

July 10, 2019

The Hendricks County Area Plan Commission Administrative and Plat Committee held a meeting on Wednesday June 10, 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. John Ayres, County Engineer; Mrs. Ginger Harrington, Environmental Health Team Leader; Mrs. Tiffany Dalton, Deputy Surveyor; and Mr. Jeff Pell, Plan Commission Representative. 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 five (5) members present.

Mr. Dombrosky then called for approval of the minutes for the June 12, 2019 meeting.

There not being enough present from last month, the approval of the minutes was continued to the August 14, 2019 meeting.

**MIP 1108/19: RAMONA S. LEOPARD;** a 3-lot minor subdivision; 15.244 acres; Liberty Township; S13-T14N-R1W; located on the east side of South State Road 39, approximately 0.13 mile north of County Road 800 South. (Jeff Trout/Indysurv LLC)

**WA 303/19: MIP 1108 RAMONA S. LEOPARD;** a Waiver of the Subdivision Control Ordinance, Sec. 6.06 Street Trees. (Jeff Trout/Indysurv LLC)

Mr. Jeff Trout, Indysurv, LLC appeared for the petitioner. It was noted that most of the outstanding issues that needed to be resolved were septic issues. He stated that he had received the email from Mrs. Harrington and had made the changes and he had them on contour.

Mrs. Harrington stated that she needed to see the existing outlet on the plans. She was good with everything else. She stated that Lot 1 still needed a system installed.

Mr. Dombrosky asked how many residences we had.

Mrs. Harrington replied that there were three (3). Lot 3 had no septic system on it, so it needs one and they have a permit to install.

Regarding the street trees, Mr. Dombrosky stated that it was difficult because this was located on a state road.

Mr. Ayres asked what Mr. Dombrosky's position was on the waiver.

Mr. Dombrosky replied that it was on a state road with existing homes and that with it being so, it was a difficult situation. The trees would go behind the house due to how close the right of way is. He does not have a strong inclination to require the street trees.

Mr. Dombrosky opened the public hearing.

There being no one signed up to speak, Mr. Dombrosky closed the public hearing.

Mr. Ayres motioned for approval of **WA 303/19: MIP 1108 Ramona S. Leopard.**

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

FOR – 5 –

AGAINST – 0 –

ABSTAINED – 0 –

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Mrs. Harrington motioned for approval of **MIP 1108/19: Ramona S. Leopard** subject to the staff recommendations and with the condition that that septic system is installed and approved prior to recording.

Mr. Ayres seconded the motion.

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

The staff conditions and recommendations are as follows:

**DRAINAGE CONDITIONS:**

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

**STAFF RECOMMENDATIONS:**

1. On the submitted plans, the alternate septic fields should be labeled as secondary septic field easements (SSFE). These areas must be shown on the plat, or separate easement document to be recorded with the plat must be provided.
2. The SSFEs need to be placed on contour.
3. Please note that the minimum SSFE area per the Subdivision Control Ordinance is 1500 square feet. The intent of the ordinance is that the SSFE be sized to support a 1500 square foot septic system.
4. Both the existing septic system and SSFE drain outlets need to be noted for all three lots.
5. There must be 1 soil boring within each SSFE. The SSFE soil boring for Lot 2 is not within the designated SSFE area.
6. Install a new septic system on Lot 3 which meets current regulations. A new system may be designed and utilized to accommodate a future new home. This process will require a septic permit for the new installation and a repair permit when connecting the future house. (May also refer to <https://www.co.hendricks.in.us/topic/index.php?topicid=68&structureid=45> for more information.)
7. Street tree waiver is requested. The street trees would be located behind the existing residences which is not the intent of the street tree requirement.

**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 areas 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 1113/19: JAMES AMICK;** a 2-lot minor plat; 8.0 acres; Middle Township; S23-T16-R1W; located at the intersection of East County Road 350 North and North County Road 100 East. (Holloway Engineering)

Mr. John Larrison, Holloway Engineering appeared for the petitioner. He stated that they have made all the changes requested by staff, including the addition of street trees and shown elevations in the ditch along the county road. They have added the Jasper Fisher legal drain to the plat as requested by the county surveyor.

Mr. Dombrosky noted that it had received drainage board approval yesterday morning. He asked if they were out letting to a legal drain and if all that had been satisfied.

Mrs. Dalton stated they had not received any permit request yet, but they would need to get one.

Mr. Larrison stated they had prepared a letter for permission from Mr. Gary Underwood to adjoin to his drain. He was to be there this morning to sign.

