

December 11, 2018

A meeting of the Hendricks County Area Plan Commission was held on Tuesday, December 11, 2018 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. Bob Gentry, Acting President; Mrs. Sonnie Johnston; Mr. Walt O'Riley; and Mr. Tim Whicker. Members absent: Mr. Brad Whicker; Mr. Eric Wornhoff and Mr. Damon Palmer. Staff members present were: Mr. Tim Dombrosky, Secretary and Director of Planning; Mr. Graham Youngs, Acting County Attorney; Mr. John Ayers, County Engineer; Mr. David Gaston, County Surveyor; Mrs. Julie Haan, Environmental Health Director; Mrs. Suzanne Baker, Senior Planner; and Mrs. Joanne Garcia, Recording Secretary.

The meeting was opened with the Pledge of Allegiance. There were four (4) members present.

Mr. Gentry called for a motion to approve the November 13, 2018 Plan Commission Minutes.

Mrs. Johnston made a motion to approve the November 13, 2018 minutes with Mr. Tim Whicker seconding the motion.

The motion passed with four (4) in favor.

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

Mr. Gentry then called for the first item on the public hearing portion of the agenda as follows:

ZA 459/18: CLOVER COMMUNITIES HENDRICKS, LLC; a zoning amendment change from AGR/Agriculture Residential District to RE/Multi-Family Residential District, 10.26 acres, Washington Township, S29-T16N-R2E, located on the north side of East County Road 200 North, approximately 0.26 mile west of North Ronald Reagan Parkway. (McBride Dale Clarion)

Mr. Robert Sweet of McBride Dale Clarion appeared and passed out copies of his presentation for the rezoning entered into record as Petitioner's Exhibit "A." He also introduced Mr. Robert Jack, a Development Director for Clover Communities. Mr. Sweet reviewed their proposal for a change in zoning for the property with two variations from the zoning ordinance, those being the number of parking spaces and the average unit size. He explained that Cover Communities was a real estate company out of Buffalo, New York and owned about 150 properties that were currently in the New York, Pennsylvania and Ohio regions and slowly moving west into Kentucky, Michigan and Indiana. He stated that the company had focused on senior apartments which were a transition from a single-family residential dwelling and between assisted living or nursing home. He stated that the proposed development would be a 55 and over apartment community. He stated that Cover owned, constructed and managed their apartments. He stated that they had never converted an apartment community to all ages or to low income and had no HUD funded properties. He stated their proposed development would be market rate senior apartments age 55 and over with the average age of their residents being 82 years old. He stated that there were no dining packages. He stated that most residents come from the surrounding communities which allowed them to stay in the communities they came from. He stated that while Cover Communities paid full property taxes, there was no impact on the school systems. He explained that they would be subdividing a 10.2-acre parcel from the parent tract which had been known as the Redlands Mobile Home Park. He reviewed the surrounding zoning districts. He stated that they were proposing a 136,000 square foot facility with three stories and 125 units and 125 parking spaces. He stated the floor plan could not be broken up as there was a central elevator system. He displayed their site plan and pointed out the two entrance points. He pointed out the building design highlights and elevations, unit sizes and floor plans, amenities, and activities. He stated that they were consistent with the land use plan and within an urban residential area. He stated that there was appropriate access to the roadways, were designating right-of-way and installing a left turn lane as per the traffic study. He stated the facility was located in the Ronald Reagan Parkway corridor that contained design guidelines that encouraged pedestrian activity. He also mentioned the Town of Avon's comprehensive plan. He

stated they felt their facility could act as a transitional buffer between uses. He then discussed their request for 125 parking spaces which was a reduction from the ordinance requirement. He also discussed their request for a reduction in the average unit size.

Mr. Gentry then asked for questions or comments from the members.

Mr. O'Riley asked if the applicant had a more detailed rendition of the proposed building.

Mr. Sweet stated he did not have it with him.

Mr. Dombrosky reminded the members that they were not approving the site plan at this time.

Mr. Tim Whicker asked how many units might be double occupancy for married couples.

