

November 15, 2017

The Hendricks County Area Plan Commission Administrative and Plat Committee held a meeting on Wednesday November 15, 2017 at 9:00 a.m. in the Hendricks County Government Center, Rooms 4 & 5, 355 South Washington Street, Danville, Indiana. Members present: Mr. Tim Dombrosky, Planning Director and Chairman; Mrs. Sonnie Johnston, Plan Commission Member Representative; Mrs. Julie Haan, Environmental Health Director; and David Gaston, County Surveyor. Also present was: Mrs. Suzanne Baker, Senior Planner; Mr. Nick Hufford, Planner; and Mrs. Joanne Garcia, Recording Secretary.

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

Mr. Dombrosky then called for approval of the minutes for the October 11, 2017 meeting minutes.

Due to lack of a quorum vote, the approval for the October 11, 2017 meeting minutes was continued for thirty (30) days to the December meeting.

Mr. Dombrosky then moved on to the first Public Hearing item as follows:

MIP 1086/17: KENT DICKERSON; a 3-lot minor subdivision plat, 27 acres, Liberty Township, S6,7-14N-R1E, located on the north side of East County Road 600 South, approximately 0.20 mile west of the intersection with South County Road 400 East. (Kruse Consulting, Inc.)

WA 286/17: MIP 1086 KENT DICKERSON; a Waiver of the Subdivision Control Ordinance, Sec. 6.12 (1.b.) Sidewalks, Pathways & Pedestrian Ways. (Kruse Consulting, Inc.)

Mr. Dombrosky informed Mr. Kruse that the Affidavit of Notification should be provided after the letters were mailed out and before the meeting date.

Mr. Dale Kruse of Kruse Consulting, Inc. appeared along with one of the developers of the property, James Boyce.

Mr. Kruse stated they were requesting approval for a 3-lot minor subdivision plat located on County Road 600 South and west of County Road 400 East. He reviewed a layout of the three (3) lots, all of which had frontage along County Road 600 South. He stated that all three lots would be hooked up to sanitary sewer and he supplied a letter from the Town of Plainfield stating they would accept the new lots as well as the water supply. He stated the three lots would share one access point from County Road 600 South. He discussed a bump in the roadside ditch and that they had extended that ditch further east. Mr. Kruse then discussed the staff conditions and recommendations in a letter dated November 15, 2017. He stated they had asked for a development standards modification to eliminate the buffer yard requirement along the perimeter.

Mr. Dombrosky explained that the property had been rezoned to RA in anticipation of a major subdivision development, which obtained approval but was never built. He stated that because the zoning of this property was different from the adjacent properties, there would technically be a Type 1 bufferyard requirement along the east property line and portions of the west. He stated because of this, they were recommending that the modification be approved to remove that bufferyard requirement. He explained that the alternative would be that they rezone the property back to the AGR zoning district.

Mr. Kruse went on to say that he had met recommendation #2 by providing a sanitary sewer availability letter. He then discussed the concern regarding the "gentle swale" statement on the plan sheet which was intended to be vague because each plat was not the same. He stated he would just remove that note entirely as opposed to revising the plans.

Mr. Gaston stated that he was not opposed to removal of that statement.

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Mrs. Johnston asked Mr. Gaston if the plat had received Drainage Board approval.

Mr. Gaston responded that it had received Drainage Board approval.

Mr. Dombrosky then opened the public hearing.

Mr. Curtis Ray O'Neal of 3725 East County Road 600 South appeared, and he stated that he resided across the road from the project. He stated that he was also speaking for several of the other property owners in the area. He stated he wanted to discuss the bufferyard requirement. He asked about the comment on the plans as to plantings.

Mr. Dombrosky stated that was a different matter in that street trees were required and would be installed by the developer.

Mr. O'Neal asked about planting them under the existing power lines.

Mr. Dombrosky stated that they were supposed to be compatible with overhead lines.

Mr. Kruse added that the trees would be planted behind the power lines and approximately forty-five (45) feet back.

Mr. O'Neal then asked if the three lots could be further subdivided.

Mr. Dombrosky explained that this application was a minor plat and if more lots were desired, it would be considered a major plat and would require another approval process.

Mr. O'Neal then asked if the bufferyard requirement would be reinstated with a major plat application.

Mr. Dombrosky stated that the minor plat approval would then be void, and new requirements would be in effect.

Mr. O'Neal then added that his only other issue was the anticipation of headlights shining in his windows from vehicles leaving the new site. He asked if the road access could be moved.

Mr. Kruse discussed the matter and stated he did not feel it could be moved to the west due to sight distance issues. He discussed moving it east and that he believed there was a fire hydrant and a power pole to consider. There was further discussion on the matter and it was determined that a move would not be desirable.

Mr. O'Neal concluded his concerns and stated he was in favor of the development.

Mr. Dombrosky then closed the public hearing and asked for further questions or comments. There being none, Mr. Dombrosky called for a motion.

