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A regular meeting of the Hendricks County Area Plan Commission was held on Tuesday, January 13, 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. Eric Wathen; Mr. Jon Cain; and Dr. Russell Hodgkin. Staff members present were: Mr. Don F. Reitz, AICP, Secretary and Director of Planning; Mr. John Ayers, County Engineer; Mr. Brett Pickett, Deputy Surveyor; Mrs. Cathy Grindstaff, Director of Environmental Health; 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 December 9, 2008 meeting.

There being no corrections or additions, Mrs. Groves made a motion to grant approval for the December 9, 2008 minutes.

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

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

Mr. Whicker then stated that the next item was the election of the 2009 Plan Commission officers and he called for motions.

Mr. Cain made a motion to retain the same officers as served in 2008.

Dr. Hodgkin seconded the motion.

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

The following officers would serve in 2009:

- Mr. C. Richard Whicker – President
- Mrs. Jo Ann Groves – Vice-President
- Mr. Don Reitz – Secretary
- Mr. Greg Steuerwald – Counsel

Mr. Whicker then called for a motion to appoint the Plan Commission Plat Committee member for 2009.

Mrs. Groves made a motion to appoint Mrs. Sonnie Johnston as the 2009 Plan Commission Plat Committee member.

Mr. Cain seconded the motion.

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

Mr. Whicker then stated that there was one matter that had been withdrawn by an applicant as follows:

ZA 302/08 (AMENDMENT TO PUD ORDINANCE) (PUD 32): ESTRIDGE DEVELOPMENT CO.

Mr. Whicker then stated that the following matter had a continuance requested by the applicant as follows:

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MAP 722/08 (AMENDMENT): 70 WEST COMMERCE PARK (ROAD ONLY)

Mr. Wathen made a motion to grant a thirty (30) day continuance for the above matter to the February 10, 2009 Plan Commission meeting.

Mrs. Johnston seconded the motion.

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

Mr. Whicker then called for the first item on the agenda as follows:

MAP 725/08 (PRIMARY): GALYAN ESTATE SUBDIVISION (ESTATE SUBDIVISION); 8 lot major subdivision, 38.16 acres, Brown Township, S29-T17N-R2E, located on the northwest side of Maloney Road, west of Raceway Road. (Comer Law Office/Williams Creek Consulting)

WA 217/08: MAP 725 GALYAN ESTATE SUBDIVISION; a waiver of the Subdivision Control Ordinance, Section 6.10 – Curbs. (Comer Law Office/Williams Creek Consulting)

WA 218/08: MAP 725 GALYAN ESTATE SUBDIVISION; a waiver of the Subdivision Control Ordinance, Section 6.03 – Permanent Cul-de-sac. (Comer Law Office/Williams Creek Consulting)

WA 219/08: MAP 725 GALYAN ESTATE SUBDIVISION; a waiver of the Subdivision Control Ordinance, Section 6.03 – Cul-de-sac Length. (Comer Law Office/Williams Creek Consulting)

WA 220/08: MAP 725 GALYAN ESTATE SUBDIVISION; a waiver of the Subdivision Control Ordinance, Section 6.12 – Sidewalks. (Comer Law Office/Williams Creek Consulting)

Mr. Ben Comer, Attorney, Comer Law Office, appeared on behalf of the applicants. Also present was Mr. Martin Zuckerman, development consultant, and Mr. Mike Ramsey with Williams Creek Consulting.

Mr. Comer reviewed the location of the property which was owned by Patrick and Nancy Galyan. He stated that the estate subdivision plan presented was an eco-friendly plan that would impact the natural setting as little as possible. He stated that the subdivision was an eight (8) lot subdivision with approximately under five acres per lot. He stated that one lot contained an existing house. He stated the lots would be served by one private road and cul-de-sac. He stated that they had received a variance for a private road from the Board of Zoning Appeals as opposed to a public roadway. Mr. Comer stated that Mr. Zuckerman would discuss in detail the purposes for that request. He stated that a private road would cause less of a development impact on the subject tract. He stated that many of the development standard waivers being request along with approval for the estate subdivision fell in line with the plan for a lesser development impact and an eco-friendly environment.

