

The Pendleton Plan Commission (PC) met on February 5th, 2020 at 7:00 pm at 100 W State Street, Pendleton, Indiana. The meeting was called to order at 7pm. Commission members present were Tim Pritchard, Kyle Eichhorn, Cheryl Ramey-Hunt, Connie Schultz-Heinz, Carol Hanna, Jenny Sisson and Brad Ballentine. A quorum was established.

Representing the Town were Planning and Zoning Administrator Kayla Hassett, Assistant Planning Director Rachel Christenson, Town Attorney Jeff Graham and Office Manager Tracie Dodd.

I. CALL TO ORDER

The meeting was called to order at 7:00pm by Tim Pritchard

III. APPROVAL OF MINUTES OF PREVIOUS MEETING

Meeting Minutes were not available

IV. OLD BUSINESS

A. Unified Development Ordinance Update –

- Steering Committee Meeting #3 was held on January 22nd.

B. Thoroughfare Plan Update –

Progress since January Plan Commission Meeting

- The following documents are ready for recommendation for adoption by the Town Council.

- **Three Feet Passing Law,**

SCHEDULE IX. OVERTAKING AND PASSING OF VEHICLES (3-feet Passing Law)

(A) The following rules govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations, exceptions, and special rules stated:

(1) A person who drives a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left of the other vehicle at a safe distance and may not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(2) Except when overtaking and passing on the right is permitted, a person who drives an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and may not increase the speed of the overtaken vehicle until completely passed by the overtaking vehicle.

(3) The operator of a vehicle overtaking a bicycle or electric bicycle shall:

(a) Allow at least three (3) feet of clearance between the vehicle and the bicycle; and

(b) Not return the vehicle to the vehicle's original lane of travel until the vehicle is safely clear of the bicycle.

(4) The operator of a vehicle may pass a bicycle or electric bicycle traveling in the same direction in a no passing zone when it is safe to do so, if the operator of the overtaking motor vehicle complies with subsections (1) and (3) above.

- **Vulnerable Road Users Policy,**

SCHEDULE X. VULNERABLE ROAD USERS

(A) For the purpose of this schedule, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

“VULNERABLE ROAD USER.” A pedestrian, including, but not limited to, a runner, person with a disability, a child, person leading an animal, stranded motorist or passenger, highway construction or

maintenance worker, a tow truck operator, a person on horseback, utility worker, a person operating a motorcycle, moped, motor-driven cycle or motor-assisted scooter, a person engaged in the provision of emergency services within the right-of-way, or a person operating equipment other than a motor vehicle, including, but not limited to, a bicycle, electric bicycle, tricycle, or a skateboard; roller skates; a scooter; electric personal assistive mobility device; or a horse-driven conveyance or unprotected farm equipment.

(B) An operator of a motor vehicle passing a vulnerable road user operating on a highway or street shall:

(1) Vacate the lane in which the vulnerable road user is located if the highway has two or more marked lanes in the same direction; or

(2) Pass the vulnerable road user at a distance of at least three feet for motor vehicles in accordance with SCHEDULE IX. OVERTAKING AND PASSING OF VEHICLES.

(C) An operator of a motor vehicle who is making a turn at an intersection, including an intersection with an alley or private road or driveway, shall yield the right-of-way to a vulnerable road user who is traveling in the opposite direction of the motor vehicle and who is approaching or close enough to the intersection as to be an immediate hazard.

(D) An operator of a motor vehicle may not overtake a vulnerable road user traveling in the same direction and subsequently make a turn in front of the vulnerable road user unless the operator is safely clear of the vulnerable road user, taking into account the speed at which the vulnerable road user is traveling and the braking requirements of the motor vehicle making the turn.

(E) An operator of a motor vehicle may not stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the law or the directions of a police officer or traffic control device, in a bicycle lane, multi-use path, cycle track or other area designated for bicycles.

(F) Anyone operating a motor vehicle, bicycle or other method of conveyance upon a roadway must yield to anyone legally using a crosswalk.