Mr. Sweet stated that the majority would be widowed residents with less than 50% being couples.

Mr. Tim Whicker asked how many were two bedroom versus one bedroom units.

Mr. Sweet stated that most of the units were two bedrooms with about five one-bedroom units.

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

Mr. Tim Whicker then asked the staff for their comments on the requested parking variation.

Mr. Dombrosky responded that the variations would be officially presented as modifications during the development plan review, but that it was good to have them presented up front for some preliminary discussion. He stated they thought the parking space request was reasonable as it was not directly adjoining another use. He stated his only concern would be if it ever did convert to a normal apartment complex.

Mr. Tim Whicker asked if the site had been an old mobile home trailer park.

Mr. Dombrosky stated it had been and that it was zoned AGR because the trailer park had predated zoning and had been a legal nonconforming use.

Mr. Gentry asked if the property were ever to convert to regular apartments, would it come back before the Commission.

Mr. Dombrosky replied that was not necessarily true as the zoning being requested, RE, permitted multi-family. He stated that there was not a zoning district that just permitted senior apartments. He stated if it were to convert in the future to regular apartments, that parking would be a problem for the owners to manage. He added that they had requested the traffic study to be modified for just straight apartments and that had been done. He stated, however, that it still did not show an issue with the load on the road or the entrances, etc.

Mr. Ayers then commented that he felt it should probably be nailed down at this stage as the traffic study showed where the primary entrance should be located, it being where most of the parking would be. He added that the study showed there was still not a significant impact on County Road 200 and it recommended they construct an eastbound left turn lane and that he wanted to see that committed to. He discussed other details that might be required.

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Mr. Gentry asked if Mr. Ayers wanted that commitment at this meeting and Mr. Ayers stated yes.

Mr. Sweet stated they would commit to construction of that turn lane and that they would make it a condition of approval that the proposed facility remain as senior housing.

Mr. Ayers confirmed that even with the senior living commitment, the turn lane would still be recommended per the traffic study.

The members then discussed what commitments they wanted to include in their motion.

Mr. Tim Whicker then made a motion to send a favorable recommendation to the Hendricks County Board of Commissioners and adopt the positive Findings of Fact/Law for **ZA 459/18: Clover Communities Hendricks, LLC** subject to all staff recommendations and a stipulation to construct a turn lane to be approved by the County Engineer.

Mr. O'Riley seconded the motion and the vote was unanimous.

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

Mr. Gentry stated that this matter would be heard by the Hendricks County Board of Commissioners on Tuesday, December 26th at 9:00 a.m. or thereafter.

The positive Findings of Fact/Law were as follows:

Findings of Fact/Law

ZA 459/18: Clover Communities, Hendricks LLC

An application for the above noted zoning map amendment was filed in the office of the Hendricks County Department of Planning and Building (DPB). That application sought to rezone a property from AGR/Agriculture Residential District to RE/Multi-Family Residential. Acting in its role as staff to the Hendricks County Area Plan Commission, the DPB staff subsequently created a file containing all documentation of the request and made that file available for public inspection in the department's office at the Hendricks County Government Center.

In accordance with Indiana Code (IC) 5-3-1, the DPB staff published a legal notice in the *Hendricks County Flyer* and the *Danville Republican*. This notice advertised the public hearing scheduled in conformity with the Hendricks County Area Plan Commission Rules of Procedure Section 3.07(D)(1). The public hearing included the above zoning map amendment on its agenda.

In accordance with Section 3.07(D)(2) of the Rules of Procedure of the Hendricks County Area Plan Commission, the applicant also sent courtesy notices to certain surrounding property owners of record and other interested persons. A copy of this courtesy notice and a list of those receiving them were made a part of the file for this rezoning petition.

The Commission conducted the hearing as advertised and heard evidence and testimony on the above noted rezoning. Meeting in open session, the Commission subsequently considered the above noted request and its relationship to the requirements of IC 36-7-4 and the Hendricks County Zoning Ordinance. A tape recording of this proceeding has been on file and available to the public in the DPB office since the date of the hearing.

