

February 12, 2019

A meeting of the Hendricks County Area Plan Commission was held on Tuesday, February 12, 2019 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; Mrs. Sonnie Johnston; Mr. Walt O'Riley; Mr. Jeff Pell; Mr. Tim Whicker; and Mr. Bob Gentry. Member absent: Mr. Damon Palmer. Staff members present were: Mr. Tim Dombrosky, Secretary and Director of Planning; Mr. Graham Youngs, Acting County Attorney; Mr. David Gaston, County Surveyor; Mrs. Krista Click; 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 six (6) members present.

Mr. Brad Whicker stated that the first order of business was approval of the December 11, 2018 and January 9, 2019 meeting minutes.

Mrs. Johnston made a motion to approve the minutes for the December 11, 2018 meeting.

Mr. Gentry seconded the motion with Mr. Brad Whicker and Mr. Pell abstaining.

FOR – 4 –                      AGAINST – 0 –                      ABSTAINED – 2 –

Mr. Gentry then made a motion to approve the minutes for the January 8, 2019 meeting.

Mr. O'Riley seconded the motion with Mr. Tim Whicker and Mr. Jeff Pell abstaining.

FOR – 4 –                      AGAINST – 0 –                      ABSTAINED – 2 –

Mr. Brad Whicker then introduced the newest member of the Plan Commission, that being Mr. Jeff Pell of the Purdue Extension Office.

Mr. Brad Whicker then moved on to the public hearing items on the agenda.

**ZA 228/19: EAGLE CROSSING PUD 16 & EAGLE LAKES CONDOMINIUMS (DPR 245) (AMENDMENT TO PUD ORDINANCE);** an amendment to an approved PUD Ordinance for the Eagle Crossing development and the Eagle Lakes Condominiums development plan; 4 parcels, 13.82 acres, Lincoln Township, S05-T16N-R2E, located on the north side of East county Road 600 North and east of Eagle Crossing Boulevard. (Faegre Baker Daniels LLP)

Mr. Brad Whicker stated that it was his understanding that the petitioner was asking for a continuance on this matter. He asked if there was anyone present to speak on the matter.

Mr. Mark Leach of Faegre Baker Daniels LLP appeared on behalf of the applicant and stated that they were asking for a continuance due to the staff's request for more information and that they were also working with the neighborhood to discuss the impact of this proposal on the area.

Mr. Whicker asked the Plan Commission members if they had any specific questions on the matter to offer to the petitioner's representative.

Mr. Leach stated that he would be happy to hear any questions or comments from the members.

There being no questions or comments from the members, Mr. Gentry made a motion to continue **ZA 228/19** for thirty (30) days to the March meeting.

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

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

Mr. Brad Whicker then commented that those in attendance for this matter would not be notified again by mail and that it would be scheduled to be heard at the March 12, 2019 Plan Commission meeting and he suggested that concerned residents contact the Planning & Building Department office to confirm that the matter would be heard at the March meeting date.

Mr. Dombrosky stated that a matter would not usually be noticed again unless it had received numerous continuances.

**DPR 466/19 (AMENDMENT): SUN SOLUTIONS;** a development plan review to amend a previously approved development plan review, 2.34 acres, Center Township, S32-T16N-R1W, located on and along the east side of State Road 236, the west side of State Road 39, approximately 0.16 mile north of the confluence of said thoroughfares, as measured on and along State Road 236. (Kruse Consulting, Inc.)

Mr. Dale Kruse of Kruse Consulting, Inc. appeared on behalf of the applicant along with Sun Solutions owner, Bob Eichler and the applicant's builder, Tim McGovern. Mr. Kruse stated that the matter had previously received approval and he explained that the builder had done a review of the building costs for the proposed structure and because of that review, they were present at this meeting to request some modifications. He displayed a site plan of the Dorsey Business Park where the applicant planned to construct their building on the northern lot. He stated that the proposed building would be approximately 10,000 square feet and that Sun Solutions business was the manufacture of covers for vehicles of all types. He pointed out the area that could also be for a possible future expansion of the business. He pointed out the entrance drive and the location of the community septic system which would not be changing. He stated that they were requesting two modifications and those were for the architectural features and the landscaping plan. He then explained that they had located on the property twenty-six (26) existing trees and that they were asking to be allowed to include those existing trees and consider their landscaping requirement met. He added that there was also a forest of trees located on the neighboring property which contained deep ravines and was unlikely to be developed in the future. He explained that the bufferyard requirement was for 50% of the trees to be of an evergreen type. He stated that after discussions with the staff, they had agreed on planting four (4) evergreen trees in a location that would be acceptable. Mr. Kruse also pointed out that the staff's letter contained an error in that it included Drainage Board approval. He stated that they had not been required to go before the Drainage Board for this project. Mr. Kruse stated that the next item for discussion was a modification of the architectural standards and he asked the architect, Mr. Lockwood to explain. He added that the project bid was for \$800,000.00 including the property. He stated that the proposed building had been close to meeting all of the non-residential design standards.

