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A meeting of the Hendricks County Area Plan Commission was held on Tuesday, June 9, 2020 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. Bob Gentry; Mr. Ron Kneeland; Mr. Walt O'Riley; Mr. Tim Whicker; Mr. Damon Palmer. Members absent were Mr. Brad Whicker and Mr. Jeff Pell. Staff members present were Mr. Tim Dombrosky, Secretary and Director of Planning; Mr. Greg Steuerwald, County Attorney; Mrs. Suzanne Baker, Senior Planner; and Mrs. Brandy Swinford, Recording Secretary.

The meeting was opened with the Pledge of Allegiance. There were five (5) members present.

Mr. Damon Palmer stated the first order of business was the approval of the minutes from the May 12, 2020 meeting.

Mr. Gentry motioned for approval for minutes from the May 12, 2020 meeting.

Mr. O'Riley seconded the motion and the vote was unanimous.

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

**MAP 745/20: CHAD & MEGAN KENNEMORE (PRIMARY);** a 4-lot major plat; 14.10 acres; Center Township; S30-T16N-R1E; located at 3104 E. County Road 225 N., Danville (Kruse Consulting)

**WA 313/20: CHAD & MEGAN KENNEMORE;** a Wavier to the Subdivision Control Ordinance, Sec. 6.12.1.B Sidewalks, Pathways, and Pedestrian Ways (Kruse Consulting)

Mr. Dale Kruse, Kruse Consulting, 7384 Business Center Dr., Avon IN 46123 appeared on behalf of the Kennemore's. He stated that they own 14-acres in Center Township located at the intersection of County Roads 225 North and 300 East. There is an existing home on the property as well as a pond. They purchased the property about a year ago and had done an exempt subdivision to legally create a 14-acre parcel. They have now decided to subdivide the property. They are wanting to create a parcel around the house and create three (3) new parcels out of the tillable land. The lots seemed too big when they tried to make it into two (2) lots as they would be close to 4.5 to 5-acres. Because they decided on the four (4) lots, it required them to do a major subdivision. There are two (2) ways to do that, by rezoning or by doing an estate subdivision. By doing an estate subdivision, you retain the same zoning district, you just overlay it with an estate zoning designation. That is what they are asking for. He had handed out previously the requirements for an estate subdivision classification. He went over a few of those things that you get above and beyond a typical AGR-Agricultural Residential District subdivision. The first being that the home size goes from 1500 square foot minimum to a 2400 square foot minimum for a single-story home. The next thing you get is a much denser tree planting along the road frontage. It goes from one (1) tree every sixty (60) feet to seven (7) trees every 100 feet. The last thing he wanted to point out was the enhancements list for every house that is built in an estate subdivision. He stated that the Kennemore's felt that the estate subdivision was an improvement to the area. He showed the contours of the land on the slide. He then reviewed the staff comments.

The first comment talks about if the estate subdivision is granted, it would change the requirements for the homes around it. They asked for that to be waived when they submitted for the Gentry Woods project, and they are asking to do that again with this petition. The second comment talks about architectural requirements which he already discussed. The existing home he would consider legal non-conforming. The third comment states that the exempt subdivision would be voided with this approval, which they understood. The fourth comment talks about the tree planting. He stated that Mr. Kennemore didn't want to miss his window of opportunity to plant the trees with the weather. He has already planted all the trees along the road frontage. He stated that they did not know that from the time they had done the exempt subdivision the ROW dedication requirement had changed on County Road 300 to add an additional ten (10) feet. When Mr. Kennemore planted the trees, he planted them so they