In its deliberations, the Commission weighed the evidence associated with the following requirements and made the following findings.

IC 36-7-4-603: Zoning ordinance; preparation and consideration of proposals. In preparing and considering proposals under the 600 series, the plan commission and the legislative body shall pay reasonable regard to:

(1) The comprehensive plan;

The proposal does substantially comply with the recommendations of the Hendricks County Comprehensive Plan. The Comprehensive Plan designates this area for Urban Residential. Per the Comprehensive Plan, "Urban residential development is characterized by medium to high density housing including multifamily residential with sufficient access to goods and services, transportation, transit, parks and open space." This proposal has sufficient access to goods and services due to its proximity to the Town of Avon and the City of Indianapolis. It is also located off a major thoroughfare, Ronald Reagan Parkway which provides for transportation needs.

(2) Current conditions and the character of current structures and uses in each district;

The proposed zoning change will not change the current conditions or character of the property. This area is identified as "High Intensity" in the Comprehensive Plan, the intent of which is to focus development in these areas. The current use of the property as a mobile home community is also associated with a medium to high density. There is a subdivision to the south, which should not be affected due to appropriate landscape screening, setbacks and similar uses in close proximity.

(3) The most desirable use for which the land in each district is adapted;

The most desirable use for this property would be an Urban Residential use or a similar compatible use. Multi-family residential is considered an Urban Residential use.

(4) The conservation of property values throughout the jurisdiction;

Property values would not be affected negatively due to the mix of residential uses in the area. Development and in this case somewhat redevelopment of a site has the potential to increase property values.

(5) Responsible development and growth.

The proposed rezone would be responsible development and growth as it follows a recommended pattern from the Comprehensive Plan because this area is designated as "Urban Residential." It has access to goods and services, transportation, transit, parks and opens spaces and is in close proximity to incorporated towns.

In addition, the Board imposed the following conditions in furtherance of the Indiana Code and the Hendricks County Zoning Ordinance:

1. The applicant shall install a left turn lane on County Road 200 North at the eastern driveway per the traffic study recommendation and to the County Engineer's satisfaction.

MIP 1050/18 (REPLAT, LOT 1): SIMONCRE JC X, LLC; a replat of Lot 1 in a minor subdivision plat, 5.168 acres, Lincoln Township, S20-T16N-R2E, located on the north side of East U.S. Highway 136, approximately .04 mile west of Raceway Road, more commonly known as 10992 East U.S. Highway 136. (American Structurepoint)

DPR 469/18 (PRIMARY): O'REILLY AUTO PARTS; a development plan review to establish a new retail store, 1.12 acres, Lincoln Township, S20-T16N-R2E, located on the northwest corner of U.S. Highway 136 and North Raceway Road. (American Structurepoint)

DPR 469/18 (SECONDARY): O'REILLY AUTO PARTS; a development plan review to establish a new retail store, 1.12 acres, Lincoln Township, S20-T16N-R2E, located on the northwest corner of U.S. Highway 136 and North Raceway Road. (American Structurepoint)

Mr. Tyler Comstock of American Structurepoint appeared on behalf of the applicant. He reviewed their request to replat MIP 1050, Lot 1 and he displayed a view of the site plan. He stated that the change was to the existing interior lot lines and there were dedicating a right-of-way along U.S. Highway 136 in order to accommodate the new O'Reilly Auto Parts store.

Mr. Gentry asked Mr. Ayers if he had any comments.

Mr. Ayers stated that the traffic counts on U.S. Highway 136 were high enough that another use along there would not create anything significant.

The members asked further questions regarding the new layout and Mr. Comstock responded. He also stated that they had their meeting with the Drainage Board.

Mr. Tim Whicker asked if there was access along Raceway Road for Lot 2.

Mr. Comstock responded that there was frontage along Raceway Road for Lot 2. He stated that there had been a request for an easement through their property for Lot 2 and that the owner was willing to give that easement through the north/south.

Mrs. Baker asked about the access to the corner lot.

Mr. Comstock explained that they could not get access for that lot due to the detention pond location and he added that with the dedication of the right-of-way, that corner lot became a lot smaller.

