The Hendricks County Area Plan Commission Administrative and Plat Committee held a meeting on Wednesday, March 15, 2023 at 9:00 a.m. in the Hendricks County Government Center, Meeting Rooms 4&5, 355 South Washington Street, Danville Indiana. Members present were Mr. Tim Dombrosky, Chairman, Mrs. Ginger Harrington, Environmental Health Team Lead; Mr. David Gaston, County Surveyor; and Mr. Ron Kneeland, Plan Commission Representative. Also present was Mr. Brian Hurskainen, Senior Planner and Mrs. Brandy Swinford, Recording Secretary.

Mr. Dombrosky called the meeting to order with the Pledge of Allegiance. There was a quorum with four (4) members present.

Mr. Dombrosky asked for a motion of the February 15, 2023 meeting minutes.

Mr. Kneeland motioned for approval of the minutes for the February 15, 2023 meeting.

Mr. Gaston seconded the motion.

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

**MIP 1166/23: CLINT RUTLEDGE;** a 2-lot minor plat; 12.98 acres; Clay Township; S5&6-T14N-R2W; located on the west side of Masten Road, approx. 500 feet north of intersection with State Road 75 (Kruse Consulting)

**WA 344/23: MIP 1166/RUTLEDGE;** a waiver of the Subdivision Control Ordinance, Section 6.12.1.B – Sidewalks, Pathways & Pedestrian Ways (Kruse Consulting)

Mr. Dale Kruse, Kruse Consulting, was present. He reviewed the location and staff comments. He explained the reason for the sidewalk waiver request. There were 11 parcels between them and the trail that would require a sidewalk to be put in that were already developed. He felt it was justified in this instance.

Mr. Dombrosky noted that it needed to be put prominently on the plat so future owners understand.

Mr. Kruse stated he understood. He stated that the next comments were regarding the roadside ditch. He had spoken to Mr. Ayres about them. They had agreed the cover that was over the two pipes that were there was slim and there was concern that it would degrade over time. He and Mr. Ayres agreed to them removing and replacing those with concrete pipes.

Mr. Dombrosky opened the public hearing. There being no one signed up to speak, he closed the public hearing.

Mr. Gaston noted they had received drainage board approval.

Mrs. Harrington motioned for approval of **MIP 1166/23: Clint Rutledge** subject to staff recommendations.

Mr. Gaston seconded the motion.

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

Mr. Dombrosky motioned for approval of **WA 344/23**.

Mr. Gaston seconded the motion. Mrs. Harrington voted against.

FOR – 3 – AGAINST – 1 – ABSTAINED – 0 –

The staff recommendations are as follows.

**drainage conditions:**

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

**sTAFF RecoMMENdAtions:**

1. Waiver 6.12(1)(b) Sidewalks are required along the development side of all existing county roads, located within one (1) mile from an existing school, commercial area or trailhead.
	1. The Health Department is not in favor of any sidewalk waivers due to high rates of obesity, in children and adults, as well as the chronic disease that result from limited exercise opportunities. Studies show that people with access to sidewalks get more exercise. Reduction of short car trips when engines emit the most pollution because they are not yet warmed up will also improve air quality.
2. The roadside ditch along Masten Road should be regraded as it is narrow and will be difficult to maintain. The grades provided show that there will be little to no cover over the driveway pipes which will lead to their failure. A new grading plan which is feasible must be provided.
3. If left in place with the new plan, the ends of the 12 and 18 inch pipes need to be cleaned and ends straightened and the area cleaned out to allow smoother flow from the pipe.

**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 plan must be obtained from the Drainage Board prior to Approval by the Plan Commission. 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. Sidewalks must be installed when sidewalks become contiguous or adjacent on surrounding properties.
7. All new single-family and two-family dwellings in minor subdivisions shall include the minimum design standards identified in 8.1 Residential Design Standards of the Hendricks County Zoning Ordinance.

Mr. Dombrosky noted that **DPR 506/23: After Action Medical & Dental Supply (Secondary)** had been administratively continued by staff.

**DPR 507/23: ZAXBY’S (SECONDARY);** a development plan review for a restaurant; 1.32 acres; Guilford Township; S20-T15N-R2E; located across from Walmart Supercenter on Upland Way – Camby (Carter Engineering Consultants)

Mr. Dombrosky stated that there was no representative present as they were out of state. They had informed him they would not be there. He noted that he and Mr. Ayres had reviewed it. It was in Heartland Crossing and would not need drainage board approval. They were recommending approval with a couple of minor changes.

Mr. Dombrosky motioned for approval of **DPR 507/23: Zaxby’s (Secondary)** subject ot staff recommendations.

Mr. Gaston seconded the motion.

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

The staff recommendations are as follows.

**drainage conditions:**

Subject to approval by the Tri-County Conservancy District.

