

The Pendleton Plan Commission met on February 13, 2019 at 7:00 pm at 100 W State Street, Pendleton, Indiana. The meeting was called to order at 7pm. Commission members present were Chair Tim Pritchard, Connie Schultz Heinz, Carol Hanna, Kyle Eichhorn and Brad Ballentine. A quorum was established.

Representing the Town were Planning and Zoning Administrator Kayla Hassett, Assistant Planning Director Rachel Christenson, Director of Public Works Jeff Barger, Town Attorney Alex Intermill and Planning Clerk Kate Edwards.

Others in attendance are noted on an Attachment.

MINUTES

KYLE EICHHORN MOTIONED, SECONDED BY CAROL HANNA, APPROVAL OF THE NOVEMBER 14 2018 MEETING MINUTES. MOTION CARRIED.

Christenson provided a brief overview of the Plan Commission responsibilities for new members. She provided the Board members with Welcome / On Boarding packets providing information on the Town and specifically the Plan Commission and the Board's appointments, meeting times, attendance, expiration dates and she requested that, as the term expiration dates approach, the Board member please let the person that appointed them know if they are interested in serving another term. She went on to talk of the town emails being set up for Ballentine and Schultz Heinz, along with information about Google Drive and their access to it.

ELECTION OF OFFICERS

MOVED BY CAROL HANNA, SECONDED BY KYLE EICHHORN, TO NOMINATE TIM PRITCHARD AS CHAIRMAN (DEFINED IN PC RULES AS PRESIDENT). MOTION CARRIED.

MOVED BY CAROL HANNA, SECONDED BY TIM PRITCHARD, TO NOMINATE KYLE EICHHORN AS VICE CHAIRMAN (DEFINED IN PC RULES AS VICE PRESIDENT). MOTION CARRIED.

MOVED BY BRAD BALLENTINE, SECONDED BY KYLE EICHHORN, TO NOMINATE CAROL HANNA AS SECRETARY. MOTION CARRIED.

OLD BUSINESS

A. Unified Development Ordinance Update

Rachel Christenson Google Drive presentation provided information about what a Unified Development Ordinance (UDO) is, that it was 1977 when the last update was completed and also provided where the current UDO could be located on the Town website. The timeline for this began November 2018 when Planning put out requests for Qualifications. Only one submittal was received. It was awarded to The Planning

Workshop. Kayla Hassett did the initial markups of proposed changes. The Planning Workshop is currently in review of those markups and their feedback might be to us by later this week.

Christenson added there will be a Steering Committee and public input opportunities. She believes a new ordinance will be ready for adoption by Fall of 2019.

B. Foster Park Planned Unit Development

Christenson's Google Drive presentation on this topic explained what a Planned Unit Development (PUD) is and what the process is for a PUD approval. An existing PUD in Pendleton is Huntzinger Farm.

- Past Timeline of Fosters Park PUD was reviewed along with the conceptual plan from 2004 and Plan Commission considerations at that time.
- Staff Review notes current concerns due to the age of this PUD plan.
- Options available for moving forward include working with the property owner to amend the PUD Ordinance, working with the property owner and developer to amend the PUD Ordinance, or rezone the property back to Agricultural.
- The Primary Plat has expired but is available for review.

Pritchard asked if Christenson could email that to the Board for each members review.

C. Thoroughfare Plan Update

Christenson's Google Drive presentation on this topic explained that a Thoroughfare Plan is a long-range plan that identifies the location and type of roadway facilities that are needed to meet projected long-term growth within a community.

