

May 15, 2019

The Hendricks County Area Plan Commission Administrative and Plat Committee held a meeting on Wednesday May 15, 2019 at 9:00 a.m. in the Hendricks County Government Center, Rooms 4 & 5, 355 South Washington Street, Danville, Indiana. Members present were Mr. Tim Dombrosky, Chairman; Mr. Kim Galloway, Assistant County Engineer; Mrs. Krista Click, Environmental Health Director; Mr. David Gaston, County Surveyor. Also present were Mrs. Suzanne Baker, Senior Planner; and Mrs. Brandy Swinford, Recording Secretary.

Mr. Dombrosky called the meeting to order with the Pledge of Allegiance. There was a quorum with four (4) members present.

Mr. Dombrosky then called for approval of the minutes for the April 10, 2019 meeting.

Mrs. Click motioned for the approval for the April 10, 2019 minutes

Mr. Dombrosky seconded the motion.

FOR – 3 – AGAINST – 0 – ABSTAINED – 1 –

Mr. Dombrosky noted that the first two items on the agenda were administratively continued due to application issues.

MIP 1110/19: GARY D. & KATHRYN RAASCH; a 2-lot minor plat; 37 acres; Center Township; S16-T15N-R1W; located on the east side of South County Road 75 West, approximately 0.45 miles south of intersection with West County Road 100 South. (Kruse Consulting, Inc.)

Mr. Dale Kruse, Kruse Consulting, Inc. appeared with the petitioner Mr. Gary Raasch. He stated that the Raasch's own around 90 acres south of Danville, between Mackey Road and State Road 39. Mr. Raasch would like to divide the southern portion of his property into two lots. The front lot would be around nine (9) acres and the back lot would be around twenty-seven (27) acres. Mr. Kruse reviewed the staff comments. The first comment was that they combine the drives which they have done. The drive will come off Lot 2. The second staff comment was about extending the drain outlet to the intermittent stream. They are planning to do that as well.

Mr. Dombrosky opened the public hearing.

Mr. and Mrs. Mike and Linda Nicholson; 1162 South State Road 39, Danville IN and Mrs. Laurie Woodman; 1414 South State Road 39, Danville IN appeared and wished to speak.

Mr. Kruse and Mr. Raasch reviewed the plans with them.

Mr. Nicholson asked about the overhead powerline. He wanted to know if the easement shown on the plans was the original easement or if it had moved since they had moved the powerlines a few years ago.

Mr. Dombrosky confirmed that it was the recorded easement.

Mr. Gaston stated that even though the powerlines had been moved, they would have stayed within the easement.

Mrs. Woodman asked how they were going to protect her property from getting flooded. She was concerned with homes going in next door that there would be more water coming onto their property. She asked if they were planning on putting in a drainage ditch.

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Mr. Kruse stated that there were no plans for a drainage ditch. He said that the corn field there now would become a yard, which would produce less drainage due to the grass.

Mrs. Woodman disagreed and stated that she does not believe it would be less as they have drainage problems now.

It was then noted that Mrs. Woodman's property would be involved in the next case instead of the current one.

Mr. Gaston asked if they had answered all the questions regarding this minor plat.

Mr. Nicholson asked how many houses can be built on the plat.

Mr. Kruse answered that there would be two houses.

Mrs. Nicholson asked what would happen if the people who purchased that property wanted to subdivide it.

Mr. Kruse stated that they could in fact do that, but they would have to come back before the committee and go through the same process. It would be difficult because they would have to deal with the road frontage requirement of 50 feet.

Mr. Dombrosky asked if there were anyone else who wished to speak on this matter.

With no further comments, Mr. Dombrosky closed the public hearing.

Mr. Dombrosky asked if Mr. Gaston would like to address any of the drainage concerns.

Mr. Gaston stated that there was nothing that concerned him on this plat at this time. It was discussed and approved at drainage board yesterday.

Mrs. Click asked if Mr. Kruse could submit electronic copies of the revised plans.

Mr. Kruse stated he would do so.

Mrs. Click motioned to approve **MIP 1110/19: Gary D. & Kathryn Raasch** subject to the staff letter.

Mr. Galloway seconded the motion.