Before Mr. Lockwood spoke, Mr. Kruse added that the changes being proposed would equate to almost \$90,000.00 or better than 10% of the cost of the project. He stated because of those figures, they felt their request for the architectural modification was justified.

Mr. Dennis Lockwood of Lockwood Design Associates in Indianapolis appeared and stated he was the architect for the proposed structure on the property. He explained that the changes being requested involved a reduction in the amount of masonry and a change in the color of the proposed building. He displayed the elevations and explained what changes they were proposing for the building.

Mr. Brad Whicker asked the members if they understood all of the minor architectural changes that were being proposed and, in his opinion, some common sense adjustments for the landscaping plan.

Mr. Brad Whicker then stated for the purpose of transparency, reported that he had been asked by the petitioner and Mr. McGovern to meet with them. He stated that he did have a meeting with them in his business office to discuss the modifications that they were proposing and that he did not see a substantial difference in his opinion.

Mr. Brad Whicker then opened the public hearing. There being no one signed up to be heard, Mr. Brad Whicker closed the public hearing and called for further questions or comments.

There being no further questions or comments, Mr. Brad Whicker called for a motion on the matter and stated he assumed the motion should contain an approval for the two proposed modifications.

Mr. Dombrosky stated it would be one amendment with two modifications.

Mrs. Johnston then made a motion to grant approval for **DPR 466/19 (Amendment): Sun Solutions** subject to the following conditions:

1. Conditions and recommendations in staff's letter dated February 12, 2019.

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

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

The staff conditions and recommendations were as follows:

**STAFF RECOMMENDATIONS:**

1. Sun Solutions is making the following changes to original DPR which was approved in October 2018. "Masonry pilasters, removed on all elevations; masonry wainscot removed on north, east, and south elevations and replaced with prefinished metal siding wainscot, 3'-4' high; masonry wainscot retaining at main entrance on south elevation and lowered to be 3'-4' high; masonry wainscot retained on west elevation and lowered to be 3'-4' high; masonry wainscot and prefinished metal siding wainscot color change to dark brown; remainder of siding retains tan color, same as originally proposed; gutter and downspout color changed to dark brown; yard on south and east sides adjacent to building replaced with stone; and landscape plan revised upon the inspection of existing trees by Arbor Terra Consulting. 26 qualifying trees greater than 8" caliper were identified and located by survey equipment."
2. Staff is comfortable with the architectural modification request and other architectural changes- the applicant will show bronzing around the windows and choose a different color for the garage door.
3. A Buffer Yard Type 3 is required along the north property line. The owner has a significant amount of existing/qualifying trees, however there are no evergreens. The Buffer Yard 3 requires that of 50% of the total trees must be evergreen so this would also be a modification. However, the applicant has agreed to install 4 evergreens by the loading dock. Also, the North East portion of the Buffer Yard does not have any existing "qualifying" trees so it does not meet the point requirement, this would also be a modification. The Planning Commission previously approved a modification waiving the mound requirement for this Buffer Yard.

**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. An Improvement Location Permit/Building Permit must be obtained two (2) years from the date of approval. 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. 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 carried out as a permitting process separate from development plan approval.
6. No Improvement Location Permit/Building Permit shall be issued until any plat associated with Secondary Development Plan Review has been recorded.
7. 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.
8. This lot will be served by a cluster onsite wastewater disposal system. A permit from the Hendricks County Health Department will be required for connection to this cluster onsite wastewater disposal system.