(G) An operator of a motor vehicle may not operate the vehicle in a manner that is intended to intimidate, threaten or harass a vulnerable road user.

(H) No person while stopping, standing, or parking a motor vehicle on or next to a highway, street, or alley shall do either of the following:

(1) Open the door of the motor vehicle, unless it is reasonably safe to do so and can be done without interfering with the movement of traffic and pedestrians and bicycles traveling on sidewalks, shoulders, or bicycle lanes; or

(2) Cause a door to remain open on the side of the motor vehicle for a period longer than necessary to load or unload passengers or items.

(I) A person operating a bicycle upon a street or highway at less than the normal speed of traffic shall ride in the right-hand lane of the street or highway subject to the following:

(1) If the right-hand lane is wide enough to be safely shared with overtaking vehicles, a person operating a bicycle shall ride far enough to the right as judged safe by the bicyclist to facilitate the movement of such overtaking vehicles.

(2) A person operating a bicycle may use a lane other than the right-hand lane when:

(a) Overtaking or passing another vehicle proceeding in the same direction;

(b) Preparing for a left turn at an intersection or into a private road or driveway;

(c) Reasonably necessary to avoid conditions, including, but not limited to: fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or lanes that are too narrow for a bicycle and a motor vehicle to travel safely side by side within such lanes;

(d) Approaching an intersection where right turns are permitted and there is a dedicated right turn lane, in which case a bicyclist may ride on the left-hand side of such dedicated lane, even if the bicyclist does not intend to turn right;

(e) Riding on a roadway designated for one-way traffic, when the bicyclist may ride as near to the left-hand curb or edge of such roadway as judged safe by the bicyclist; or

(f) A person operating a bicycle or other authorized vehicle in a bicycle lane, multi-use path, cycle track or other area designated for bicycles, shall have the same rights to cross an intersecting street or highway as does an operator of a motor vehicle who comes upon the same intersection, subject to the following:

(1) If a pedestrian crosswalk signal exists within a bicycle lane, multi-use path, cycle track or other area designated for bicycles, a person operating a bicycle in that lane, path, track, or area shall obey the crosswalk signal.

(3) Bicyclists must observe the State of Indiana motor vehicle laws.

- Interim Functional Classification Map,
- Complete Streets Policy.

Pendleton Complete Networks Policy

Complete Networks, or more commonly known as Complete Streets, are designed and operated to enable safe access for all users, including pedestrians, bicyclists, motorists, and transit riders of all ages and abilities.

Vision and Intent

The Town of Pendleton will provide a seamless, balanced, safe, efficient, and well-connected circulation system that supports alternative transportation and easily connects to the regional transportation network. The Town of Pendleton recognizes the role that a connected, accessible, and complete transportation network can play in improving quality of life, public health, and economic prosperity. For these reasons, the Town shall design, build, operate, and maintain a multi-modal transportation network that will provide access, mobility, safety, and connectivity for all users of all ages, abilities, and modes.

The goals of the Complete Networks/Streets Policy are:

- To provide safe and accessible multimodal options for travel;
- To provide mobility options for persons of limited income;
- To facilitate healthy living by providing recreational opportunities;
- To spur economic development;
- To encourage social connection in the community.

The Town will ensure that the transportation system is safe and convenient for all users, including pedestrians, bicyclists, motorists, users of public transportation, emergency responders, freight providers, adjacent land users, and people of all ages and abilities.

The Town shall foster partnerships with the State of Indiana, neighboring communities and counties, businesses, and school districts to develop facilities that further the Town's Complete Networks/Streets Policy and continue such infrastructure beyond the Town's borders. Specific agencies include Indiana Department of Transportation (INDOT), the City of Anderson, Town of Ingalls, Town of Markleville, Town of Lapel, Madison County, Madison County Council of Governments (MCCOG), South Madison Community School Corporation (SMCSC), City of Greenfield, Town of Fortville, Hancock County, City of Fishers, City of Noblesville, and Hamilton County.

