

December 11, 2019

The Hendricks County Area Plan Commission Administrative and Plat Committee held a meeting on Wednesday December 11, 2019 at 9:00 a.m. in the Hendricks County Government Center, Rooms 4 & 5, 355 South Washington Street, Danville, Indiana. Members present were Mr. Tim Dombrosky, Chairman; Mr. Bart Harvey, Highway and Bridge Project Manager; Mrs. Krista Click, Environmental Health Director; Mrs. Tiffany Dalton, Deputy Surveyor, and Mr. Jeff Pell, Plan Commission Representative. Also present were Mrs. Suzanne Baker, Senior Planner; Mr. Roger Salsman, Engineering Inspector; and Mrs. Brandy Swinford, Recording Secretary.

Mr. Dombrosky called the meeting to order with the Pledge of Allegiance. There was a quorum with five (5) members present.

Mr. Dombrosky called for the approval of the minutes of the November 13, 2019 meeting.

Mrs. Click motioned for the approval of the November 13, 2019 minutes.

Mr. Pell seconded the motion. Mr. Harvey abstained.

FOR – 4 – AGAINST – 0 – ABSTAINED – 1 –

MIP 761/19: (REPLAT) ROBERT W. HOCKADAY; a 3-lot replat of a minor plat; 25.66 acres; Middle Township; S1-T16N-R1W; located on the north side of County Road 600 N. approximately 1590 ft. west of the intersection with County Road 250 E. (Maurer Surveying Inc.)

WA 310/19: MIP 761 ROBERT W. HOCKADAY; a Waiver of the Subdivision Control Ordinance, Sec. 6.12.1.B Sidewalks, Pathways and Pedestrian Ways (Maurer Surveying Inc.)

EX 272/19: ROBERT W. HOCKADAY – MIP 761; an exception to the Subdivision Control Ordinance, Section 3.15 (2.a) Delays – Street Trees

Mrs. Joy Skidmore appeared on behalf of the petitioner.

Mr. Dombrosky stated that there were outstanding health department issues from the last meeting.

Mrs. Click replied that those had all been addressed. They were comments numbered six (6) through ten (10).

Mr. Dombrosky noted that the sidewalk waiver was discussed at the last meeting. He was unsure if the street tree exception was discussed. He asked what the recommended time frame given was for that.

Mrs. Baker replied that it was usually six (6) months.

Mr. Dombrosky stated there would be bond required.

Mrs. Skidmore asked if that was because of the exception requested. She stated she believed the street trees were in already.

Mr. Dombrosky asked if they wished to withdraw the exception then since it was not needed.

Mrs. Skidmore replied that they would as long as it would be inspected before the end of the year so they can get the plat recorded. There was time constraint on the purchase agreement.

Mr. Dombrosky asked Mr. Salsman if the trees were in, would he see any need for any further inspections.

Mr. Salsman replied that it would be a one (1) hour flat rate to check the trees and drain.

Mr. Dombrosky stated that it shouldn't be any problem to get that done before the end of the year. He asked if she wished to withdraw the exception.

Mrs. Skidmore replied that she did wish to withdraw.

Mr. Dombrosky asked if there were any other comments about the sidewalk waiver.

Mrs. Click noted that the Health Department votes against them to promote physical activity and connectivity.

Mrs. Click motioned for approval of **MIP 761/19: (Replat) Robert W. Hockaday** subject to staff recommendations.

Mrs. Dalton seconded the motion.

FOR – 5 – AGAINST – 0 – ABSTAINED – 0 –

Mr. Harvey motioned for approval of **WA 310/19: MIP 761 Robert W. Hockaday**.

Mrs. Dalton seconded the motion.

FOR – 4 – AGAINST – 1 – ABSTAINED – 0 –

The staff conditions and recommendations are as follows:

DRAINAGE CONDITIONS:

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

STAFF RECOMMENDATIONS:

1. MIP 761 was approved in 1998, which was one lot, 3.91 acres (also obtained a modification of the 3:1 ratio and currently has a single-family home on it). Then the parcel just to the west which is 21.75 acres (and has a single-family home on it) is wanting to create a new buildable lot and at the same time reconfigure original Lot 1; this is the reasoning for the Replat of MIP 761, because additional parcels are being added to it.
2. Sidewalks are required because the adjacent lot has sidewalks (Carex Estates), however they do not go all the way to the property line and are not in the Right of Way. The subject properties are just about 1 mile from the Town of Pittsboro's commercial district. The applicant has requested a waiver.
3. The applicant has requested an exception to record the plat, prior to installation of the street trees due to the weather. The committee has generally granted these exceptions with an expiration of 6 months.
4. Lot 1 doesn't meet the 3:1 ratio (obtained a waiver in 1998). However, what is proposed is lessening the 3:1 non-conformity.
5. Note that if any of these three lots are split again in the future it will be required to go through the "Major Subdivision" process.
6. Confirm the location of the primary septic field for Lot 2.
7. Provide one soil boring within each secondary septic field easement, and three soil borings within the proposed primary septic field on Lot 3.
8. Provide soils reports for all soil borings.
9. Provide the invert elevation for the proposed subsurface drain outlet point on Lot 3.

10. Identify or remove the box located within the proposed well radius on Lot 3.

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. The Hendricks County Planning and Building Department must be notified at least seventy-two (72) hours prior to any site improvements being installed.
4. 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.
5. 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.
6. Secondary septic field easements (SSFE) must be shown on the plat, or separate easement document to be recorded with the plat must be provided.
7. 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.

EX 273/19: SONORA, SEC. 2; an exception to the Subdivision Control Ordinance, Section 9.02 – Erosion Control.

EX 274/19: SONORA, SEC. 2; an exception to the Subdivision Control Ordinance, Section 9.03, 9.04 – Landscaping, Thoroughfare Bufferyard.

EX 275/19: SONORA, SEC. 2; an exception to the Subdivision Control Ordinance, Section 6.08 – Street Improvements.

EX 276/19: SONORA, SEC. 2; an exception to the Subdivision Control Ordinance, Section 6.12 – Sidewalks, Pathways and Pedestrian Ways

Mr. Matt Howard appeared. He discussed the exceptions they were requesting. The first one discussed was for the entrance from County Road 700 N. There are utility poles that are in the way of the lanes. They cannot pave the area until those are moved, and the weather improves.

Mr. Dombrosky asked where they were stopping construction in the pavement.

Mr. Howard replied that they were stopping at the first intersection. He noted on the plans where the pavement would end. He stated another request was for the path along the right of ways. The weather conditions are the reasoning behind this request. He stated they do not have stone down currently on the paths. He stated he did not see them getting them stoned or paved before winter.

Mr. Dombrosky asked if the path for section one (1) was in already.

Mr. Howard replied that it was. He pointed out on the plans where it was located. He stated another exception request was for the common walks. That was also due to the winter weather conditions. With them not having the entrance done and the curbs, they would not be able to do those. He then stated the final exception request was for erosion control around the improvements because they would not be a final grade. If they needed to put temporary measures in place, they would do that.

Mr. Dombrosky stated that they could modify their erosion control plan through the Clean Water Department. He would prefer them to do that in lieu of doing an exception. He stated that he should get with Jim Mardis to see what they needed to do. All that we require is that they meet their plan, so if that can be modified, he would prefer that so that Mr. Mardis could look at it.

Mr. Howard agreed to get in touch and work with Clean Water Department. He stated they also had an exception for landscaping due to the weather.

Mr. Dombrosky asked which areas of landscaping he was referring to.

Mr. Howard stated that it was basically just on County Road 700. They have landscaping on the south side but aren't able to button up along the entrance where they need to fine grade the mounds. He stated they would have to temporary seed and straw for the winter. Asphalt surface was the final exception request due to climate as well.

Mrs. Click motioned to deny **EX 273/19: Sonora, Sec. 2; Erosion Control.**

Mrs. Dalton seconded the motion.

FOR – 5 – AGAINST – 0 – ABSTAINED – 0 –

Mrs. Dalton motioned for approval of **EX 274/19: Sonora, Sec. 2; Landscaping, Thoroughfare Bufferyard.**

Mr. Harvey seconded the motion.

FOR – 5 – AGAINST – 0 – ABSTAINED – 0 –

Mrs. Click motioned for the approval of **EX 275/19: Sonora, Sec. 2; Street Improvements** subject to the condition that there will be no more than fifty (50) building permits issued on Sections 1 and 2 until the second entrance is finished.

Mr. Pell seconded the motion.