Mr. Mark Zuckerman, development consultant, appeared. He reviewed the history and topography of the property. He stated that the applicants wished to follow the United States Green Building Council's LEED standards, which was the Leadership in Energy and Environmental Design standards. He stated that meetings at the site were had between Williams Creek Consulting, which was the leader in low impact design, Mr. Bill Brown, a green development, low impact architect with Browning, Day, Mullins & Deardorf in Indianapolis, as well as Hendricks County Planning and Engineering Department staff members. He stated that LEED certified developments should lower operating costs for building as well as increase asset values, reduce landfill wastes, conserve energy and water, provide healthier and safer environments for property owners, reduce harmful greenhouse gas emissions and demonstrate an owner's commitment to environmental stewardship and social responsibility. He stated that was what he and Pat Galyan had tried to do with this land plan. He stated that the property had a limited amount of frontage on Maloney Road and existing surrounding development and topography that would not allow connectivity between adjacent properties. He stated that was the reason for the waiver

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for a cul-de-sac that would exceed the standard length. He stated because there would only be one way in and out, a waiver was needed for a permanent cul-de-sac for more than 25 percent of the lots accessing said road. He stated that another waiver was for the curb standard and he would ask Mr. Ramsey to go into detail about plans for a ribbon curb with drainage into a rain garden surrounding the property. He stated that the roadway would be developed down an existing cleared area. He stated that the rain gardens were a special feature that would help manage storm water in a way that wouldn't require a curb drain into an underground pipe. He stated that there were 8.09 acres of set aside green space, which would be 21.3 percent of the property. He stated that a neighborhood waste treatment facility would be provided and the individual homes would not need individual septic systems which would eliminate the removal of more trees and topography for the development. He stated that the plan was to attract eight homeowners that would share the developers' environmentally friendly priorities. He stated that the eight home sites would have values in the \$350,000 to \$600,000 range for the home site alone and not including any additional structures. He stated that there would be put in place a set of restrictive covenants, including an LEED checklist to allow property owners to get up to a silver certification done by an independent third party of the United States Green Building Council. He stated that because of the private road, they had planned for a gated community and had met with Mr. Steve Shaffer, Fire Marshal for the Brownsburg Fire Territory, to discuss emergency access to the development. He stated from that meeting, they planned to provide a turnaround for vehicles that could not access the gated entrance, which would prevent traffic from backing up onto Maloney Road. He stated they also agreed to provide a Knox box system and he passed out a brochure on said system to the members, which was entered into the record as Petitioner's "Exhibit 1." He stated that the gate would be solar powered and environmentally friendly with a battery backup. He stated the fire and police departments would have a key to the "Knox" box to open the gate in case of an emergency.

Mr. Ben Comer stated that all of the technical aspects of the requested waivers were addressed in the staff's report and were important for the development of the eco-friendly design.

Mr. Whicker asked for questions or comments from the Commission or staff.

Mr. Brad Whicker commented that he was happy with the green building plans and to see such a development plan for Hendricks County. He stated unfortunately green building did cost more for the parcel of ground as well as the product being produced.

Mr. Wathen asked if the County Health Department was in agreement with the new type of septic design.

Mrs. Grindstaff stated yes and she felt that for the type of development being proposed, it was appropriate and that their only concern was to make sure that there was going to be some type of oversight and maintenance, other than a homeowners' association. She stated she felt that the State Department of Health was also going to require some type of oversight and maintenance and that getting the details of that worked out was important.

Mr. Whicker asked Mrs. Grindstaff if a mound type system was being proposed.

Mrs. Grindstaff stated that she believed it was proposed to be a wetland and mound system.

Dr. Hodgkin asked what the proximity was to any other structure from the septic.

Mr. Comer asked if he meant the adjoining residence.

