The Hendricks County Area Plan Commission Administrative and Plat Committee held a meeting on Wednesday, April 12, 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; Mr. John Ayres, 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 five (5) members present.

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

Mrs. Harrington motioned for approval of the minutes for the March 15, 2023 meeting.

Mr. Kneeland seconded the motion.

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

**MIP 1167/23: TERRY & SHIRLEY LEE;** a 3-lot minor plat; 10.5 acres; Union Township; S17-T17N-R1W; located at 9389 N. County Road 200 W. – Lizton (MJ Gibson Land Surveying)

Mr. Dombrosky noted that this case had been continued at the drainage board and that there were still many unaddressed staff comments. Seeing no representation for this case, he suggested that it be continued.

Mrs. Harrington motioned to continue **MIP 1167/23: Terry & Shirley Lee** to the May 10, 2023 meeting.

Mr. Kneeland seconded the motion.

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

**MIP 1168/23: SAMMY DOTLICH;** a 2-lot minor plat; 28.08 acres; Brown Township; S15-T17N-R1E; located at 6810 E. County Road 1000 N. – Brownsburg (Survey First)

**WA 345/23: MIP 1168/DOTLICH;** a waiver of the Subdivision Control Ordinance, Section 6.12.1.B – Sidewalks, Pathways & Pedestrian Ways (Survey First)

Mr. Tim Higbie, Survey First, 64 E. Marion Street, Danville was present. He reviewed the location and staff comments. He stated that they had shown the type of street trees, there were no obstructions within 10 feet of the right of way, they showed two roadside ditches since the property is split. He noted a detail he had added on one part for the grading. They were trying to take the flowline to a pipe that runs all the way down CR 1000 and empties into a ditch onto Mr. Dotlich’s property. He would like to take the underdrain and tee into that pipe. Once they cross the driveway with the flowline, they could riprap the flowline from the culvert over to the end section of that pipe.

Mr. Ayres asked if the grades would work.

Mr. Higbie stated that the pipe heads south towards the road and makes a 90 degree turn and then heads down the road.

Mr. Ayres asked where the surface water was going to go.

Mr. Higbie replied that went to that pipe as it does currently.

There was further discussion about elevations of the pipe and culvert and the outlet drain.

Mr. Ayres stated he would feel better if there were a structure there for the surface water and took the underdrain to.

Mr. Higbie stated he understood.

Mr. Higbie asked about the variable drainage easement instrument number. He stated that he did not have an instrument number. He noted that the MRP lot had a drainage easement per the plat. He would like to put a drainage easement on this plat for his client since it was such a large area.

Mr. Dombrosky asked if the existing drainage easement was not a separate document.

Mr. Higbie replied it was not.

Mr. Gaston noted that it may possibly be a vacated regulated drain easement. He believed that it was vacated and went away in 1998.

Mr. Gaston asked about the easement on the minor plat. He would like to keep it consistent. He thought it was likely 75 feet from top of bank.

Mr. Higbie replied he was not sure but would check and tie into it.

Mr. Higbie stated that the other outstanding issue brought up was the septic field reserve being on a contour. He took that and turned it to move it off the ravine. He showed where it had been moved. He felt they had taken enough elevations out there to see where it was.

Mrs. Harrington asked to be shown where the soil borings were.

Mr. Higbie showed them on the plans.

Mrs. Harrington stated that now there were not three (3) borings in the proposed field.

There was further discussion about the soil borings and septic field.

Mr. Gaston and Mr. Higbie discussed fluvial erosion in the area.

Mrs. Harrington stated she felt it would be best to continue in order to address the issues of the soil borings in the fluvial erosion area. She did not feel comfortable with how it was shown and if there would be enough room.

Mrs. Harrington motioned to continue **MIP 116823: Sammy Dotlich** to the May 10, 2023 meeting. Mr. Gaston voted against.

Mr. Kneeland seconded the motion.

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

Mrs. Harrington motioned to continue **WA 345/23** to the May 10, 2023 meeting. Mr. Gaston voted against.

