as owners of the real estate hereon do hereby declare the real estate as described, shall be known as _____.

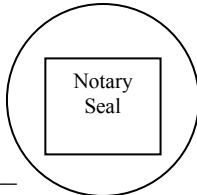
Owner Name

Owner Name

Before me, a notary public in and for said County and State, personally appeared the above and acknowledged the execution of this instrument as their voluntary act and deed for the uses and purpose therein expressed.

Witness my signature and Notarial Seal this _____ day of _____, 20__.

My commission expires:



Signature Notary Public

County of Residence

Printed Name

ANY OF THE FOLLOWING PARAGRAPHS THAT ARE APPLICABLE SHALL BE INCLUDED IN THE OWNER'S CERTIFICATE:

1. **Public Streets and Alleys.** All public streets and alleys shown and designated as such and not heretofore dedicated are hereby dedicated to the public. Other public lands shown and not heretofore dedicated are hereby dedicated for the purposes designated hereon.

2. **Easement.** There are strips of ground shown on this plat and marked easement, reserved for the use of public utilities and subject to the paramount right of the utility or County to install, repair, maintain or replace its installation. Drainage use of easements is hereby authorized unless otherwise stated. Those easements noted as surface drainage easements shall not be disturbed in such a manner as to interfere with the flow of stormwater. No plantings, structures, or fill shall be placed in such easements nor shall they be regarded in such a manner as to impede the flow of stormwater.
3. **Private Access Easements and/or Private Streets.** There are private access easements and/or private streets shown on this plat and marked accordingly. These are intended to be private in perpetuity, and there is no obligation for any government entity to assume any responsibility for these easements and/or streets now or at any future time. The responsibility for maintenance and snow removal on the access easements and/or streets shown on this plat is assumed by the property owners of lots ____ and not the County.
4. **Maintenance, Public Improvements.** The County shall not maintain improvements dedicated to the public by this plat until the Board of County Commissioners has accepted completed improvements for maintenance. The release by the Commissioners of a financial guarantee of performance and/or maintenance shall constitute acceptance for maintenance by the County.

5. **National Flood Insurance Program Certificates:**

A. Zone A District Certificate

This subdivision contains property included in the "Zone A District" on the National Flood Insurance Rate/Floodway Map # ____, dated _____. No building may be constructed or substantially improved in the area so designated until the Indiana Department of Natural Resources has determined a flood elevation. Any building constructed or substantially improved after the date of this instrument in the "Zone A District" shall be provided with a flood protection grade which is at least two feet above said flood elevation. The flood protection grade is the elevation of the lowest floor of a building or structure. If a basement is included, the basement floor shall be considered to be the lowest floor.

B. Floodway Fringe District Certificate

The subdivision contains property in the "Floodway Fringe District" on the National Flood Insurance Program Flood Insurance Rate/Floodway Map # _____, dated _____. Any building to be constructed shall be provided with a flood protection grade set at or above _____ feet, M.S.L., which is two feet above the 100-yr. Frequency flood. The flood protection grade is the elevation of the lowest floor of a structure. If a basement is included, the basement floor shall be considered to be the lowest floor.

C. Floodway District Certificate

This subdivision contains property included in the "Floodway District" on the National Flood Insurance Program's Flood Insurance Rate/Floodway Map # _____, dated _____.

NO RESIDENTIAL DEVELOPMENT CAN OCCUR IN THE FLOODWAY DISTRICT. ALL PERMITS TO BE ISSUED FOR LAND LYING IN THE FLOODWAY DISTRICT SHALL BE FORWARDED WITH PERTINENT PLANS AND MATERIALS TO THE INDIANA DEPARTMENT OF NATURAL RESOURCES FOR REVIEW AND COMMENT PRIOR TO ISSUANCE.

6. **Farm Access Easement.** The farm access easement shown on the plat is to provide access for farm equipment only to the farm land located _____ and _____ of the property contained in this subdivision.
7. **Maintenance Easement.** The _____ maintenance easement shown on this plat is to provide _____ with access to the _____ located or referenced on this plat. The cost of maintenance of the _____ is to be provided by the owners of _____ lots.

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- 8. **Restrictions and Covenants.** Lots in this subdivision are subject to restrictions and covenants set forth in Plat Book _____, Page _____ and any amendments thereto.
- 9. **Notarized Signature Required.** The notarized signature of the owner(s) must be included on any plat, in a form similar to the following:

WITNESS OUR HANDS AND SEALS THIS _____ day of _____.

STATE OF INDIANA)

COUNTY OF HENDRICKS) SS:

BEFORE ME THE UNDERSIGNED, NOTARY PUBLIC, IN AND FOR THE COUNTY AND STATE, PERSONALLY APPEARED _____ WHO ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT AS HIS/HER VOLUNTARY ACT AND DEED FOR THE PURPOSES THEREIN EXPRESSED.

WITNESS MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____.

NOTARY PUBLIC (SEAL)

COUNTY OF RESIDENCE

MY COMMISSION EXPIRES

PRIMARY APPROVAL

The following Plan Commission Certificate is used for primary approval for major subdivisions, and also shall appear on each page of all plats to be heard by the Plan Commission:

PLAN COMMISSION'S CERTIFICATE

Pursuant to IC 36-7-4-700 Et. Seq., and all amendments thereof, the undersigned do hereby certify that the public notice of the hearing by the Hendricks County Area Plan Commission on the herein-named owner's application for approval, of this plat duly complied with IC 36-7-4-706 and all amendments thereof, and that said plat was approved at said hearing with the majority of the members of said Plan Commission concurring in said approval.