would be out of the ROW based on the exempt plat's location. They are on the back edge of the ROW as its dedicated now. The fifth comment talks about the sidewalks. They have requested a waiver for the sidewalks. The sixth comment talks about open space requirements in major subdivisions. They are asking for a modification of that requirement mainly because they are going to be 3-acre lots, which is 1.5 acres bigger than what the minimum is. The seventh comment talks about the landscaping perimeter. He stated that the ordinance conflicts itself when it talks about the perimeter within an estate subdivision versus a major plat/subdivision. The tree requirements are the same for both, but what is added with the major subdivision section is the requirement for ten (10) shrubs every 100 feet. They comply with the estate zoning designation requirements. They have asked for a waiver to not comply with the major plat requirements because they have met the estate requirements. The eighth comment talks about a tile for a perimeter drain outlet. He pointed out the location of the tile where two of the drains would connect to on the slide as well as another one. The comment states that if the tile continues up through the lot, then it may interfere with what their plans were for the property. He noted that they have the same concern on every subdivision they do. He stated that if a tile is encountered when a person is putting in their septic system, then they would wrap that tile around the septic system and connect it in at the upstream side as well as the downstream side of the septic field to insure the integrity of the tile is maintained. He stated that they would hope the builder would do the same thing if they were putting in a crawlspace or a basement. They have a note on their development plans that talks about routing perpetuating tiles when they are encountered. The ninth comment talks about the secondary septic field on Lot 1. He pointed it out on the slide. The soil borings were taken too close to the road, so they have done an additional soil test in the secondary septic field. The tenth comment talks about the tiles being open and free flowing. He stated that they have done a die test on both tiles. The final comment talks about the type of septic system for the lots. He stated that they agree with the Health Department.

Mr. O'Riley asked if they were talking about a mound system.

Mr. Kruse replied that the short answer was yes. However deep the soil borings are can minimize the height of the mound. The worst-case scenario would be a 3 ½ foot mound. He stated that the person has the opportunity due to the size of the lots to test in another location if they do not want that type of system.

Mr. Damon Palmer opened the public hearing.

Mrs. Amy O'Neal, 2925 E. County Road 250 N., Danville appeared. She lives to west of the proposed subdivision. She stated that she had wrote a letter to the planning commission in opposition. Their concerns are the water drainage issues, water table drawn down, and increased property taxes. She stated that the seasons are changing and we are having seasons with more droughts. With the potential of the new subdivision there would be a total of six (6) homes in the area which they fear would deplete the water tables. They are also concerned with the flooding issues with them all draining into the same drainage ditch. She noted that in the winter and spring it floods heavily. She assumed the new homes would drain into the same ditch causing more issues. She asked that these concerns be considered before approving the project.

Mr. Stuart Williams, 2525 N. County Road 300 E., Danville appeared. He lives just north of property. He stated that the trees Mr. Kennemore has planted are encroaching on one of his already. He has the same concerns as the previous remonstrator, higher taxes and drainage and water issues. He stated that there is not a ditch in front of the property. He thought it looked like most the drainage went back onto the Kennemore's property. He stated if they do dig a ditch in front, then that would put more water on his property. He feels like the county does not take care of the ditches around that area now. He stated he wanted to be on record as being opposed to the subdivision.

Mr. Lane Jensen, 2221 N. County Road 300 E., Danville appeared. He pointed out his property on the slide. His concerns are pretty much the same, except for the drainage. He stated he was not concerned with the drainage. No one knows what the water table looks like, so having too many homes drawing from the water table would be an issue. By the time you realize you have overdrawn the table, its too late at that point. Everyone in the area would be affected by that. He is also concerned about zoning.

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Before he moved, he researched the zoning in the area. He desired to live in an agricultural area, which is why he chose to live here. He is concerned that the zoning can get changed at the drop of a hat. He stated that he agreed with the sidewalk waiver. He believed it made no sense to have sidewalks that go nowhere with no connections out in the country. He stated he also wanted to be on record as being opposed to the subdivision.

Mr. Palmer closed the public hearing.

Mr. Kruse stated he would like to address the drainage concerns first. He pointed out where the ditch was located on the slide. He noted that it was a sizable ditch that carries a lot of water. The site drains from west to east to a grass waterway which ends up in a creek which is shown on the slide.

Mr. O'Riley asked if the pond shown acted like a retention pond.

Mr. Kruse replied it was not. It had been there for years. He stated that there was no proposal to build a roadside ditch on the property as part of this petition. He pointed out that Lots 1 and 2 are proposed to share the same driveway cut off of the county road. He noted that Mr. John Ayres, County Engineer, required that. Because of the drainage characteristics of the property they will not have a driveway culvert either. It drains away from the road and not north-south along the road. He stated that they are taking approximately 12 of the 14 acres of ground that is a field now and making it grass which will have a substantial decrease on the drainage runoff that runs to the east to the ditch. He felt that with the larger lot size they have satisfied the drainage requirement. They have received drainage board approval. He stated that he did not know what kind of impact it would have on neighbor's property taxes. The people that live in the house will be paying their fair share of property taxes. The lots will likely sell for \$120,000 and a 2400 square foot home at a low value of \$100/square foot would be \$240,000. These properties are going to be \$350,000 to \$600,000 properties. In reference to the comment about the tree(s), he stated that in order to record the plat the county inspector will have to go out and inspect the trees. He will make sure they are the correct species and correct spacing. If there is an issue, it will be fixed before they will have sign off to record the plat. He referred the comment about zoning by noting that the zoning district does not change. The current zoning designation permits up to a 3-lot subdivision. They are not changing it from AGR/Agricultural Residential District, but rather asking for an overlay to be placed over that zoning district of estate zoning designation. He stated as far as wells go, they are tricky because you cannot study an aquifer to know what effect one, two or three wells would have on an aquifer. A drought could affect it whether there was a house there or not. He stated that he believed they had met the requirements and asked for their approval.