Dr. Hodgkin stated yes or could anyone establish a residence relatively close to the proposed field.

Mr. Comer introduced Mr. Michael Ramsey with Williams Creek Consulting and asked him to answer Dr. Hodgkin's question.

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Mr. Michael Ramsey appeared and stated that there was a small minor plat , that being Minor Plat 985, which sat immediately south of the proposed development. He stated that the nearest home would be Lot #1 which fronted on Maloney Road and that it would probably be 150 to 200 feet from the property line and it was upstream of the proposed ETS system.

Dr. Hodgkin asked if the staff had any problem with the proximity of that minor subdivision and whether there might be any odor or problems for any residents.

Mrs. Grindstaff responded she assumed Dr. Hodgkin meant the wastewater disposal system and she stated that it would be reviewed prior to the development receiving secondary approval. She stated that there would be technical specifications required from the State Department of Health but that there was not a design as yet. She stated they had not, therefore, looked at it in detail but that the requirements for separation distances would need to be met.

Dr. Hodgkin then asked what the distance was from the end of the cul-de-sac to the entrance to Maloney Road.

Mr. Comer responded 1,330 feet, approximately.

Dr. Hodgkin stated he assumed that because of the cul-de-sac design, the developer was aware that no school buses would go into said private road and that any students in the development would be required to walk to the end of said road to be picked up by school buses.

Mr. Comer stated yes, that the developer was aware of that fact.

Mr. Whicker asked Mr. Comer for more information on the waste disposal system. He stated although the design was not completed yet, he assumed that Mr. Ramsey could conceptually present it to the Commission. He stated he would also like to know if they were aware of similar systems in the area or certain other parts of Indiana.

Mr. Ramsey responded that they would be using a wetlands system for pre-treatment and from the wetlands system, the effluent would be pumped into a typical sand mound type system. He stated that each lot would have a 1500 gallon dual chamber septic tank and from there it would be pumped up to the road where there would be a common force main with curb stop and check valves. He stated that everything would then be pumped over to the ETS system to be treated. He stated they had filed conceptual plans with Ed Miller at the State Department of Health and Mr. Miller had returned to them technical data sheets for the specifications required for said design and as long as they complied with those specifications, they would receive approval from the State Department of Health.

Mr. Whicker then asked if the effluent would be discharged to an open wetland area?

Mr. Ramsey stated that the effluent would be underground and would resemble a lush field. He stated there would be no open water. He stated plantings were in place because they fed on the microbes and filtered a good portion of the water before it hit the sand mound.

Mr. Whicker then asked if there would be above ground discharge of the effluent.

Mr. Ramsey stated it would be discharging below ground in a portion lined and filled with some engineered material with wetland plants on top. He stated that through microbial action, the wetland plants would feed on the effluent.

Mr. Whicker stated it was then his understanding that there would be some underground perforated pipes and the liquid would be taken from there into the sand filter.

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Mr. Ramsey stated yes. He stated it was a two stage process. He stated that after the sand filter, it would run down the south property line to the east and daylight into the ravine on the southeastern corner.

Mr. Whicker asked if there were similar systems known to Mr. Ramsey.

Mr. Ramsey stated that they had designed several of the systems and would do a site visit on one of them in Perkinsville, Indiana which treated commercial waste.

Mrs. Grindstaff stated she was now unsure and asked if it would be a wetland to a non-discharging mound system and that there was no surface discharge of treated effluent.

Mr. Ramsey stated that a good portion of the effluent would recharge into the system.

Mr. Jim Barnes of Williams Creek Consulting appeared and stated he was the project engineer. He stated they called it a wetlands but they could be subsurface or surface. He stated that the biological processes were the same. He stated to mitigate the smell, sometimes the wetland was buried. He stated that there was a subsurface drain that ran around the exterior of the sand mound to intercept surface storm water flows to keep the storm water from the sanitary water. He stated that the effluent itself would discharge like a sand mound would into the ground so that there was no real daylighting pipe. He stated that overflow storm water would hit the perimeter drain and discharge out to the east. He stated on this design, there was not a sand filter. He stated that the wetland would be lined and designed to be sized to have an appropriate residence time for the treatment and then it would pump from the wetland into the sand mound where it dispersed and infiltrated to ground water.