Given under our hands and seal this _____ day of _____, 20__.

President **Name**

Secretary **Name**

The following certificate of approval for ~~Minor Subdivisions~~ shall appear on each page of all plats of ~~minor subdivisions~~ to be heard by the Administrative and Plat Committee. Each page shall also bear the signature of the County Engineer.

ADMINISTRATIVE AND PLAT COMMITTEE'S CERTIFICATE

Under authority provided by IC 36-7-4-700 Et. Seq., and all amendments thereto, this plat was given approval by the Hendricks County Administrative Committee at a meeting held on _____.

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Chairman Name

Secretary Name

SECONDARY APPROVAL

The following ~~Plan Commission~~ certificate of secondary approval for major subdivisions shall appear on all secondary plats of major subdivisions **accompanied by either the Plan Commission or Administrative & Plat Committees' Certificates:**

IMPROVEMENT PLANS CERTIFICATE

~~The following improvement plans certificate shall appear on each sheet of the final improvement plans for a major subdivision.~~

IMPROVEMENT PLAN

~~This document contains or is part of the approved improvement plan for _____ . The improvement to be installed in this subdivision will not be accepted for maintenance by the County Commissioners unless and until all improvements shown hereon have been installed and are in substantial compliance with these plans.~~

Planning Director _____ Date

BOARD OF COUNTY COMMISSIONERS CERTIFICATE

~~The following county commissioners' certificate shall appear on all plats containing land and/or improvements to be dedicated to the public. Note that there may be additional certificates required by the Hendricks County Drainage Handbook.~~

BOARD OF COUNTY COMMISSIONERS

~~The dedication(s) shown on this plat is (are) hereby accepted by the Board of County Commissioners of Hendricks County, Indiana, at a meeting held on the _____ day of _____ of the year _____.~~

~~The following paragraph shall appear on all plats involving improvements for which financial guarantees of performance are posted.~~

~~This acceptance does not constitute acceptance for maintenance by the County. Maintenance by the County shall commence only after the release of the financial guarantee.~~

BOARD OF COUNTY COMMISSIONERS

ATTEST: _____

County Auditor

~~The following tax certificate shall appear on all subdivision plats:~~

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TAX CERTIFICATE

The real property has been duly entered for taxation and transferred on the records of the Auditor of Hendricks County this _____ day of _____.

Hendricks County Auditor

The following recording certificate shall appear on all subdivision plats:

RECORDING CERTIFICATE

Recorded in Plat Cabinet _____, slide _____, page number _____, this _____ day of _____, at _____ (time). Instrument No. _____. Fee paid _____.

Hendricks County Recorder

Subdivisions containing land in a previously recorded subdivision shall contain the following certificate above the recording certificate:

A notation has been made on the original plat of _____, Plat Cabinet _____, slide _____, page number _____.

The following statement shall appear on each subdivision plat to be recorded:

ECONOMIC DEVELOPMENT CHARGE

The developer must pay an assessment known as an "Economic Development Charge" levied in the amount of fifty dollars (\$50.00) on each residential lot to be recorded to be made payable to the "Economic Development Fund" in the Office of the Auditor of Hendricks County, Indiana.

The following statement shall appear on each subdivision plat with secondary septic fields:

SECONDARY SEPTIC FIELD EASEMENT

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 on the plat.

The following statement shall appear on each subdivision plat to be recorded:

REDACTMENT STATEMENT

"I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW."

Name

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That concluding the regular portion of the agenda, Mr. Whicker asked for further discussion on any other matters.

Mr. Wathen stated he had a couple of items to discuss. He stated that he had been contacted regarding the matter of minor platting. He stated that part of the zoning ordinance stated that if a minor plat application was submitted and existed on a county roadway, the applicant had to donate a portion of their land to the county for future right-of-way purposes. He stated he could understand requiring that for commercial properties. He stated that if an owner wished to separate their residence from a farming property in order to retain or sell that property, it was his opinion that the county was stealing part of their land for required right-of-way. He stated that the county should purchase the land from the owner if it was needed to improve the roadway. He stated he did not think that should be a condition for that type of minor plat for personal property.

There was further discussion among the members on the matter brought up by Mr. Wathen.

Mr. Ayers commented that without the required right-of-way, it would create problems for the county when road improvements were needed including simple repairs such as ditch work, shoulders, etc. He stated without that requirement, how would roadside improvements be done as that was one of the ways the county gradually, piece by piece, made improvements to provide consistent shoulders and ditches which, in turn, improved the safety of the roads and drainage. He stated if dedication of the right-of-way was not required, would improvements still be required and if the improvements were required but not the dedication of right-of-way, who would maintain the improvements. Mr. Ayers stated that if property owners were to be compensated for right-of-way, the county would incur tremendous expenses down the road.

Mr. Wathen stated he thought it was wrong to say that the property owners were donating right-of-way.

Mr. Ayers clarified that he said dedication of right-of-way.

Mr. Reitz commented that under the ordinance, the property owner would still be required to meet the setback requirement for the thoroughfare right-of-way.

Mr. Wathen stated he still had issues with the procedure.

Dr. Hodgkin suggested that some research should be done regarding the origin of the requirement and why it had been implemented many years ago.

There was further discussion on this matter and other matters.

There being no further discussion, Mr. Whicker adjourned the meeting at 7:30 p.m.

Don F. Reitz, AICP, Secretary