

December 14, 2016

The Hendricks County Area Plan Commission Administrative and Plat Committee held a meeting on Wednesday, December 14, 2016 at 9:00 a.m. in the Hendricks County Government Center, Room 4 & 5, 355 South Washington Street, Danville, Indiana. Members present: Mr. Don Reitz, AICP, Planning Director and Chairman; Mrs. Sonnie Johnston, Plan Commission Member Representative; Mrs. Julie Haan, Environmental Health Director; and Mr. David Gaston, County Surveyor. Also present was: Mr. Tim Dombrosky, Senior Planner; Mr. Nick Hufford, Planner; and Mrs. Joanne Garcia, Recording Secretary.

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

Mr. Reitz then called for approval of the minutes for the November 10, 2016 meeting.

Mrs. Johnston made a motion to approve the November 10, 2016 meeting minutes.

Mr. Gaston seconded the motion with Mrs. Haan abstaining.

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

Mr. Reitz then called for the first item on the Public Hearing portion of the agenda as follows:

MIP 1078/16: STEPHEN H. HOOP; a 3-lot minor subdivision, 6.22 acres, Clay Township, S30-T15N-R1W, located on the east side of County Road 250 West and south of County Road 350 West. (Recommended Land Surveying, Inc.)

Mr. Michael Huter of Recommended Land Surveying appeared along with Mr. Stephen Hoop, the applicant.

Mr. Reitz asked for a review of the staff's conditions and recommendations.

Mr. Huter reviewed the request for a 3 lot minor subdivision and the location of same. He discussed the drainage plan for the project. He stated that there was an existing home on the proposed Lot 3 and an existing barn on Lot 2. He stated there was no new construction proposed for Lot 3. He stated that the immediate plan was to construct one home on Lot 2 and any future development on Lot 1 was unclear at this time. He then addressed the staff comments and stated that they had an easement for the outlet pipe they were proposing to install as the perimeter drain. He stated their survey was now recorded.

Mr. Gaston asked if the offsite easement had been recorded.

Mr. Huter stated yes and he would provide copies.

Mr. Gaston asked Mrs. Haan if she was satisfied with the comment #1.

Mrs. Haan stated yes and that it was just for notification.

Mr. Huter stated he was unsure of Comment #1 regarding the septic system on Lot 3.

Mrs. Haan stated that comment indicated that her department had probed and found at least two existing fingers and no surface failure. She stated that would be an acceptable system for now.

Mr. Dombrosky stated that he was satisfied with the easement and the plat looked good.

Mrs. Haan asked for a copy of the recorded offsite easement.

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There being no further questions or comments, Mr. Reitz opened the public hearing. There being no one signed up to be heard, Mr. Reitz closed the public hearing.

Mr. Gaston stated that the project had received Drainage Board approval.

Mrs. Haan then made a motion to grant approval for **MIP 1078/16: Stephen H. Hoop** subject to the conditions and recommendations in staff's letter dated December 14, 2016.

Mrs. Johnston seconded the motion.

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

The staff conditions and recommendations were as follows:

DRAINAGE CONDITIONS:

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

STAFF RECOMMENDATIONS:

1. The Health Department does not have a record of a permitted onsite septic system for the existing home on lot 3. However, Health Department staff was able to verify that at least two fingers exist that show no obvious signs of surface failure and do not leave the property.
2. Prior to recording the plat, a signed offsite easement must be provided for the septic system perimeter drains.
3. A Plat must be presented that meets the requirements for recording.

CONDITIONS OF APPROVAL:

1. This development is subject to Section 8.1 Residential Design Standards in the Hendricks County Zoning Ordinance.
2. 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.
3. 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 or development plan must be obtained from the Drainage Board prior to approval 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.
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 sever 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 needed 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. 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.
7. The Hendricks County Planning and Building Department must be notified at least seventy-two (72) hours prior to any site improvements being installed.
8. Addresses must be added to the final plat prior to recording. The Director of the Plan Commission will not sign the final plat without addresses included. To obtain addresses, the applicant must submit a request to the Planning and Building Department well in advance of the recording package being forwarded to the Hendricks County Engineer's Office. The Plat Address Information Sheet submitted with the plat application does not constitute a request for addresses.