Mr. Dombrosky explained that they had submitted for the replat and for the development plan review and he displayed the site plan for the DPR.

Mr. Comstock stated that there had been comments for an east/west ingress/egress easement and instead the owners were willing to grant a north/south easement for access to Lot 2 unless it was determined that it was no longer needed since Lot 2 had the frontage along Raceway Road.

Mr. Gentry asked which owners Mr. Comstock was talking about.

Mr. Comstock stated he was referring to his clients, SimonCRE.

After reviewing the development plan, Mr. Dombrosky commented that it would be useful to see the improvements.

Mr. Comstock stated it was all just discussion right now and he discussed the location of the existing structures.

There was a discussion on connectivity and Mr. Ayers commented that he wanted to see that between the lots.

Mr. Gentry then opened the public hearing portion of the meeting.

Mr. Keith Wagoner, 8240 Beechgrove Lane, Martinsville, appeared and stated that he was the owner of the property in question. He stated that the access coming along the west edge of the property and going north was what he would like to see. He stated that the access going east would not be a useable access and he did not want the traffic coming through there

Mr. Ayers confirmed that he did not think of that as a connection until something else might be developed. He stated it could just be stub with some type of barrier.

Mr. Wagoner went on to say that he wished for an easement along the west side going north to be part of the approval.

Mr. Dombrosky stated he thought that made sense as the more connections the better.

Mr. Gentry asked about a barrier for the gravel drive.

Mr. Comstock stated that a curb could be put in to act as a barrier and that he would discuss that with his client.

Mr. Tim Whicker asked again about whether or not it would be an easement.

There was a discussion on creating easements and Mr. Comstock stated they would discuss an access aisle easement to the north.

Mr. Wagoner commented that he wanted to be included in any agreement for the easement to the north.

Mr. Gentry stated he was not comfortable with any negotiation on the easement and he asked the attorney, Mr. Youngs, to comment.

Mr. Youngs stated that the members could agree to continue the matter until the easement was worked out.

Mr. Gaston commented that the Drainage Board had granted preliminary approval for the DPR project and had continued the final approval, which would be heard in January as well as the final for the replat.

After some discussion on the matter, the members and staff agreed that primary approval could be granted for the DPR only and that the members were comfortable with the Administrative Committee hearing the final approvals in January.

Mr. Gentry then closed the public hearing.

Mr. Comstock then went forward with discussion on the staff recommendations on the modifications requested for the primary DPR. He discussed the front building setback request for 44 feet instead of the required 50 feet, the request for 30 parking spaces rather than the allowed 27, and a modification of the 20-foot landscape screening requirement along the front of the property based on the

size of the lot. He stated that the final modification request was along the west side of the property to allow ten feet for landscaping and for a six-foot privacy fence.

Mr. Gentry asked for the member's comments.

Mr. O'Riley stated he was okay approving the primary DPR with the stated modifications.

Mrs. Baker added that there was one more modification having to do with the dumpster enclosure.

Mr. Comstock stated he felt that modification request could be withdrawn, and their architect could match up the materials used with the building.

Mr. Dombrosky then discussed the development plan staff letter with the modifications numbered 2 through 5. He stated the staff had no concerns about those requests because of the constraints. He stated that the Commission could choose to approve the primary DPR with the modifications as set out in the staff letter.

Mr. Gentry stated that the issues set out by Mr. Wagoner needed to be protected and he would be comfortable approving the primary DPR if he was assured that the administrative committee's decision for the final approvals would make sure those issues were addressed and resolved.

Mr. Dombrosky stated that with the plat, they could look at an agreement that a connection point was not made until the property to the east was sold and developed. He added that was as much as they could do to put that in the control of the adjacent property owner.

There being no further discussion, Mr. Gentry called for motions.

Mr. Tim Whicker made a motion to grant primary approval for **DPR 469/18 (Primary): O'Reilly Auto Parts** subject to the following:

1. Conditions and recommendations in staff's letter dated December 11, 2018, with approval of modifications #2 through #5 as set out in said staff letter; and
2. The applicant agreed to comply with #6 so no modification is being requested on this item; and
3. The easement issue in #7 will be resolved and heard by the Administrative & Plat Committee.