**MIP 1106/19: LINDEN SQUARE COMMERCIAL;** a 2-lot minor subdivision plat, 4.68 acres, Washington Township, S32-T16N-R2E, located northwest of the intersection of East County Road 100 North and North Raceway Road. (American Structurepoint)

**DPR 471/19 (PRIMARY): LINDEN SQUARE COMMERCIAL;** a development plan review to establish two new commercial shopping center buildings; 4.68 acres, Washington Township, S32-T16N-R2E, located northwest of the intersection of East County Road 100 North and North Raceway Road. (American Structurepoint)

Mr. Brad Schrage of American Structurepoint appeared on behalf of the applicant. He stated that they were still working toward getting Drainage Board approval. He stated that he wanted to discuss some requested modifications that they were seeking approval for prior to getting secondary approval. Mr. Schrage then discussed the modifications they were requesting as to the impervious area, the number of parking spaces, the percentage of parking spaces in the Front Yard and the dumpster location. He discussed these items as set out in their letter to the staff dated January 30, 2019 and in the staff's recommendation letter dated February 12, 2019.

Mr. Brad Whicker asked for questions and comments from the members and/or staff.

Mr. O'Riley asked for verification that there was no store frontage on the rear of the buildings.

Mr. Schrage stated that was correct.

Mr. O'Riley asked if the dumpster locations would be covered.

Mr. Schrage replied that the dumpsters would be enclosed and landscaped.

There being no further questions, Mr. Brad Whicker opened the public hearing. There being no one signed up to be heard, Mr. Brad Whicker closed the public hearing and asked for further discussion on the matter.

Mr. Brad Whicker discussed with Mr. Dombrosky the steps for granting approval for these matters and for either remanding the secondary to the Administrative Committee or hearing it before the full Plan Commission.

Mr. O'Riley commented that it seemed reasonable to him for restaurant properties to have extra parking.

Mr. Dombrosky stated that the ordinance did have parking standards for restaurants.

Mr. O'Riley asked if they knew the number of suites in the proposed buildings.

Mr. Schrage responded that they were set up for seven suites with seven potential users. He stated, however, that a restaurant user would probably need more than one suite.

Mr. Brad Whicker reminded the members that a motion would need to be made for the 2-lot minor plat as well as the primary for the development plan.

Mr. O'Riley then made a motion to grant approval for **MIP 1106/19: Linden Square Commercial** subject to the conditions and recommendations in staff's letter dated February 12, 2019.

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

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

The staff conditions and recommendations were as follows:

**DRAINAGE CONDITIONS:**

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

**STAFF RECOMMENDATIONS:**

1. The applicant is requesting a two-lot Minor Plat to accommodate two buildings for a multi-use for multiple tenants (refer to DPR 471 Linden Square Commercial).
2. Only provide the front setbacks on the plat (not the side setbacks).
3. Provide a revised/corrected public notice letter that was sent out to surrounding property owners.

**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.

Mr. Brad Whicker then called for a motion on the companion development plan in its primary form.

Mr. Dombrosky added he wanted to state that the drainage being part of this plan was not finalized yet and could affect the lot coverage. He stated that was the reason he had indicated if the members wanted to remand the secondary approval hearing to the Administrative Committee, they could with the understanding that if the site plan changed significantly based on the drainage design, he would want to send it back to the full Plan Commission for the approval hearing.

Mr. Brad Whicker responded that the staff could use their discretion once the Drainage Board approvals were received as to whether they would be comfortable addressing the secondary or return it to the Plan Commission.

Mr. Dombrosky then asked the members if they had any other questions or comments on the project design.

Mr. O'Riley then made a motion to grant approval for **DPR 471/19: Linden Square Commercial (Primary)** subject to the following conditions:

1. Conditions and recommendations in staff's letter dated February 12, 2019 with approval of modifications.
2. Secondary development plans to be approved by staff and with approval by the Hendricks County Drainage Board.

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

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

The staff conditions and recommendations were as follows:

**DRAINAGE CONDITIONS:**

Subject to approval by Hendricks County Drainage Board

**STAFF RECOMMENDATIONS:**

1. The Photometric Plan is difficult to read in some areas, be sure that there is no more than 0.5 footcandles at the property lines.
2. Provide Building Height on the plans.
3. Modification - *Maximum impervious area 75%*, proposed 92%. Staff has the most difficulty with this modification, it's significantly over 75%. However, the applicant has decreased slightly from the original submittal. Also, with the large amount of right-of-way dedication for the Thoroughfare Plan it appears, at least until the road is widened, overall the area would have less impervious area than 92%.