Mr. Whicker asked Mrs. Grindstaff if that was her understanding of the system.

Mrs. Grindstaff stated yes and this system would not discharge.

Mr. Whicker asked Mr. Comer to address the storm water on the site.

Mr. Ramsey stated they were requesting a waiver from the standard curb and gutter and proposed a ribbon curb which would allow the runoff from the street to sheet flow across a green area or seven foot shoulder before reaching an infiltration trench, which would be two to three feet deep with gradual side slopes and over excavated eighteen inches to twenty-four inches or three feet depending on the final calculations. He stated that it would be backfilled with three components, those being one third compost mulch, one-third sand and one-third topsoil. He stated the native soils were being replaced with the stated material which absorbed water which would percolate and recharge into ground water. He stated as a safety measure at the bottom would be placed a four inch perforated tile with a minimum slope that joined natural low points in the road where there would be a small control structure. He further explained how the water outletted.

Mr. Whicker asked if Mr. Ramsey's firm had experience in installing the system he described.

Mr. Ramsey stated that they had some under design that were not completed in Franklin, Indiana. He stated that said systems were being constructed all over the country.

Mr. Cain asked how similar the system was as compared to one called Trion Farms in northern Indiana.

Mr. Ramsey stated it was very similar.

Mr. Whicker asked Mr. Cain about his opinion on the conservation designed subdivision and whether or not the applicant's subdivision complied with those designs.

Mr. Cain stated yes and that he was impressed with the plans for the proposed subdivision.

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Mrs. Groves asked about the storm water shoulder design and the maintenance requirements.

Mr. Ramsey responded that the shoulder would be planted with regular turf grass and the rain gardens would require minimal maintenance other than during the first couple years.

Mrs. Groves then asked about the waste treatment system and its life expectancy.

Mr. Ramsey responded that he did not know the answer other than that he expected it would have the same life expectancy as any other septic system.

Mrs. Groves asked if there would be a maintenance plan for the waste treatment and rain garden.

Mr. Ramsey stated that the rain gardens would be maintained by the homeowners' association. He stated that the ETS system would be required to go through the Indiana Utility Regulatory Commission to create a private utility. He stated that once that was completed, that utility would create its own budget and would then hire a professional to maintain the system.

Mrs. Groves then asked John Ayers whether the homeowners' association maintaining the rain garden would be acceptable.

Mr. Ayers stated that he believed that would be acceptable.

Mr. Whicker asked if invasive species would be a problem with the rain garden.

Mr. Ramsey stated that invasive species would need to be removed for the first couple of years. He stated historically once the species were established, they outgrew and killed off the invasive species.

Mr. Whicker then asked about pipelines on the property.

Mr. Ramsey stated there were two pipelines on the property belonging to TEPPCO and Buckeye. He stated they would be working with them to define easement widths.

Mr. Cain asked about the individual lot septic tanks and whether the homeowners would be responsible for pumping out those periodically or would that be handled by the private utility.

Mr. Ramsey stated the private utility would maintain those.

Mr. Wathen then asked if they would need to come before the Hendricks County Regional Sewer District and ask for an exception to create a private utility.

Mr. Ramsey stated yes and they had initiated contact for that process.

Dr. Hodgkin asked if in the future the lot owners wished to connect to a sanitary system, would that be a possibility.

Mr. Ramsey stated their proposed system would be perfect for that occurrence since there would be one common point of connection at the ETS.

Mr. Wathen asked about a yellow line shown on the development plan.

Mr. Ramsey stated that was a proposed walking trail which due to concerns by adjoining property owners, they had made some adjustments on the location of said trail.

