

HENDRICKS COUNTY AREA PLAN COMMISSION ADMINISTRATIVE AND PLAT COMMITTEE

Meeting Minutes

Wednesday, February 14, 2024

9:00 AM

Hendricks County Government Center • Meeting Rooms 4 & 5
355 S Washington St #G80
Danville, IN 46122

Members Present: Ron Kneeland, John Ayres, Ginger Harrington

Members Absent: Dave Gaston

Staff Present: Tim Dombrosky, Planning Director, Brian Hurskainen, Senior Planner and Anna Wozniak, Recording Secretary

A quorum was established, the Pledge of Allegiance was recited, and Mr. Dombrosky asked for a motion to approve the minutes from the January 10, 2024 meeting. Ron Kneeland made a motion to approve the January minutes. John Ayres seconded the motion. Motion of approval passed 4-0.

MAP 756/23: Ryan & Jill Dean (Primary & Secondary) and WA 356/23; a 3-lot major plat; 22.975 acres; Middle Township; S13-T17NR1W; located at 2172 E. CR 1025 N. – Pittsboro (Kruse Consulting)

Mr. Dale Kruse – Kruse Consulting – 7384 Business Center Drive, Avon, IN 46123

Mr. Kruse: Present on behalf of the Dean Family. Gave an overview of the petition and property and addressed staff comments and recommendations.

- County Surveyors' recommendation of no basements being built; understood.
- Secondary septic field easement, Mr. Dean understands the risks involved.
- Asking for sidewalk waiver.
- Existing drive pipes currently 6" recommend to be replaced for 15" diameter pipes.

Mr. Ayres: 6" pipes are going to clog and not going to pass much. When drainage improvements are completed within the privately maintained public right of way, Hendricks County accepts no liability or responsibility for any damages that may occur because of drainage issues. It will be the responsibility of the owner. Additionally, County acceptance of maintenance in the future will also be dependent on construction of adequate roadway drainage prior to that acceptance.

Mr. Ayers: Typically when it's a public road easement we need to see drainage improvement upfront but that usually takes place during a bigger development. However, currently there is no reason to hold up the plat.

Mr. Kruse: Referring to number 5 on the Staff Recommendations, there will be a street name and sign. He also understands this project has received the maximum number of continuances.

Mr. Dombrosky: Are there any comments or questions?

Mr. Dombrosky: I have no issue with a sidewalk waiver in this context as long as the requirements are listed on there for the future.

Mr. Dombrosky opened the public hearing.

Mr. Jerry Robertson – 2115 E CR 1025 N – Pittsboro, IN 46167

Mr. Robertson asked for a copy of Staff Comments and Recommendations – copy was provided.

Mr. Robertson: I wish to appeal the decision of the Dean project. He asked for a copy of Staff Comments and Recommendations.

He presented the board with letter and photos.

- Lots 2 and 3 are not suitable for housing construction due to poor drainage.
- Exploratory trenching found 6" and 8" clay tiles installed by hand back in late 1800's to 1900's.
- These tiles were installed to help farming operations and not new modern houses.
- This construction would adversely affect Mr. Robertson's home and existing drainage.
- Photos presented taken on January 24, 2024 show standing water with only .30" of rain.

Mr. Robertson: I would like this project continued until early May when he can provide more detailed photos as proof that this property is unsuitable for building houses.

- Sharing photos with board members and explaining the drain tiles stating they are not designed for new, modern homes.

Mr. Ayers: In theory the septic system is designed to handle the extra discharge from the dishwashers, washing machines ect. The main concern is with the surface water and what it's doing to the roads.

Discussion about various roads and drain concerns.

Mrs. Harrington: Drainage has been one of the concerns from the beginning, that is why the tile work has been done. Looking back at the soil report for the septic systems, it is typical for Hendricks County. There are drainage issues which is why there was a recommendation for no basements, however not enough reason to prohibit the whole project.

Mr. Robertson: I suggest that each of the three major plats send their own tile to the main drain. I spoke with some neighbors and we all agree to allow trespass to put in tiles. But would not be responsible for cost.

Mr. Dombrosky: Would you grant them the easement across your field?