FOR – 5 – AGAINST – 0 – ABSTAINED – 0 –

Mr. Harvey motioned for approval of **EX 276/19: Sonora, Sec. 2; Sidewalks, Pathways and Pedestrian Ways.**

Mr. Pell seconded the motion.

FOR – 5 – AGAINST – 0 – ABSTAINED – 0 –

MAP 287/19: (REPLAT) OLD TWIN BRIDGES FARM – LOT 3; a 1-lot replat of a major plat; 18.85 acres; Lincoln Township; S15-T16N-R1E; located at 6054 Old Bridge Road and platted Lot 3 remainder on Old Bridge Rd. Northwest quarter of S15-T16N-R1E – east of Pleasant View Estates (Survey First)

Mr. Timothy Higbie, Survey First appeared. He stated that he submitted the latest plat, there have been no other revisions. The legal description describes the portion he pointed out on the plat and specifically excludes another portion he pointed out. He submitted a declaration of restrictive use covenant. He noted that it would be recorded prior to the plat and it could be cross referenced on the plat. He stated that it was specific to the vacated description.

Mr. Dombrosky stated he felt it would be a good idea to reference it on the plat.

Mrs. Baker asked if they were showing the right of way (ROW) now.

Mr. Higbie stated that it was shown. He stated there was a question about the acreage. The discrepancy was due to the ROW. They did not change the property lines. The dedication of the ROW was going up to the new lot 3. There was a question on one comment (1c) on the staff letter that he wanted clarification on. He pointed out on the plat what piece he thought they were talking about.

Mr. Dombrosky stated that they had previously shown a drive coming up and around there.

Mr. Higbie clarified that then would just be the north/south driveway. In the old plat, it was also called future roadway.

Mr. Dombrosky stated that we need to be clear that that note is meant to be referring to the north/south future road ROW. He had no other further concerns.

Mrs. Click motioned for approval of **MAP 287/19: (Replat) Old Twin Bridges Farm** subject to staff recommendations.

Mrs. Dalton seconded the motion.

FOR – 5 – AGAINST – 0 – ABSTAINED – 0 –

The staff conditions and recommendations are as follows:

DRAINAGE CONDITIONS:

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

STAFF RECOMMENDATIONS:

1. History of this property and Old Twin Bridges Farm Subdivision
 - a. Subdivision was approved on February 8, 1985 which was a six-lot subdivision ranging in lot sizes from 10-20 acres.
 - b. Lot 3 was 20 acres, a single-family home (which is now on proposed lot 3B) was built in 1991. **There were multiple variances on the property to allow for a mobile home, which is not pertinent to the request before us and there are no mobile homes on any of the "original" Lot 3 today.*

- c. June 14, 1993 there was a request to Replat Lot 3 to accommodate an additional buildable lot, Lot 3A which is 1.15 acres. This was approved with many remonstrators, stating that it should uphold the construction of the county road to County Road 500 North, which was state on the original plat. Further one of the conditions of this approval was, "The staff recommends that this condition be waived for the one (1) lot and further recommends that any additional subdivision of this lot would require construction of the aforementioned roadway. The driveway from this proposed replated lot must not be allowed in the future roadway (**pertaining to the north/south future development not Lot 3B**)."
 - d. When Lot 3A (1.15 acre lot) was recorded on October 8, 1993 (and the home was built in 1996), the remaining lot was 18.85 acres which already had a home on it and was still a legal lot as far as the Planning Department knew.
 - e. However, on January 14, 1992 a survey was recorded of the remainder lot 18.85 acres with the home on it and was "illegally split" which shows as a 3 acre parcel (where the home is located) and a 15.85 acre parcel. This should have been shown when the Replat of 3A was approved.
2. No public hearing required, but still notify the utilities of request
 3. Take out the Planning Commission Certificate (this will only be heard by the Administrative and Plat Committee)
 4. Note on plat and development plan that the 15.5 acres is vacated and not allowed to put a single-family home on it unless platted and complies with the conditions related to road improvements. A document will need recording that the current owners acknowledge this, prior to recording the plat. **Recorded covenant will be documented on the plat.**

CONDITIONS OF APPROVAL:

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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. 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.
5. 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.
6. Secondary septic field easements (SSFE) must be shown on the plat, or separate easement document to be recorded with the plat must be provided.

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7. 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.

There being no further items to be discussed, the meeting was adjourned at 9:22 a.m.

Tim Dombrosky, Chairman