- Last update was completed in 2006
- Planning Department has a hard-copy on file for review
- The Town is working with Madison County Council of Governments (MCCOG), which is the Anderson Metropolitan Planning Organization (MPO), to discuss the project. MCCOG presented Planning Staff with two proposals; one more data driven and one design and policy oriented.
- A breakdown of the Design & Policy Oriented proposal versus Data Informed proposal was provided for board review and consideration so if the board had a preference it could let Planning Staff know.
- Elements included in both proposals include
 - Right-of-Way Dedication Ordinance
 - Bicycle and Pedestrian Ordinance Package
 - Access Management Ordinance
 - Legal Review
 - Street Standards Update

Hanna asked if there was a charge for the services. Christenson said there was. For the Unified Development Plan Update the Town hired a private firm. MCCOG does projects typically for a reduced rate for communities like Pendleton that are part of the council. Adding it has already been budgeted.

NEW BUSINESS

**A. PC01092019-01 – Anita’s Kitchen New Location – 525 E State Street –
Site Development Plan Review**

Petitioner has asked for this to be tabled if agreeable to the Plan Commission.

**PRITCHARD ADVISED PC01092019-01 TO BE TABLED UNTIL MARCH 2019
MEETING.**

**B. PC02132019-01 – Westport Homes – 600 S & N Pendleton Ave – 81 acres
Change of Zoning (Agricultural to Single Family)**

Hassett’s Google Drive Presentation included a letter from Brian Tuohy of Doninger, Tuohy & Bailey, Change of Zoning Application, Land Description, and a Revised Preliminary Site Plan.

Brian Touhy introduced himself to the Commission as the representative to the petitioner Westport Homes. He introduced Chris McKinny, Vice-President of Westport Homes, and Gordon Kritz, the civil engineer involved in designing this proposed neighborhood.

- ~82 Acre Site
- West of Pendleton Avenue and just North of Pines of Deerfield
- Owned by Madison County School Corporation
- Westport is proposing to purchase it and rezone it to allow for a single family residential subdivision
- Rural residential to the north and single family to the south and east is recreational and to the west is agricultural and other single family.
- Proposed development is outlined in a Preliminary Plan. Any rezoning would be subject to a final plat approval that would come before the Plan Commission.
- Proposed is 268 single family homes with an entrance off of Pendleton Avenue and also from 600 South.
- The Plan shows a sizeable retention pond. The developer is aware that area has had drainage issues and they hired Stoeppelwerth Engineering to address those with the goal of improving the drainage coming off this site preventing further harm to the neighbors to the south.
- The plan includes an 18 acre common area that would also include a playground and there would be a sidewalk on the west side of Pendleton Ave going south that will connect to an existing sidewalk.
- Westport Homes would be similar to the homes in Pines of Deerfield, but suspect Westport’s will be larger on average and more expensive.
- Sizes would be between 1500 and over 3000 square feet. Prices would range from \$198,000 to the upper \$200,000s, with an average of around \$235,000.
- Selected name is Carrick Glen going back to the Irish roots of Pendleton
- Research was done to see the impact on home values in Pines of Deerfield and that data was provided in his slide presentation. Summarizing that the Westport home average price would be somewhere between \$35,000 to \$50,000 above Pines of Deerfield because they are newer and bigger on average. Making it

unlikely that their more expensive homes would reduce the value of the neighboring homes.

