

Johnson County Plan Commission June 24, 2024 Meeting Minutes

The Johnson County Advisory Plan Commission met on Monday, June 24, 2024 in the Johnson County Courthouse Annex Auditorium. The meeting was called to order at 6:00 PM by Chairman Charlie Canary.

I. ROLL CALL:

Shalee Bradley, Charlie Canary, Gregg Cantwell, Douglas Gray, Steve Hickman, Jonathan Myers, Ron West, Attorney Stephen Watson (Legal Counsel - not voting), Michele Hansard (Director – not voting) and Angela Olson (Recording Secretary – not voting).

Absent: Robert Page, Stoney Vann and Ron Deer (Alternate)

II. APPROVAL OF MEETING MINUTES:

Chairman Charlie Canary called for a motion to approve the May 20, 2024 Plan Commission meeting minutes.

Motion: Approval of May 20, 2024 Plan Commission meeting minutes. **Moved** by Ron West. **Seconded** by Steve Hickman. **Yes:** Bradley, Canary, Cantwell, Gray, Hickman, Myers and West. **No:** None. **Motion approved 7-0.**

Chairman Charlie Canary called for a motion to approve the May 30, 2024 Special Plan Commission meeting minutes.

Motion: Approval of May 20, 2024 Plan Commission meeting minutes. **Moved** by Steve Hickman. **Seconded** by Shalee Bradley. **Yes:** Bradley, Canary, Cantwell, Gray, Hickman, Myers and West. **No:** None. **Motion approved 7-0.**

III. PUBLIC HEARINGS:

**M-2-24 and M-3-24; Gregory Leugers – Minor Residential Subdivision Requests.
37.2 acres at 100 N. and 450 W.**

Staff presented findings and facts to the board and recommended approval of these requests with the condition that the Planning & Zoning Department and the Health Department approve the septic subsurface drainage plan prior to recording.

Land Surveyor Assistant, Chandler Harden, with Banning Engineering (2497 Country Club Rd., Martinsville 46151) was present on behalf of the Plaintiff to speak and address questions and/or concerns.

Board members asked questions and expressed concerns, which were addressed by Petitioner, Remonstrators and staff, as follows:

- Q. Board member Charlie Canary referred to staff's map of both parcels and inquired how they are getting the road frontage?

A. They are going to swap land between the two (2) parcels creating one (1) plat with twenty (20) acres and one (1) plat with eight (8) acres.
- Q. Board member Ron West inquired as to whether or not there was some consideration of a retention pond being installed over the pipeline?

A. Originally yes, but it was decided to move the wet pond to the north side of the easement so nothing has to cross the pipeline.
- Q. Board member Ron West asked where the location of the wet pond would be located on the map?

A. The wet pond is not shown on the map but there is a drainage easement on the north part of Haymaker North where the wet pond will sit. The north line of the gas line easement is actually the south line of the drainage and utility easement so the wet pond will be placed there but well away from the pipeline.
- Q. Board member Charlie Canary asked if the drainage from 100 North drain all the way to the wet pond?

A. No, all of the smaller two (2) acre lots will have dry ponds on the road frontage.
- Q. Board member Charlie Canary inquired as to why the drainage ponds are not on the map?

A. Staff advised that the supporting data plan that was discussed and approved by the Drainage Board was not provided as part of the Plan Commission staff report but everyone has a pond of some sort.
- Q. Attorney Stephen Watson asked for confirmation that it appears on the map that there is an eighty-five (85) foot drainage and utility easement on the front of each of those four (4) lots?

A. Yes.
- Q. Board member Charlie Canary inquired as to whether or not Texas Gas had indicated where they had laid tile when they put the pipeline in?

A. According to Texas Gas there is not tile there.
- Q. Board member Jonathan Myers inquired how do you know if you do not define what the dry retention is?

A. The dry retention has been defined as Drainage Utility Easement (DUE) at ten (10) feet.

- Q. Board member Jonathan Myers asked if there is a certain percentage of lot that can be dry retention?
A. There only putting the detention in that they have to calculate and provide for the potential run off of the development of that lot.
- Q. Board member Charlie Canary inquired as to how deep the ponds have to be?
A. All the dry retention ponds on the south end will be about four (4) feet deep.
- Q. Board member Jonathan Myers asked how much rain would a dry pond hold for a 100 year flood?
A. Specific is unknown but all of the calculations are based off a 100 year flood. There will be out flow pipes and emergency spillways just in case with side yard swales to catch additional run off.
- Staff advised the board members that the ordinance has changed where the county is requiring retention for all types of division except for the roadsides. Staff further pointed out that these were the first two (2) subdivisions since this ordinance change was made and that the developers are doing more than the county has ever asked.
- Q. Board member Charlie Canary inquired as to where the drainage breaks south from the north pond?
A. The Land Surveyor demonstrated visually on the map where the drainage flowed.
- Q. Board member Steve Hickman asked for confirmation that the two (2) proposed lots typically drain south?
A. Yes.
- Q. Board member Steve Hickman asked for confirmation that not all forty (40) acres were draining south?
A. No.
- Q. Board member Steve Hickman inquired if the larger lots would be able to further subdivide?
A. No.
- Staff advised the board members in great detail the rules of the Subdivision Control Ordinance that allows boundary retracements and advised that the Petitioner knows that they have to complete this boundary retracement step.
- Q. Board member Charlie Canary inquired as to what the board could, do, or not do in regards to the proposed list of plat covenant and restrictions that Mr. Huffine submitted?