Applicability of the Complete Networks/Streets Policy

(1) All facilities in the public right-of-way, publicly or privately funded, shall adhere to this Complete Networks/Streets Policy.

(2) All facilities owned by the Town and in the public right-of-way including, but not limited to, streets,

sidewalks, multi-use trails, bridges, and all other connecting pathways shall be designed, constructed, maintained and improved to allow users of all ages and abilities to travel safely and independently.

(3) The Town shall approach every transportation improvement and project phase as an opportunity to create safer, more accessible streets for all users. These phases include, but are not limited to: planning, programming, design, right-of-way acquisition, construction, construction engineering, and reconstruction. Other changes to transportation on streets and rights-of-way, including capital improvements, re-channelization projects and major maintenance, must also be included.

Exemptions

(1) Any party wishing for an exemption from the requirements of this Policy must request a public hearing

before the Pendleton Plan Commission. If an exemption is granted, it must be documented in writing with supporting data that indicates the basis for the decision. Exemptions may be granted when:

(A) Cost or impacts of accommodation are excessively disproportionate to the need or probable use, now or in the future; or

(B) Accommodation is not practically feasible due to severe topographic constraints or significant adverse impacts to the natural environment, historic or cultural resources, or neighboring land uses.

(2) The Planning Director may approve exemptions under the following circumstances:

(A) An impacted roadway prohibits, by law, use by specified users (such as an interstate freeway or pedestrian mall);

(B) Routine maintenance of the transportation network that does not change the roadway geometry or operations (such as mowing, cleaning, sweeping, spot repair, and other regular or seasonal maintenance);

(C) Emergency repairs require immediate, rapid response (such as water main leaks); or

(D) The project is under construction or in the final design stages at the time of the adoption of this policy.

(3) If a project is determined to be exempt from this Policy, a greater effort shall be made to accommodate

impacted users elsewhere, including on adjacent streets and on streets that intersect with that street or facility.

Design

(1) The Town shall follow the best and latest design standards, policies, and guidelines available. When fulfilling this Complete Networks/Streets Policy, the Town will follow the design manuals, standards, and guidelines mentioned below, as applicable, but should not be precluded from considering innovative or nontraditional design options where a comparable level of safety for users is present or provided.

(2) Design standards and guidelines include, but are not limited to:

(A) National Association of Town Transportation Officials (NACTO)

1. Urban Street Design Guide;

2. Urban Bikeway Design Guide;

3. Global Street Design Guide;

(B) The American Association of State Highway Transportation Officials (AASHTO):

1. Green Book

2. Guide for the Planning, Design, and Operation of Pedestrian Facilities

3. Guide for the Development of Bicycle Facilities;

- (C) The Federal Highway Administration (FHWA);
- (D) Public Right-of-Way Accessibility Guidelines (PROWAG);
- (E) The Americans with Disabilities Act (ADA);
- (F) The Institute of Transportation Engineers (ITE) Designing Walkable Urban Thoroughfares;
- (G) The Indiana Manual on Uniform Traffic Control Devices (MUTCD); and
- (H) Indiana Department of Transportation Highway Design Manual

(3) Designs for all projects will be context-sensitive, considering adjacent land uses and local needs, and according to Public Rights-of-Way Accessibility Guidelines (PROWAG) design standards for the setting, traffic volume and speed, and current and projected demand. Each project must be considered both separately and as part of a connected network to determine the level and type of treatment necessary for the street to be complete.

Land Use and Context Sensitivity

(1) Land use context and flexibility shall be considered relative to potential Complete Networks/Streets improvements. The overall goal of this approach is to preserve and enhance scenic, aesthetic, historical, and environmental resources while improving or maintaining safety, mobility, and infrastructure conditions.

(2) It is the intent of this Policy that the Planning Director will incorporate Complete Networks/Streets policies into the zoning regulations, subdivision regulations, and all other relevant planning and regulatory

documents to help support the community's Complete Networks/Streets vision.