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

The staff conditions and recommendations were as follows:

STAFF RECOMMENDATIONS:

1. The driveways should be combined.
2. Extend septic drainage outlet to the intermittent stream, or otherwise demonstrate that the outlet waters will reach the intermittent stream with erosion control.

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.
4. 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.
5. The absorption field area 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.
6. Secondary septic field easements (SSFE) must be shown on the plat, or separate easement document to be recorded with the plat must be provided.
7. 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.

MIP 1111/19: GARY D. & KATHRYN RAASCH; a 3-lot minor plat; 27.69 acres; Center Township; S16-T15N-R1W; located on the west side of State Road 39, approximately 0.85 miles south of intersection with West County Road 50 South. (Kruse Consulting, Inc.)

Mr. Dale Kruse, Kruse Consulting, Inc. again appeared with the petitioner Mr. Gary Raasch. This minor plat is a neighbor to the one just discussed. Mr. Raasch reviewed the layout of this plat in relation to the other one. Mr. Kruse states that this plat will be 3 lots with one driveway coming off State Road 39. They have already obtained the permit from INDOT. The 3 lots would consist of 27.69 acres. They reviewed the staff comments which have been addressed and they agree with them.

Mrs. Woodman then asked how close the home would be to their property. She wanted to know if it would be there backyard that would be next to their property line.

Mr. Kruse stated it would depend on how the owners would orient their house. It would either be their side yard or backyard.

Mrs. Woodman requested a guarantee that the drainage issue would be investigated to protect their property from flooding. She stated that due to the slope of the land she wanted assurance that they would not be flooded.

Mr. Kruse stated to her that she would not see any more flood water than she sees right now.

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Mrs. Woodman was adamant that Mr. Kruse was incorrect. She stated he did not know because he did not live there.

Mr. Kruse asked if she would prefer that he cut a swale and divert the water to avoid her pond all together.

Mrs. Woodman agreed.

Mr. Raash agreed to that solution as well.

Mr. Kruse asked Mr. Gaston if he saw a problem with cutting a swale. He noted there was an intermittent stream to the back that they could use. He believed that the contours would allow it. He stated that it would have to be taken to INDOT for a permit.

Mr. Gaston had no issue with the proposed solution.

Mr. Kruse wanted to make sure that in doing the swale, he would not be blamed if it dried up the pond on Mrs. Woodman's property.

Mrs. Woodman stated that it would not dry out the pond.

Mr. Dombrosky asked for any further questions.

Mr. Nichols asked about further subdividing of the lots by future owners. The board discussed the procedures those people would have to go through in order to do that. There is enough road frontage for future owners to build more houses in the future. He asked what would keep them from doing so and causing the board to say no to them building.

Mr. Dombrosky stated there would be nothing to keep them from coming before the board. He said that they would have to provide public services.

Mr. Nicholson asked if the town would likely annex that area then.

Mr. Dombrosky said it would be likely the town would want to.

Mr. Mark Thompson; PO Box 1940, Nashville IN asked if there was any discussion of the town bringing sewers to the south over the railroad tracks or city water.

Mr. Dombrosky stated he was unaware of any discussions, nor would it be something he would likely be included in.

Mrs. Woodman asked how many acres is required to build.

Mr. Dombrosky stated for a subdivision like this, you only need 1.5 acres. He noted that today we are only talking about this 3-lot plat, not future possibilities.

Mr. Nicholson asked if there was any way with this petition to say certain things are okay, but they cannot further subdivide that property.

Mr. Dombrosky stated that yes there is a way, but the board would not be willing to do that. He said we shouldn't close the door on future subdivisions.

Mr. Nicholson asked if there were going to be any covenants on what can and cannot take place on the property, such as dirt bike tracks, pinned up barking dogs, etc.

Mr. Dombrosky stated those would be private restrictions. It would not be part of the filing here.

Mr. Nicholson asked if there were any potential for the water tables to affect them on their property.

Mrs. Click replied that on the other soil borings, it was noted in the staff comments that the one lot would need a higher system. What they are looking at is if the septic system would work there.

Mr. Gaston replied if they cannot get water, then they cannot build on it. The water tables are unknown, and we do not require them to bore 150 feet down to see how much water is there.