Mr. Reitz then called for the hearing on the Business Session items as follows:

MRP 067/16: JAMES R. PATRICK; a 1-lot minor residential plat, 5.73 acres, Franklin Township, S17-T14N-R2W, located on the north side of Masten Road, approximately one mile north of U.S. Highway 40. (Kruse Consulting, Inc.)

Mr. Dale Kruse of Kruse Consulting, Inc. appeared on behalf of Mr. Patrick. He reviewed the location of the property. He stated the parcel was created illegally so the proposed plat would bring the property into compliance and allow Mr. Patrick to construct a home on the lot. Mr. Kruse discussed the staff recommendation to provide three soil borings within the proposed septic field. Mr. Kruse stated they had completed those borings and would place them on the development plan. He stated that Mr. Ayers had asked for a roadside ditch to be added along the frontage and that had been completed. He then discussed the offsite easement for the perimeter drain. He explained that the adjoining neighbor had now refused to speak to them about the easement. He stated, however, that there was an easement already in place on that neighbor's property and was not in the location wished for. Mr. Kruse stated their position was to utilize the lesser desirable location and route, which did work, and until the neighbor decided to provide them with use of the easement in the location that he had flagged for them.

Mr. Kruse discussed the less desirable easement with the staff and answered their questions.

There being no further questions or comments, Mr. Reitz called for a motion.

Mr. Gaston made a motion to grant approval for **MRP 067/16: James R. Patrick** subject to the conditions and recommendations in staff's letter dated December 14, 2016 and use of existing recorded easement location.

Mrs. Johnston seconded the motion.

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

The staff conditions and recommendations were as follows:

DRAINAGE CONDITIONS:

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

STAFF RECOMMENDATIONS:

1. Three soil borings must be provided within the proposed septic field. The subsurface drain is required to discharge to a dye-tested free flowing tile, a water body or a defined channel as shown on the USGS map as an intermittent stream.

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 Area Plan Commission. Secondary Stormwater Approval for a plat 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 prior to obtaining a Building Permit from the Planning and Building Department.
3. A septic system must be designed for the lot 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 needed on each lot prior to final approval.
4. 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.
5. Secondary septic field easements (SSFE) must be shown on the plat, or separate easement document to be recorded with the plat must be provided.
6. 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.
9. The Hendricks County Planning and Building Department must be notified at least seventy-two (72) hours prior to any site improvements being installed.
10. Addresses must be added to the final plat prior to recording. The Director of the Plan Commission will not sign the final plat without addresses included. To obtain addresses, the applicant must submit a request to the Planning and Building Department well in advance of the recording package being forwarded to the Hendricks County Engineer's Office. The Plat Address Information Sheet submitted with the plat application does not constitute a request for addresses.

MRP 068/16: BRIAN ABNEY (MICHAEL BENJAMIN); a 1-lot minor residential plat, 20.44 acres, Brown Township, S19-T17N-R2E, located on the north side of County Road 950 North, east of County Road 950 East. (Moench Engineering, P.C.)

WA 280/16: MRP 068 BRIAN ABNEY (MICHAEL BENJAMIN); a Waiver of the Subdivision Control Ordinance, Sec. 6.12 (1.) (b.) Sidewalks. (Moench Engineering, P.C.)

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Mr. Tucker Potthast of Moench Engineering appeared on behalf of Mr. Abney. Mr. Potthast reviewed the proposed plat and the location of same.

Mr. Gaston then asked if the matter had been heard before the Drainage Board.

Mr. Potthast stated he did not know for sure. Mr. Potthast displayed the development plan and plat for the project in which a 2 acre tract was being split from a 20 acre parent parcel.

