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The Hendricks County Area Plan Commission Administrative and Plat Committee held a meeting on Wednesday, February 15, 2017 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; Mr. John Ayers, County Engineer; 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 five (5) members present.

Mr. Reitz then called for approval of the minutes for the January 11, 2017 meeting.

Mrs. Johnston made a motion to approve the January 11, 2017 meeting minutes.

Mrs. Haan seconded the motion.

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

Mr. Reitz then stated that there was a continuance for thirty (30) days to the March meeting as follows:

**DPR 450/16: I-70 WEST LLC (BUILDING 2) (REVISION TO SECONDARY)**

Mr. Ayers then made a motion to continue the above listed matter for thirty (30) days to the March 15, 2017 meeting of the Administrative & Plat Committee.

Mrs. Johnston seconded the motion.

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

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

**MIP 1080/16: ROSEBOOM, LLC;** a 2-lot minor subdivision, 4.82 acres, Center Township, S21-T15N-R1W, located on the south side of County Road 200 South, approximately 0.13 mile west of State Road 39. (Moench Engineering, P.C.)

**WA 283/16: MIP 1080 ROSEBOOM, LLC;** a Waiver of the Subdivision Control Ordinance, Sec. 6.12 (1.) (b.) Sidewalks. (Moench Engineering, P.C.)

Mr. Brian Moench of Moench Engineering, PC appeared on behalf of the applicant. He stated they were requesting approval for a two-lot minor subdivision and he reviewed the location of the proposed plat. He stated they were in agreement with the staff conditions and recommendations in letter dated February 8, 2017. He stated there had been discussion regarding the existing house located on Lot 1 and the septic field. He stated he had personally gone out to the site and probed for the fingers. He stated he had located some very deep laterals and that Mr. Roseboom wanted to go out and excavate those and expose them. He also stated that when an inspection was done on the existing house, a dye test was done and nothing was observed.

Mrs. Haan commented that that did not apply in this situation and that a record needed to be on file showing an excavation to expose at least two fingers that were not leaving the property. She told him that when he had someone excavate to let her office know and they would send someone out for verification.

Mr. Moench stated that he had no other questions or comments.

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Mr. Reitz commented that the record should indicate there was also a Waiver of the sidewalk requirement associated with this minor plat.

Mr. Dombrosky stated that he had received a revision on this plat just this morning. He stated that revision had addressed the concerns he had and Mr. Gaston had with the plat. He stated the only outstanding issue was the one for Mrs. Haan and the existing septic field.

Mrs. Haan then stated it would be her suggestion to continue the matter for thirty days to allow the applicant to prove that there was documentation of at least two fingers that did not leave the property or to obtain a permit.

Mr. Moench stated that he wanted to request approval for the matter subject to a commitment prior to recording the plat.

Mrs. Haan stated she was still not in favor of that. She stated that she had a health board policy setting out that prior to any approval they had to receive documentation showing at least two fingers that did not leave the property or a permit needed to be in place.

Mr. Moench stated again that they knew that had to be done and would make sure it was done prior to recording the plat.

Mr. Ayers responded that typically those items were verified prior to receiving approval for the plat.

Mrs. Haan again stated she was not in favor of approving the plat prior to receiving verification of those items.

Mr. Dombrosky commented that the staff letter had indicated the requirement for those items since the first meeting on this plat approval.

Mr. Reitz then opened the public hearing.

Mr. C.M. Bottema, 3392 Chalice Court, Plainfield, the real estate agent for the Rosebooms, appeared. He asked if the Rosebooms were not selling the property, everything would be okay as it stood.

Mrs. Haan responded that it would depend on what they wanted to do with it. She stated if they were coming to sell and plat the property, they would need to show that they had adequate sewage disposal. She stated they could sell the property without going through the process, the property could just change hands without verification from the Health Department.

Mr. Bottema commented that a successful dye test had been completed.