Mrs. Click noted that the requirements they have are to protect Mr. Nicholson's water supply from contamination, they do not address capacity.

Mr. Dombrosky closed the public hearing.

Mr. Gaston motioned for approval of **MIP 1111/19: Gary D. & Kathryn Raasch** subject to the staff letter and the following condition:

1. Cutting a swale on the south line of lot 2 to direct sheet flow to the intermittent stream.

Mr. Galloway seconded the motion.

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

The staff conditions and recommendations were as follows:

STAFF RECOMMENDATIONS:

1. INDOT Approval is required and must be provided prior to approval.
2. For the information of the property owner, the soil boring for the secondary septic field on Lot 3 indicates an above ground system will be needed.
3. Demonstrate field tiles are open and flowing.

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.

4. 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.
5. The absorption field area 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.
6. Secondary septic field easements (SSFE) must be shown on the plat, or separate easement document to be recorded with the plat must be provided.
7. 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.

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. Brad Schrage with American Structurepoint appears on behalf of the petitioner. He stated they had received drainage board approval.

Mr. Dombrosky stated that road details were the biggest concern left over. He asked if they had worked that out with the Town of Avon.

Mr. Schrage replied that they were in the process of getting a driveway permit through them. They have applied and received their initial comments. The Town had asked them to include a left turn lane into the property coming eastbound.

Mr. Galloway asked about the pavement details being updated.

Mr. Schrage stated they had updated those. He believed the only other comment was adding inverts to the drainage sheets which they have done.

Mr. Galloway stated that the intermediate depth should be 3 inches rather than 2.5 inches, and the subbase should be 6 inches and not 4 inches.

Mr. Schrage noted that they were taking the grading wall detail out of the plans. It was a standard detail but doesn't exist at this site.

Mr. Schrage then stated that once they got through this and paid the fee, they should have the allocation letter. They had received approval from the county already.

Mr. Dombrosky stated that it was then a question whether the engineering department is comfortable with the approval without the Town of Avon's final say on the road design.

Mr. Galloway confirmed that they were not going to break ground until the permit was received. That would be his only concern at this time.

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Mr. Schrage stated that was true. He said he would send the revised plans over once they had the final road design planned out with the Town of Avon.

Mr. Dombrosky noted that those plans would have to be reviewed for compliance.

Mrs. Click motioned for approval of **DPR 471/19 (Secondary) Linden Square Commercial** subject to the staff letter and the following condition:

1. Receipt of the final road design approval.

Mr. Gaston seconded the motion.

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

The staff conditions and recommendations were as follows:

STAFF RECOMMENDATIONS:

1. The following modifications for the Primary Development Plan were approved by the Planning Commission on February 12, 2019- Impervious Area, # of Parking Spaces, Percentage of Parking Spaces in Front Yard and Dumpster Location.
2. 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, we should 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. The applicant has made all appropriate revisions suggested by Planning staff.
3. On the Right of Way Pavement detail, the Intermediate depth should be 3" rather than 2 ½". Also, bituminous base depth should be 6" rather than 4".
4. Please show invert elevations of drainage structures on the Grading Plan.
5. The Town of Avon has jurisdiction over this segment of CR 100 N. Improvements to CR 100 N in accordance with their requirements must be shown and approval from the Town must be received.
6. It's not clear where the "grading wall" detailed on Sheet C300 is located on the project. Please show the locations.
7. An allocation letter is required before construction plan will be approved and before on-site construction can begin. Failure to acquire sewer allocation would result in the need for an onsite sewage disposal system that shall be sized and designed to meet state and local requirements. The Hendricks County Health Department strongly recommends that a suitable location be reserved on each lot for a future onsite sewage disposal field and a future secondary septic field easement until sewer is allocated. Uses in that location shall be limited to those consistent with the proper operation of a septic system and that will not result in soil compaction.

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.

MIP 895/19: FSM PROPERTIES LLC, LOT 1 (REPLAT); a 1-lot minor plat replat; 9.85 acres; Liberty Township; S10-T14N-R1W; located on the northeast corner of South County Road 0 and US Highway 40. (Kruse Consulting, Inc.)