Mr. Dombrosky stated that the only other things he noted was the drains from the primary fields.

Mr. Larrison replied that those had been added.

Mr. Dombrosky opened the public hearing.

There being no one signed up to speak, Mr. Dombrosky closed the public hearing.

Mr. Ayres motioned to approve **MIP 1113/19: James Amick** subject to staff recommendations.

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

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

The staff conditions and recommendations are as follows:

**DRAINAGE CONDITIONS:**

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

**STAFF RECOMMENDATIONS:**

1. A ROW permit for the bore will be needed.
2. Remove any trees or fence within 10' from edge of pavement.
3. A permit is needed from the Surveyors office prior to construction to connect to the drain.
4. Provide the species of the street trees on Development Plan, prior to installation.
5. Label each secondary septic field easement as "SSFE" on the plat.
6. Show drainage line from each primary septic field to its outlet. Elevations are currently marked at the outlets.

**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 areas 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 1114/19: DAVE TURPIN;** a 3-lot minor plat; 20.08 acres, Center Township; S21-T16N-R1W; located northeast of State Road 39 and County Road 350 North. (Accura Land Surveying)

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Mr. Dombrosky stated that the applicant was not present. They had been continued at drainage board and that staff were recommending a continuance as well. It was advertised as a public hearing and there were people signed up to speak. It would be up to committee whether they wished to have the public hearing now. He did not see any reason not to have it.

Mr. Dombrosky opened the public hearing.

Mr. Dorel Graves, 4039 N. State Road 39, appeared. He stated that he was against the petition mainly due to drainage issues. They have a flooding issue now; he believes this would make it worse. He has also had people crossing his property from the south without his permission. He stated that he was not the adjacent property, but the next property to the north. He noted that when it rains, there is 6-12 inches of water on his property. It comes from the south and goes north.

Mr. Dombrosky asked if their outlet was at the back corner of their property.

Mr. Graves stated that it does not.

Mr. Ayres showed where drainage board showed that it went across Mr. Graves property.

Mrs. Dalton stated that it crosses several fields. It was not a legal drain and that from what they knew it may or may not be functioning.

Mr. Dombrosky asked if they thought it would be resolved at the next drainage board meeting.

Mrs. Dalton stated that she was not sure. Part of the problem is that they needed a die test done but have not had access.

Mr. Graves stated that they have received no notice.

Mr. Dombrosky stated that this was the first meeting on the petition, so he had not missed any opportunity.

Mr. Keith Minor, 3498 N. State Road 39, appeared. He stated that his property was on the other side of State Road 39. He was upset that they were on his property without asking. He stated that there was no way that they can drain due to the location on his house. It goes uphill to get to the creek. He pointed out where drainage used to come to a culvert. The state dug that out years ago, so it no longer does. He believed that the petitioner saw some holes in his pasture from an old fence row and thought that it was a tile hole. They were not happy when Mr. Minor asked them to leave.

Mr. Ayres asked Mr. Minor if there was a tile there to his knowledge.

Mr. Minor replied that there was no tile. His family has lived there over 50 years and there has never been a tile. The only water they have now is what runs there from other property.

Mr. Dombrosky stated that was most of their concern on this petition. They have not shown a die test to show any open and free flowing drains yet.

Mrs. Harrington stated that they had received a written statement for Lot 1. She has nothing for the others. She stated that there was a tile riser on the middle lot.

Mr. Dombrosky stated that there was a riser on another lot also in the beginning of the swales. It was hard to see the one on the east. They have shown an alternate outlet to Lot 1 to go back to the same outlet as the other two since their last revision. They still need to prove that it goes somewhere.

Mr. Larry Willis, 626 W. County Road 350 N. appeared. He stated his biggest problem is the property line dispute. The surveyors came out yesterday and marked it out, giving him 15 more feet.

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He stated he was okay with that, but it needs to be recorded. He doesn't understand how his property line changed from 1989 to now.

Mr. Dombrosky noted that Mr. Willis came in and provided a survey of his land that puts the property line in a different spot than the petitioner shows.

Mr. Willis stated that his survey goes from the southeast corner and theirs goes from the northwest corner. Their survey puts the line right in the middle of his driveway. His concern is that if it doesn't get recorded and this doesn't get approved, he is right back at square one.