4. Modification - *Maximum number of parking spaces is 80*, proposed 160. Staff understands that the applicant recognizes their need for the amount of parking spaces is sometimes different from the ordinance and for that reason this type of modification has been approved more frequently.
5. Modification *no more than 50% of the total parking spaces are located in front of the building*. Staff is okay with this request. There is significant setback due to the Thoroughfare Plan which includes street trees, a multi-use path and landscaping. The buildings are also central to site plan, which meets the intent.
6. Modification of the *dumpster located in the front yard*. Staff is okay with this request as there is no other ideal location for it.
7. The landscape requirements to use for this site are complicated. Due to the different time periods and approvals, setbacks, thoroughfare dedications, amendments and how our Landscape Ordinance has changed, staff thought it would be best to just enforce our current "Perimeter Landscaping for Off-Street Parking Areas" for the parking areas to this site. Staff feels this would still buffer surrounding properties adequately and is similar to the other landscaping requirements used in Linden Square's previous development. Here are a few notes staff would also like to point out specifically:
  - a. Street trees are located in the Thoroughfare Plan, usually these should be located out of this area but there is no other ideal location for these.
  - b. There should be a tree (deciduous or evergreen) every 30 LF of landscaped area. Staff would like the applicant to add at least four (4) trees along the south parking area where there are gaps in where the street trees are located. Also at least seven (7) to be added in along north parking area.
8. On the Right of Way Pavement detail, the Intermediate depth should be 3" rather than 2 ½". Increasing the required surface thickness from 1" to 1 ½" doesn't add any structural strength.
9. Dimensions and typical cross sections of all work along CR 100 N need to be provided. A stone shoulder will be required along the frontage.
10. New full width surface will be required along CR 100 N within the limits of all widening, with milled butt joints at each end and pavement markings.
11. The plans must be revised to show one ditch along CR 100 N that drains into the internal system rather than to the south side of the street. The plans show Structures 101A and 203A sloping towards the ditch rather than away from it.
12. Sidewalk ramps must conform to INDOT standards, including tactile warning devices.

**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. an Improvement Location Permit/Building Permit must be obtained two (2) years from the date of approval. 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. 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 carried out as a permitting process separate from development plan approval.
6. No Improvement Location Permit/Building Permit shall be issued until any plat associated with Secondary Development Plan Review has been recorded.
7. 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.

**MAP 742/18 (PRIMARY): SOUTHGATE;** a 10-lot major estate subdivision, 21.711 acres, Guilford Township, S24-T14N-R1E, located northeast of the intersection of East Hendricks County Road and Indianapolis Road. (Holloway Engineering)

Mr. Brad Whicker asked staff if the applicant on this project had requested a continuance.

Mr. Dombrosky stated that was correct as they were trying to schedule a joint drainage board meeting between Hendricks and Morgan counties.

Mr. Gentry then made a motion to continue **MAP 742/18: Southgate (Primary)** for thirty (30) days to the March meeting.

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

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

Mr. Gentry asked Mr. Gaston about the status of the joint drainage boards.

Mr. Gaston responded that he had not yet been contacted and that he was waiting for Holloway & Associates Engineers to do that. He stated they would set up a joint board with Terry Brock and that he did not know yet when that would happen.

Mr. Brad Whicker then asked Mr. Dombrosky if they should formally make motions of continuance for the secondary on **DPR 471/19**.

Mr. Dombrosky stated yes.

**DPR 471/19 (SECONDARY): LINDEN SQUARE COMMERCIAL;** a development plan review to establish two new commercial shopping center buildings; 4.68 acres, Washington Township, S32-T16N-R2E, located northwest of the intersection of East County Road 100 North and North Raceway Road. (American Structurepoint)

Mr. Gentry made a motion to grant a thirty (30) day continuance for **DPR 471/19 (Secondary): Linden Square Commercial**.

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

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

**MAP 740/19 (SECONDARY): HENDRICKS COUNTY GATEWAY PARK, LOT 1;** a 1-lot major commercial subdivision plat, 48.61 acres, Liberty Township, S35-T14N-R1W, located southwest of the State Road 39 and I-70 Interchange, more commonly known as 10730 South State Road 39. (American Structurepoint)

**DPR 465/19 (SECONDARY): HENDRICKS COUNTY GATEWAY PARK, LOT 1;** a development plan review to establish new warehouse buildings, 48.19 acres, Liberty Township, S35-T14N-R1W, located southwest of the State Road 39 and I-70 Interchange, more commonly known as 10730 South State Road 39. (American Structurepoint)

Mr. Nick Everhart of American Structurepoint appeared. He stated that they were still working through the Drainage Board comments they had received last week but wanted to just go over with the members the modifications being requested to make sure that there were no issues and allowing them to return at next month's meeting for the secondary approval hearings on the major plat and the development plan review.

Mr. Brad Whicker then asked for clarification that the above matters would be continued, and that Mr. Everhart was just asking for some input from the members on the requested modifications.

