

January 10, 2017

A regular meeting of the Hendricks County Area Plan Commission was held on Tuesday, January 10, 2017 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. Brad Whicker, President; Mr. Damon Palmer, Vice-President; Mrs. Sonnie Johnston; Mr. Tim Whicker; Mr. Walt O'Riley; and Mr. Bob Gentry. Member absent was: Ms. Angela Tilton. Staff members present were: Mr. Don F. Reitz, AICP, Secretary and Director of Planning; Mr. Greg Steuerwald, County Attorney; Mr. David Gaston, County Surveyor; Mrs. Julie Haan, Environmental Health Director; Mr. Tim Dombrosky, Senior Planner; and Mr. Nicholas Hufford, Planner.

The meeting was opened with the Pledge of Allegiance. There were six (6) members present.

Mr. Brad Whicker, President, then acknowledged the new member of the Plan Commission, Mr. Tim Whicker. Mr. Brad Whicker stated for the record that he and Mr. Tim Whicker were distantly related. He thanked Mr. Tim Whicker for his willingness to serve.

Mr. Brad Whicker then stated that the first order of business was the election of the 2017 Area Plan Commission Officers and Plat Committee Member. Mr. Whicker then opened the floor for nominations.

Mrs. Johnston then nominated Brad Whicker to serve as President of the Plan Commission for 2017.

Mr. O'Riley seconded the motion.

Mr. Brad Whicker stated for the record that he was willing to serve as President.

FOR – 6 – AGAINST – 0 – ABSTAINED – 0 –

Mr. Whicker then called for a nomination for Vice-President.

Mr. Gentry then made a motion to nominate Mr. Damon Palmer as Vice-President of the Plan Commission for 2017.

Mr. O'Riley seconded the motion.

Mr. Whicker asked Mr. Palmer if he was willing to serve as Vice-President and Mr. Palmer stated yes.

FOR – 6 – AGAINST – 0 – ABSTAINED – 0 –

Mr. Whicker then called for a nomination for representative to the Plat Committee.

Mr. Gentry made a motion to nominate Mrs. Sonnie Johnston as the member representative for the Plat Committee for 2017.

Mr. Palmer seconded the motion.

FOR – 6 – AGAINST – 0 – ABSTAINED – 0 –

Mr. Brad Whicker then went on to call for a motion to approve the December 13, 2016 Plan Commission meeting minutes.

Mrs. Johnston then made a motion to approve the December 13, 2016 meeting minutes.

Mr. Gentry seconded the motion.

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There was not a quorum vote so the approval for the December minutes was continued to the February 2017 meeting.

Mr. Brad Whicker then called for the hearing on the Business Session item on the agenda as follows:

DPR 457/16 (SECONDARY): WINDSWEEP FARM; a development plan review to establish a wedding/event venue, 8.49 acres, Center Township, S32-T16N-R2W, located on the east side of State Road 236, approximately 0.68 mile northwest of the intersection of State Road 39 and State Road 236. (Kruse Consulting, Inc.)

Mr. Dale Kruse of Kruse Consulting, Inc. appeared on behalf of the applicants, Mr. and Mrs. Bill Harrington, who were not present for this meeting. He stated that the Harrington's wished to establish a wedding/event barn on the property to be known as Windswept Farm. Mr. Kruse stated that also present to answer any questions was the architect, Mr. Scott Perkins. Mr. Kruse reviewed the location of the project. He stated that the proposal was to construct an approximately 5,000 square foot wedding event barn to be located behind their home on the property. He stated a parking lot with 75 parking spots was proposed. He stated that the existing house on the property was to be used for smaller events and if successful, in the future the home would be used as the residence for the eventual grounds manager. He explained that a unique feature of the property was the parking lot which proposed to use "Grass Pave," which would look like grass but would have the structural components allowing for it to be driven over. He added that the majority of the parking lot would use the "Grass Pave" product and as well as portions to be concrete in the higher traffic areas. Mr. Kruse then addressed the conditions and recommendations in the staff's letter dated January 3, 2017. He stated that in regard to Comment #1, Mr. Harrington was in the process of securing bids and as soon as those were obtained, they would work out the details with the engineering inspector, Roger Salsman. He stated that they were aware as set out in Comment #2 that the project would be subject to the Non-residential Design Standards of the Hendricks County Zoning Ordinance. Mr. Kruse then skipped to Comment #4 as to the onsite septic system being installed prior to occupancy and approved by the Hendricks County Health Department. He stated they would comply with that request. He stated that there were three outside agency approvals needed for the project, those being INDOT, ISDOH for the septic system and IDEM for the well approval. He stated they had the permits for INDOT and ISDOH for the septic and had complied with all requirements for IDEM which had a thirty (30) day waiting period and that period would expire in about one week. Mr. Kruse asked Mrs. Haan, Environmental Health Director, if she had any other comments or concerns about the well or septic.

Mrs. Haan stated she did not anticipate any other problems.

Mr. Kruse then discussed Comment #3 regarding the landscape buffer. He stated that there had been some confusion during the discussion at the last meeting on what the motion had been. He stated that a Type 3 Buffer was agreed upon for a couple of points that bordered the neighboring property and only in those two spots was the higher level required. He stated that it was also agreed in the discussion that the mounding and the width required for the Type #3 Buffer would not be required since a Level 2 Buffer was all that would be necessary. He stated he believed everyone was now on the same page as to this requirement.

Mr. Dombrosky asked if everyone on the Commission understood about the landscaping and all agreed.

Mr. Kruse then stated he would ask Mr. Perkins to come up and talk about the proposed barn and answer any questions.