Mr. Palmer asked if it was all field tile that was pushing water to the creek now or was it surface runoff.

Mr. Kruse replied that it was both.

Mr. Palmer asked if there would be any issues in the future with the drainage once the petitioners do not live there anymore and the drainage from three (3) lots is moving across someone else's property.

Mr. Kruse stated there is a potential for an issue. He stated that landowner is not present tonight, but he had spoken to him. Since he was notified, he was assuming they didn't see a big issue with it. He pointed out the other property line on the slide. He stated that there was a distinct drainage path through the grass waterway which by looking at the aerial photographs doesn't appear to cause any erosion issues now. That impact would be lessened when the ground is converted to grass.

Mr. Palmer stated that there was still a driveway that they were crossing.

Mr. Kruse replied that there were three (3) culverts under the length of the driveway, so it is not all crossing over the drive today.

Mr. Gentry asked if the drains were legal drains or private tiles.

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Mr. Kruse replied that they were private tiles.

Mr. Gentry asked if he knew what kind of shape they were in.

Mr. Kruse stated that they had been die tested and are flowing.

Mr. Palmer asked Mr. Gentry if there were any concerns from the drainage board.

Mr. Gentry replied there were none that he remembered. He asked if there were any history of dry wells. He noted that sometimes those have to be reported to the health department.

There were some people in the audience who stated their neighbor had to drill three (3) times when they were building their home before they found water. There was another that said he built a home last year just east of the property and bored a 75-foot well and had no issues.

Mr. Gentry asked Mr. Steuerwald what happened if someone buys a lot and drills for a water source and cannot find any.

Mr. Steuerwald stated that they buy at their own risk.

Mr. Tim Whicker stated based on current zoning, could they build two (2) more houses on that property.

Mr. Dombrosky replied that they could request a plat, the same way they are doing here. They would still have to have a public hearing to do a 2-lot plat. The only differences are the ones that Mr. Kruse addressed before.

Mr. Tim Whicker stated that they are getting the highest of standards by going this route.

Mr. O'Riley asked if there was any stipulation to the estate zoning that they have to have a certain amount of masonry.

Mr. Dombrosky went over the architectural list. He stated it was a system of tradeoffs, it does not prescribe any one type.

Mr. O'Riley asked if they were anticipating any covenants to keep the property value up.

Mr. Kruse stated that they did not have any plans on adding any additional layer of covenants above and beyond the estate zoning designation would require.

Mr. Palmer asked if there were any further questions.

Mr. Stuart Williams stated that no one maintains the ditch that all the water drains to except the homeowner.

Mr. Gentry replied that anyone of them that are affected can petition the drainage board and ask for those drains to be taken in and be made legal drains. Currently they are not being assessed, but when become a legal drain a study is done and they would be.

Mr. Palmer asked if they would need separate motions for the sidewalk waiver.

Mr. Dombrosky replied that they could include the sidewalk waiver, but the motion should include the waiving of the ordinance requirement pertaining to surrounding properties in staff comment number one (1).

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Mr. Tim Whicker motioned for approval of **MAP 745/20: Chad & Megan Kennemore (Primary) and WA 313/20: Chad & Megan Kennemore** subject to staff recommendations and waiving of ordinance requirement described in staff comment number one (1).

Mr. O'Riley seconded the motion.

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

**MAP 745/20: CHAD & MEGAN KENNEMORE (SECONDARY);** a 4-lot major plat; 14.10 acres; Center Township; S30-T16N-R1E; located at 3104 E. County Road 225 N., Danville (Kruse Consulting)

Mr. Kruse stated that he would respectfully ask for secondary approval.