Mrs. Haan responded that if a septic system was connected to a field tile, the dye would not be observed coming out unless it was miles away. She stated a dye test was not adequate unless it was known where to see the dye. She stated it needed to be proven that there was a system which Indiana Code required there be in place which would be a tank and at least two fingers that did not leave the property. She stated you could not have a dry well or a cesspool.

Mr. Moench stated he wanted to make sure he was clear that if two fingers were found that might not meet current standards, it would still be approved.

Mrs. Haan responded yes and if there was one finger found that left the property, that would not be considered a system.

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Mr. Bottema commented that his clients were combining two lots and what about a finger existing and leaving the lot but going onto the other lot that was owned by the same person.

Mrs. Haan stated again that if there was one or two fingers located that crossed the property line, it would not be acceptable.

Mr. Bottema responded that he was talking about a lot line and not a property line.

Everyone responded that it was the same thing. Mrs. Haan added that if there were two fingers shown to be crossing the property line, then an easement would be needed.

Mrs. Haan responded that she was looking for a system in place with a tank and at least two fingers that were not connected to a field tile.

Mr. Moench asked about the two fingers possibly being shown to cross over the east lot line and if an easement would be needed.

Mrs. Haan stated that would be okay as long as they did not continue to move.

Mr. Ayers added that this had not been the first time this was discussed and if necessary the easement would be needed to protect those fingers.

Mrs. Haan made a motion to grant a thirty (30) day continuance to the March 15, 2017 meeting for **MIP 1080/16 and WA 283/16: Roseboom, LLC.**

Mrs. Johnston seconded the motion.

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

**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, PC)

**WA 280/16: MRP 08 BRIAN ABNEY (MICHAEL BENJAMIN);** a Waiver of the Subdivision Control Ordinance, Sec. 6.12 (1.) (b.) Sidewalks. (Moench Engineering, PC)

Mr. Brian Moench of Moench Engineering PC appeared on behalf of the applicants. He reviewed the location of the property and explained that Michael Benjamin was the current property owner. He stated that Mr. Benjamin wanted to deed off the property to his son and daughter-in-law for the purpose of constructing a house. He stated he was in agreement with the conditions and recommendations in the staff letter dated February 8, 2017. He added that the family had put in a new field tile with an easement shown on the plat. He stated that would provide proper subsurface drainage for the proposed septic system on the new lot. He stated that the elevations had been verified.

Mrs. Haan commented that she had reviewed the revised plans and her concerns had been met.

Mr. Reitz added that there was a sidewalk waiver associated with the petition.

Mr. Dombrosky stated that a revision had been received recently and he had forwarded it on to the other staff members for review. He stated that his concerns had been addressed.

Mr. Ayers asked what the revisions were as he had not had a chance to review them.

Mr. Dombrosky responded that the plat had shown the improvements including the house, septic, well and driveway. He stated those were asked to be removed from the plat and that had been done. He

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stated, however, that the development plan still showed those items. He added that the plat was now in a recordable form. He stated that the only matter would be the offsite easement needing to be recorded prior to the plat being recorded.

Mr. Reitz asked for any further questions or comments. There being none, he called for a motion.

Mr. Ayers then made a motion to grant approval for **MRP 068/16: Brian Abney (Michael Benjamin)** subject to the conditions and recommendations in staff's letter dated February 8, 2017.

Mrs. Haan seconded the motion.

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

The staff conditions and recommendations were as follows:

**DRAINAGE CONDITIONS:**

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

**STAFF RECOMMENDATIONS:**

1. Prior to recording, all plans must be approved as to form by the Planning and Building Department.
2. If a portion of the lot immediately adjacent to the road drains towards the roadway, a swale or ditch sufficient to keep water off of the road must be shown.
3. All soil borings must be shown and labeled, three within the proposed septic field and the fourth within the proposed secondary septic field easement.
4. A proposed well must be shown with a fifty foot separation distance from all parts of the proposed septic systems.
5. The septic system perimeter drain is required to discharge into a dye-tested free flowing tile, a water body or a defined channel as shown on the USGS map as an intermittent stream and if offsite, must be contained within an easement.
6. Prior to recording the plat, the applicant must provide a signed copy of the offsite easement to the Health Department.

