

February 13, 2019

The Hendricks County Area Plan Commission Administrative and Plat Committee held a meeting on Wednesday February 13, 2019 at 9:00 a.m. in the Hendricks County Government Center, Rooms 4 & 5, 355 South Washington Street, Danville, Indiana. Members present: Mr. Tim Dombrosky, Chairman; Mr. John Ayers, County Engineer; Mrs. Krista Click, Environmental Health Director; Mr. David Gaston, County Surveyor; and Mrs. Sonnie Johnston, Plan Commission Representative. Also present was: Mrs. Suzanne Baker, Senior Planner; and Mrs. Joanne Garcia, Recording Secretary.

Mr. Dombrosky called the meeting to order with the Pledge of Allegiance. There was a quorum with five (5) members present.

Mr. Dombrosky then called for approval of the minutes for the January 9, 2019 meeting.

Mrs. Johnston made a motion to grant approval for the January 9, 2019 meeting minutes.

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

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

Mr. Dombrosky stated that the first item on the agenda **MIP 46/18: Gregory & LaDonna Mantooth (Replat, Lot 7)** had been withdrawn by the applicant and their engineer.

**MIP 1105/18: MICHAEL WOOLARD**; a 2-lot minor subdivision, 19.51 acres, Clay Township, S06-T14N-R2W, located on the west side of Phillips Street in the Town of Coatesville and along the south side of the Vandalia Trail. (Moench Engineering)

Mr. Dombrosky stated that this project had received Drainage Board approval but the department had not received any revised plans or communication from Mr. Moench. He stated that they did not have acceptable plans to approve.

Mr. Ayers asked if this project had been previously continued.

Mr. Dombrosky stated yes.

Mr. Ayers asked if the staff had received any communication from Mr. Moench since the Technical Review meeting.

At that point in the meeting, someone unidentified from Mr. Moench's office appeared and stated that she had some revised plans to submit.

Mr. Dombrosky stated that they could be submitted. He stated he would not recommend denial but needed time to review the submitted plans until next month's meeting. He then made a motion to continue **MIP 1105/18: MICHAEL WOOLARD** for thirty (30) days.

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

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

**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 (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. Dombrosky explained that this matter as well as the accompanying development plan for O'Reilly Auto Parts were continued at last month's meeting and that the only outstanding item was their INDOT permit being received. He stated that the Drainage Board had given approval of the project subject to receipt of said INDOT permit. He stated there were no other changes submitted to the planning office, so the applicant and engineer were not requested to be present at this meeting. He stated that the property owner was present to speak, and he had no issue with that even though the public hearing had already been opened at the last hearing on this matter.

The property owner stated that the INDOT approval had been received.

Mr. Dombrosky called for motions on the plat and development plan separately.

Mr. Ayers then made a motion to grant approval for **MIP 1050/18 (Replat, Lot 1): SIMONCRE JC X, LLC** subject to the conditions and recommendations in staff's letter dated February 13, 2019.

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

FOR – 5 –                      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. Replat is to change existing interior lot lines to accommodate for DPR 469/18.
2. Change the sewer easement and make sure dimensions are consistent.
3. Straighten easement on plat to align with the sewer line.

**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 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.

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Mr. Ayers then made a motion to grant secondary approval for **DPR 469/18 (Secondary): O'Reilly Auto Parts** subject to the conditions and recommendations in staff's letter dated February 13, 2019.

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

FOR – 5 –                      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 following modifications were approved by the Planning Commission on 12/11/2018: the front building setback being 44' versus the required 50', 3 additional parking spaces over the maximum allowed was approved (30 versus the maximum 27), the 20' landscape screen required on the front (they are proposing 10') was approved and the modified Buffer Yard 2 requirement (20' buffer required and proposing 10', did not meet the 25% deciduous tree requirement and the applicant plans to add a privacy fence) on the west side.
2. Dumpster enclosure is to have similar materials to building, applicant stated on 12/11/2018 that this will be met, and no modification is needed.
3. Sanitary sewer easement should be recorded - the easement should be shown on the replat.

**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. Dombrosky stated that the next item on the business session portion of the agenda was **MRP 100/18: Gregory & Ladonna Mantooth** and that the applicant and engineer had also withdrawn this item.

Mr. Dombrosky stated that the next item on the agenda was **MIP 789/19 (Replat, Lot 1): Chad & Lara Smith** and that this also had been withdrawn.