Mr. Everhart stated that was correct. He then reviewed what had been approved at the primary hearings and pointed out the location of the project. He briefly discussed the site plan and proposed structures as well as the new extended roadway to be called Gateway Drive. He also displayed the proposed landscape plan that dealt with the first three requested modifications. He stated those modifications were not having a Type 3 buffer along the north property line, the modification of the street tree spacing to 100 feet rather than the required 60 feet, the interior tree spacing being 125 feet rather than the required 100 feet by providing an enhanced plan and alternate location providing ten (10) trees at the southeast corner of the parking facility, maintenance screening of refuse and waste removal areas due to industrial facilities use of trash compactors, architectural exterior materials, offsets and projections and screening of roof mounted mechanical equipment.

Mr. Gentry asked who maintained the trees in the parking lots and what type of trees were proposed.

Mr. Brad Whicker stated he thought those trees would be the owner's responsibility to maintain.

Mr. Brad Whicker then asked about the compactors and if they would be mobile.

Mr. Everhart replied that they were large, wheeled and dumpster shaped and were located next to the overhead dock doors.

Mrs. Baker asked if there would be dumpsters inside the buildings.

Mr. Everhart stated no and that all refuse would go into the compactors located outside the buildings and next to the dock doors.

She asked if they were waiting for the tenant to show where the compactors would be located.

Mr. Everhart stated yes.

Mr. Brad Whicker stated if a tenant wanted dumpsters, they would have to present their plan to the commission for approval.

Mr. Dombrosky asked what the differentiation between a dumpster and trash compactor was.

Mr. Everhart replied that a typical dumpster would sit off from the building in an enclosure and a compactor being different in that it would sit up against the building and not be able to be screened.

Mr. Brad Whicker stated that a compactor could be moved from dock to dock. He reminded the members that if there were no further questions, Mr. Everhart had wanted to review the modifications with them prior to the vote for continuing the matters to the next meeting after their approval before the Drainage Board.

Mr. Dombrosky asked the members if they had any concerns regarding the modifications discussed.

Mr. O'Riley asked about the street tree spacing and that he understood the reasons for the modification requests.

Mr. Dombrosky replied that in his opinion the spacing would only affect the lateral connections.

Mr. Everhart replied that the main issue was with the water mains being installed and minimizing the number of trees planted in those areas.

Mr. Brad Whicker stated if that spacing was granted, future sections of that roadway would want to follow that same spacing even though there might not be a utility concern then.

Mr. Dombrosky stated that the staff's recommendation was that it follow what had been done along Innovation Boulevard. He stated he believed the spacing there was sixty (60) feet.

Mr. Everhart discussed what had been done along Innovation Boulevard.

Mr. Brad Whicker reminded the members to be conscious of this discussion when they went through the secondary approval.

Mr. Gentry asked again what type of trees were proposed.

Mr. Dombrosky replied that they would be deciduous shade trees.

Mr. Gentry commented those might be a problem with their roots.

Mr. Gaston stated he was not favorable to trees because of the roots.

Mr. Gentry mentioned copper wiring as a solution.

Mr. Dombrosky stated another discussion should be that those trees should be planted behind the right-of-way.

Mr. Everhart replied that he thought the ordinance allowed for flexibility on that.

Mr. Dombrosky stated that the County Engineer did not want them between the curb and the sidewalk.

There was further discussion on the matter and Mr. Dombrosky stated the modification for the trees was the only one he was not clear on what the members wanted. He stated that the plans showed the trees in the right-of-way with concerns about the lateral joints. He stated if they were planted behind the right-of-way, what would be the desired street tree spacing. He stated that they had gone with sixty (60) feet on every other similar development.

Mr. Brad Whicker asked if he meant the approval would be before the Administrative Committee and not the full Plan Commission.

Mr. Dombrosky replied if they were okay with the modifications as presented, then the secondary could be heard by the Administrative Committee in March.

Mr. Brad Whicker stated he would be okay with that and that it would not be necessary for the Plan Commission to hear the secondary approvals and that he thought keeping the trees out of the right-of-way would be the correct way to go and he asked if the spacing would be based on past developments.

Mr. Dombrosky replied he thought on past development approvals.

Mr. Brad Whicker commented that to be consistent, the tree spacing should be based on previous approvals like the Innovation Boulevard one. He added that issue was probably the only contentious one to be dealt with by this Board. He asked if they should grant them their spacing modification of sixty (60) feet to one hundred (100) feet or require them to keep at sixty (60) feet while the remaining items could be addressed by the staff.