Mr. Ayres stated that the legality of the survey is up to the surveyor to prove that what he is using matches the original legal description. He stated that they sometimes do come in a little off from what people think their property lines are located. If Mr. Willis thinks it's wrong, then it's a dispute with their surveyor. He's not sure how to resolve that here. It appears that they are pretty confident that they are right but are willing to give him the extra feet to clean it.

Mr. Dombrosky stated that maybe that should be a condition in the approval when that happens. He has talked to Mr. Turpin and he's agreed to it.

Mr. Ayres agreed that it should be included.

Mr. Dombrosky asked if there was anyone else who wished to speak on the petition.

Mr. Christian Hines, 3803 N. State Road 39 appeared. He showed where his property was located. He stated that one of his concerns was the 20-foot drainage easement. There is a berm that runs along the property that is not shown on the plans. Half of that berm is on their property and the other half is on Mr. Hine's property. If they remove that berm in the back corner, then water will run onto his property. His next and biggest concern is that he has had a well dry up on him before at another location. His house was built in 1926 and he is unsure of how old the well is or how deep they will be drilling. If his well dries up within a year, he will not be able to afford to drill a new well. He didn't know if that is something that could be looked into as far as where all the water tables are.

Mr. Dombrosky stated that when this issue comes up, they usually ask the health department. He asked Mrs. Harrington if it was a state regulated issue.

Mrs. Harrington stated that it was a state issue. DNR will sometimes assist in residential situations, but really their purpose is high-capacity wells as far as water rights. She stated that they would get involved if that happened, but that being able to prove it is a whole different situation.

Mr. Dombrosky closed the public hearing.

Mr. Ayres motioned to continue **MIP 1114/19: Dave Turpin** to the August 14, 2019 meeting.

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

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

**MIP 115/19: ROBERT & SHARON KEELER, LOT 1 (REPLAT);** a replat of Lot 1 of a 2-lot minor plat; 1.0 acre; Washington Township; S16-T15N-R1E; located on the south side of East 100 South, 0.1 mile east of the intersection with County Road 525 East. (Kruse Consulting, Inc.)

Mr. Dale Kruse, Kruse Consulting, Inc. appeared on behalf of the petitioners. This is replat of a 1-lot plat that currently has a duplex on it. Its is located near Prestwick Golf Course. He reviewed the staff comment number two (2) asking if there was a utility easement. He did not uncover utilities, but they had Mr. Comer do a title search and he didn't uncover one either. They adjusted the lot line between lots 1 and 2 and put it directly on the power line, then put a 7.5-foot easement on either side.

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In doing that, it brought the 7.5-foot setback line off the deck which addresses staff comment number one (1). They are fine with all other comments in the staff letter.

Mr. Dombrosky opened the public hearing.

There being no one signed up to speak, Mr. Dombrosky closed the public hearing

Mr. Ayres motioned for approval of **MIP 115/19: Robert & Sharon Keeler, Lot 1 (Replat)** subject to the staff recommendations.

Mrs. Dalton seconded the motion.

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

The staff conditions and recommendations are as follows:

**DRAINAGE CONDITIONS:**

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

**STAFF RECOMMENDATIONS:**

1. Existing uncovered deck on Lot 1 does not meet the 7 ½ side setback requirement. Uncovered decks are permitted to encroach into a side setback by 3', but a variance to allow a covered deck that does not meet the 7 ½ setback in the future would not be recommended for approval by staff.
2. Confirm there is not a DUE that goes through the center of the property currently. If one exists, the lot line should be changed to accommodate the easement.
3. A ROW permit will be needed for the bore.
4. Connect to sewer and abandon both septic systems according to Rule 410 IAC 6-8.3-90 prior to recording. Provide pump receipts and documentation, to include location pictures, of septic abandonment.

**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.

**EX 270/19: DAVID MULLINS – MIP 1090;** an exemption to record prior to installing street trees.

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Mr. Ayres asked how long they were asking for the delay.

Mr. Dombrosky replied that it was for the maximum amount of time.

Mrs. Baker stated that in the past, we have granted from six months up to a year.

Mr. Dombrosky stated that his only recommendation would be to require a realistic estimate for the bond. They do require a bond to be posted in order for the plat to be recorded. In the past, they have way undershot the estimate usually because its owner installed or because they have their own trees. It's not an amount that we can use to install the trees with.

Mr. Mullins stated that he had gotten an estimate from a landscaper. He had given him three species of trees. He had texted it to him, but he would be happy to forward that on. He stated that they were planning on planting this Spring and ran into the same situation as most did with all the rain. He would like to postpone it until the Fall when there would be less stress on the trees. He then asked if he were to get a buyer before the installation of the trees, would the trees need to be planted before they closed on the property or do they still have the remaining time of the extension.