Mr. Robertson: We would allow them to trespass to put in tiles. I would have to speak with my neighbors about the formal easement.

More discussion about the different tiles and tile outlets.

Mr. Kruse: Showing where the tiles enter the legal drain and sharing reports showing water coming out in the ditch from three different tiles.

Mr. Ayers: Looks like each lot already has existing separate tiles.

Mr. Robertson: I disagree. Explains that two different places were tested and only came out from one drain.

Mrs. Harrington: Stated she has documentation that there are three different outlets.

Mr. Ayers: I don't think it will affect the County Road and won't make Mr. Robertsons current situation any worse. It will affect the property owners and their lots.

Mr. Ayers: The Drainage Board has approved the project and if the drainage issues were very serious they would have not approved it.

Mr. Dombrosky: I agree, it would be appropriate to have a conversation with the Drainage Board from your end. We are looking for approval from the Drainage Board and their expert review and approval.

Mr. Ayers: I look into and analyze the plans, but the Drainage Board has the final decision of approval.

Mr. Dombrosky: If the Drainage Board reviews it again and determines that they need to change their decision, we will also review since we are contingent on their decision.

Mr. Robertson: I am concerned it will come back on me later.

Mr. Kneeland: Mr. Robertson, I believe your thoughts are well taken here from everybody and in the future if there is an issue and Hendricks County did not make the correct decision, they will rectify it and do everything to do that.

Mr. Robertson: Can I have that in writing?

Mr. Kneeland: I also agree that having the Drainage Boards approval if something would go wrong Hendricks County would have to assist with that and make it right.

Mr. Dombrosky: Asked for waiver to be addressed at this time.

Being nothing further, Mr. Ayers moved to approve MAP 756/23: DEAN (Primary & Secondary) subject to staff letter and information presented.

Mr. Ayres made a motion to approve MAP 756/23: DEAN (Primary & Secondary)

Mrs. Harrington seconded the motion.

Motion to approve MAP 756/23 carried unanimously.

VOTE: For – 4

Against – 0

Abstained – 0

APPROVE

The staff recommendations are as follows.

DRAINAGE CONDITIONS:

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

STAFF RECOMMENDATIONS:

- 1) The County Surveyor recommends no basement be built on all lots
- 2) The Health Department recommends:
 - a) a secondary septic field easement (SSFE) on all lots
 - b) 1 soil boring within the SSFE
 - c) SSFE statement on the plat
- 3) Waiver 6.12(1)(a) Sidewalks are required on major plats
 - a) 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.
- 4) It is recommended that existing drive pipes be replaced with 15" diameter pipes.
- 5) The proposed drive must be named and a sign placed at the road intersection.
- 6) Project has received the maximum amount of continuances. There is a fee for second and third applicant initiated continuance
- 7) Proposed drainage improvements within the privately maintained public right of way are minimal or non-existent and Hendricks County accepts no liability or responsibility for any damages to the private road and/or any other damage that may occur as a result of drainage issues. Additionally, County acceptance of maintenance responsibility in the future due to replatting or other property changes will be dependent upon construction of adequate roadway drainage prior to that acceptance.

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.

WA 356/23 – MAP 756; a Waiver of the Subdivision Control Ordinance, Section 6.12.1.b – Sidewalks, Pathways & Pedestrian Ways.

Mr. Kneeland made a motion to approve WA 356/23

Mr. Ayers seconded the motion.

VOTE: For – 3

Against – 1

Abstained – 0

APPROVE

MIP 1177/23: KENNETH & KRISTEN ISLEY and WA 360/24; a 2-lot minor plat; 8.712 acres; Brown Township; S23-T17N-R1E; located on the southeast corner of CR 1000 N. and CR 750 E., lying west of White Creek (Kapur, Inc.)

Mr. David Boblitt – Kapur Inc. – 7711 N Port Washington Rd, Milwaukee, WI, 53217

Mr. Boblitt: Addressed items on the Staff Letter.

- Waiver applied for will be voted on.
- Spot elevations were completed and proposed grades will be added to the drawing.
- Shoulder and side ditch will be flowing in both directions.
- Soil boring in the Secondary Septic Field Easement was recommended by the Health Department.
- Primary septic for lot 1 is showing above grade system.
- A&P signature block was obtained.
- Address has been removed.

