

January 8, 2019

A meeting of the Hendricks County Area Plan Commission was held on Tuesday, January 8, 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. Eric Wornhoff; Mr. Damon Palmer and Mr. Bob Gentry. Member absent: Mr. Tim Whicker. Staff members present were: Mr. Tim Dombrosky, Secretary and Director of Planning; Mrs. Suzanne Baker, Senior Planner; Mr. Scott Butrum, Zoning Inspector; 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 there were not enough of the members from last month's meeting present to approve the December 11, 2018 minutes and that the approval for those minutes would be continued to next month's meeting on February 12, 2019.

Mr. Brad Whicker stated that the next order of business was election of the 2019 Area Plan Commission Officers and Plat Committee Member.

Mr. Gentry made a motion to nominate the same officers as 2018, those being Mr. Brad Whicker as President, Mr. Damon Palmer as Vice-President and Mrs. Sonnie Johnston as the Plat Committee Member.

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

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

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

DPR 470/18 (PRIMARY): 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)

Mr. Paul Maurer of Maurer Surveying appeared on behalf of the applicants, Brian and Tracy Robinson, who were also present. Mr. Maurer reviewed the location of the site in Heartland Crossing Business Park on Lot 88, on Leases Corner Court. He reviewed the proposed site plan and construction plans to include a sixty foot wide lean to for the dumpsters and some outside storage. He reviewed their landscaping, grading and drainage plans and also their parking plan. He added that they were requesting four modifications as to their offsets and projects, dumpster location, parking in the front and side yards and exceeding the 50% masonry requirement. He also displayed and reviewed the elevations and materials to be used on the proposed structures with the main structure having an awning feature. He displayed photos of surrounding properties with existing buildings.

Mr. Brad Whicker asked if they were using a split face block.

Mr. Maurer stated yes.

Mr. O'Riley asked about their lighting plan.

Mr. Maurer stated they had not provided the photometric plan and had just recently obtained a lighting company to put one together. He asked that that be made a condition of approval for the secondary. He added that they had received drainage plan approval from the Tri-County Conservancy.

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Mr. Brad Whicker then opened the public hearing.

Mr. Mark Fisher of Heartland Solutions, 10277 Leases Corner Court, the existing business located to the west of the applicant property, appeared. Mr. Fisher welcomed the Robinsons and stated that he was concerned about increased traffic on County Road 1025 East and State Road 67 which he felt was a hazardous intersection. He asked what the correct venue would be to voice his concerns on traffic control.

Mr. Dombrosky stated Mr. Fisher could contact the Hendricks County Engineer, John Ayers, and/or the Indiana Department of Transportation (INDOT).

Mr. Brad Whicker added that he should probably start with Mr. Ayers.

There being no one else wishing to be heard, Mr. Brad Whicker closed the public hearing.

Mr. Maurer stated he had nothing else to add to his presentation.

Mr. Brad Whicker asked the members if they understood the modifications being requested.

Mr. Dombrosky stated that those modification requests were reasonable for an industrial use. He stated that the applicant was making efficient use of the site in keeping basically fifty (50) percent open space.

Mr. Brad Whicker then added that the approval for the modifications should be included in the motion and also the requirement to provide a photometric plan.

Mr. Wornhoff then made a motion to grant primary approval for **DPR 470/18: Mercer Machine at Heartland Crossing (Primary)** subject to the following conditions:

1. Conditions and recommendations in staff's letter dated January 8, 2019;
2. Approval of the modifications #5a through #5d as set out in said staff letter; and
3. Review and approval by staff of photometric plan.

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

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

Mr. Wornhoff then made a motion to grant secondary approval for **DPR 470/18: Mercer Machine at Heartland Crossing (Secondary)** subject to the same conditions as for the primary approval.

Mr. Gentry 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 Tri-County Conservancy District.