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

**MIP 1169/23: JOE STEWARD;** a 3-lot minor plat; 16 acres; Marion Township; S6-T15N-R2W; located on the north side of W. US Highway 36, approx. 0.5 miles east of the intersection with N. Putnam County Rd. (Kruse Consulting)

Mr. Dale Kruse, Kruse Consulting, was present. He reviewed the location and staff comments. He stated that he has not shown inverts and drive pipes because both require INDOT permits, and they have not received their design details. He noted they were supposed to have permits by the end of the week.

Mr. Ayres asked if INDOT did not want to see what you were putting in when they applied for the permits.

Mr. Kruse replied that his contact stated they should have the permit by the end of the week, and he would talk then about what type of pipe they wanted.

Mr. Ayres asked about the ditch grades.

Mr. Kruse stated they were on the plans. The grades are the existing ones, they were not re-ditching other than putting pipes in at the driveway.

There was discussion about changing the scale to 60 versus 120.

Mr. Ayres stated he was not comfortable approving without knowing what INDOT wants as far as pipe size, etc.

Mr. Ayres motioned to continue **MIP 1169/23: Joe Steward** to the May 10, 2023 meeting.

Mrs. Harrington seconded the motion.

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

**DPR 506/23: AFTER ACTION MEDICAL & DENTAL SUPPLY (SECONDARY);** a development plan review for a commercial building; 2.92 acres; Guilford Township; S20-T14N-R2E; located at 10535 Prosperity Circle, Camby – east of Union Mills Dr. (Tesco Solutions)

There was no representative present for this case, Mr. Dombrosky stated that it should be continued.

Mr. Dombrosky motioned to continue **DPR 506/23: After Action Medical & Dental Supply (Secondary)** to the May 10, 2023 meeting.

Mr. Ayres seconded the motion.

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

**DPR 512/23: HEARTLAND CROSSING NORTH-LOT 308/STAY APT SUITES (SECONDARY);** a development plan review for a long term stay hotel; 3.09 acres; Guilford Township; S20-T14N-R2E; located on the southwest corner of E. County Road 800 S. and S. Raceway Rd. (Stoeppelwerth & Associates)

Mr. Ryan Rediger, Stoeppelwerth & Associates, was present. He noted that Lot 308 has been recorded. They have gone through VS Engineering and have been approved by Tri-County Conservancy District. Heartland Crossing Business Park has not supplied an approval letter as they are requesting some architectural plans before they will supply a letter. He stated they have supplied responses to the staff comments.

Mr. Dombrosky asked when they would know what the building looks like.

Mr. Rediger stated they have been working with the client. They are still reviewing another option, but he felt he should know within the next 30 days. He stated the other option would not affect any of the setbacks, landscape buffers or anything like that.

Mr. Dombrosky stated that there was no reason to push for approval. He stated they needed to know by the next meeting.

There was discussion of what possible changes may occur.

It was the consensus of the members that they were not comfortable with approving without knowing more details.

Mr. Ayres noted the staff comment about the flowline of the drive. It needed more detail to be shown.

Mr. Ayres motioned to continue **DPR 512/23: Heartland Crossing North – Lot 308/StayApt Suites (Secondary)**.

Mrs. Harrington seconded the motion.

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

**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. Mike LaGrange, Irving Materials, Mr. Michael Kalberg, Crossroads Engineers, and Mr. Dale Kruse, Kruse Consulting, were present.

Mr. Kalberg noted that the only comments left was regarding the septic, so they had Mr. Kruse there as he was designing the septic system.

Mrs. Harrington asked if they had received their IDEM approval for the asphalt plant. She had only seen the one for the concrete plant.

Mr. LaGrange replied that the IDEM approval will be based on the plant they choose to put at that location. They have not done that yet. The approval would be for the construction of the plant.

Mrs. Harrington was concerned about moving forward without IDEM’s approval.

Mr. LaGrange stated it was his understanding that it was based on the construction of the plant.

Mr. Ayres asked what the IDEM approval was for.

Mrs. Harrington replied that it was for air quality.