**MAP 739/19 (REVISION): SONORA, SECS. 2 & 3;** a revision to a previously approved major plat, splitting Section 2 into two sections to be known as Sections 2 & 3; 32.72 acres, 86 lots, Brown Township, S05-T16N-R2E, located west of Raceway Road, between County Road 650 North and County Road 700 North. (Banning Engineering PC)

Mr. Dombrosky stated that they had received everything needed for this project and did not require Banning Engineering to appear at this hearing and nothing had changed on the plans.

Mr. Ayers stated that his only concern had been to make sure the drainage was all to be constructed at once and not phased. He stated he had been satisfied that had been addressed.

Mr. Gaston added that the project had received Drainage Board approval.

Mrs. Click asked if this was the one where there was a sewer allocation and easement and she asked if the motion should be made the same way.

Mr. Dombrosky stated that they would need to provide a recorded easement and allocation.

Mr. Dombrosky called for a motion.

Mrs. Click made a motion to grant approval for **MAP 739/19 (Revision): Sonora, Secs. 2 & 3** subject to the following:

1. Conditions and recommendations in staff's letter dated February 13, 2019;
2. Receipt of recorded sewer easement for property owner to the south; and
3. Receipt of allocation letter for remaining units.

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

FOR – 5 –                      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. MAP 739 Sonora PUD, Sec 2 (Secondary) was approved on 1/9/2019 - they are now wanting to split "Section 2" into two Sections "2 & 3."
2. Staff would prefer to approve Section 2 and 3 at the same time.
3. Confirm that the off-site easement was recorded.
4. Provide sewer allocation.

**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 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. 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.
6. 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.

**EX 268/19: MAP 643 THE PARKS AT PRESTWICK, PHASE 5, LOTS 154, 155, 156 (REPLAT);** an exception to the Subdivision Control Ordinance, Section 3.15 (2.a.) – Sidewalk Completion Delay. (Jon G. Nething)

Mr. Jon Nething appeared to request a delay in installing sidewalks for Lots 154, 155 and 156 in Phase 5 of The Parks at Prestwick. He explained the reasoning behind the request and their desire to record this replat.

Mr. Dombrosky asked Mr. Nething if he had discussed with Mrs. Baker or Mr. Salsman the required performance guarantee for the work to be delayed, which would be 110% of the installation cost.

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Mr. Nething stated that he had and knew to submit an estimate and cashier's check.

Mr. Dombrosky added that they typically granted these requests for a period of six months when the delay is weather related even though this request was coming over a year after the approval.

Mr. Ayers commented that was why the delay was being requested because the recording deadline was approaching.

Mr. Dombrosky stated that was correct.

Mr. Nething stated he had not been aware of that and that his reason for the request was because of the impending sale of the house that he owned.

Mr. Ayers and Mr. Gaston stated they had no problem with this request. Mr. Ayers asked for clarification that the approval should include a date six months from this meeting date.

Mr. Dombrosky stated yes.

Mrs. Johnston then made a motion to grant approval for **EX 268/19: MAP 643 The Parks at Prestwick, Phase 5, Lots 154, 155, 156 (Replat)** subject to the following:

1. Conditions in staff's memorandum dated February 5, 2019; and
2. Receipt of performance guarantee in accordance with the ordinance and delay of completion not to exceed six months from February 13, 2019.

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

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

The staff memorandum stated as follows:

#### **MEMORANDUM**

**TO:** Hendricks County Area Plan Commission Administrative & Plat Committee

**FROM:** Plan Commission Staff

**DATE:** February 5, 2019

**RE:                      EX 268/19: MAP 643- THE PARKS OF PRESTWICK PHASE 5, REPLAT OF LOTS 154, 155, 156 – DELAY SIDEWALK INSTALL (SEC. 3.15 WEATHER)**

The applicant is requesting an exception to delay the installation of a sidewalk due to weather restrictions during the winter months. The applicant further requests this exception, so he can record the replat in order to sell his home.

In March 2016, Mr. Nething (Lot 156) and his neighbor on Lot 154 divided undeveloped Lot 155 approximately in half; half to Lot 156 and half to 154 to eliminate Lot 155. The only site improvement needed to be made was to install a sidewalk on the Lot 155 area.

If this exception is granted, staff recommends a 6 month approval and at that time the entire sidewalk must be installed.

The Committee must determine if this request is acceptable and the duration for the exception.