Mrs. Johnston seconded the motion and the vote was unanimous.

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

The staff conditions and recommendations for the primary approval are as follows:

DRAINAGE CONDITIONS:

Subject to approval by Hendricks County Drainage Board.

STAFF RECOMMENDATIONS:

1. Lighting plan may not exceed 0.5-foot candles at the property lines.

2. Modification requested for the front building setback, 50' is required and 44' is what is proposed. Staff is okay with the request, due to the 100' thoroughfare dedication and the size of the lot.
3. Modification requested for the number of parking spaces. Based on the size of the building the maximum number of parking spaces allowed are 27, the applicant is proposing 30. Staff is okay with the modification.
4. Modification of the 20' landscape screen width required from the right-of-way on the south property line. Due to the amount of right-of-way required this is hard to attain based on the size of the lot. Staff is okay with the request.
5. Buffer yard # 2 is required on the west side. This adjacent property is zoned GB but is still being used as residential. A 20' width is required, 10' is being proposed. Also 25% of the total unit value should be derived from deciduous shade trees. The total unit value for the buffer yard is very much over the required 3 points per 100' LF therefore getting to the 25% percentage of shade trees would require many more shade trees to be added. Due to the amount of "extra points" staff is okay with this modification request. Also, the applicant is planning on putting a 6' privacy fence along this property line.
6. Dumpster enclosure does not have "similar" materials to building as it's required. This would require a modification, and staff see no reason for it.
7. Easement should be written for a future driveway connection to the adjacent property to the east or some means of future access if this property ever develops.
8. Provide INDOT approval for the right-of-way and drainage permitting.
9. Some dimensions shown (8", 8" and 2") but do not reference the meaning. If they are thickness dimensions, it would be better to move them away from the detail slightly. It would also help if detail was slightly larger.
10. The rip rap needs to be removed from under the end section on C520.
11. It appears there is an existing chairback curb on US 136 where the entrance will be. The plan for removal and replacement, including timing, needs to be explained and INDOT needs to be made aware if there is going to be a significant delay between removal and replacement.

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. 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. Gentry then made a motion to continue for thirty (30) days the following matters: **MIP 1050/18 (Replat, Lot 1): SimonCRE JC X, LLC and DPR 469/18 (Secondary): O'Reilly Auto Parts.**

Mr. O'Reilly seconded, and the vote was unanimous.

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

DPR 470/18 (PRIMARY & SECONDARY): MERCER MACHINE AT HEARTLAND CROSSING (LOT 88, HEARTLAND CROSSING BUSINESS PARK); a development plan review to establish a new machine shop, 3.414 acres, Guilford Township, S20-T14N-R2E, located on Leases Corner Court, approximately 0.15 mile northeast of the intersection of South County Road 1025 East and East Hendricks County Road. (Maurer Surveying)

Mrs. Baker informed the members that the applicant had requested a continuance.

Mr. Gentry called for a motion.

Mr. O'Riley made a motion to grant a thirty (30) day continuance for the above matter.

Mrs. Johnston seconded the motion and the vote was unanimous.

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

MAP 741/19 (PRIMARY): RONALD & SHANNON BEAMAN (REPLAT OF MIP 896, LOT 1); a 4-lot major subdivision plat and replat of an existing 3-lot minor subdivision, 14.21 acres, Marion Township, S18-T15N-R2W, located on the south side of West County Road 100 South, approximately 0.28 mile west of South County Road 775 West. (Survey First LLC)

MAP 741/19 (SECONDARY): RONALD & SHANNON BEAMAN (REPLAT OF MIP 896, LOT); a 4-lot major subdivision plat and replat of an existing 3-lot minor subdivision, 14.21 acres, Marion Township, S18-T15N-R2W, located on the south side of West County Road 100 South, approximately 0.28 mile west of South County Road 775 West. (Survey First LLC)