Mr. Gaston asked what the timeframe was for the asphalt plant.

Mr. LaGrange replied it would be a year or two.

Mrs. Harrington asked how that would work if they came back after a year for the asphalt plant.

Mr. Dombrosky stated that the air permit was just another step in the building process. He did not see the distinction.

Mr. Gaston asked if the drainage design was all hard surface, so the plant would be placed on top.

Mr. Kalberg replied it was.

Mr. Dombrosky asked if the septic design got nailed down and put on the plans.

Mrs. Harrington replied that she was good with what Mr. Kruse had submitted. She did not like having it on separate plans and asked if those could be combined.

Mr. Gaston noted that the neighbor had contacted him about wanting Irving Materials to put in a tile. He asked if they had spoken to them about that.

Mr. LaGrange replied that it had been addressed. He explained further and showed where they had planned to put a tile in.

Mr. Dombrosky asked what could change with IDEM permitting process when they construct an asphalt plant.

Mr. LaGrange explained that it is based on how many cubic yards of concrete you produce at the site and having the proper dust control and bag houses on the equipment. They are going to look at the fugitive dust that you will have with the production. That is controlled by water suppression or with the proper bag houses on the equipment. There is not much exterior change as all the equipment comes with those things.

Mr. Dombrosky motioned for approval of **DPR 513/22: Irving Materials (Secondary)** subject to staff recommendations, combining plan sheets and obtaining the IDEM approval prior to issuing of building permits for the asphalt plant.

Mr. Ayres seconded the motion.

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

The staff recommendations are as follows.

**drainage conditions:**

Subject to approval by the Hendricks County Drainage Board.

**stAFF RECOMMENDATIONS:**

1. Provide a primary and secondary septic field location.
2. Provide Technical Data Sheet from Indiana Department of Health for septic design prior to final approval.
3. Provide 3 soil borings in the primary septic field and 1 soil boring in the secondary septic field easement.
4. The septic system must be on contour.
5. Provide a subsurface drain outlet for the septic system.
6. Offsite culvert replacement on County Line Road must be complete prior to plant beginning production.
7. The application has had the maximum number of continuances. The Committee may agree to continuance in excess of the maximum if they find that unusual circumstances warrant it.

**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 elapses 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.

**MAP 17/23: LAKELAND MANOR-LOTS 15/16 (REPLAT);** a 2-lot major plat replat; 1.25 acres; Lincoln Township; S5-T16N-R2E; located at 6363 and 6369 Lakeland Blvd. – Indianapolis (Benchmark Services

Mr. Dombrosky stated he saw no representative and noted they were not ready to approve. He asked for a motion.

Mrs. Harrington motioned to continue **MAP 17/23: Lakeland Manor (Replat)** to the May 10, 2023 meeting.

Mr. Kneeland seconded the motion.

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

**MRP 148/23: EMILY PURDY;** a 1-lot minor residential plat; 10 acres; Center Township; S24-T15N-R1W; located on the north side of County Road 200 S., approx. 1700 feet east of County Road 300 E. (Banning Engineering)

**WA 346/23: MRP 148/PURDY;** a waiver of the Subdivision Control Ordinance, Section 2.11 – Lot Depth (Banning Engineering)

Mr. Kevin Rowland, Banning Engineering, was present with the homeowners, Emily and Matt Purdy. He reviewed the location and history of the split of property. He stated that the owners had questions about why staff were asking for a remainder.

Mr. Dombrosky asked if they wanted to withdraw the waiver.

Mrs. Purdy asked why they were asked to do a waiver when the three (3) neighbors to the east and west did not have to do it. They had a neighbor that may have done it in 2012, but a building permit was issued last year. She felt it was unfair when others have the same thing they were requesting.

Mr. Dombrosky explained that they have to come up with a reason why they should not follow the rule which is a lot should not be three times deeper than it is wide. The rule was created after those lots were platted.

Mr. Purdy replied that because of that, it should be grandfathered in and be allowed. He explained that they would have to change the location of their home.