- The proposed development will provide a wide range of housing, which is aligned with the Town of Pendleton Comprehensive Plan.
- Noted this site has no tax bill due to the Town, since the school corporation is exempt. The site of 80 acres is only assessed at \$137,000. If developed, the assessed value could increase to about 60 million and all of the tax of those 258 residences.
- Touhy thanked the Plan Commission for their considering and offered to answer any questions.
- Connie Schultz Heinz asked and was advised that Westport was acquired by DR Horton and there is no collaboration between DR Horton and any others on this parcel. Heinz' biggest concern, besides the number of proposed homes, is the traffic impact to the town and kids walking to the schools. Touhy advised they would be happy to do a traffic study once they got to the plat hearing. She asked about their goal for build out. Touhy advised their goal for build out would be two homes per month as a baseline goal. About 24 homes a year. If economy good that might change to 3 per month. Likely no homes available until summer 2020.
- Kyle Eichhorn asked why the developer didn't feel they could meet the requirements for the existing single family zoning guideline. Touhy stated the required lot sizes of 14,000 square feet are too large for the younger folks buying homes are not interested in yard care, so 40 – 50 – 60 foot lots have become popular and 14,000 square foot lots are not as marketable.
- Eichhorn referenced Stone Crossing in New Pal at 80 x 145 in the \$210,000s. Touhy mentioned it would depend on the land and development costs and Stone Crossing development was a previously failed development. Eichhorn also reference Sheffield Park in Westfield. Chris McKinny advised that to get in a Sheffield Park home in the \$230,000s it would be a smaller home with little to no options, adding that the average in that development would be closer to \$300,000.
- Brad Ballentine asked how many homes they anticipate having families with children between the ages of 5 and 15. Tuohy advised they didn't have age data, but it is about 1.3 children per household in their experience in similar communities. Ballentine's concern is about the small lot sizes and appropriate space for children to play on their own property. Tuohy said, with the 7500 sq ft lot sizes, it has worked out in the other similar communities.
- Pritchard asked Hassett for the lot sizes in Pines of Deerfield. He was advised the minimum lot size is 7,875 square feet. Average is 9,500 along the perimeter.
- Tuohy shared that along the common border there are about 26 or 27 Pines homes and about 19 on their proposed conception plan, so Pines has a few more homes than Carrick Glen will along that border.

- Ballentine asked about the pond safety and Eichhorn asked about the depth and drainage. Gordon Kritz answered questions from the rear of the room and was inaudible. Eichhorn mentioned that the northwest corner was low and Kritz's response was inaudible.
- Eichhorn asked about a path along 600 and how wide that would be. Tuohy said it would be a 6 foot perimeter path. Eichhorn asked if the two paths could be connected. Tuohy said they could look at doing that.
- Pritchard asked if the representatives from the school could speak on the school's position, capacity, walking, etc. Joe Buck spoke to address enrollment, advising they do have room for growth. Currently the secondary grade levels are larger than the elementary grade levels. That has been the experience over the past seven years. Adding in 2010/2011, the board agree to accept non-resident students and currently about 10% of the enrollment is non-resident students. Buck added their ADM this year was 4359. There is available space in all buildings except for East Elementary, which is where most of our non-resident students prefer to go. Maple Ridge, for example, at its highest, has had 900 and right now they have 715. Pendleton had 1100 students and is now at 818. The new Middle School built for over 900 students and now has 683. The School Board had studies done and they are confident that it will be quite some time before additional classrooms will need to be added.
- Ballentine asked why the school board decided to sell that property instead of using it. Buck advised it had been intended for a new middle school, but when the current location became available, the cost savings due to proximity to the high school and shared facilities made it the better choice. Buck added the Pendleton property is paid for and is cash rented and the school is not in a hurry to sell unless they can get a reasonable price.
- Schultz Heinz asked if the elementary kids in the development would go to Pendleton Elementary. Buck said they would and that Pendleton was at 1100 and it is down to 818. Added they do have available classrooms in all of their buildings except for East Elementary.
- Buck advised, as far as revenue, funding formula is driven by enrollment. Each student is worth a set amount. The declined enrollment of 234 students means they have received 1.4 million less in state support.

Hassett returned to the Google Drive presentation reviewing the Neighbors' Comments slide showing five letters/emails received that included many noted issues and concerns.

STAFF FINDINGS

Hassett reported that the future land use map associated with the 2018 Comprehensive Plan Update shows this property as a potential PUD. At this time, Christenson addressed how that was decided along with other aspects of the Comprehensive Plan that may impact tonight's decision.

One goal of the Comprehensive Plan Update included encourage residential development that reflects surrounding residential character and intensity with a focus on providing efficient services and maintaining the urban fabric that is representative of Pendleton.

