

July 14, 2020

A meeting of the Hendricks County Area Plan Commission was held on Tuesday, July 14, 2020 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; Mr. Ron Kneeland; Mr. Walt O'Riley; Mr. Tim Whicker; Mr. Damon Palmer and Mr. Jeff Pell. Members absent were Mr. Bob Gentry. Staff members present were Mr. Tim Dombrosky, Secretary and Director of Planning; Mr. Greg Steuerwald, County Attorney; Mr. John Ayres, County Engineer; Mrs. Suzanne Baker, Senior Planner; and Mrs. Brandy Swinford, Recording Secretary.

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

Mr. Brad Whicker stated the first order of business was the approval of the minutes from the June 9, 2020 meeting.

Mr. O'Riley motioned for approval for minutes from the June 9, 2020 meeting.

Mr. Kneeland seconded the motion. Mr. Brad Whicker and Mr. Pell abstained.

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

DPR 483/20: JP EXPRESS INC. (PRIMARY); a development plan review for an over the road truck storage facility; 5.39 acres; Liberty Township; S25-T14-R1W; located at 9084 S. State Road 39, Mooresville (Moench Engineering)

Mr. Dombrosky stated that they had not received any communication from the applicant since turning in the initial application.

Mr. Brad Whicker stated that it should be continued and asked for a motion of continuance.

Mr. Tim Whicker motioned to continue **DPR 483/20: JP Express Inc.** to the August 11, 2020 meeting.

Mr. Pell seconded the motion.

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

DPR 484/20: DOLLAR GENERAL (PRIMARY); a development plan review for a new store; 2.0 acres; Eel River Township; S4-T16N-R2W; located at 203 N. Main Street, North Salem (Hamilton Designs)

Mr. Austin Tracey, Hamilton Designs, 11988 Fishers Crossing Dr., Ste. 154, Fishers 46038 appeared. He stated they were the civil engineers on the project and that Mr. Joe Leonard with Second Circle Investments was also present. They were the developers of the project. He noted they were also here for a minor plat as well to combine the two (2) lots into one (1) lot. He pointed out where the site was located on the slide. The address is 203 N. Main Street in North Salem. The site layout is the standard layout for Dollar General stores. It has sidewalks along the frontage already. The dumpsters will be located in the rear. He stated they have adequate parking. They will have three (3) dry detention basins. One is located along the road and they have proposed wooden bollards to provide some refuge from the road so cars do not drive into the detention basin area. He stated they received drainage board approval this morning. They have been coordinating with INDOT and have received INDOT drainage approval as well. The landscape plan is not up to the Hendricks County code, but they have received variances from the Town of North Salem. They have approved the landscaping plan. He noted that they do provide trees along the frontage as per the Hendricks County plat requirements. There will also be landscaping around the parking lot. The dumpster enclosure will be an opaque fence instead of the brick. That was also approved through the variances with the town. He showed the plat combining the two (2) lots into a single

lot of 2 acres. He then showed the schematics of the building elevations. There was a variance approved to allow for the design.

Mr. Brad Whicker stated they would deal with the development plan review first then deal with the minor plat. He asked if there were any questions from the plan commission members.

Mr. Pell asked if the sidewalks addressed were ADA compatible.

Mr. Dombrosky replied that he had talked with INDOT and they were doing the best they could on the site because of the grade change from the road to where the store is going to be located. It will be prohibitive to do a ramp that is ADA compliant because the slope will be a little higher than normal ADA requirement. They are doing what they can to make it as accessible as possible. The public sidewalk will be compliant.

Mr. Brad Whicker opened the public hearing.

Mr. Rod Lasley, 205 N. Main Street, North Salem appeared. He stated he lived directly to the north of the location. He is fully in support of the project. He felt it was a great improvement over what they have currently. It would be an improvement to the community and to the property values around the area.

Mr. Brad Whicker closed the public hearing and asked if there were any further questions from the plan commission members.

Mr. Dombrosky stated that most of the staff comments were technical, except for number five. They do not have final INDOT approval for their driveway permit yet.