**EX 269/19: MIP 1104 JEFF ROBERTS**; an Exception to the Subdivision Control Ordinance, Section 3.15 (2.a.) Delays – Street Trees. (Kruse Consulting, Inc.)

Mr. Dale Kruse of Kruse Consulting, Inc. appeared on behalf of the applicant to request a delay in planting the street trees for sixty (60) days. Mr. Kruse stated that Mr. Roberts planned to construct his home on this lot and that nine (9) trees were needed. He stated that the plat needed to be recorded prior to construction.

Mr. Dombrosky asked Mr. Kruse if he had a cost estimate.

Mr. Kruse stated he did not but estimated that the cost would probably be over \$2,000.00. He stated that in sixty (60) days the ground would be thawed enough to plant the trees.

Mr. Dombrosky called for a motion.

Mr. Ayers then made a motion to grant approval for **EX 269/19: MIP 1104 Jeff Roberts** subject to the following:

1. Approved for sixty (60) day delay of tree placement prior to recording of the plat with submittal of performance guarantee.

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

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

That concluding the regular portion of the agenda, Mr. Dombrosky stated he wanted to discuss the allocation requirement for projects. He stated that a discussion on this subject had been had at the previous night's Plan Commission meeting. He explained that the Plan Commission had no real issue with changing how the requirement was currently done. He stated that he did not know the history of how the requirement was made and why it was done.

(It was noted here that Mr. Jason Coyle of Banning Engineering appeared for the approval on **MAP 739/19 Sonora, Secs. 2 & 3 – Revision**. Mr. Gaston informed him that the project had been approved. Mr. Dombrosky asked him if he had a copy of the recorded offsite easement and Mr. Coyle stated that it had been executed but not recorded and that he had the approved allocation for Section 2 but not Section 3. Mr. Dombrosky stated that the approval was subject to receipt of those items. Mr. Dombrosky stated that Mr. Coyle could go ahead then and submit the Section 2 plat while waiting on the necessary items for Section 3.)

Mr. Ayers continued on with their discussion by stating that he also did not remember when the decision had been made for the allocation requirement prior to approval.

Mrs. Click commented that she would not mind approving a project subject to receipt of an allocation with a minimal waiting period. She asked if there was a certain amount of time that written approval could be withheld until the waiting period to receive the allocation had passed.

Mrs. Baker stated she would usually send them out within a week.

Mr. Dombrosky stated that they would want the applicants to know what the conditions were for their approvals formally in writing and typically another letter would not be sent out after the conditions were satisfied and not until the engineers submitted revised plans to be stamped for the pre-construction meeting. He stated that the projects needed to be notified in writing of their conditions of approval immediately after the meeting.

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Mr. Ayers stated that the catchpoint was if they had met all of their conditions prior to recording of the plat.

Mr. Dombrosky explained when construction plans were submitted to Roger Salsman, the subdivision inspector, to stamp, he would then go over the staff letter and findings of fact and make sure all of those conditions were satisfied.

Mr. Ayers stated, however, that ultimately all conditions had to be satisfied prior to the recording being approved.

Mr. Dombrosky stated that would be what he would suggest is getting the allocation prior to submittal of constructions plans for Roger's review. He stated, however, that would be an undetermined amount of time.

Mr. Ayers commented that he would not necessarily have a problem with that but requiring conditions be met earlier than the recording.

Mr. Dombrosky stated that it would be a lot easier to reject an approved project because it did not have allocation before any work was begun. He stated if it was a year later and the allocation was not there for them to purchase, that was the concern.

After further discussion on the matter among the members on how to approve projects requiring allocation at secondary approval and the risk to developers financially, Mr. Gaston stated he would be okay with whatever decision was made by the other members and Mrs. Click expressed her concerns and opinion on how the conditions of approval should be decided. Mrs. Johnston stated that most developers and their engineers had been through the process many times and already knew what was required. Mr. Dombrosky also pointed out that he did not want to add an additional item to the Subdivision Inspector's checklist. Mr. Ayers asked if any of the sewer districts had concerns about allocation letters. Mr. Dombrosky stated that Mr. Mardis did not express any concerns but had suggested that he could possibly hold up clean water permits; but that would not be a good solution. Mr. Ayers suggested a discussion on the matter with the West Central Conservancy District.

There being no further discussion, the meeting was adjourned at 9:34 a.m.

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Tim Dombrosky, Chairman