Mr. Dale Kruse appeared for petitioner FSM Properties, LLC. Currently there are two parcels that make up the property. One has a home on it and the other has the self-storage buildings. They wish to combine them into one parcel. They have received approval for six new storage buildings from the Plan Commission last night. Mr. Kruse reviewed the plans and went over the staff comments. He will email the public entity notice letters to the office. He stated the reason the address was not listed is because it might change with a replat, so he wanted to make sure before changing. The right of way is listed incorrectly on the plans and will need to be changed. He said those changes will be made. He stated that they did not wish to abandon the well. It was discussed and decided that it only needed to be located and shown on the plan. Being that they had already submitted the secondary, Mr. Kruse asked about the waiver for the street frontage.

Mr. Dombrosky stated that the waiver would need to be added to that application.

Mr. Gaston motioned to approve **MIP 895/19: FSM Properties LLC, Lot 1 (Replat)** subject to the staff letter.

Mrs. Click seconded the motion.

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

The staff conditions and recommendations were as follows:

STAFF RECOMMENDATIONS:

1. Show proof that public entity notices were sent
2. Add addresses to the plat
3. Right of Way is 100' from the centerline along US 40 and 75' along CR 0.

4. The form *Hendricks County Application for Well Abandonment Due to Demolition* needs to be completed for the existing well. Since the existing structure will be demolished, this application documents the GPS location of the well.
5. Street trees are required on both street frontages. If a waiver is being requested do so during the Secondary DPR 474.

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. 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.

It was noted that Mr. Gaston had to leave the meeting at this time.

MAP 740/19 (REPLAT): HENDRICKS COUNTY GATEWAY PARK, LOT 2; a 4-lot major plat replat; 213.70 acres; Liberty Township; S35,36-T14N-R1W; located southwest of the State Road 39 and Interstate 70 interchange. (American Structurepoint)

Mr. Nicholas Everhart with American Structurepoint, Mr. Phil Groce with GDI and Mr. Ben Schrin with Core 5 appeared. Mr. Everhart stated that last month they got the secondary plat approved. They are now replatting to add lot 2, which is 76.76 acres. He believes that the only issue left unresolved was the INDOT approval for State Road 39. It has been submitted last month. INDOT is on board with approach but there are some maintenance and traffic type issues they are going through. It is going through INDOT's process, but their processes can be slow. Assuming they get approval on the secondary DPR, they are wanting to start earth work on lot 2 ahead of the INDOT approval. Then they would provide the INDOT approval once received.

Mr. Dombrosky asked when they anticipated to receive the approval.

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Mr. Groce stated that it should be within the next month. They have resubmitted. There was some coordination that INDOT wanted with the maintenance of traffic that they wanted where their project and this project tied together. Their engineer was slow in getting them the information.

Mr. Schrin noted it was his understanding that the county engineer was also present at that coordination meeting as well.

Mr. Dombrosky stated that county engineer was present.

Mr. Everhart stated that he knew one of the issues was maintenance of traffic. He then asked Mr. Groce if there was anything else that he could recall.

Mr. Groce stated to his memory it was just maintenance of traffic and how the two projects would tie together. Our project would go first and INDOT's project is a 2-year project. He clarified that their work would be complete before INDOT's project would be. INDOT did not want to tear out any of their work so the coordination would be where the 2 projects would come together. INDOT has asked them to just square it off and striping it until their project is done then they would come back and re-stripe.

Mr. Dombrosky stated that he thought the county engineer's comments were that he didn't want to see any site work until the INDOT approval was received.

Mr. Groce stated that what they were proposing was that it tied to the issuance of the building permit in lieu of the recording of the plat.

Mr. Everhart noted that the way the construction works out, the best time to do the earth work was in the months of June, July and August.

Mr. Dombrosky reiterated the county engineer's position on the matter. His concern is he does not know what INDOT is doing out there and if they were going to put a construction entrance with their pipe in.

Mr. Everhart noted that the culvert was sized per INDOT. The typical culvert for INDOT is 50-year design storm, and they have sized theirs to 100 since it's the only means of ingress and egress per the ordinance. There should be plenty of capacity

Mr. Galloway asked how big the pipe was.