**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, 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 is required for individual building lots prior to obtaining a Building Permit from the Planning and Building Department.
3. 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

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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.
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. Ayers made another motion to grant approval for **WA 280/16: MRP 068 Brian Abney (Michael Benjamin)**, a waiver of the Subdivision Control Ordinance, Sec. 6.12 (1.)(b.) Sidewalks.

Mrs. Johnston seconded the motion with Mrs. Haan voting against the motion.

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

The staff memorandum was as follows:

#### **MEMORANDUM**

**TO:** Hendricks County Area Plan Commission Administrative & Plat Committee

**FROM:** Plan Commission Staff

**DATE:** February 8, 2017

**RE: WA 280/16: MRP 068 ABNEY - SEC. 6.12 (1.)(b.) SIDEWALKS**

The applicant is requesting a waiver from the subdivision control ordinance requirement to install sidewalks. The property is within Brown Township making the installation of sidewalks a requirement.

The property is isolated in an agricultural area, and is not in an area of Brown Township that shows strong need for sidewalks. For these reasons, the majority of staff has no objection to the request as long as a note is added to the plat stating sidewalks shall be installed when they become contiguous or adjacent on surrounding property.

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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 diseases 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.

**MRP 069/16: BETTY JOAN PHILLIPS REVOCABLE TRUST**; a 1-lot minor residential plat, 44.1 acres, Lincoln Township, S10-T16N-R1E, located on the north side of U.S. Highway 136, approximately 0.27 mile east of County Road 600 East. (Moench Engineering, P.C.)

**WA 281/16: MRP 069 BETTY JOAN PHILLIPS REVOCABLE TRUST**, a Waiver of the Subdivision Control Ordinance, Sec. 6.12 (1.) (b.) Sidewalks. (Moench Engineering, P.C.)

Mr. Brian Moench, Moench Engineering, P.C., appeared on behalf of the applicant and reviewed their request for a one lot minor residential plat and its location. He stated they were in agreement with the staff's conditions and recommendations in letter dated February 8, 2017. He stated that they had reached out to the Town of Brownsburg for the allocation letter and the town did have the capacity for this project. He stated that the allocation letter required an application for approval and they were going through that process now. He stated that he did have documentation from the Town and the application had been submitted last Tuesday.

Mr. Dombrosky stated that the letter from the Town of Brownsburg indicated that they had the capacity but it did not verify that they were willing to accept it.

Mrs. Haan asked for clarification that Mr. Moench did not have an allocation letter at this time.

Mr. Moench agreed that he had only the capacity letter from the Town of Brownsburg.

Mrs. Haan added that as long as an approval for the plat indicated that the allocation letter needed to be received prior to recording of the plat, she was okay with the approval.

Mr. Ayers asked if sewer was available there.

Mrs. Haan stated that sewer was available there and that also they had added the abandonment note to the plat.

Mr. Dombrosky stated that they had not received a revision. He stated he had discussed the matter with Tucker of Mr. Moench's office and Mr. Dombrosky was comfortable that he understood what revisions were required. He stated he required a blanket statement that the plans needed to be approved to form because there were errors in form and the acreage was misidentified on the plat and on the legal description based on the confusion in the right-of-way and how it was being designated. He stated it had been excepted from the acreage originally and needed to be added back in. He explained that the development plan needed to be re-added from the original submission as it had been taken out later on as they were not doing any improvements. He stated it needed to be re-added showing the sanitary connection. He stated those were the only things that needed to be changed and he was comfortable with approving the plat with those changes being shown prior to recording.

\*It was noted here that Corey Gehring of the Surveyor's Office took the place of David Gaston, who left the meeting.

There being no further discussion, Mr. Reitz called for motions on the matter.