Mr. Dombrosky stated that we would typically hold the certificate of occupancy if it's a new construction until the trees are installed. Typically, that would go back on the new home buyer who wasn't aware of it and could cause an issue. It is in the ordinance to allow for weather delays on trees because of these situations.

Mr. Ayres motioned for approval of **EX 270/19: David Mullins – MIP 1090** to delay planting street trees for 6 months subject to receipt of an accurate cost estimate.

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

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

**EX 271/19: LARY HATFIELD – MIP 1112**; an exemption to record prior to installing street trees.

Mr. Dale Kruse, Kruse Consulting, Inc. appeared for the petitioner. He is dealing with the same issues as the previous petitioner with the weather. He has a buyer, so he will need to make sure that its in the contract when he sells the ground so there will be no issues.

Mr. Ayres motioned for approval of **EX 271/19: Lary Hatfield – MIP 1112** to delay planting street trees for 6 months subject to receipt of an accurate cost estimate.

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

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

**MAP 722/19 (SECONDARY): I-70 WEST, LLC – INNOVATION BLVD PHASE III**; a secondary plat for the extension of the Innovation Boulevard roadway; 4.16 acres; Liberty Township; S26-T14N-R1W; located at Innovation Boulevard and State Road 39. (Studio A of Indianapolis, Inc.)

Mr. Dombrosky asked Mr. Ayres if he was okay with the details as far as the stone, the cul-de-sac.

Mr. Ayres replied that he was good with everything but asked about the mounding for the protection.

Mr. Mouser, Studio A of Indianapolis, Inc. appeared. He stated that he owed them a different sheet. The surveyor has it. They have added a guardrail because he could not get the mound offset. It is a 20-foot section that goes partially up the mound. He showed on the plans where it would be



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located. He stated that he just listed it as INDOT guardrail, but they may want to use wood if that would be okay, just for aesthetics.

Mr. Ayres replied that would be fine if it is the crash tested wood timber. There is a federal standard for those.

Mr. Dombrosky stated that he talked to Mr. Beck and tried to call him this morning about the property lines. It appears this property was split from KS Hendricks Partners and was the original farmhouse for that land.

Mr. Mouser replied that it was.

Mr. Dombrosky stated that it was sold to them with this plan in mind. So, the question is can we move the road to the east at all.

Mr. Mouser stated that he spoke to Mr. Beck after the meeting and he didn't seem as upset as he made it sound. They told him they would put a fence or trees up. It was an oversight on their end. They probably aren't required to being that it is a road, however due to how close they are they would be willing to work with them.

Mr. Ayres stated that he didn't believe the moving of the road is realistic. The better option would be to do some type of screening.

Mr. Dombrosky stated that the only thing he could come up with as far as screening goes since screening is required for zoning, but the road is not zoned, would be like subdivision perimeter. A major subdivision has to have a perimeter buffer between the road and the houses. That doesn't really apply here, but we could look at as an example.

Mr. Mouser stated that they had offered to buy his home, but that Mr. Beck would not get back in touch with them. His wife did a couple of times, but he was always too busy. Finally, after a year and a half, they quit contacting them.

Mr. Dombrosky noted that they had received drainage board approval yesterday.

Mr. Ayres motioned for approval **MAP 722/19 (Secondary): I-70 West, LLC – Innovation Blvd. Phase III** subject to acceptable screening being constructed adjacent property line on the west side of the road at the south end as well as staff recommendations.

Mrs. Dalton seconded the motion.

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

**DPR 475/19 (SECONDARY): I-70 WEST, LLC – BLDG. 3;** a development plan review for a new warehouse building; 53.98 acres; Liberty Township; S26-T14N-R1W; located at Innovation Boulevard and State Road 39 (Studio A of Indianapolis, Inc.)

Mr. Dombrosky asked if there were any other discussion needed.

Mrs. Harrington noted the sewer allocation.

Mrs. Baker replied that it was in the staff letter as number 9.

Mrs. Harrington wanted to make sure it was part of the motion.

Mr. Ayres motioned for approval of **DPR 475/19 (Secondary): I-70 West, LLC – Bldg. 3** subject to staff recommendations.

Mrs. Harrington seconded the motion.

Mr. Dombrosky noted the emphasis on the comment number 9.