Mr. Whicker asked Mr. Comer if there had been any other neighborhood concerns regarding the proposed development.

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Mr. Comer stated Mr. Zuckerman had met with the neighbors and he could address that question.

Mr. Zuckerman stated that they had a neighborhood meeting on December 1st and he stated there were approximately thirty people in attendance. He stated that some of the concerns and suggestions were changing the location of the walking path so that it was not too close to the perimeter of the adjoining properties, minimum square footages of the proposed homes, elimination of grazing animals, and providing a turnaround outside the front gate to the development.

Dr. Hodgkin asked if the walking trail prohibited motorized vehicles.

Mr. Zuckerman stated it would not promote the use of motorized vehicles, roller blading, etc.

There being no further questions, Mr. Whicker opened the public hearing.

Mr. Bill Duncan of 7123 Walnut Crossing appeared. He stated his concerns regarding the waivers requested, that he did not believe the development was of low impact or of a conservation nature, construction of homes on the side of the ravines on the property, future maintenance of the septic system and need for a secondary septic site on the lots and the higher maintenance costs for a solar operated gate system.

Mr. Tom Bloom of 8331 Reel Creek Drive waived his right to speak.

Mr. Scott Ferguson of 8453 Mary Court appeared and stated he had attended the meetings with the developer and that he agreed no stables or grazing animals should be permitted. He stated he would be concerned about the odor from such animals and the construction of stables.

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

Mr. Ben Comer then responded that there would be no grazing animals or stables permitted. He stated that the developers would be good stewards of natural resources and would construct the development with a minimal impact on the environment. He stated that pools and pool houses would be allowed.

Mr. Cain asked for clarification on Mr. Duncan's remarks regarding a secondary septic field.

Mr. Ramsey stated that the septic footprints shown would be double the size that would be required with one hundred percent redundancy.

Mr. Cain asked if those systems could be reconstructed and a new area not needed.

Mr. Ramsey stated that would be correct.

Mrs. Johnston asked about the homes being built on the sides of the hills.

Mr. Ramsey stated that the buildable areas shown were renditions of where the homes could go. He stated those were not necessarily where the homes would be built. He stated that it would be incumbent upon them as an architectural committee when the building plans were being approved, to make sure that there would be an engineered site plan that would ensure that the home would be built in an appropriate place and that it was designed so that it could be built in that place.

Mr. Wathen asked for clarification that the homeowners' association would be responsible for maintenance of the private road and not the county.

Mr. Ramsey stated that was correct.

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There being no further questions or comments, Mr. Whicker called for motions on each of the items.

Mr. Brad Whicker made a motion to grant primary approval for **MAP 725/08: Galyan Estate Subdivision (Primary)** subject to the conditions and recommendations in staff's letter dated January 6, 2009.

Mrs. Groves seconded the motion.

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

Mr. Brad Whicker then made a motion to grant approval for **WA 217/08: MAP 725 Galyan Estate Subdivision**, a waiver of the Subdivision Control Ordinance, Section 6.10-1, Page 71, the requirement to install concrete curb and gutter.

Mrs. Johnston seconded the motion.

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

Dr. Hodgkin made a motion to grant approval for **WA 218/08: MAP 725 Galyan Estate Subdivision**, a waiver of the Subdivision Control Ordinance, Section 6.03-12, Page 60, the requirement limiting the number of lots accessed by a cul-de-sac to twenty-five percent.

Mr. Cain seconded the motion.

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

Mr. Brad Whicker made a motion to grant approval for **WA 219/08: MAP 725 Galyan Estate Subdivision**, a waiver of the Subdivision Control Ordinance, Section 6.02-29, Page 64, the requirement limiting the length of a cul-de-sac to six hundred feet.

Mrs. Johnston seconded the motion.

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

Mrs. Johnston then made a motion to grant approval for **WA 220/08: MAP 725 Galyan Estate Subdivision**, a waiver of the Subdivision Control Ordinance, Section 6.12, Page 72, the requirement of sidewalks along both sides of all proposed streets and the development side of existing county roads.