Mrs. Purdy explained that because there was already existing electrical run to that location of the barn. They were planning on using those when they tore the barn down and put their home there.

Mr. Ayres asked what would change if they had to split off four (4) acres.

Mr. Purdy replied the house location would likely have to change due to easements and/or setbacks.

Mr. Gaston noted that he would be okay with the waiver.

Mr. Ayres stated that he did not see any disadvantage. They would not do anything with the 4 acres, and it does not change the position of the house and barn.

There was further discussion about splitting the property.

Mr. Dombrosky noted that the lot to the east was not platted so they would be in the same situation as the Purdy’s. He stated that the lot to the west was platted like that, and he could not speak as to why. The ordinance is based on a number of criteria, one being orderly development. Does this impede orderly development in the future. They could argue that the lot to the west was already going to impede development and it would not create any new hardship. He felt that could be a reasonable argument. He stated that they had refunded the waiver fee.

Mrs. Purdy stated that she had been contacted about the refund.

 Mr. Purdy stated that would be their argument that the lot to the west was already going to impede orderly development.

 Mrs. Harrington stated she would be okay with the waiver based on the location and what was around it.

Mr. Gaston motioned for approval of **WA 346/23** subject to repayment of the waiver fee.

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

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

Mr. Dombrosky stated there were some outstanding comments for the plat to address. He believed the perimeter drain had been updated. He asked about the ditch spot grading.

Mr. Ayres noted they were shown.

Mr. Rowland stated they were basically offsetting the existing ditch. It is not a big ditch to begin with.

Mr. Ayres was confused about the comment about the driveway. There was discussion about which would be the construction drive and permanent drive.

Mr. Ayres asked about the easement.

Mr. Rowland explained that it was a licensed agreement, not an easement. He stated that the neighbors have a garage and an outbuilding that they need to access. He showed how they currently access it on the plans. They wanted to designate a strip for each for access.

Mr. Ayres asked if there was a pipe under the drive and if it was shown what it was. He wanted to know if they had enough depth to get it covered. He would like a 15-inch instead of a 12-inch pipe.

Mr. Rowland stated it was a really shallow area. There was further discussion.

Mr. Dombrosky stated that the ditch and pipe would need to be constructed prior to recording.

There was discussion about whether they were replacing the pipe. They had planned on re-grading it.

Mr. Ayres stated that he would prefer that even if they were going to keep a 12-inch pipe, that they replace it and move it back and line it up to clean up the flow line. He asked if it was solid PVC or a corrugated pipe.

It was determined upon further looking that it was a solid PVC pipe.

Mr. Ayres stated he would feel more comfortable with a new metal pipe and then moving it to an angle slightly to make it a smoother transition.

 It was noted that they would need revised construction plans.

Mr. Ayres motioned for approval of **MRP 148/23: Emily Purdy** subject to staff recommendations and replacement and realignment of the driveway pipe as well as submitting revised plans.

Mrs. Harrington seconded the motion.

 FOR – 5 – 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. #5 under cert of ownership has incorrect wording, 200 S is an Urban Minor Collector in this area.
2. Any obstruction within 10 feet of the edge of pavement must be removed.
3. Offsite easement must be recorded as separate document with instrument number noted on development plan prior to recording.
4. Provide spot elevations for the ditch regrading.
5. Show existing pipes under the driveways with invert elevations.
6. The intent for the driveways must be clarified; if the existing drive on the new lot is to be used only as a construction drive as noted and not the permanent drive location, the Ingress Egress easement is located on the wrong lot. If one of the drives is to be abandoned that needs to be noted on the plans.

**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.

It was noted at this time, Mr. Don Humphreys, Tesco Solutions appeared after the vote to continue.

Mr. Dombrosky asked what the members wished to do.

Mr. Ayres stated that there were a lot of comments in the staff letter. He asked if those had been addressed.

 Mr. Humphreys replied that he believed most of them had been addressed to his knowledge.

 There was further discussion, and it was determined that the continuance would stand.

There being no further items to be discussed, the meeting was adjourned at 10:26 a.m.

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 Tim Dombrosky, Chairman