STAFF RECOMMENDATIONS:

1. The applicant did not provide a lighting plan concept. The applicant has indicated that all lighting will be mounted on the building and if so, this should meet the ordinance intent.
2. Provide better detail of dumpster enclosure with matching materials.
3. Approval has not been provided from Tri-County Conservancy District.
4. Color architectural renderings need to be provided, in order to see if the ordinance requirements are met. This also includes entry feature and roofline definition. If any requirements are not met, modifications need to be approved by the Planning Commission.
5. The applicant is requesting multiple modifications from the architectural requirements.
 - a. Offsets and projects on all sides required (since the walls exceed 90') 2' deep at intervals not greater than 60' (modification) - Staff okay with this request.
 - b. Dumpster located in the side yard.
 - c. No more than 50% of the parking shall be located in front of the building. 11 parking spaces are proposed in the front and 8 on the side.
 - d. Masonry does not meet the 50% requirement.

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.

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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. Brad Whicker stated that concluded the regular portion of the agenda and he asked for any other business.

Mr. Dombrosky stated that there was a report to be presented by Mr. Scott Butrum, the Zoning Inspector, on the zoning violations and procedures for 2018.

Mr. Scott Butrum appeared and stated that there were 155 violation cases in 2017 with 6 cases carrying over into 2018. He stated that at the end of 2018, there were 126 cases filed.

Mr. Dombrosky added that Mr. Butrum had closed 149 cases from 2017.

Mr. Butrum went on to report that there had been 125 violation cases in 2018 with 183 total complaints. He stated that most of the complaints were superficial. He stated that there were 11 cases in 2018 that went to litigation. He went on to explain the matters that ended up with court orders. He reviewed the different lien amounts of the court orders. He stated that there were 32 repeat violations from 2017-2018, 26 unsafe violations and 27 cases open from 2018.

Mr. Brad Whicker commented that the ones that were most noticeable to him were the four zoning ordered violations.

Mr. Palmer asked if the dollar figures shown in the report were fines.

Mr. Dombrosky stated those amounts were costs the county incurred and became liens on those properties. Mr. Dombrosky added that he did not think any fines were imposed and collected on in 2018.

Mr. Butrum responded that no fines had been collected.

Mr. Dombrosky added that it was rare that a fee would be collected outside of litigation.

Mr. Palmer asked if they should get more aggressive on repeat offenders.

Mr. Dombrosky explained that in the Crum case they had been aggressive but then had lost costs due to the violator filing for bankruptcy. He explained their procedures in more detail and that usually the violators were not able to pay and then the best alternative to recover costs would be to file a lien.

There was further discussion among the members and staff regarding the procedures for handling these violations and ways to improve the process. Mr. Wornhoff suggested that any repeat violators should be given only thirty days to resolve the issue or be taken to court as a way to speed up the process.

Mr. O'Riley asked if Mr. Dombrosky wanted them to make a decision on this.

Mr. Dombrosky stated no and that he had just wanted to make them aware of what was occurring and that he would be open to suggestions.

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The members agreed to the suggestion to the policy of only one notice for offenders of thirty days and if no effort was made, then filing with the court would be the next step.

Mr. Brad Whicker thanked Mr. Butrum for his report.

Mr. Dombrosky then informed the members that there would be a kick-off meeting for the transportation plan at the end of January and a decision was made to set a date of Monday, January 28 at approximately 6:30-7:00 p.m. with Mr. O'Riley, Mr. Palmer and Mr. Tim Whicker attending as well as Commissioner Phyllis Palmer and/or Matt Whetstone being involved.

Mr. Dombrosky stated that he would send a draft by email of the revised Estate Subdivision Ordinance for the members' review and that he had previously had discussions with several engineers from various firms in the county about those revisions.

Mr. Eric Wornhoff then introduced Mr. Jeff Pell of the Purdue Extension Office, who would be taking over for his position on the Plan Commission starting at the March 2019 meeting. Training sessions for Mr. Pell were discussed.

There being no further business, the meeting was adjourned at 7:13 p.m.

Tim Dombrosky, Chairman