Mr. Tim Higbie of Survey First LLC appeared on behalf of the Beaman's. He reviewed the location of the proposed project. He stated that the Beaman's owned Lot 1 of the existing minor subdivision known as MIP 896. He stated that his client had asked that Lot 1 be split into two buildable

lots with the western lot containing the existing home. He stated that would then create a four-lot minor plat which caused a major plat situation. He added that the rural residential zoning district then called for an estate subdivision designation. He stated after discussion with the planning staff, some architectural standards were needed to meet the character of the surrounding homes and that would provide landscaping fitting for a two-lot development. Mr. Higbie then discussed their proposed plan for landscaping that would go along with the existing home's extensive landscaping and irrigation systems. Mr. Higbie then stated that he had complied with the changes requested in staff's letter dated December 11, 2018 and he reviewed those conditions.

Mr. Gentry asked for further questions or comments. There being none, Mr. Gentry opened the public hearing. There being no one signed up to be heard, Mr. Gentry closed the public hearing.

Mr. O'Riley asked for Mr. Dombrosky's comments.

Mr. Dombrosky reviewed the facts of the proposal and the fact that major subdivisions were not allowed in an AGR district unless they were estate subdivisions and that the estate subdivision designation in the ordinance was vague. He stated that they did meet those requirements and he explained that an estate designation approval was needed prior to approving the major plat and replat. He added that Lots 1 & 4 would need to conform to the estate subdivision requirements and the other existing lots would not.

Mr. Tim Whicker asked if it could be split again with another hearing.

Mr. Dombrosky stated that could happen with another application and hearing. He also explained the recommendations in the staff's letter as to modifications necessary for an estate subdivision.

Mr. Gentry then called for motions.

Mrs. Baker asked about the modification for the street trees.

Mr. Higbie stated the street trees for Lot 1 were existing and they were not proposing any new street trees on Lot 1 as they followed the drive. He added that the trees shown on Lot 4 would all be new trees.

Mr. Dombrosky stated that would be considered a modification request.

Mr. Gentry then made a motion to grant the estate subdivision designation for **MAP 741/18: Ronald & Shannon Beaman.**

Mr. Tim Whicker seconded the motion and the vote was unanimous.

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

Mr. O'Riley made a motion to grant approval for **MAP 741/18: Ronald & Shannon Beaman (Replat of MIP 896, Lot 1) (Primary)** subject to the following conditions:

1. Conditions & recommendations in staff's letter dated December 11, 2018 with modifications of the Estate Architectural Standards, which are only applied to new construction on Lot 1 and Lot 4;
2. The landscape buffer yard on the perimeter road shall not be required;
3. Also, the surrounding undeveloped properties shall not be subject to the estate standards; and

4. With a modification approved for not requiring street trees on Lot 1.

Mr. Tim Whicker seconded the motion and the vote was unanimous.

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

Mr. Tim Whicker then made a motion to grant secondary approval for **MAP 741/18: Ronald & Shannon Beaman (Replat of MIP 896, Lot 1) (Secondary)** subject to the same conditions and recommendations as the primary approval.

Mrs. Johnston seconded the motion and the vote was unanimous.

FOR – 4 – 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. In 2001, a 3-lot Minor Subdivision was approved. Lot 1 is 14.21 acres and the applicant wants to create a fourth lot. Any parent parcel which is split into more than 3 lots must be done so as a "Major Subdivision." A "Major Subdivision" is only permitted in AGR with an Estate designation. Therefore, this 'designation' must be granted before approval of any additional split.
2. Staff is in favor of all modifications requested in regard to the Estate Subdivision.
3. Correct caliper of trees, it should be a minimum of 2.5" calipers and not 1.5".
4. On the plat change the "Architectural Design Covenants" clause to "Estate Subdivision Architectural Standards." With the statement, "This shall apply to all new construction for Lot 1 and 4. This includes the ground floor living area single-story to be no less than 2,400 SF and multi-story no less than 1,500 SF first story and 2,800 SF total. The maximum height for an accessory structure is 18 feet."
5. At least three soil borings must be in the proposed soil absorption field on Lot 1B. The location of the proposed soil absorption field must be moved to include the soil borings that were submitted with the application or additional soil borings must be submitted prior to approval.