Mrs. Haan made a motion to grant approval for **MIP 1086/17: Kent Dickerson** subject to the following conditions:

1. Conditions and recommendations in staff's letter dated November 15, 2017;
2. Approval of request for modification of the bufferyard requirement; and
3. Removal of the "Gentle Swale" statement on the plan sheet.

Mrs. Johnston seconded the motion.

FOR – 4 –

AGAINST – 0 –

ABSTAINED – 0 –

Mr. Dombrosky then discussed the sidewalk waiver filed as **WA 286/17**. He stated that this project was in Liberty Township and that it would be the eastern townships that required sidewalks. He stated he did not believe this waiver was required and asked Mr. Kruse to comment.

Mr. Kruse then responded that in the past sidewalk waivers were required anywhere in the county, which was the reason he had filed for this one. He apologized if he was in error, but he was just following past policy.

Mrs. Haan added that she would always vote not to approve any sidewalk waivers as it was a policy of the Health Department that they should be installed at some point in time.

Mr. Dombrosky stated he felt sidewalks were not required in Liberty Township and felt it would be adequate for Mr. Kruse to just withdraw the waiver request.

Mr. Kruse then asked to withdraw the waiver.

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. A request for modification of the buffer yard requirement is being made by the applicant. This property is zoned RA but the MIP that is proposed would be allowed in AGR. It would be staff's opinion that the buffer yard requirements would be unreasonable as the intent of a landscape buffer is to "buffer" the more intense use from the adjacent properties.
2. Provide a sanitary sewer availability letter.
3. The "gentle swale" statement on the plan sheet is too vague. If grading is needed for proper drainage and runoff control, there must be specific grades and construction details provided for construction.

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 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. In addition, an Erosion Control Permit issued by the Hendricks County Surveyor is required for individual building lots prior to obtaining a Building Permit.
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. 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 Engineer's Office. The Plat Address Information Sheet submitted with the plat application does not constitute a request for addresses.

MIP 1087/17: JACK & PATRICIA WINKLEY; a 3-lot minor subdivision plat, 21.42 acres, Middle Township, S19-T17N-R1E, located on the southwest corner of the intersection of North County Road 425 East and East County Road 1000 North. (Kruse Consulting, Inc.)

WA 287/17: MIP 1087 JACK & PATRICA WINKLEY; a Waiver of the Subdivision Control Ordinance, Sec. 6.12 (1.b.) Sidewalks, Pathways & Pedestrian Ways. (Kruse Consulting, Inc.)

Mr. Dale Kruse of Kruse Consulting, Inc. appeared on behalf of the applicants. He reviewed the request for a three (3) lot minor subdivision and stated that there was an existing home on the property. He stated that the plan was to sell the existing house and build a new home on one of the other lots. Mr. Kruse stated he had received Drainage Board approval.

Mr. Dombrosky asked if the location of the drain had been determined.

Mr. Gaston responded yes and that it would be about twenty-five (25) feet off the edge of the road.

Mr. Kruse stated that they did not have the location of the tile shown yet and that it would not be inside of the seventy-five (75) foot right-of-way and that the easement would extend outside of it. He added that in previous discussions, whenever the tile was installed, they would show the tile location and easement appropriately and that the street trees would go on the backside of the easement. He added that he could not record the plat until he had the street trees planted.

Mr. Dombrosky asked if the RDE would be added and Mr. Kruse stated yes once he had the correct location.

Mr. Kruse then went on to discuss a piece of the legal drain that went onto this property and the discussion about the matter at the Drainage Board hearing.

Mrs. Haan asked about vacating it and Mr. Gaston stated that had been part of the discussion about not vacating it.

Mr. Kruse stated they had agreed to shift the easement to the west property line. He stated they would know the location of the legal drain tile prior to recording.

Mrs. Haan asked about the subsurface drain inverts and Mr. Kruse stated they would be shown also.

Mr. Kruse then reviewed the recommendations in staff's letter dated November 15, 2017. He stated that #1 would comply and that for #2, the Pierson Drain would not be vacated per the Drainage Board approval. He stated for #3, they had added a tree species note. Mr. Kruse stated he understood #4 and agreed with it and that he had also added a Naturally Sensitive Easement (NSE) area in the front as Mr. Ayers had concerns in that area. He stated they had also added the note regarding not backfilling in that area.

Mr. Dombrosky stated his other comment concerned the size of Lot 3 and that he did not think it was a very usable lot. He stated he had talked to the property owner and indicated his concern as to any future variance requests and that he felt they were placing a hardship on themselves by creating a small lot.

Mr. Kruse stated he noted Mr. Dombrosky's concern.

There being no other comments, Mr. Dombrosky opened the public hearing.

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Mr. Michael Parham of 9784 North County Road 425 East appeared. He explained that he lived south of the proposed project. He stated his concerns were the actual sizes of the lots as well as the woods and water on that property. He explained that it flooded in that location and would the addition of another house cause any more drainage problems. He stated it was costly to install a new well and would the addition of another house with well lower the water table and affect other property owners' water supply.