The staff conditions and recommendations are as follows:

**DRAINAGE CONDITIONS:**

Subject to approval by Hendricks County Drainage Board.

**STAFF RECOMMENDATIONS:**

1. Provide a will serve letter from the water provider
2. MODIFICATION REQUESTS
  - a. Bicycle parking - 26 spaces are required, and the applicant is proposing 6 spaces (7.2)
    - i. Staff sees no reason for the modification.
  - b. Parking Lot Perimeter Landscaping, North – None is proposed
    - i. Staff doesn't not have an issue with this due to the adjacent parcel being zoned PB and owned by the applicant.
  - c. Parking Lot Perimeter Landscaping South - The trees and mound are not within 30' of the parking.
    - i. Staff doesn't not have an issue with this
  - d. Buffer Yard 3 required on the west side –
    - i. The applicant is not proposing a mound. A mound at this location could cause drainage issues and would likely require removing existing vegetation. Possibly consider a privacy fence in lieu of mound.
    - ii. It is not shown whether existing vegetation meets the 4 points per 100 LF on this side, so staff does not have an accurate idea of how dense the existing tree line is. We would recommend supplementing the buffer by planting 9' evergreen trees along the perimeter road
  - e. Waste containers, recycling containers and service structures shall not be allowed in the front yard – applicant proposed two location in front yards. (7.5.J)
    - i. This is typical and staff does not oppose.
  - f. Offsets/projections. If a building is longer than 90' it is required to have 2' deep offsets or projects at intervals of 60' – Color variations and parapet wall height changes are being proposed. (8.3)
  - g. Masonry 50% minimum requirement – Color variations and reveals are being proposed. (8.3)
  - h. Precast concrete is to be textured - Color variations and reveals are being proposed. (8.3)
  - i. Refuse and waste removal areas shall be screened from view. The applicant is not sure the location yet (8.3)
    - i. All these architectural modifications are typical, and staff does not oppose.
  - j. Roof mounted equipment on exposed roofs shall be completely screen from view - Per the applicant, "Parapet walls will be used to screen equipment and on the west end of the building any mechanical unit closer than 25 feet from the west wall of the building will be screened with an enclosure unless the parapet wall screens the mechanical unit as depicted on the Sight Line drawing."

**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.
9. A sewer allocation letter is required before a construction plan will be approved and before on-site construction may 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 shall be limited to those consistent with the proper operation of a septic system and that will not result in soil compaction.

**MAP 740/19: HENDRICKS COUNTY GATEWAY PARK, LOT 1 (REPLAT);** a replat of Lot 1 of a 4-lot major plat; 215.06 acres; Liberty Township; S36-T14N-R1W; located southwest of the State Road 39 and Interstate 70 interchange. (American Structurepoint)

**DPR 477/19 (SECONDARY): HENDRICKS COUNTY GATEWAY PARK, LOT 1;** a development plan review for a new warehouse building; 37.14 acres; Liberty Township; S36-T14N-R1W; located southwest of the State Road 39 and Interstate 70 interchange. (American Structurepoint)

Mr. Nick Everhart, American Structurepoint appeared with Mr. Ben Chrin, Core 5 Industrial; Ms. Shay Hays and Mr. Phil Groce, GDI Construction. Mr. Everhart stated that the only real change was the change in the title of the road on the plat. The project is pretty consistent with the previous Lot 1, they just pulled the property line in and changed to 442,000 square feet. There are still three (3) ponds. Gateway Drive will be constructed under a separate permit. A&F Engineering is working with GDI on the State Road 39 improvements.

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Mr. Ayres stated that they technically still have the permit, but we have gotten assurances from INDOT that it will not change the grade or the location of the entrance. He then asked for an explanation of the timing of the improvements on State Road 39, both theirs and INDOT's.

Mr. Groce stated that INDOT has a vested interest in moving along because they want them out of the way before they start their improvements.

Mr. Groce replied that their improvements on State Road 39, INDOT would like them to be done by this Fall, so that they were done and out of the way prior to them starting their improvements. GDI is doing everything south and INDOT is doing the north of the line of demarcation. He could not recall the name of the line at that time. They are trading some improvements. INDOT is doing some paving for them and they are doing some drainage work for them.

Mr. Dombrosky asked if they would have a complete connection to State Road 39 prior to INDOT starting construction this Fall.

Mr. Groce replied that was correct. He stated that they would be doing temporary striping and the INDOT would do the final striping once their improvements are complete.

Mr. Ayres asked when they were building Gateway Drive.