Mr. Everhart stated it was a 20-foot span. He thought it was 5 feet in height.

Mr. Groce noted that Mr. Dombrosky had made a comment about the construction entrance. He stated that there was an existing driveway cut on State Road 39 that was intended to be used as the construction entrance initially. They could use that while waiting on the box culvert to be constructed. It is south of where the creek goes under State Road 39 so that would allow them access to the site without crossing the creek.

Mr. Dombrosky asked if we had a comment on the staff letter about the sewer allocation.

Mrs. Click stated that we had not, but we should have. They have not received that yet.

Mr. Dombrosky asked if they were going to get allocation the following day, or would they want to move dirt before that as well.

Mr. Everhart stated that they would want to move dirt probably before giving the allocation letter for the sewer, but not build any structures. They are going to pay the fees and get the sanitary before any kind of building takes place.

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Mr. Schrin asked what the status with the sewer formalities was.

Mr. Everhart replied that there was the fee to get the allocation letter and submit to IDEM.

Mr. Schrin stated that they were not willing to put \$180,000 out unless he knows that the project can move forward. They will get the check when they formally purchase the property.

Mr. Dombrosky asked when the purchase would happen.

Mr. Schrin stated that he could not recall the formalities of what needed to be approved. They were anticipating the end of May/early June. He thought by June 15th they would have a check in hand.

Mr. Dombrosky stated that the Rule 5 Permit is out of his hands.

Mr. Everhart replied that he had submitted to clean water.

Mr. Schrin asked Mr. Everhart to refresh his memory on the process of what still needs to happen.

Mr. Everhart explained that the allocation letter goes with the permit application to IDEM for the application to construct sanitary main extensions.

Mr. Schrin asked if that was a requirement before anything else can be released.

Mr. Dombrosky stated that it was a requirement before today, before approval of the secondary. We changed it to accommodate the catch 22 scenario they were talking about. Now they are asking to push it back again, past another approval. He felt uncomfortable without Jim Mardis or David Gaston being here to discuss it further.

Mr. Groce asked if his concern was that there was not going to be capacity.

Mr. Dombrosky stated yes, that was his concern.

Mr. Everhart stated that they still have a couple months left on their will serve availability.

Mr. Dombrosky noted that that was not an allocation. He stated that he knows that they are assured that they are going to move forward on the project after approval, but he is not. They could not move forward for a year or more.

Mr. Schrin asked what was necessary for approval; would he need to write a check for 180,000.

Mr. Dombrosky stated they were talking about the Rule 5 Permit. Their general compromise on the situation was to make the approval contingent on us receiving all applicable permits, being INDOT and sewer allocation, prior to any construction activity.

Mr. Schrin stated that he would not have a problem with that.

Mr. Dombrosky stated that the sewer would go through IDEM and that they would still be relying on other people for their timeline.

Mr. Schrin asked how they are resolving the INDOT permit; would they be allowed to move dirt prior to getting that approval.

Mr. Dombrosky stated that it was the County Engineer’s opinion is no construction activity can take place without INDOT approval in hand.

Mr. Groce asked if there was any way a special meeting could be held in a week.

Mr. Dombrosky replied that we may be able to do that. He stated that the best they could do today was to have the approval contingent on those two items being obtained, then having a discussion when the County Engineer was able to return.

Mr. Dombrosky motioned for approval of **MAP 740/19: Hendricks County Gateway Park / Lot 2**, subject to obtaining the INDOT permit and sewer allocation letter prior to construction activity beginning.

Mr. Galloway seconded the motion.

FOR – 3 – AGAINST – 0 – ABSTAINED – 0 –

DPR 473/19 (SECONDARY): HENDRICKS COUNTY GATEWAY PARK, LOT 2; a development plan review to establish an industrial warehousing facility; 76.76 acres; Liberty Township; S35,36-T14N-R1W; located southwest of the State Road 39 and Interstate 70 interchange. (American Structurepoint)

Mr. Nicholas Everhart with American Structurepoint appeared. He stated that most of the staff comments were discussed at the Plan Commission meeting the night before.

Mr. Dombrosky asked if he had received spec sheets on the lighting.