Mr. Gaston responded that the reworking of the Pierson Drain tile should help some of the drainage but not all. He stated that the County Highway Department was also going to regrade the roadside ditch on the south side of County Road 1000 North. Mr. Gaston stated he did not know which direction drainage went from the wooded area.

Mr. Parham stated he lived to the south and it always drained to his property.

Mr. Gaston stated that he could say with confidence that building a home and driveway on almost 16 acres would not add to the drainage problem.

There was further discussion with Mr. Parham on the drainage at that site and about a mosquito problem there.

Mrs. Haan suggested calling the Health Department for mosquito control and they would come out to the property to treat with larvicide.

There was also discussion on Mr. Parham's desire to purchase the land in the location of Lot 3 and how the configuration of the lot could present a problem for the applicant if they wanted to sell that property in the future.

Mr. Gaston added that what was being proposed would not make the drainage any worse but would also not fix any existing problem. Mr. Gaston stated that as far as the water table concern, it was a "buyer beware" issue.

There being no further questions or comments, Mr. Dombrosky closed the public hearing and called for a motion.

Mrs. Haan made a motion to grant approval for **MIP 1087/17: Jack & Patricia Winkley** subject to the following recommendations:

1. Conditions and recommendations in staff's letter dated November 15, 2017;
2. Removal of staff recommendation #2 for vacation of Pierson Drain; and
3. Placing final regulated drain easement on plat.

Mrs. Johnston seconded the motion.

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

Mr. Kruse then added that he would withdraw the sidewalk waiver of **WA 287/17** for this project.

The conditions and recommendations were as follows:

DRAINAGE CONDITIONS:

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

STAFF RECOMMENDATIONS:

1. Once the new tile is installed, the street trees that go along E CR 1000 North will need to be 75'-85' from this. Confirm appropriate location with the County Surveyor's Office.
2. Continue the process of getting the Pierson Drain vacated.
3. Note the street tree species.
4. No additional fill can be placed on these lots, either during or after construction, in such a way that would cause additional drainage onto the roadways. Grades and contours must be shown on the plans for any grading proposed in order to demonstrate that it will slope away from the road.

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 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. In addition, an Erosion Control Permit issued by the Hendricks County Surveyor is required for individual building lots prior to obtaining a Building Permit.
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 required on each lot prior final design of the septic systems.
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. 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 Engineer's Office. The Plat Address Information Sheet submitted with the plat application does not constitute a request for addresses.

MRP 081/17: PATRICK R. & AMANDA N. EVANS; a 1-lot minor residential plat, 14.595 acres, Liberty Township, S20-T14N-R1E, located on the south side of East County Road 850 South and west of South County Road 525 East. (Holloway Engineering & Surveying)

Mr. Dombrosky stated that this project had not been completed and would need a continuance.

Mrs. Johnston made a motion to continue **MRP 081/17** for thirty (30) days to the December meeting.

Mrs. Haan seconded the motion.

FOR – 4 –

AGAINST – 0 –

ABSTAINED – 0 –

That concluded the regular agenda items and Mr. Gaston asked for a staff discussion on the **Stilesville Substation**.

Mr. Gaston reviewed the history of the project. He stated there was an offsite easement on that property going to the legal drain and that it was originally designed as an open swale. He stated that when the farmer who farmed that land saw the swale being constructed, he went and talked to the owner of the property who had given the easement and who decided she did not want the swale. He stated that he had then been called asking if it could be redesigned for a tile. Mr. Gaston told them he was okay with that plan. He stated that it had now been redesigned with the tile and that the emergency overflow on a 100-year flood would shed onto the property. He stated he also had a letter from the people saying they did not care if it shed onto the property. Mr. Gaston stated he was good with going to a tile as long as they drained it.

Mrs. Haan asked why they had not wanted the swale.

Mr. Gaston stated it was because they could not farm over it.

Mr. Dombrosky asked how deep was the tile.

Mr. Gaston replied that the tile was eighteen (18) inches minimum which was his requirement for a concrete pipe or RCP (12 inches). He added that farm tractors would not do any harm to that type of pipe. Mr. Gaston then asked for Mr. Dombrosky's concerns.

Mr. Dombrosky asked if the easement location was the same.

Mr. Gaston stated yes.

Mr. Dombrosky asked if the only thing changing would be the development plan and not the plat.

Mr. Gaston stated that was correct. He stated it was also cheaper for them to do the swale.

All members agreed with the decision.

Mr. Dombrosky stated that since the plat would not need changing, he did not think a new approval was needed. He stated that new record drawings would be needed.

Mr. Gaston added that as-builts would be needed once building was done.

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Mr. Dombrosky asked Mr. Gaston to provide his copy of the revised plan to the Engineering Inspector, Roger Salsman.

Mr. Gaston turned over a letter from the developer and the revised plan to Mr. Dombrosky.

Mr. Dombrosky stated he felt the letter should be notarized.

Mr. Gaston stated he would send an email to Sandra Jones of Hendricks Power requesting a notarized copy of the letter.

There being no further business, the meeting was adjourned at 9:57 a.m.

Tim Dombrosky, Chairman