Mr. Groce replied that Gateway Drive would be built simultaneously with Building 2, Lot 2 which is starting construction next week.

Mr. Ayres asked how that coincides with their work on State Road 39.

Mr. Groce stated that the goal was simultaneous, however it may be slightly ahead of the State Road 39 work. Both building 1 and 2 are lengthy projects, so these will not be opening before State Road 39 is complete.

Mr. Ayres was concerned about the construction traffic.

Mr. Groce and Mr. Everhart noted that there was an existing drive on Lot 1 that the construction traffic is coming in on.

Mr. Ayres asked if that was shown on their erosion control plan.

Mr. Everhart stated that it was. It showed where it was located on the plans. He explained that they plan to use that entrance for Gateway Drive before the pond is all dug out. It comes through at the property line and crosses over the existing 60-inch pipe.

Mr. Ayres stated that he was concerned that it would affect the pond construction or functionality.

Mr. Everhart stated that they should have about 20 feet from the property line to allow them access until Gateway Drive is complete.

Mr. Ayres stated he didn't want the pipe damaged during construction which would cause drainage issues later. He has been concerned since the beginning and would have liked to see the road improvements done before the buildings. He asked why Gateway Drive could not be finished first before the buildings.

Mr. Groce replied that logistically they wanted to start construction on the buildings this summer due to the size of the box culvert. That would delay finishing Gateway Drive.

Mr. Ayres stated that he sees potential issues with the construction.

Mr. Groce stated that if they run into issues with the northern drive during construction, they can use the southern drive for both buildings until Gateway Drive is complete. The southern drive does not cross the creek.

Mr. Everhart stated that their standard specifications were that, if in fact something did get damaged, that it would be the contractor's responsibility to replace to at least existing conditions.

Mr. Chrin asked if there was a way they could video or inspect before and/or after to show the condition.

Mr. Ayres stated that they would at the very least want to see something afterwards.

Mr. Chrin suggested monthly meetings onsite for progress so that everyone is on the same page.

Mr. Dombrosky asked if there were any further questions or concerns.

Mrs. Harrington motioned for approval of **MAP 740/19: Hendricks County Gateway Park, Lot 1 (Replat)** subject to staff recommendations.

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

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

Mrs. Harrington motioned for approval of **DPR 477/19 (Secondary): Hendricks County Gateway Park, Lot 1** subject to staff recommendations.

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

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

**MRP 107/19: RICHARD & TERESA MOORE;** a 1-lot minor residential plat; 1.68; Eel River Township; S13-T16N-R2W; located on the west side of State Road 236, approximately 0.75 miles north of the intersection with West County Road 350 North. (Kruse Consulting, Inc.)

Mr. Dale Kruse, Kruse Consulting, Inc. appeared for the petitioners. Parcel is located between Danville and North Salem on State Road 236. They own and live on the parcel to the south of this. They purchased this so they would have more control over what would be around them. They are selling the house but wish to retain the vacant ground.

Mr. Dombrosky noted that there was a barn there, so they are creating a parcel with just an accessory building.

Mr. Ayres asked if the acreage issues had been resolved.

Mr. Kruse stated that they shifted the property line to allow for a buildable lot. He reviewed the staff comments. He clarified comment number 1 as there was some confusion on the wording. It stated to add a note that the house cannot be expanded because it is a nonconforming use. He didn't think that was correct.

Mr. Dombrosky stated that the wording was incorrect and should read "nonconforming structure". He stated that they have used a note on previous projects. He asked that they find the note used before and add it to the plans.

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Mr. Kruse went on to discuss staff comment number 3 which was about the well. It does not have a casing. He asked Mrs. Harrington if they could do that prior to recording versus prior to approval as that would be today.

Mrs. Harrington agreed that it should be prior to recording.

Mr. Kruse noted that the same request would be for comment number 4 as that said prior to approval as well. He has adjusted the note in comment number 5 already.

Mr. Dombrosky asked if there were any further comments or concerns.

Mr. Dombrosky motioned for approval of **MRP 107/19: Richard & Teresa Moore** subject to staff recommendations except that recommendation 1 be modified to an acceptable note that has been done in the past, and staff recommendation number 3 and 4 be modified to "prior to recording".

Mr. Ayres seconded the motion.

FOR – 5 –

AGAINST – 0 –

ABSTAINED – 0 –

There being no further items to be discussed, the meeting was adjourned at 10:39 a.m.

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Tim Dombrosky, Chairman