When initially talking with petitioner, the Planning Staff was asked if they preferred it to be a PUD versus Single Family and the Planning Staff did not think the PUD was necessary so they encouraged them to go more Single Family.

Eichhorn wanted to make sure that if approved tonight, Plan Commission would not be obligated to the proposed lay out or the lot sizes. Christenson advised that tonight's decision is: Is this appropriate for rezoning to single family residential. The rest of the details will get hashed out during the Primary and Secondary Plat process.

Tonight's Plan Commission decision would then go to Town Council. Town Council would then approve or deny it. If the PC approves tonight and then the Town Council approves the rezone, the next step would be that the petitioner would start the Primary Plat process where they get into the details of any variances from the Ordinance.

Hassett then reviewed the Zoning District Comparison chart including the proposed neighborhood and the Pines at Deerfield.

Timeline for Development

- Change of Zoning Plan Commission 2/13/19
- Change of Zoning Town Council 2/14/19 – 3/14/19
- Primary Plat Plan Commission 3/13/19
 - Planning received the filing this week and available for review
 - Notices will be going out to surrounding property owners
- Secondary (Final) Plat Plan Commission 4/10/19
 - Reportable document
 - With complete construction plans – all details
 - Petitioner also has to provide Bonding

Standards for Amendments

Hassett reported the Planning Staff sees this as an appropriate addition to our single family residential area. It is property served by our utilities. It is next to an existing single family residential neighborhood. It has great access to Falls Park. Locations like this really present themselves as good opportunities to add Pendleton residents.

Staff Recommendation

Approve this rezoning, with the understanding that items like lot size, neighborhood density, etc, will be hashed out during the Primary and Secondary Plat process.

Hanna brought up the new addition planned for Old 132 and asked if Hassett had information on how it would compare to the Zoning District Comparisons chart. Eichhorn advised those are about 9,500 to 10,000. Hassett advised that plat was passed in 2008 and was the same developer as the Pines and, prior to the Pines being built out, storm water pipes were put in that attach drainage from Old 132 neighborhood to the ponds in the Pines. Davis Homes was the developer at the time and that was agreed to.

Eichhorn asked if Deerfield can handle run off of two new subdivisions. Hassett said they would make sure that the storm water engineering for this subdivision passed mustard and the Plan Commission would have an opportunity to review it. Eichhorn shared that with the ponds in the Pines being privately owned, was there any enforcement on the maintenance of the ponds. Jeff Barger advised that there have been some issues there, but it would either be taken care of or it wouldn't be able to move forward in the next phase of this. But for now, a study on that won't be done until they get the zoning done. So if the zoning is approved, then Jeff and Gordon will get together on the layout and make sure that it meets State and Federal and Town guidelines on how that is taken care of.

Intermill advised that tonight is just about if the Plan Commission feels the rezone is appropriate.

Pritchard asked for public input in favor of. There were none present.
Pritchard asked for all other public input.

- Kyle Jaracz noted, according to 2017 census, there are 2.35 people per house which is concerning to add that much population to Pendleton, almost a 16% increase to our Town. Along with an average of 2 vehicles per household, which is over 500 additional vehicles of Pendleton Avenue. Along with this proposed development and the Old 132 development, at 1.3 kids per home, we are at 423 new kids.
- Mark Isbell shared concern about the rezone and the impact on the local farmers. Impact on Falls Park trails and trail system. Blue Spruce home values would be impacted after losing the open scenery. He proposed that the PC table tonight's decision until the UDO is redesigned.
- Jenny Sisson agrees that this should be tabled until a new plat design is proposed, to assure Pines of Deerfield community of aesthetics, infrastructure, lot sizes, basements and pond security.
- Michael Bailey advised the basement of his home in Pines of Deerfield is currently experiencing excess water even with multiple sump pumps. Additional water flow into his area would not be good. He also shared a concern about any additional easement that might be placed on his property from the adjacent proposed development.