Mr. Gaston excused himself from the meeting to check his office to see if the project had been filed with the Drainage board.

Mr. Gaston then returned and stated that it had not been filed with the Drainage Board. He added that the members could approve it subject to Drainage Board approval. He stated that the next meeting was on December 27th.

After some further discussion, Mr. Gaston instructed Mr. Potthast to fill out a Drainage Board application and the matter could be heard on December 27th. He then looked at the development plans for the project. He asked if the drainage was going to the Batz regulated drain.

Mr. Potthast stated it was going through the regulated drainage way.

Mr. Gaston stated that the plans needed to be labelled as the Batz Legal Drain. Mr. Gaston then added that it would not be an issue with him if the members approved the project subject to approval by the Drainage Board. He asked if there was an offsite easement.

Mr. Potthast stated that it was described on the plans but it had not been recorded.

Mr. Gaston stated that it also needed to be approved subject to recording of the plat. He asked if Mrs. Haan was okay with the septic system.

Mrs. Haan stated that she was okay with the septic system. She stated, however, that the secondary septic field easement statement needed to be added to the plat and that condition was listed in the staff's letter.

Mr. Potthast agreed and asked about specific language.

Mrs. Haan stated the language was included in #6 of the staff's letter.

Mr. Gaston asked for the actual plat that would be recorded for the lot being created. Mr. Gaston discussed what would be needed for a recordable plat with Mr. Potthast.

After further discussion, Mr. Gaston stated he would prefer to see the plat and hear the matter at the Drainage Board. He recommended a continuance.

Mr. Gaston made a motion to continue **MRP 068/16: Brian Abney (Michael Benjamin)** for thirty (30) days to the January meeting.

Mrs. Johnston seconded the motion.

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

Mr. Gaston then made a motion to continue **WA 280/16: MRP 068 Brian Abney (Michael Benjamin) – Sidewalks** for thirty (30) days to the January meeting.

Mrs. Johnston seconded the motion.

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FOR – 4 –

AGAINST – 0 –

ABSTAINED – 0 –

DPR 455/16 (SECONDARY): GRANARY BARN & EVENT HALL; a development plan review to establish a wedding barn and event hall, 4.79 acres, Marion Township, S6-T15N-R2W, located on and along the south side of County Road 100 North, approximately 1 mile west of State Road 75. (Kruse Consulting, Inc.)

Mr. Mike Sells with Kruse Consulting, Inc. appeared on behalf of the applicant, Barbara Leath. He reviewed the conditions in staff's letter dated December 14, 2016. He stated that they had received final Drainage Board approval. He stated they acknowledged staff comments 1 through 4. He stated that the planning department had been provided a copy of the lighting plan and specifications. He stated in regard to comment #6, the Comer Law Office had prepared an offsite drainage easement and he provided Mr. Dombrosky with an unexecuted copy of that document. He explained that his client was supposed to have executed the document but so far he had not received an executed copy. He asked that the matter be approved subject to receipt of the executed copy prior to recording of the plat. He then went on to say that in regard to Comment #7, they were going to retain the existing well and it would be strictly utilized for landscaping and irrigation purposes only. He stated with respect to the "recycled asphalt product" in comment #8, he read a description of that product. He stated with regard to the entrance and exit drives, Ms. Leath had a preference to develop the parking lot as submitted and he pulled up the plans to discuss this. Mr. Sells discussed the parking and drive areas with the members. He then discussed the ADA compliant walkways that were required. Mr. Sells was informed that only access to the main buildings needed to be ADA compliant.

Mr. Gaston asked about the proposed gravel around the silos and whether or not they should be ADA compliant.

Mr. Dombrosky stated that would not be required at that location but only for access to the main buildings. He stated they would like more information from Rieth-Riley on the materials to be used.

Mr. Sells agreed to provide extra specifications.