Mr. Ayers: You have added the spot elevations, so it drains now? Before it showed wet spots, and we will need the updates to reflect the proposed grades since we are showing the low spots.

Mr. Dombrosky: So we are talking about the side ditch grades, is that right? On both sides?

Mr. Ayers: Just on the East side. The grades showing are the existing grades and we need the proposed grades for that ditch.

Mr. Dombrosky: Is it flat or is not, I can't tell. Should it be flowing North?

Mr. Boblitt: They are in both directions about the North drive. Flowing North to the existing culvert and drain down to the existing ditch.

Mr. Ayers: Show the typical section on the left shoulder of the ditch.

Mr. Dombrosky opened and closed the public hearing.

Being nothing further, Mr. Dombrosky asked for a motion.

Mr. Ayres made a motion to approve MIP 1177/23: ISLEY subject to staff letter and changes being made as listed in items 2 and 3 in the recommendations.

Mrs. Harrington seconded the motion.

Motion to approve MIP 1177/23 carried unanimously.

VOTE: For – 4 Against – 0 Abstained – 0 APPROVE

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 within Brown Township
 - a) 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) Spot elevations shown in the ditch appear to show a low spot between the drive pipes on CR 750 E. Grades must be revised to provide positive drainage.
- 3) A typical section showing shoulder and side ditch must be provided.
- 4) Health Department recommends a soil boring in the Secondary Septic Field Easement for lot 2.
- 5) Primary septic for lot 1 will be above grade system.
- 6) A&P signature block on all sheets of plat
- 7) Address on lot one is incorrect and has not been assigned yet

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.

WA 360/24 – MIP 1177; a Waiver of the Subdivision Control Ordinance, Section 6.12.1.b – Sidewalks, Pathways & Pedestrian Ways.

Mr. Dombrosky: The Fire Department didn't put in the requirement for sidewalks.

Mr. Boblitt: Is there is a standard note on the plat?

Mr. Dombrosky: Yes, the sidewalks will be required if they ever come adjacent to the property.

Being nothing further, Mr. Dombrosky asked for a motion.

Mr. Ayres made a motion to approve WA 360/24: ISLEY

Mr. Kneeland seconded the motion.

VOTE: For – 3

Against – 1

Abstained – 0

APPROVE

MIP 1171/23: JOHN DIEHL; one minor plat; 13.37 acres; Washington Township; S32-16N-1E; located at West side of N 475 E on Lucas Lane, Approx. ¼ N or CR 100 N (Kruse Consulting)

Mr. Dale Kruse – Kruse Consulting – 7384 Business Center Drive, Avon, IN 46123

Mr. Kruse: Present on behalf of the Diehl Family.

Mr. Kruse: All the staff recommendations have been addressed.

- The notes have been added on the plat regarding the SSD outlet on lot 3.
- Soil borings are showing for the primary on lot 2 and showing area of wetness that was noted on soil report.
- Street sign has been taken care of.
- There is a note showing the septic location on lot 3 requiring an upslope diversion swale forcing the water away from the south property line.

Being nothing further, Mr. Dombrosky asked for a motion.

Mr. Ayres made a motion to approve MIP 1171/23: DIEHL

Mrs. Harrington seconded the motion.

Motion to approve MIP 1171/23 carried unanimously.

VOTE: For – 4

Against – 0

Abstained – 0

APPROVE

The staff recommendations are as follows.

DRAINAGE CONDITIONS:

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

STAFF RECOMMENDATIONS:

- 1) SSD outlet on lot3 must terminate with 10' solid walled pipe, rip rap and animal guard.
- 2) Show soil borings for the primary on lot 2. Show area of wetness that was noted on soil report.
- 3) Show a street sign (and proper color based on ownership) at the entrance with the stop sign.
- 4) Septic location on lot 3 will require an upslope diversion swale that should force water away from the south property line

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.

Being no further business before the board, the meeting was adjourned at 9:39 am.

Tim Dombrosky
Chairman