(3) This Policy should take into consideration of the goals and objectives that were identified in Pendleton's Comprehensive Plan and Thoroughfare Plan, especially the context zones to allow the Town to maintain and enhance the historic small town atmosphere.

Performance Measures

(1) Complete Networks/Streets shall be measured for success, and opportunities for improvement will be identified in an annual report by the Plan Commission using, but not limited to, the following performance measures:

1. Linear feet of new or repaired pedestrian accommodations (crosswalks, curb ramps, sidewalk, multi-use paths);
2. Miles of Bicycle Accommodations (bike lanes, signed routes) and amount of bike parking;
3. Pedestrian and Bicycle Counts (when available);
4. Counts or rates of crashes, injuries, and fatalities by mode;
5. Economic Impact (assessed value of adjacent property, new businesses, job creation, and increased profit);
6. Number of people reached through bicycle/pedestrian education programs;
7. Number of new ADA-compliant curb ramps installed;
8. Crosswalk and intersection improvements; and
9. Rate of children walking or bicycling to school.

(2) The Pendleton Plan Commission, or staff representative, will review, adjust, and present performance measures and individual numeric benchmarks to the Town Council annually at the first meeting of the year.

Implementation Steps

(1) One-year outcomes:

(A) Plan Commission (PC) - The Town will utilize the already established Plan Commission to oversee the implementation of this policy. The Commission will meet at least quarterly, contribute to the Town's

Americans with Disabilities Act (ADA) Transition Plan for evaluating the Town's progress, and advice on implementation.

(B) Complete Networks/Streets checklist form - The Plan Commission shall adopt a complete networks/streets checklist form to be filled out during a project review to determine compliance with this policy.

(C) Staff training - The Town will train Plan Commission members and pertinent Town staff on the content of the complete networks/streets principles and best practices for implementing the policy.

(D) Reporting - The Plan Commission or other relevant departments, boards, or commissions shall report on the increase or decrease for each performance measure contained in this ordinance compared to the previous year(s). This report shall be contained in the Town's ADA Transition Plan. The ADA Transition Plan will be presented to the Town Council and made available to the public.

(E) Coordination - The Town will utilize interdepartmental project coordination to promote the most responsible and efficient use of fiscal resources for activities that occur within the public right-of-way.

(2) Three-year outcomes:

(A) Inventory - The Town and Plan Commission will maintain a comprehensive inventory of the pedestrian and bicycling facility infrastructure integrated with the Town's database and will prioritize projects to eliminate gaps in the sidewalk and bikeways network.

(B) Education - The Town shall promote complete networks/streets education in partnership with bicycling, disabled, youth and elderly communities, the school district, and the Police Department.

(C) Prioritization - The Town will re-evaluate capital improvement projects prioritization to encourage implementation of bicycle, pedestrian, and transit improvements.

(3) Five-year outcomes:

(A) Existing Plans and Policies - All relevant departments, boards, or commissions will incorporate complete networks/streets principles into all existing plans, manuals, checklists, decision trees, rules, regulation reviews, approvals, and programs as appropriate, including but not limited to Comprehensive Plans, Economic Development Plans, Bicycle and Pedestrian Master Plans, Transit Plans, Snow Emergency Plans, Sidewalk Maintenance Plans, and other appropriate plans, manuals, rules, regulations, and programs.

(B) New Planning Efforts - The Town will prepare, implement, and maintain a Bicycle and Pedestrian Master Plan, a Safe Routes to School Plan, and a Street Tree, Lighting, and Landscape Master Plan.

Pendleton Complete Networks Checklist

Pendleton Complete Networks Policy Vision and Intent (2019)

The Town of Pendleton will provide a seamless, balanced, safe, efficient, and well-connected circulation system that supports alternative transportation and easily connects to the regional transportation network. The Town of Pendleton recognizes the role that a connected, accessible, and complete transportation network can play in improving quality of life, public health, and economic prosperity. For these reasons, the Town shall design, build, operate, and maintain a multi-modal transportation network that will provide access, mobility, safety, and connectivity for all users of all ages, abilities, and modes.