Mr. Cain seconded the motion.

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

Mr. Wathen then asked a question about whether the secondary approval would come before the Commission or the Administrative Committee.

Mr. Reitz stated that secondary's automatically went to the Administrative Committee unless the Plan Commission wished to hear them.

Mr. Wathen asked if it would be written in the covenants that there would be no grazing animals permitted in said development.

Mr. Ramsey stated that they would abide by the Commission's wishes as to the prohibiting of grazing animals.

The staff conditions and recommendations were as follows:

ESTATE DESIGNATION FINDINGS:

HCZO Section 58.16(J)(5): The Plan Commission may confer the Estate designation by finding the following at the time of primary plat approval:

1. **The proposal is eligible for Estate designation.**
The Plan Commission finds that this proposal is, in fact, eligible for Estate designation as defined in HCZO Section 58.16(C).
2. **The proposal meets the purpose of the Estate designation.**
The Plan Commission finds that the proposal meets the purpose of the Estate designation. It will discourage bland residential design through the application of standards superior to the minimum development standards of the zoning district, it will promote architectural variety and interest in residential neighborhoods through the use of varied architectural features on residences, and it will bolster the quality of neighborhood life through superior site design.

HCZO SECTION 58.16(J)(3): Major plats receiving the Estate designation by the Plan Commission shall be a permitted use in that zoning district.

The Plan Commission finds that this proposal is a permitted use in the zoning district as a consequence of granting the Estate designation.

DRAINAGE CONDITIONS:

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

STAFF RECOMMENDATIONS:

1. All lots must follow the Estate Subdivision Architectural Standards in addition to any applicable requirements in the Hendricks County Zoning Ordinance and Subdivision Control Ordinance.
2. The applicant has requested a waiver of the Subdivision Control Ordinance (HCSCO) requirement of concrete curb and gutter. The applicant stated in their written request that a waiver of this requirement is needed allow sheet flow of storm water into management areas to prevent scouring. In lieu of a roll back curb, a two foot ribbon curb will be installed eliminating point sourcing into storm water management areas (HCSCO Chapter 6.10).
3. The applicant has requested a waiver of the Subdivision Control Ordinance (HCSCO) requirement which limits the number of lots accessed by a cul-de-sac to 25 percent. All of the proposed lots in this subdivision are accessed by a cul-de-sac. The applicant stated in their written request that site geometrics and a low number of lots proposed dictate that all lots be served by a cul-de-sac. Staff has no objection to this request (HCSCO Chapter 6.03 (12)).
4. The applicant has requested a waiver of the Subdivision Control Ordinance (HCSCO) requirement which limits the length of a cul-de-sac to 600 feet. The applicant stated in their written request that connecting the proposed road with another existing road would require massive earthwork and site clearing. Staff has no objection to this request (HCSCO Chapter 6.03 (29)).
5. The applicant has requested a waiver of the Subdivision Control Ordinance (HCSCO) requirement of sidewalks along both sides of all proposed streets and the development side of existing county roads. The applicant stated in their written request that substantial earthworks and site clearing would be required along narrow ridge beyond that required for road construction. However, an internal walking path has been proposed. Staff has no objection to this request (HCSCO Chapter 6.12 (1) (a)).

6. The depth of any lot should not be more than three times the width of the lot. Lots 1, 4 and 5 exceed this allowed depth. The Plan Commission may allow this upon unusual circumstances such as extreme hardship, topography or unusable remnants (HCSCO Chapter 2.11 (1) (c)). Staff recommends this be allowed as these lots are unusually topographic.
7. For purposes of assigning ownership and parcel numbers, all medians must be labeled as Common Areas and acreage provided as they are enclosed areas.
8. Details for the gated entry way must be provided. Variance 23/08 was approved on December 15, 2008, which allows these lots to access off of a private road and therefore be gated.
9. The applicant must provide adequate turnaround space in front of the gated entry way for vehicles unable to enter the subdivision.