Mr. Ayres asked if the driveway permit included the drainage outlet. He wanted to know if those were combined on one permit because they had indicated they had approval on the outlet.

Mr. Tracey replied that the way INDOT runs their permits they have separate reviews for the driveway and the drainage. The drainage was a hydraulics review and they have the approval for that, which reviewed the outlet and detention area. The driveway permit review they have received comments from the reviewer and have been in contact with the INDOT inspector. They have addressed all their comments and concerns. He did not believe they had anything else to address, but unfortunately, they were not able to get an approval letter before the meeting tonight. They would like to seek a conditional approval pending the appropriate INDOT driveway permit, which they expect to receive soon.

Mr. Ayres stated that he understood the concern, but typically they do not recommend going to secondary approval without the INDOT permits. It is not a good practice. We like to see other agency's permits before plan commission does approval. He would not recommend granting secondary approval.

Mr. Brad Whicker stated that he believed they could send that to staff to approve the secondary.

Mr. Dombrosky replied they could, but it would not be until next month. That is what the petitioner was trying to avoid.

Mr. Brad Whicker asked Mr. Ayres to elaborate on why they would not want to grant secondary approval.

Mr. Ayres replied that it was up to INDOT what the driveway would look like as far as what they are okay with. He stated that he has been through this process on other projects where they have addressed their comments, but that it may not be to their satisfaction. He would hate to see them approve something that is not been cleared for that part of the project. Then it gets into some sticky issues if they want to go ahead and start construction or doing dirt work before INDOT has said okay. There may be changes later that they are not aware of yet. He believed they make it clear early in the process that they

need to have the permits approved before this stage. It is the same concept as to why we wait for drainage board approval.

Mr. Tracey stated that he did not believe there would be any surprises from INDOT because they had addressed all their concerns and are just waiting for the approval. He understands that staff does not recommend giving secondary approval without seeing the official letter from INDOT that is why he would hope they could receive a conditional approval where they would not receive any permits from county offices until they provide proof of INDOT's approval. The comments they received from INDOT had nothing to do with their drive location, they just wanted them to convey additional information acknowledging how steep the drive is. There was nothing related to how they were handling maintenance of traffic, how they were proposing their drive or the details they were using. All of that is to INDOT code.

Mr. Brad Whicker stated that they would get more into that with the secondary and minor plat case. He wanted to handle the primary first.

Mr. Palmer motioned for the approval of **DPR 484/20: Dollar General (Primary)** subject to staff recommendations.

Mr. O'Riley seconded the motion.

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

MIP 1122/20: DOLLAR GENERAL; a 1-lot minor plat; 2.0 acres; Eel River Township; S4-T16N-R2W; located at 203 N. Main Street, North Salem (Hamilton Designs)

Mr. Brad Whicker asked if everyone was clear on what they were doing with this case. He stated he would entertain a motion.

Mr. O'Riley motioned for approval of **MIP 1122/20: Dollar General** subject to staff recommendations.

Mr. Kneeland seconded the motion.

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

DPR 484/20: DOLLAR GENERAL (SECONDARY); a development plan review for a new store; 2.0 acres; Eel River Township; S4-T16N-R2W; located at 203 N. Main Street, North Salem (Hamilton Designs)

Mr. Brad Whicker stated that he believed everyone was clear that the petitioner would like to receive secondary approval. We have the recommendation from the County Engineer that that may not be a good idea. He opened it up for discussion.

Mr. O'Riley asked if there was a way to do an approval with a subject to. He asked Mr. Ayres his thoughts on that.

Mr. Ayres replied that they had done that in the past, but that sometimes they do not work out. In his opinion it was risky. If it came back and there were changes, it is possible they would have to come back to this body for approval. Some of those changes could be the worst-case scenarios but they have had those happen before.

Mr. O'Riley stated that if everything came back fine, they would be able to proceed. If they did come back with changes, he asked if it would be heard at the next meeting date.

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Mr. Brad Whicker stated that they would have to change the development plan.