Complete Networks, or more commonly known as Complete Streets, are designed and operated to enable safe access for all users, including pedestrians, bicyclists, motorists, and transit riders of all ages and abilities.

Tim Pritchard asked for a favorable recommendation for the ordinance to go thru to the Council. Motion by Kyle Eichhorn, seconded by Jenny Sisson. Motion was carried.

PBA Recommendations:

- Jack Wilson
- Ralph Ridenour

Motion to accept recommendations of PBA made by Kyle Eichhorn and seconded by Cheryl Ramey-Hunt Motion was carried.

C. Impact Fees Update

Progress since January Plan Commission Meeting

- Impact fees were discussed at the January Town Council meeting. They will be on the agenda again for the February 13th meeting.

D. PC11132019-01: Huntzinger Farm - Primary Plat (Arbor Homes)

STAFF FINDINGS

- The plat meets the PUD development requirements for density and building setback lines.
- Minimum lot size and maximum lot coverage are explicitly NOT regulated as part of the PUD.
- Architectural standards are regulated by the PUD and will be regulated as part of the permitting process.
- Street and right-of-way widths are regulated by the PUD and are met or exceeded on this plat.
- While the PUD has no expiration, this primary plat does. It is effective for 4 years. After that time, the Plan Commission may require a new primary plat in order for any undeveloped phases to be platted, or may allow this primary plat to continue to be used.
- The connection to Fairfield Lane in Lantern Meadows is in keeping with our Unified Development Code. Fairfield Lane right-of-way was platted to the property line so that a connection could be made to future development. This street should be approved on this plat even if the pavement connection cannot occur at this time. Traffic impacts can be more closely examined as part of the secondary plat process.
- INDOT, Fall Creek Regional Waste District, and Banning Engineering, and South Madison Community School Corporation have all provided letters or statements supporting this primary plat.
- The Town and Arbor Homes have entered into a Memorandum of Understanding regarding the pavement of existing streets in Huntzinger Farm.

STAFF RECOMMENDATION

Approve as presented with the following condition:

- The State Road 9 entrance and connection to existing Huntzinger Farm streets will be platted and constructed as part of Phase 2, as shown on the Conceptual Phasing Plan that is part of this submittal.

Tim entertained a motion to accept PC11132019-01 Huntzinger Farms- Primary Plat (Arbor Homes) with staff findings and recommendations and the considerations of the Home Owners Association that were submitted to Arbor Homes as well as the memorandum of understanding and the signs for special pull off. Motion by Carol Ramey-Hunt, seconded by Jenny Sisson. Motion was carried.

V. NEW BUSINESS

A. PC02052020-01: Foster Park PUD – Rezone (Town of Pendleton)

TIMELINE

January 14, 2004 - PUD Ordinance was presented to Plan Commission. Petition was tabled. March 10, 2004 - Revised PUD Ordinance was presented to Plan Commission. Petition was tabled once again.

May 20, 2004 - Revised PUD Ordinance was presented to Plan Commission. Petition passed 5-1.

June 15, 2004 - PUD Ordinance was presented to Town Council. Petition passed.

November 1, 2004 - Primary Plat was approved by Plan Commission.

November 14, 2018 - Possibility of rezone to Agricultural introduced at Plan Commission Meeting.

December 12, 2019 - Town Council passed motion to initiate rezone process.