**stAFF RECOMMENDATIONS:**

1. A modified chairback curb should be shown on Upland Way. It appears they plan to pave flush with the roadway and eliminate the curb which will not allow the water to bypass the entrance and unless extreme care is used, water can be forced out into the roadway.

**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 Area Plan Commission. Secondary Stormwater Approval must be obtained from the Drainage Board prior to Secondary Approval by the Plan Commission. In addition, an Erosion Control Permit issued by the Hendricks County Surveyor is required for individual building lots prior to obtaining a Building Permit from the Planning and Building Department.
3. The Hendricks County Planning and Building Department must be notified at least seventy-two (72) hours prior to any site improvements being installed.
4. The applicant will have two (2) years from the date of approval to obtain an Improvement Location Permit/Building Permit. Should this two (2) year period elapse without the applicant having obtained the appropriate permit, the development plan approval will become null and void.
5. Development plan approval does not constitute approval of signage unless such approval is expressly granted by the Plan Commission as part of this development plan. Signage review and approval is typically carried out as a permitting process separate from development plan approval.

**DPR 513/22: IRIVING MATERIALS (SECONDARY);** a development plan review for a concrete batch plant; 33.59 acres; Liberty Township; S34-T14N-R1W; located on the north side of E. Hendricks County Rd., approx. 1.25 miles west of the intersection with State Road 39 (Crossroads Engineers)

Mr. Dombrosky asked Mr. Kruse if he had any information on this petition.

Mr. Kruse replied that he only knew about the septic issues on this one. They were debating moving the septic up to the wooded area. He stated that Crossroads owes him where they want to put the septic tanks since the whole area is going to be asphalt or concrete. They need to be placed in an area where they will not be driven on. He has given them the information and he is waiting on them for direction. He stated they should discuss the perimeter drain outlet. He showed on the slide where he felt the options were. They would need to either drain to the pond, which is the longest route, or to the roadside ditch, which is the closer.

There was further discussion between Mr. Kruse and the members.

Mr. Gaston noted that the joint drainage board had decided to wait on this one. He stated that getting a joint drainage board together would be easy to do when they needed it.

Mr. Gaston motioned to continue **DPR 513/23: Irving Materials (Secondary)** to the April 12, 2023 meeting.

Mrs. Harrington seconded the motion.

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

**MRP 146/23: ROBERT & ELIZABETH PEDIGO;** a 1-lot minor residential plat; 2.23 acres; Middle Township; S24-T16N-R1W; located on the west side of N. CR 300 E., approx. 250 ft. south of intersection with E. CR 375 N. (Kruse Consulting)

Mr. Kruse was present. He reviewed the location and staff comment. He stated that the challenge with this one has been the perimeter drain outlet.

Mr. Dombrosky stated that after the staff letter was written, there was further discussion. He noted they had found new location to the north to an existing tile, but asked if was deep enough.

Mrs. Harrington replied that it was, but barely. She noted that the primary and secondary would most likely need to be above-ground systems to accommodate the depths of the outlet. They would also need an easement recorded on a separate document.

Mr. Kruse replied that he understood.

Mr. Dombrosky asked if there was anything at the edge of the road that would need to be cleared out.

Mr. Kruse stated that there was a fence, but he was not sure how far off the road it was.

Mr. Gaston motioned for approval of **MRP 146/23: Robert & Elizabeth Pedigo** subject to staff recommendations.

Mrs. Harrington seconded the motion.

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

The staff recommendations are as follows.

**drainage conditions:**

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

**sTAFF RecoMMENdAtions:**

1. The SSD outlet location is not an acceptable outlet and must be redesigned.
2. Anything within 10’ of the edge of the street must be removed.

**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 plan must be obtained from the Drainage Board prior to Approval by the Plan Commission. 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. Sidewalks must be installed when sidewalks become contiguous or adjacent on surrounding properties.

There was discussion between members and Mr. Kruse about a previous plat done in 2021 for Mr. Hatfield **(MIP 1128/20)** and what they were using for a perimeter drain outlet. There is a riser pipe and a tile on the development plan that they would like to use. He did not think it was clear on the plat, in the findings of fact or the staff letter on how the perimeter drain was supposed to go. Mr. Kruse stated Mrs. Harrington felt they needed to discuss it as a group, as she was not comfortable making the decision herself.

Mrs. Harrington stated that she was not present at this meeting but there were conversations about it. The plan was approved showing the perimeter drain in the easement on the east side going to the legal drain. They have since discovered there is another tile that also goes to the legal drain. They have a route to go in the future if they have any issues. The question is whether they care if they go to that tile. There was a question in her interpretation of the plat and the notes as to whether they needed another easement to use that other tile.

It was the consensus of the members that they were comfortable with it as it is.

There being no further items to be discussed, the meeting was adjourned at 9:24 a.m.

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 Tim Dombrosky, Chairman