Mr. Dombrosky agreed.

Mr. Brad Whicker then called for a motion for a continuance with the clarification that the tree spacing along the road be required at sixty (60) feet while remanding secondary approval to the staff.

Mr. Dombrosky stated the motion should also set out their consent as to the modifications and keeping the tree spacing at sixty (60) feet.

Mr. Brad Whicker then stated the motion should be for a thirty (30) day continuance and include their consent on the modifications with clarification of the exception of tree spacing to be at sixty (60) feet. He stated he felt they should remain consistent with what had been done along Innovation Boulevard.

Mr. Tim Whicker made the motion for a consensus on the modifications as presented with the exception of the street tree spacing to remain at sixty (60) feet.

Mr. Gentry seconded the motion and the vote was unanimous.

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

Mr. Gentry then asked if they all felt that way about the trees, then why not stop requiring them.

Mr. Gaston commented that he agreed.

Mr. Brad Whicker stated he felt that it was subjective and could be debated for an extensive period of time.

Mr. Dombrosky asked for the motion for the continuance of the major plat and development plan.

Mr. Gentry then made a motion to grant a thirty (30 day continuance for **MAP 740/19 (Secondary): Hendricks County Gateway Park, Lot 1** and **DPR 465/19 (Secondary): Hendricks County Gateway Park, Lot 1**.

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

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

That concluding the agenda items, Mr. Brad Whicker called for any other business.

Mr. Dombrosky stated he wished to speak about the requirement for projects to have an approval letter if a project was going to be on sewer. He explained that during the primary phase, a capacity letter from a sewer provider was required and during the secondary phase, an allocation of the sanitary sewer was required, which to most providers meant that it had to be paid for. He stated since he had been with the Planning & Building Department, that was the way it had been done or since the last ordinance approval in 2008 and before. He stated that it had always been insisted upon by the Health Department and the Planning Department. He stated that there wasn't really anything in the Ordinance other than that it was required. He explained the possible outcomes from different scenarios of a project being approved without an approved allocation.

Mr. Brad Whicker asked if there was an instance when this had occurred.

Mr. Dombrosky stated to his knowledge, he did not think it had ever occurred and that the chance of it happening was marginal. He stated that it was a common complaint on practically every project that needed a sanitary sewer allocation before receiving approval.

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Mr. Brad Whicker commented then that there was a direct correlation to the allocation and financial commitment.

Mr. Dombrosky stated yes and that the ordinance just said it was required and not what it would cost.

Mr. O'Riley asked if Mr. Dombrosky had a proposal for what the ordinance should say.

Mr. Dombrosky stated he had thought about it and either way there would be a risk, even though that risk was small. He stated that the way the allocation was required now, the developer had to expend a large amount of cost for that allocation without knowing if their project would be fully approved.

Mr. O'Riley asked about pushing that requirement farther along in the process instead.

Mr. Dombrosky stated that developers already pushed getting that allocation until the last minute. He stated that an alternative would be that the approval could be contingent upon receipt of that allocation. He stated, however, that at that point the staff was not as rigidly tracking the project even though it was then in the hands of his subdivision inspector, whom he had confidence in; but that there could always be an oversight.

Mr. Tim Whicker gave his suggestion that once the secondary was approved, was it as important then to get that allocation and could there be a stipulation that it needed to be received within ten days.

Mr. Dombrosky stated he thought that might be feasible and that they would have to be a little more diligent in tracking it.

Mr. Tim Whicker suggested they not give them a lot of time to complete and suggested no more than a month would be feasible.

Mr. Brad Whicker stated that he liked that suggestion as he did not want the developer to be put under undue financial hardship.

Mr. O' Riley stated then an approval would be subject to receipt of that allocation.

Mr. Dombrosky stated that was correct and he also wanted to possibly tie it to approval of permits. There was discussion on what permits were needed.

There was further discussion among the members on the matter.

Mr. Brad Whicker stated that his feedback was that we provide a certain amount of leeway that could be easily tracked by the department.

Mrs. Klick introduced herself as the Director of the Hendricks County Health Department and stated that the allocation was important to the health department. She explained that there were issues when projects were not planned appropriately, and she just did not want it to fall through the cracks.

After some further discussion, there was a consensus to approve projects subject to receipt of the allocation letter within a short period of time and to monitor during that time period.

There being no further business, the meeting was adjourned at 7:41 p.m.

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Tim Dombrosky, Chairman