Mr. Scott Perkins, Architect for the project, Blackline Studio, 1 North Meridian in Indianapolis, appeared and talked about the proposed structure. He stated there would be no kitchen or cooking facility within the structure. He stated that it would be basically one large event common space. He pointed out on the displayed plans the restrooms, main entrance and a small outdoor courtyard space.

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He discussed other details of the project as to side elevations, construction materials, cupolas, heating & cooling, all weather/all seasons facility, etc.

Mr. Palmer stated that at the last meeting, there was a discussion on conflicting traffic reports and he asked if that had been resolved.

Mr. Kruse responded that that matter had been resolved. He stated the issue had to do with sight lines and that two trees in the front yard had been removed to take care of it. He stated that they now had approval from INDOT regardless if there were additional concerns from the neighbors. Mr. Kruse also added that Mr. Perkins had received the State of Indiana Design Release for the full project.

Mr. Whicker asked for further questions or comments. There being none, Mr. Whicker stated that he felt further clarity needed to be made on staff comment #3 as to the landscape buffering.

Mr. Dombrosky replied that at the primary approval hearing, the motion made had not accurately reflected the conversation on the matter. He stated if the members were okay with the plan being presented, and the staff was okay with that plan, the motion could be to approve the plan for secondary as presented. He assured everyone that the plans presented represented what they wanted to see for the project.

Mrs. Haan then added that normally a septic permit was required prior to secondary approval and that because the ground had been frozen and they had not been able to stake the system or verify elevations, she felt sure that a septic permit would be able to be issued within the next two weeks. She stated, therefore, that she would like the motion to approve subject to receipt of the septic permit.

Mr. Whicker then called for a motion with the addition of subject to receipt of septic permit.

Mr. Gentry then made a motion to grant secondary approval for **DPR 457/16: Windswept Farm (Secondary)** subject to the following:

1. Conditions and recommendations in staff's letter dated January 3, 2017; and
2. Receipt of septic system permit.

Mrs. Johnston seconded the motion.

FOR – 6 – AGAINST – 0 – ABSTAINED – 0 –

The conditions and recommendations were as follows:

DRAINAGE CONDITIONS:

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 owner has proposed a landscape buffer that meets the intent of the discussion that took place during Preliminary Approval, but does not meet the recorded motion from that approval. Staff recommends that the proposed landscaping does meet the intent of the Plan Commission's discussion, providing the density of plants required in a Type 3 Buffer, without the mounding or width required, and doing so along the north property line in the areas where the development will occur.

4. Prior to occupancy, the onsite septic system must be installed and approved by the Hendricks County Health Department.

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 must be obtained from the Drainage Board prior to Secondary 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.
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. The absorption field area 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. 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.
7. 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.
8. No Improvement Location Permit/Building Permit shall be issued until any plat associated with Secondary Development Plan Review has been recorded.
9. 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. Whicker then stated that completed the regular portion of the agenda and that a couple of discussion items were on the agenda.

Mr. Reitz stated that a short discussion was needed on where they were with the **Special Event Ordinance**.

Mr. Nick Hufford gave a brief review of what had been covered at the last meeting with an emphasis on the need to determine what was a temporary event versus a more permanent event and what would trigger that next level of approvals.

Mr. O'Riley asked if they had an idea of how many events per year would need special exception approval and those needing to be rezoned.

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Mr. Hufford discussed Mr. O'Riley's question and what would constitute needing a special exception or a rezoning. He stated they were looking at how large an event would be as well as other factors such as traffic generated and then deciding on how many times a year such an event could be held.

Mr. Palmer asked if there were examples of events allowed in a zoning district but was mostly concerned with the ordinance having the teeth to enforce and to punish those that acted outside of approvals.

Mr. Brad Whicker wanted to make sure that they knew we were on the right track and when questions arose, that we should error on the side of being more accepting.

Mr. Hufford and Mr. Dombrosky answered questions and aided the discussion to explain and request specific guidance.

There being no further discussion on the matter, Mr. Whicker stated that the next matter was on the **State Road 39 Corridor Plan**.

Mr. Greg Steuerwald stated that procedurally the Plan Commission had sixty (60) days after the Board of Commissioners to take an action or the rejection from the Board of Commissioners would stand.

Mr. Tim Whicker stated that he had been keeping up with the project and felt he was up to speed.

Mr. Gentry continued to have the same reservations on the rigidity and finality of a document that he considered to be on the level of a collegiate exercise rather than a policy making document.

The discussion contained the following:

- Should statements rather than shall
- The Plan Commission could handle the requests
- The Plan Commission generally followed the Comprehensive Plan and then essentially it would become the policy document
- INDOT paid for right-of-way but the County asked for dedication

A discussion was also had that setbacks could not be adjusted whether or not the plan was accepted and if the concern was with the setbacks, then they would need to go toward amending the Thoroughfare Plan.

Mr. Gentry had questions about frontage of properties and if there were to be trails implemented.

Mr. Palmer also commented on the rigidity and wondered at what point the Plan Commission would be able to amend the document.

It was determined that regardless of whether or not they had the choice, at this point the body could not do that action.

Mr. Brad Whicker made a point to the members that if this plan was allowed to die for the sake of amending it, then there would have to be another steering committee formed and that would require time that he (Brad) was not willing to do considering the time he had already spent on the previous committee.

Mr. Brad Whicker finalized the discussion by asking for a motion to either sign the letter disapproving the Board of Commissioners' rejection or to take no action and let the plan die.

Mr. Palmer made a motion to sign the letter and disapprove the Board of Commissioners' rejection.

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Mrs. Johnston seconded the motion.

The motion passed with six (6) in favor and none opposed.

There being no further business, the meeting was adjourned at 7:30 p.m.

Don F. Reitz, AICP, Secretary