A. Staff responded that they she was not provided a copy of the proposed list because she is not on the drainage board. Remonstrator Richard Huffine provided staff with a copy of the proposed list. Staff does not agree with some of these conditions but it is up to the board members to decide what conditions, if any, can be added to the plat approvals. Attorney Stephen Watson pointed out to the board members that their discretion is fairly limited in that you have to determine whether or not the Petitioner has met the requirements of the Subdivision Control Ordinance. If the Petitioner has complied with all of the Subdivision Control Ordinance requirements then it becomes more of an administrative act to approve or not approve. If the proposed covenants are consist with or match up to the Subdivision Control Ordinance then you might consider adding them as conditions. If they are not consist with or match up with the Subdivision Control Ordinance then you are going to be hard pressed to make them as additional conditions.

Remonstrator Richard Huffine (4489 W. 100 N., Bargsville 46106) was present to express his concerns regarding drainage. Mr. Huffine submitted to the board members a proposed list of plat covenant and restrictions as **Exhibit**.

Remonstrator Zachariah Berninger (1320 N. 400 W., Bargsville 46106) was present to express his concerns regarding property development and drainage.

Remonstrator Amber Berninger (1320 N. 400 W., Bargsville 46106) was present to express his concerns regarding property development and water wells.

Motion: To approve hearing both M-2-24 and M-3-24 at the same time and allow additional time to hear remonstrators speak if necessary. **Moved** by Ron West. **Seconded** by Jonathan Myers. **Yes:** Bradley, Canary, Cantwell, Gray, Hickman, Myers and West. **No:** None. **Motion approved 7-0.**

Motion: To approve M-2-24 and M-3-24 to allow for the subdivision of the two (2) subject sites into four (4) lots each for a total of eight (8) lots, with the condition that the Planning & Zoning Department and the Health Department approve the septic subsurface drainage plan prior to recording and staff's Findings of Facts. **Moved** by Ron West. **Seconded** by Jonathan Myers. **Yes:** Bradley, Canary, Cantwell, Gray, Hickman, Myers and West. **No:** None. **Motion approved 7-0.**

Motion: To approve M-2-24 and M-3-24 at the same time and allow additional time to hear remonstrators speak if necessary. **Moved** by Ron West. **Seconded** by Jonathan Myers. **Yes:** Bradley, Canary, Cantwell, Gray, Hickman, Myers and West. **No:** None. **Motion approved 7-0.**

IV. NEW BUSINESS:

Staff and board members had a discussion on the United Development Ordinance.

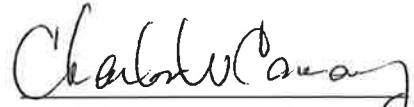
V. ADJOURNMENT:

Chairman Charlie Canary called for a motion to adjourn the meeting at 7:40 PM.


Motion: Adjourn the meeting. **Moved** by Ron West. **Seconded** by Steve Hickman. **Yes:** Bradley, Canary, Cantwell, Gray, Hickman, Myers and West. **No:** None. **Motion approved 7-0.**

Approved on: July 22, 2024

By:


Charlie Canary, Chairman

Attested By:


Jonathan Myers, Secretary

^{DRAIN}
- TILE, - PIPE LINE
- DRAINAGE -

Haymaker North and South Minor Plat Covenant and Restrictions Summary

1. Respectfully request that Covenant / Restriction language be developed for the future maintenance, (dry ponds kept free of debris and silt) at the North Minor lots 1,2 and South Minor lots 4,3,2,1. **DRAINAGE BOARD CONDITIONED THAT THIS BE IMPOSED ON ALL FUTURE REALESTATE TRANSACTIONS.**
2. Respectfully request that Covenant / Restriction language be developed for the future maintenance, (pond maintained at the designated size as per plat and as-built drawings) at the North Minor lots 1,2 and South Minor lots 4,3,2,1. **DRAINAGE BOARD CONDITIONED THAT THIS BE IMPOSED ON ALL FUTURE REALESTATE TRANSACTIONS.**
3. Respectfully request that Covenant / Restriction language be developed for the future controlled use of chemicals at the North Minor lots 1,2,3,4 and South Minor lots 4,3,2,1.
4. Respectfully request that Covenant / Restriction language be developed for the future controlled use of animals / animal's waste at the North Minor lots 1,2,3,4 and South Minor lots 4,3,2,1.
5. Respectfully request Covenant / Restrictions disallowing any future development / sub-dividing of North Minor lots 1,2,3,4 and South Minor lots 4,3,2,1.
6. Respectfully request Covenant / Restrictions disallowing Barndominiums as a temporary or permanent residence.
7. Respectfully request Covenant / Restrictions regarding routine trash removal, daily clean up during all phases of construction time periods.
8. Respectfully request that Covenant / Restriction language be developed for recourse if 1 through 8 above are not adhered to.



Signed:

Name	Email	Phone	Signature
Richard Huffine	rich.huffine@gmail.com	317-294-0854	