Mr. Everhart stated that he can send those over. He attempted to do so last night. He stated they are the standard LED flathead lights.

Mr. Dombrosky discussed the staff comment about the landscaping key. He stated that each page needs the key. He asked if the materials had been listed on the plans.

Mr. Everhart stated that it was listed as precast concrete.

Mrs. Click motioned for approval of **DPR 473/19 (Secondary): Hendricks County Gateway Park, Lot 2** subject to the staff letter.

Mr. Galloway seconded the motion.

FOR – 3 – AGAINST – 0 – ABSTAINED – 0 –

The staff conditions and recommendations were as follows:

STAFF RECOMMENDATIONS:

1. The applicant is currently meeting the parking space requirements for vehicles (excluding the trailer parking). If the parking lot ever expands, it shall still meet Hendricks County parking space requirements and if not, a modification would be required (one space per employee on largest shift, plus one visitor space per ten employees).
2. Modification Requests:
 - a. Waste container screening and enclosure materials (Section 7.5.A)
 - b. Landscaping requires shade trees every 30’ LF and 1 shrub every 3’ for the parking perimeter landscaping (Section 7.5.F). The applicant is requesting to use trees instead of shrubs and to move the location of the required perimeter landscaping due to the trailer parking overhang area is subject to damages. Staff is okay with this request.

- c. Offsets and projections (Section 8.3.H.2) 2' offsets required every 60' on continuous façades of 90' or greater. The applicant is proposing to use color variations and parapet height changes.
 - d. Exterior Materials (Section 8.3.H.4.b) structures shall be constructed of using a minimum of 50% masonry. The applicant is proposing using color variations instead of masonry.
 - e. Exterior Materials (Section 8.3.H.4.c) concrete or precast concrete panels shall be textured. The applicant is proposing that the color variations will meet the intent.
3. Identify the building materials on the architectural plans.
 4. Provide a Landscape key with plant species on all Landscape pages
 5. Provide lighting fixture specifications
 6. BUILDING INSPECTOR NOTES: The FDC needs to be approved by the fire territory.

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 called Mr. Dale Kruse, Kruse Consulting, Inc. to speak regarding the plot plan for Ryan Shipman, MIP 1004. Lot 3.

Mr. Kruse stated the original plat had 3 lots. Mr. Shipman asked him to do a plot plan for Lot 3 which already had a barn on it. It was purchased with the barn on it. There was no septic. The barn is

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located on top of where the original septic would be. The previous plat was done in 2005. Mr. Shipman now wants to put a septic in so that he can put a bathroom in the barn. He wants to put the septic in a place that it can also be used for a house. The perimeter drain depth requirement has changed and the drain where the existing tile is not deep enough. He got permission from his neighbors to run a tile and tie into his drain farther down. He received a permit from the Surveyors office and submitted a plot plan to the Health Department to tie into that tile. Then the question came up as to why they aren't tying into the existing tile.

Mrs. Click stated that problem is when they have the outlet where it is, it becomes an easement issue. She doesn't think what he's wanting to do is an issue. She questioned the procedural aspect of it all.

Mr. Kruse stated that there is no easement. He has had many instances where farmers will allow them to put a tile and tie into their drain, but they will not grant an easement.

Mrs. Click then asked what happens when down the line there is an issue of them working on the tile on the others property.

Mr. Kruse stated that he has talked to the Mr. Steuerwald, County Attorney, there is a way around if those people object to them working on it. They must file a formal petition.

Mr. Dombrosky asked if we needed them to show a perimeter drain outlet on the plat if they are submitting a septic permit. We want to make sure the plat complies with our ordinances as well as the Health Department's ordinances.

Mrs. Click stated that the main question was were they comfortable doing this without an easement.

Mr. Dombrosky stated he was comfortable.

Mr. Galloway stated it may be helpful to get clarification from the County Attorney on the process.

It was noted that the staff was comfortable with the changes. The committee members will continue to work on the process for any future instances that may arise.

Mr. Kruse asked if we needed a copy for the plat file with the changes referenced on the plat.

Mr. Dombrosky stated yes, we would.

There being no further items to be discussed, the meeting was adjourned at 10:29 a.m.

Tim Dombrosky, Chairman