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. This property is not in an area served by a public wastewater treatment plant. The proposed residential sewage disposal cluster system will have to be approved by the Indiana State Department of Health prior to secondary approval.
4. The Hendricks County Planning and Building Department must be notified at least seventy-two (72) hours prior to any site improvements being installed.
5. 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.
6. 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.
7. A State Plan Release is also required for multifamily, residential and non-residential (commercial and industrial) projects. In no way will a Development Plan Review be construed as a substitute or a waiver for these other required permits.

DPR 416/08 (PRIMARY): HENDRICKS POWER COOPERATIVE STORAGE BUILDING; a development plan review to construct a new storage building on 10.41 acres, Washington Township, S5-T15N-R1e, located at the intersection of Old U.S. Highway 36 and County Road 500 East. (Banning Engineering, P.C.)

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DPR 416/08 (SECONDARY): HENDRICKS POWER COOPERATIVE STORAGE BUILDING; a development plan review to construct a new storage building on 10.41 acres, Washington Township, S5-T15N-R1e, located at the intersection of Old U.S. Highway 36 and County Road 500 East. (Banning Engineering, P.C.)

Mr. Robert Staton of Banning Engineering, P.C. appeared along with Ms. Melissa Yetter of Hendricks Power Cooperative. Mr. Staton reviewed the location of the property as well as the existing structures on the site. He stated the applicant was proposing a new 65 x 130 square foot storage building on the property. He stated that the applicant was required by the Environmental Protection Agency (EPA) to provide a hard surface on which to store their transformers. He stated that the applicant decided to enclose that portion of the property where the transformers were to be stored. He stated that the building would not require sewer or water service. He stated that the area was already in concrete and stone with very minimal impact to the drainage. He stated that they had received Drainage Board approval. He then reviewed the site plan containing the erosion control measures and the elevations. He then reviewed the landscaping plan and stated they were required to provide a level 3 plan which would include adding landscaping along the north line with four points and the east line with five points. He stated there were some existing trees on the site. He stated they had requested to eliminate the installation of an earthen mound through a modification as they believed the landscaping being provided was the full five points required. He stated that there were a couple of reasons for not wanting to construct the mound. He stated the first reason was that they could not generate enough topsoil and since the property surface drained from west to east across the lawn, that would complicate the drainage if the mound were installed.

Mrs. Groves commented that she was in agreement with eliminating the mound.

Mr. Reitz asked Mr. Staton if he was aware of the property owner to the north's concerns about drainage.

Mr. Staton responded that he was aware of the concerns and he explained that the applicant had worked with Mr. Pecar in the past concerning the drainage concerns.

Mr. Whicker asked Mr. Staton to look at some pictures of the drainage problems on Mr. Pecar's property that had been submitted earlier to the staff.

Ms. Melissa Yetter, Director of Administration and Corporate Finance with Hendricks Power Cooperative appeared and explained that they had met several times with Mr. Pecar. She stated that she believed the problems had been corrected. She stated she believed that part of the issue was with the swale that was situated to the east of their property along County Road 500 East. She stated that the adjoining subdivision also drained into that swale. She stated that the issues they had had with him in the northwest corner of the property had been repaired.

Mr. Whicker asked the staff to comment about Mr. Pecar's letter and photos.

Mr. Reitz stated that they had just received the letter and photos from Mr. Pecar today.

Mrs. Johnston asked Mr. Ayers if he was aware of any problems with the drainage.

Mr. Ayers stated that he believed that when he had visited the site seven or eight years ago, he had determined there were no problems created by anything done by the county and that Mr. Pecar should work with Hendricks Power.

Mr. Whicker stated then that the building proposed by Hendricks Power would drain in its entirety to the south.

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Mr. Staton stated that was not correct in that half of the building site would drain to the east and half would drain to the south. He stated that the half that drained to the east went into the roadside ditch and then north.