Mr. Ayers made a motion to grant approval for **MRP 069/16: Betty Joan Phillips Revocable Trust** subject to the following:

1. Conditions & recommendations in staff's letter dated 02/08/2017;
2. Receipt of modifications to development plans prior to recording; and
3. Receipt of allocation letter and connection made to sanitary sewer prior to recording of plat.

Mrs. Haan seconded the motion.

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

The staff conditions and recommendations were as follows:

**DRAINAGE CONDITIONS:**

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

**STAFFRECOMMENDATIONS:**

1. Prior to recording, all plans must be approved as to form by the Planning and Building Department.
2. The property is within 300 feet of sanitary sewer connection and according to The Hendricks County Sewage System Ordinance must connect to the available sewer. An allocation letter must be submitted prior to approval and the connection made prior to recording the plat. Any existing sewage disposal systems on the property must be properly abandoned (tank pumped and crushed/filled) according to 410 IAC 6-8.3-90 and verification forwarded to the Hendricks County Health Department.
3. Any driveway modifications or construction must be approved by the Indiana Department of Transportation.

**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, 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 is required for individual building lots prior to obtaining a Building Permit from the Planning and Building Department.
3. 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 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.

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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. The Hendricks County Planning and Building Department must be notified at least seventy-two (72) hours prior to any site improvements being installed.
6. 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. Ayers then made a motion to grant approval for **WA 281/16: MRP 069 Betty Joan Phillips Revocable Trust – Sidewalk Requirement.**

Mrs. Johnston seconded the motion with Mrs. Haan voting against.

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

The staff's Memorandum was as follows:

#### **MEMORANDUM**

**TO:** Hendricks County Area Plan Commission Administrative & Plat Committee

**FROM:** Plan Commission Staff

**DATE:** February 8, 2017

**RE:** **WA 284/16: MRP 069 Phillips - SEC. 6.12 (1.)(b.) SIDEWALKS**

The applicant is requesting a waiver from the sidewalk installation requirement. The property is within Brown Township making the installation of sidewalks a requirement.

The applicant is not proposing new development, and is located on a State road. For these reasons, the majority of staff has no objection to the request as long as a note is added to the plat stating sidewalks shall be installed when they become contiguous or adjacent on surrounding property.

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 diseases 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.

**MAP 319/16 (REPLAT): COUNTRYSIDE ESTATES, SEC. 1, LOTS 11 & 12;** a replat of two lots in a major residential subdivision, 1.16 acres, Middle Township, S32-T17N-R1E, located on the north side of County Road 750 North and east of County Road 500 East. (Moench Engineering, P.C.)

Mr. Brian Moench of Moench Engineering, P.C., appeared on behalf of the applicant. Mr. Moench explained the request for a replat of these two lots as the property owner purchased both lots



and had constructed his home over the lot line. He stated that the applicant wanted to avoid any future confusion by eliminating that lot line.

Mr. Reitz asked for questions or comments.

Mr. Dombrosky stated that he had received revisions to this plat with corrections he had asked for as to the address.

Mr. Reitz then called for a motion.

Mrs. Johnston made a motion to grant approval for **MAP 319/16 (Replat): Countryside Estates, Sec. 1, Lots 11 & 12** subject to the conditions and recommendations in staff's letter dated February 8, 2017.

Mrs. Haan seconded the motion.

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

The staff conditions and recommendations were as follows:

**DRAINAGE CONDITIONS:**

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

**STAFF RECOMMENDATIONS:**

1. This development is subject to the Residential Design Standards in the Hendricks County Zoning Ordinance (HCZO Chapter 8.1) and the supplemental Residential Subdivision Design Guidelines.
2. Prior to recording, all plans must be approved as to form by the County Planning and Building Department.
3. A detail for the sub drain outlet to the regulated drainage open ditch should be shown.

**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 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. 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

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Address Information Sheet submitted with the plat application does not constitute a request for addresses.

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.
6. 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.

There being no further business, the meeting was adjourned at 9:26 a.m.

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Don F. Reitz, AICP, Chairman