PLAN COMMISSION CONSIDERATIONS

- Fosters Park Concept Plan, Ordinance, and Primary Plat are nearly 15 years old. A great deal has changed in that time.
 - Number of homes in Foster Branch Ridge and Woods.
 - 67th Street Extension plans.
- Do the Foster Park Concept Plan, Ordinance, and Primary Plat align with the 2018 Comprehensive Plan?
 - The area is shown as “PUD”, or mixed-use/residential in the Future Land Use Map.
 - However, this particular PUD is not innovative in design or development type, which is the point of the Planned Unit Development zoning district.
 - Nor does it reflect the high-quality residential design guidelines called for in the Comprehensive Plan that we have come to expect out of recent developments and which is so prevalent in this particular part of town (Foster Branch Ridge, Foster Branch Woods, Fox Run).
- Do these documents align with other planning documents recently adopted, including the 2017 Bicycle and Pedestrian Master Plan and the 2015 State Street/State Road 38 Corridor Study?
 - A side-path needs to be shown on State Road 38.
 - Cuts onto State Road 38, including the existing location of the 600 W intersection, need to be looked at carefully.
- What lessons have we learned from the Huntzinger Farm PUD?
 - The fact that the PUD ordinance has no expiration date is extremely detrimental to Pendleton’s control over its own development.
 - Plan Commission and Planning Department have very little control if PUD is no longer what Tow wants.

STAFF REVIEW

- Permitted road width of 26 feet is TOO NARROW. 30 feet is more acceptable.
- Proposed density of up to 5 units per acre. Neighboring communities have a density of about 0.9 units per acre.
- Lot areas as small as 6,750 square feet.
- No maximum lot coverage.
- The architectural commitments were well-done for the time, but could be updated.
- Some vinyl allowed.
- Full masonry required on some facades.

Modern architectural commitments require that little, if any, vinyl siding is allowed. Masonry requirements could be relaxed.

- Foster Branch Woods and Foster Branch Ridge have been built-out and annexed since 2004, along with adjacent sections of 600 W. Options for treatment of existing roads and proposed intersections, especially 600 W with SR 38, need to be reconsidered.

Comments from audience

Lynn Lawyer –Attorney representing owner (Mr. Urbahns) and Pendleton LLC. As well as Warren K. Huntzinger Trust and the Nancy Huntzinger Trust and Agricultural Enterprise’s located across the street. Owner has currently invested over half million dollars in plans Notification Issues –Nancy Huntzinger Trust was not notified of tonight’s meeting.

Requesting Board to Table until April meeting when owner can be present.

Asking board for time for her client to consider what is happening, particularly the owner of the parcel you are trying to change the zoning on.

Client currently negotiating with Arbor Homes with plans to develop property with owner Mr. Ebon and Pendleton LLC.

Warren K. Huntzinger Trust and Nancy Huntzinger trust are only interested parties because there property is close by.

Staff noted that all required notice was sent out.

Jeff Graham stated that she was there indicated she had be notified. He also stated the primary plat has expired.

Comments by the Audience

Gary Brammer – 8228 West Foster Branch.

Stated he is not opposed to development at along as it is like development. We also would like to have our expenses protected.

Casse Tate -6655 S 600 W

Feels the original plan does not fit with the area, would like a fresh start and new look at development in that area starting with moving to agricultural. Old development does not fit with the current development in the area.

Jeanette Ziegler - 6679 S 600 W

Feels the homes that Arbor Homes produce do not fit with the quality of homes already in the area. They have also invested money into their homes and would like to keep that same quality coming into the area.

Marissa Skaggs- 6333 W Foster Branch

We like development as long as it matches what we have already done. She believe the infrastructure is not there to support a large scale neighborhood. The blind curb turning out onto 38 is a concern already let alone possibly having another neighborhood trying to exit onto 38. To do growth and development properly we need to think what the building pieces we need to be successful are.

Neil Smith – 7055 W 675 S

Asked if PC02052020-01: Foster Park PUD – Rezone was tabled today would that give Arbor Homes a chance to get something started that we would then not be able to stop later. Jeff Graham stated yes, the ordinance exists until the town council would rezone the property.

Jeff Graham stated that they could table but that would not revoke the Pud and that if they would recommend to revoke this to go back to agriculture the petitioner could request from Town Council to have more time.

Tim Pritchard entertained a motion to rezone if PC02052020-01 Foster Park PUD rezoned back agriculture as recommended by staff. Motion made by Cheryl Ramey- Hunt, seconded by Brad Ballentine. Motion was carried.

VI. ADJOURNMENT

Next meeting March 4, 2020

Meeting was adjourned at 8:40pm