Mr. Wathen then asked about the location of a black culvert pipe shown in one of Mr. Pecar's photos.

Ms. Yetter responded that she had visited the site with Mr. Pecar in the past and the result of that meeting caused work to be done by Hendricks Power to the culvert pipe which drained into the creek.

Mr. Staton pointed out the location of what he thought would be another culvert pipe.

Mrs. Groves stated that it was difficult to determine from the photos where the structures and the standing water shown were located.

Ms. Yetter explained the location of some of the structures on Mr. Pecar's property. She stated that Mr. Pecar's main concern a few years ago was located in the rear portion of his property. She stated that there was some erosion on Mr. Pecar's property.

Mr. Whicker stated that the location of the new structure would be on an existing graded hard surface which would not change and would not exacerbate any current drainage concerns by Mr. Pecar. He stated that since Mr. Pecar was not present to answer questions, he could not see, in his opinion, that the structure being proposed would exacerbate any current problems.

Ms. Yetter again repeated that the EPA was requiring all transformers containing over fifty gallons of oil, to be stored on a hard surface where they would be contained.

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

Mr. Staton then commented on the staff's letter and the recommendation that the elevation for the proposed subsurface drain must be shown where it tied into the existing subsurface drain. He explained how they would correct that concern.

Mr. Whicker asked if the staff had any other concerns.

Mr. Reitz stated none other than the Commission indicating their decision on the modification to eliminate the installation of earthen mounds.

Mrs. Groves then made a motion to grant primary approval for **DPR 416/09: Hendricks Power Cooperative Storage Building (Primary)** subject to the following:

1. Conditions and recommendations in staff's letter dated January 6, 2009; and
2. Allowing the modification to the landscaping plan to eliminate the installation of earthen mounds.

Mrs. Johnston seconded the motion.

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

Mrs. Groves then made a motion to grant secondary approval for **DPR 416/09: Hendricks Power Cooperative Storage Building (Secondary)** subject to the following:

1. Conditions and recommendations in staff's letter dated January 6, 2009; and
2. Allowing the modification to the landscaping plan to eliminate the installation of earthen mounds.

January 13, 2009

Mrs. Johnston seconded the motion.

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

The staff recommendations 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. The proposed Landscape Plan does not meet the Ordinance requirement of earthen mounds as part of a Type 3 buffer yard. The applicant has stated they do not wish to install earthen mounds, and in order to do so must have the Plan Commission eliminate this requirement through a modification.
3. The elevation for the proposed subsurface drain must be shown where it ties into the existing subsurface drain.

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 one (1) year from the date of approval to obtain an Improvement Location Permit/Building Permit. Should this one (1) 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. No Improvement Location Permit/Building Permit shall be issued until any plat associated with Secondary Development Plan Review has been recorded.
7. A State Plan Release is also required for multifamily, residential and non-residential (commercial and industrial) projects. In no way will a Development Plan Review be construed as a substitute or a waiver for these other required permits.

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That ending the main agenda, Mr. Whicker called for any staff discussion.

Mr. Reitz then discussed the memorandum dated January 5, 2009 regarding the staff response to the Planning and Building slowdown. He discussed the ways the department planned to reduce costs and/or increase efficiency by improving zoning enforcement, implementing a community rating system and BZA case mapping.

Mr. Whicker then stated that he appreciated Mr. Reitz and the staff's efforts to pick up the slack during the economic slowdown.

Mrs. Groves discussed variances and special exceptions and how helpful a database would be for the BZA cases.

Mr. Reitz then discussed the Planning & Building Department employee evaluation forms discussed at the December meeting and he gave an update on the development of those forms.

Mr. Cain then asked about the Smart Growth Indiana Organization and if it was appropriate for the Commission to be involved in this organization.

Mr. Reitz stated he was aware of the organization but that he would need to do some investigating and he would report back on the matter.

There being no further discussion, Mr. Whicker adjourned the meeting at 8:15 p.m.

Don F. Reitz, AICP, Secretary