Mr. Dombrosky then discussed with Mr. Sells the lighting plan specifications and that it did not show property lines on the south. Mr. Sells stated he would provide an updated lighting plan.

Mr. Gaston asked Mr. Reitz's opinion on the project.

Mr. Reitz stated he thought they were trying to do something a little creative and different and that it was largely consistent with the intent of the zoning ordinance.

Mr. Gaston then made a motion to grant secondary approval for **DPR 455/16: Granary Barn & Event Hall (Secondary)** subject to the following conditions:

1. Conditions & recommendations in staff's letter dated 12/14/2016;
2. Discussion and agreements at this meeting to include submittal of additional pavement specs, lighting plan expansion to south property line and receipt of recorded drainage easement prior to recording of plat.

Mrs. Haan seconded the motion.

FOR – 4 –

AGAINST – 0 –

ABSTAINED – 0 –

The staff conditions and recommendations were as follows:

DRAINAGE CONDITIONS:

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

STAFF RECOMMENDATIONS:

1. The project engineer must provide an estimate of construction cost and post a performance guarantee prior to the issuance of an Improvement Location Permit.
2. This development is subject to the Non-residential Design Standards in the Hendricks County Zoning Ordinance.
3. The applicant received a variance from the parking lot and buffer landscaping requirements.
4. The applicant received modifications to the standards of the Zoning Ordinance from the Plan Commission for bike parking and a hard surface parking lot.
5. The applicant must provide a lighting plan prior to secondary approval.
6. The offsite stormwater improvements **must** be contained in an easement or Right of Way, as it drains the County roadway as well as this property.
7. The applicant must provide a letter explaining the use of the existing well.
8. Details of the proposed "recycled asphalt product" must be provided, explaining what kind of material it is.
9. Staff recommends that the parking lot have HMA placed in the entrance and exit drive, and in the areas of the handicapped parking spots.
10. It doesn't appear that the gravel pedestrian pathways are ADA compliant.

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 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's 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. To obtain addresses, the applicant must submit a request to the Planning and Building Department. The Plat Address Information Sheet submitted with the plat application does not constitute a request for addresses.
6. 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.

7. No Improvement Location Permit/Building Permit shall be issued until any plat associated with Secondary Development Plan Review has been recorded.
8. A State Plan Release is also required for multifamily, residential and non-residential (commercial and industrial) projects. In no way will a Development Plan Review be construed as a substitute or a waiver for these other required permits.

Mr. Reitz stated that concluded the agenda. He stated there was an item for discussion put forth by the engineering inspector, Roger Salsman.

WOODCREEK CROSSING, SECTION 9

Mr. Roger Salsman, Engineering Inspector, and Mr. Pat Lister, Weihe Construction appeared.

Mr. Roger Salsman appeared and explained that during construction in this subdivision a concrete pipe was damaged during lime stabilization in the street. He stated it was his understanding that our inspector on the site, Richard Condre of CMT, recommended that they video that section of pipe prior to paving to insure integrity of the pipe due to the shallow depth and this was not done. He explained further what was done on the site to repair the pipe. He explained the problems the site inspector witnessed on December 5th when the paving contractor arrived. He stated that Mr. Condre did not allow the asphalt to be laid down due to the improper asphalt mix being brought to the site and the temperatures were too cold. He further stated that the asphalt plants would probably be closing for the season soon. He stated, however, that the paving contractor had shown up on site this week and filled the hole in the pavement with asphalt intermediate to seal the hole. Mr. Salsman stated that the developer, Joe Farruggia was now requesting that the plat be allowed to be recorded prior to placement of the asphalt surface on this area. Mr. Salsman stated that a list had been provided of the outstanding items to be addressed by our inspector. He stated that by ordinance Mr. Farruggia was required to complete the project subject to the design specifications and completion of all improvements, including the asphalt surface. As this could not be done this year and Mr. Farruggia was asking for the plat to be recorded, Mr. Salsman stated he had been in discussion with Mr. Ayers, the County Engineer, and Mr. Ayers was willing to accept the installation of the intermediate and require milling for the placement of surface next year. He stated without knowing a time schedule for these items, he set an arbitrary date of June 1, 2017. Mr. Salsman also discussed where they were as far as the surety requirements. He stated Hendricks County would definitely want the street repair to have a surety posted. He added that his recommendation was to return the current surety submitted and replace with a performance surety covering both items, the maintenance amount and asphalt repair.