Intermill advised the PC that if they make a favorable recommendation that this property is appropriate within in the Comprehensive Plan for Single Family Residential, it would then go to the Town Council and they can either accept the recommendation or they can deny it and send it back to the PC. If the PC recommendation is unfavorable, Intermill believes the Town Council

can still approve the rezone. It must be acted on within 90 days. Hassett advised they applied about a month ago. The application is dated January 14, 2019.

Tuohy then offered to meet with all of the neighbors and go over these concerns and try to reach some accommodations, like deeper lots, buffer areas, drainage concerns, etc. They would be willing to have a public meeting.

- Noelle Rigaud shared that she lives across Pendleton Avenue by the park entrance. Her concern is the extra traffic that will be caused by the change of zoning. Once the zoning is changed and the extra traffic is there, it can't be taken away. She also shared concern of having a more upscale development added to a town where there is a feeling of equality amongst its residents.
- Julie Schnepf shared her biggest concern is Blue Spruce homes having almost two homes to their one. And if the Plan Commission recommends the change of zoning to single family, a developer will be held to current ordinance lot size minimum unless the Town Council approves otherwise. Christenson said that was correct. Lastly she shared Sisson's concern about basements and drainage.
- Tuohy advised they would offer basements to whomever wanted them and their sump pumps would connect into a storm system. It is Tuohy's belief that the sump pumps in the Pines do not connect to a storm system.
- Eichhorn asked if the rezone is approved, will there be a traffic study done and suggested the study come to the downtown area as well. He was advised the developers would be happy to do a traffic study.
- Kara Kollros is opposed to rezoning the property to single family because of the traffic. She emphasized how people are drawn to Pendleton because of our park. Concerned the amount of traffic this proposed zoning will affect the park area and streets. Also traffic inbound from I-69, which is already congested, will be even worse.
- Mike Stewart shared concern about the infrastructure and the burden to the Town and to Fall Creek Regional Waste. Jeff Barger advised that the Town is well established for future growth and the new additional water plant placed the Town is well within the capacity limits on the water system. From a utility standpoint, the Town is in good shape. Adding that the utility infrastructure for this development is all the cost to the developer.
- Ballentine asked what that property was targeted to be by the Town's Master Plan 2018. Christenson advised it was targeted as a Planned Unit Development (PUD): residential, commercial, multifamily and common space.
- Hanna shared that she was part of the Steering Committee when considering future use. They recognized there was going to be growth and this was one of the areas that was deemed appropriate.
- Isbell said he would encourage delaying until you review and revise the UDO.

Pritchard asked the PC to vote either pro or con to the rezoning or motion to table.

Intermill addressed Eichhorn, suggesting that he may want to recuse himself from the vote if he felt this was too close to him to be impartial, allowing the applicants to have a fair and impartial process. Intermill did not believe it was a financial conflict of interest, but certainly it is not uncommon to recuse yourself from a vote if too close to a situation and there is a bias or the appearance of a bias.

BASED ON THE FACT THAT THE DEVELOPER IS COMMITTED TO THE STAKEHOLDERS TO HAVE A MEETING, CAROL HANNA MOTIONED TO APPROVE THE REZONING FROM AGRICULTURE TO SINGLE FAMILY.

NO SECOND TO THE MOTION WAS GIVEN.

NO MOTION TO DENY.

TIM PRITCHARD MOTIONED THAT THIS BE TABLED, INDICATING THAT THE PLAN COMMISSION IS NOT CLEAR ENOUGH TO VOTE YES OR NO. THERE ARE NOT ENOUGH ANSWERS TO THE NUMBER OF QUESTIONS PRESENTED. CAROL HANNA SECONDED. MOTION CARRIED.

Next Plan Commission meeting is scheduled for April 10, 2019 at 7p.m.

Meeting adjourned at 9:21pm.

Kate Edwards
Planning Clerk Town of Pendleton