Mr. Dombrosky stated that his only question was if they needed easements for the tiles that are crossing the driveway.

Mr. Kruse stated that they could do that. It would not be a bad idea to cover the culverts and tiles.

Mr. Gentry motioned for approval of **MAP 745/20: Chad & Megan Kennemore (Secondary)** subject to recording of an easement where possible on the plat.

Mr. Tim Whicker seconded the motion.

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

**DPR 479/20: SAGAMORE READY MIX (SECONDARY);** a development plan review to establish a concrete batch plant; 10.66 acres; Liberty Township; S36-T14N-R1W; located at I-70 and State Road 39 (Banning Engineering)

Mr. Jeff Banning, Banning Engineering, 853 Columbia Road, Ste. 101, Plainfield appeared with Mr. Rick Schoenian, Sagamore Ready Mix. Mr. Banning stated that they wanted to address the final two (2) items from the previous meetings which were the trailer and the sanitary sewer or septic system. He stated there is no room for a septic system. The truck wash to the south of the property they have found out is not on sanitary sewer. He stated that they approached them to request an easement across their property. They have agreed to the easement and they will go across the property with a force main. The intent is that he would then tie onto that force main. He stated that they do not require an IDEM permit because it would be less flow than a single-family home. It only requires approval from the regional sewer board, and they are in the process of doing that. The other issue was the trailer. He stated that he believed he was not clear on his explanation before. He stated that the batch plant and trailer are tied together. It is currently located in Lafayette. When the permanent facility is done being built there, then they want to move it down to this location. The equipment in the trailer is tied to the batch plant. They will move the batch plant and trailer to other sites when they have large pours, so it will not be there permanently.

Mr. Tim Whicker stated that it was not understood last time that it was tied together.

Mr. Palmer asked if there were any further questions or comments.

Mr. Dombrosky asked how old the trailer was.

Mr. Schoenian replied that he would have to guess it was about eight (8) years old. He considers it a piece of equipment rather than just a trailer.

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Mr. O'Riley asked if there was going to be a good buffer around it.

Mr. Banning replied they had landscaping and opaque fencing. It would set back far off of the road.

Mr. Tim Whicker stated that he misunderstood previously and thought it would be closer to the road and it would be an eyesore.

Mr. O'Riley asked how tall the fence would be.

Mr. Banning replied it would be seven (7) feet. They will be putting in 9-foot evergreens as well.

Mr. Gentry motioned for approval of **DPR 479/20: Sagamore Ready Mix (Secondary)** subject to modifying the original conditions to allow the existing trailer.

Mr. Kneeland seconded the motion.

FOR – 5 –

AGAINST – 0 –

ABSTAINED – 0 –

Mr. Dombrosky stated that he wanted to look for a time when they could do a workshop to go over where they are at with the ordinances. It would probably need to be an hour or hour and a half. He stated it would be just to establish a direction on if, when and what they wanted to redo. At that point, they would need to talk about how willing everyone was to participate in that process.

Mr. O'Riley asked if there were specific ordinances that Mr. Dombrosky felt were more important to look at than others or would they need to look at them all.

Mr. Dombrosky replied that they should start with the comprehensive plan and see if it is in line with what they want to see.

Mr. Palmer asked what he would need as far as time to put in perspective for everyone.

Mr. Dombrosky stated that he would ideally need everyone, if not then five (5) members to dedicate a couple of hours to go over the comprehensive plan in a workshop style. When things come up like tonight's Kennemore petition, he stated they had no reason to deny that. They need to look at if they feel that a development like that is not appropriate and why, then they need more support in the ordinances for things like that.

Mr. Steuerwald stated that another thing to look at when looking at the ordinances, is if you have a lot of waivers for the same thing, then maybe the ordinance is not correct and needs to be addressed. He stated this happens a lot with the BZA.

Mr. Dombrosky stated he would send out an email with some dates and asked that they review the comprehensive plan beforehand which might save some time.

Mr. Steuerwald asked if there was another light agenda would they be willing to do it after the regular plan commission meeting.

Everyone was in agreement with doing that.

Mr. Steuerwald updated everyone on the Himsel case. They defended the county's plan commission process and time limitations and the appellate court sided with us on all respects. The supreme court denied transfer. It was the biggest farming case perhaps in the history of Indiana.

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There being no further business, the meeting was adjourned at 7:45 p.m.

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Tim Dombrosky, Chairman