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. 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.
5. A septic system must be designed for these lots prior to building permit application to reflect the actual house location and size. The initial review of the submitted soil analysis indicates that the soils are rated severe and that septic systems are feasible on these lots. Additional soil borings for each lot may be required at the time of septic permit application. Proposed subsurface drain outlet elevations are required on each lot prior to final approval.
6. 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.
7. Secondary septic field easements (SSFE) must be shown on the plat, or separate easement document to be recorded with the plat must be provided.
8. 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. 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.
10. 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. Gentry stated that concluded the agenda items and asked for any items for discussion.

Mr. Dombrosky stated that there was a request to be heard.

STONEGATE

Mr. Jeremy Kaiser of Holloway Engineering appeared along with Mr. Ross Holloway, Mr. Shawn Stewart, owner, and the east property adjoiners, Rick & Karry Surenkamp. He explained they wished to submit for approval a 21.17-acre piece of property to be designated as an estate subdivision with ten (10) lots. He reviewed the location of the property located northeast of the intersection of East Hendricks County Road and Indianapolis Road. He then reviewed the details of the site plan; the type of homes proposed with septic system locations and drain outlets. He discussed the street to be constructed to access all of the lots, the landscaping and drainage plans. He stated that the water would be serviced by Citizen's Water. He also discussed in detail the drainage plan for the proposed project. He compared the homes to be offered for this development as similar to those currently existing in the Stanley Cove Subdivision.

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Mr. Ross Holloway of Holloway Engineering appeared and stated that the main reason for making this presentation was to request that this project be approved as an estate subdivision as it was basically the underpinning of the entire development. He pointed out that the sale price of the homes being proposed were approximately \$400,000 to \$500,000.

Mr. Gentry reminded Mr. Holloway that they could not make any approvals for a matter that was being presented as a "Wishes to be Heard" item.

Mr. Dombrosky stated that he had informed Mr. Holloway that he would not know the Plan Commission's wishes on this matter but that they could appear at this meeting to determine if they should proceed with the project.

Mr. Tim Whicker asked Mr. Dombrosky if he had any concerns with the proposal.

Mr. Dombrosky stated he did not have any major concerns because it was located near an urbanized area.

Mr. Holloway responded that they were just trying to get a feel for the proposal from the members.

Mr. Gentry asked for questions or comments from the members.

Mr. O'Riley stated he had no problems with the proposal provided it met the criteria for an estate subdivision.

Mr. Tim Whicker stated he was just concerned about the proximity of existing homes neighboring the site and what buffering could be proposed.

Mr. Dombrosky stated he understood and that he did still have some site issues with the project that would need to be addressed.

Mr. Gentry asked about the project going before the Hendricks County Drainage Board.

Mr. Gaston responded that Terry Brock of Morgan County wished for the project to appear before the joint Morgan/Hendricks County Board and he discussed some drainage issues for the site. He stated that he would present the drainage design to Mr. Brock and then determine if the request for a joint meeting was still needed.

Mr. Gentry then asked if there was anyone else present who wished to comment on this project.

Mr. Gaston addressed some neighboring property owners who were present and discussed the drainage issues in the area with Mr. Holloway. One of the property owners attending the meeting stated they were present just for information and to make sure they were not negatively impacted by the development.

After some further discussion, there was a consensus from the members for the applicant to move forward with his project.

Mr. Dombrosky then stated that the last item for discussion was approval for a revised 2019 Hendricks County Meeting Schedule. He explained what had been changed as to the written notice column.

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Mr. O'Riley made a motion to grant approval for the revised 2019 Plan Commission Meeting Schedule.

Mrs. Johnston seconded the motion and the vote was unanimous.

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

Mr. Gentry then made a motion to adjourn the meeting with Mr. O'Riley seconding that motion.

The meeting was adjourned at 8:00 p.m.

Tim Dombrosky, Chairman