Mr. Ayres replied that hopefully they receive it back like Mr. Tracey anticipates, within the next week or two. If there were any changes, they would have time to make those changes before the meeting in August.

Mr. Brad Whicker stated he understood the sensitivity of it. He would be in favor of an approval of the secondary knowing that the scope is not a large development. Staff has reviewed it and he understood and acknowledged Mr. Ayres position. He stated it was ultimately the level of comfort of the other members. It is not something they would want to make a habit of doing should they choose to.

Mr. Palmer asked if it had to come back to this body.

Mr. Brad Whicker stated that they could remand it to staff for approval, but it would be of no help to the petitioner since it would delay them a month.

Mr. Palmer confirmed that it would have to happen at an official staff meeting.

Mr. Dombrosky stated that it would.

Mr. Joe Leonard, 14137 Warbler Way North, Carmel IN 46033 appeared. He stated that some of the things were time sensitive due to the purchase agreement. It would help them tremendously from a time standpoint if they would not lose a 30-day window of good building weather. They anticipate hearing back even as early as the end of the week. He stated that he is fine with anything that stifles them, but once they have it in hand, they want to be able to move forward. He understood the staff's standpoint, but from their standpoint they try to get as much done as they can during this time of year because the weather and conditions are ideal. He would appreciate them trying to make it possible for them to do that.

Mr. Palmer asked what was the worst thing that could happen if they conditionally approve it.

Mr. Brad Whicker stated that they would not be able to obtain a permit with the county to move forward without the state's approval. He confirmed that was correct with Mr. Dombrosky. He stated that they were approving based on the plans they have submitted assuming INDOT is going to approve it as it is now. Mr. Ayres' concern is that if INDOT requires changes, then the development plan submitted will also require changes. He asked if they could approve it based on the assumption of what is shown on the development plan is true and permitted. In the event INDOT wants changes, they would be out of luck until next month.

Mr. Dombrosky replied that they could grant conditional approval based on INDOT approving it as submitted. If there are any changes, they would have to come back.

Mr. Steuerwald asked Mr. Ayres if he was okay with that.

Mr. Ayres replied that it was up to the board. They try to not set precedent on those types of things. Sometimes they turn out okay and other times there are issues.

Mr. Brad Whicker stated that if it were a bigger project, he would not even entertain the conversation. The risks would be much higher.

Mr. Palmer asked who would bear the financial burden.

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Mr. Ayres replied that the financial risk would be on the petitioner.

Mr. Steuerwald stated that they could make it subject to INDOT approval of the permit, also make it subject to staff approval also. Then they could take a look at the permit and make sure it's okay with them. What that will allow them or the petitioner to do is instead of waiting until the August meeting, that allows staff to look at it before the next meeting.

Mr. Tim Whicker stated that then staff could stop it if they saw something wrong with it.

Mr. Steuerwald replied that was correct.

Mr. Dombrosky stated that staff comment five (5) needed to be changed to say that the permit must be provided by INDOT and approved by staff.

Mr. Palmer motioned for approval of **DPR 484/20: Dollar General (Secondary)** subject to them providing the permit from INDOT and it being approved by staff.

Mr. Kneeland seconded the motion.

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

Mr. Brad Whicker asked if there were any items that needed to be addressed in the business section.

Mr. Dombrosky stated that in reference to comprehensive plan and ordinance reviews that they discussed before; he has decided to hold off for a bit due to the pandemic. He thinks that will affect their long-range planning.

Mr. Palmer asked what the activity was on building permits.

Mr. Dombrosky stated that they were through the roof.

Mr. Pell asked if they wanted to appoint a new member to serve on the Administrative and Plat Committee due to the new Glasco bill or have him serve until October.

Mr. Dombrosky stated that Mr. Pell cannot serve any longer due to him not being a resident of Hendricks County. That change took effect July 1, 2020. He can serve through October, but the commissioners have found a replacement that will start in September. They will need to appoint a replacement for him.

There being no further business, the meeting was adjourned at 7:01 p.m.

Tim Dombrosky, Chairman