Mr. Gaston asked what the amount would be.

Mr. Salsman responded with a guess that the asphalt repair would be less than \$2,000 and he explained how he came up with that calculation.

Mr. Lister gave a suggestion to help out Mr. Farruggia and asked if it was possible to take the surety issue away from Mr. Farruggia and Weihe Construction would post the surety bond for the additional amount and so that Mr. Farruggia could keep the maintenance bond in place.

Mr. Salsman explained the problems that had occurred in the past with this type of arrangement. There was a discussion with Mr. Lister and the staff on the matter.

Mr. Reitz asked Mr. Salsman what he recommended and Mr. Salsman referred to the letter he had submitted with suggestions about making one surety and also about the timeframe involved.

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Mr. Gaston stated he was okay with allowing the recording with a timeframe of six months to complete the improvements. He stated he did not understand the bonding procedures.

Mr. Dombrosky stated he did not think we could be flexible on it because of the ordinance requirements.

Mr. Lister then discussed the acceptance of the sanitary sewer and water and the requirements needed to be met regarding it.

Mr. Salsman stated he needed a letter from Citizen's Water and West Central Conservancy District.

Mr. Lister and Mr. Salsman discussed other items listed in Mr. Salsman's letter and email from Richard Condre and the completion of those items.

Mr. Gaston stated he was okay with what was discussed and working out the bonding with Roger.

Tim asked Mr. Salsman for clarification that he was suggesting a performance bond at this time be the cost of the improvement and not all of it or was that not correct.

Mr. Reitz stated it seemed they were going through a lot of discussion when it should be simpler.

Mr. Gaston stated he was okay with what had been discussed as long as there was money behind it and that to be easily accessible.

Mr. Gaston stated he was okay with a cashier's check.

Mr. Salsman shared his calculations and stated the minimum surety amount should be \$5,000.00.

Mr. Dombrosky asked if he was recommending a new maintenance bond as well.

Mr. Salsman stated a possible easier solution was to retain the existing maintenance bond, and wait for a completion affidavit once all items have been addressed and send out a letter stating the exact date the maintenance period began. He stated at this time, there was not much risk because they could also freeze all building permits, if necessary. So, in review, post a performance surety in addition to the existing maintenance surety, complete Mr. Condre's items and then allow the plat to be recorded.

Mr. Reitz asked what should the amount be?

Mr. Salsman stated a minimum of \$5,000.00 and complete the items on Mr. Condre's list, bring the balance to a positive on the inspection fees which were approximately \$7,000.00.

After further discussion among the staff, the following motion was made by Mr. Gaston:

Grant approval to allow the plat for Woodcreek Crossing, Section 9 to be recorded prior to completion of the improvements and subject to the following conditions:

1. Letter by Roger Salsman, Engineering Inspector, dated December 12, 2016 with the amendment of Item #2 to allow two (2) bonds to be submitted by the developer;
2. Acceptance by Rich Condre of CMT that all items of his December 5, 2016 punch list have been addressed to his satisfaction;
3. The street signs must be up as soon as practical and prior to April 1, 2016;

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4. The asphalt surface required to be milled two (2) foot on every direction of the current cut; and
5. All items completed prior to June 1, 2017.

Mrs. Johnston seconded the motion.

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

There being no further business, the meeting was adjourned at 10:12 a.m.

Don F. Reitz, AICP, Chairman